

BOARD OF ZONING APPEALS DIVISION II

April 02, 2024

Case Number: 2024DV1010
Property Address: 5435 East Thompson Road (approximate address)
Location: Franklin Township, Council District #24
Petitioner: GOC REALCO LLC, by Sean Ireland
Current Zoning: C-4
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a fourth primary freestanding sign along Thompson Road (maximum two permitted) with a front setback of 1 foot (5 feet required) and a separation of 40 and 245 feet from other primary freestanding signs (300-foot separation required).
Current Land Use: Commercial
Staff Recommendations: Staff recommends **denial** of these requests.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of these requests.

PETITION OVERVIEW

- The subject site was replatted to allow for development of this outlier in 2020 and recently had building and zoning permits approved for the construction of a Dunkin' Donuts which is currently being built. The site is part of the large multitenant East Thompson Shopping Center and is surrounded by commercial uses on each side (though there are some residential properties further to the east and south).
- An application for a sign permit was made at the site earlier this year. The subject site is part of an integrated center with sign requirements that are based on a shared frontage. Their section of the integrated center currently contains three other primary freestanding signs (two of which were approved by variance in 2015 and 2021).

- Grant of this variance would allow for placement of a fourth primary freestanding sign along the shared frontage. It would also allow for placement of that sign within 40 and 245 feet of other signs when 300 feet of separation along shared frontages is required and would legalize a deficient 1-foot front setback for the sign when five feet is required.
- This property is zoned C-4 (Community-Regional District) to allow for major businesses and regional-size shopping centers. The Marion County Land Use Plan Pattern Book also recommends the site for Regional Commercial uses to allow for general commercial and office uses typically within large integrated centers or buildings. The Comprehensive Plan does make specific recommendations related to signage.
- Ordinance regulations limiting the placement of primary freestanding signage along shared frontages is designed to reduce visual clutter and potential distractions for motorists navigating busy multi-lane streets. Placement of large multitenant signs within integrated centers is a common solution to allow for promotion of multiple businesses, and the subject site contains a freestanding sign with an area of 300 square feet and multiple empty tenant panels that is on the same parcel and would be only 40 linear feet from the proposed location. Additionally, the C-4 zoning district allows for a unique flexibility of signage types and sizes to be legalized (including but not limited to wall signage). Given the wide variety of promotional opportunities that legally placed signage would provide, and ordinance rules specifically designed to prevent the sort of visual clutter toward which this sign would contribute, staff would recommend denial of the variance to legalize a fourth primary freestanding sign along the frontage within such close proximity to other ones.
- Front setback regulations for signage are placed within the zoning ordinance to allow for orderly development and to prevent signs from impeding the view or mobility of pedestrians and motorists. The provided findings of fact indicate that there are underground utilities on-site that may prevent them from installing the sign with a compliant setback, but it is unclear why the tenant would be unable to install proposed signage in an alternate location or with an alternate sign width that would allow for compliance with ordinance standards. The narrowness of the landscape strip placed between the vehicle area and front property line is a result of the design of the site and staff would consider this a self-imposed hardship instead of a site-specific practical difficulty. Staff would also recommend denial of the setback variance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Community Commercial
	South:	South: Regional Commercial
	East:	East: Office Commercial
	West:	West: Regional Commercial
Thoroughfare Plan		
Thompson Road	Primary Arterial	105-foot right-of-way existing and 119-foot right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/12/2024	
Site Plan (Amended)	N/A	
Elevations	03/07/2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	02/12/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book designates this site for the Regional Commercial working typology to allow for general commercial and office uses (typically in large integrated centers or buildings) that serve a significant portion of the county rather than just the surrounding neighborhoods. The plan provides no specific guidance related to signage.

Red Line / Blue Line / Purple Line TOD Strategic Plan



- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2022DV1019, variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 25-foot tall, 300-square foot pylon sign, located 220 feet from another pole sign, being the third sign along an integrated center frontage (maximum two signs per frontage permitted, minimum 300-foot separation required), **approved**.

ZONING HISTORY – VICINITY

2022DV1028 ; 5420 E Thompson Road (north of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through restaurant with 34 parking spaces (maximum 22 parking spaces permitted)., **approved**.

2021DV2015 ; 5330 E Thompson Road (northwest of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 20-foot tall pole sign within 190 feet of an existing freestanding sign (minimum 300-foot separation required) and being the third sign along the Thompson Road frontage (maximum two signs permitted), **denied**.

2015DV2001 ; 5407 E Thompson Road (west of site), Variance of development standards of the Sign Regulations to provide for a 35-foot tall, 93-square foot freestanding sign, within approximately 210 feet of an existing freestanding sign to the east and 250 feet of a freestanding sign to the west (300-foot separation required), **approved**.

2014CZN805 ; 5414 E Thompson Road (northwest of site), Rezoning of 29.05 acres from the C-S District to the C-4 classification to provide for an integrated commercial center, with a grocery store, fuel station and other commercial uses, **approved**.

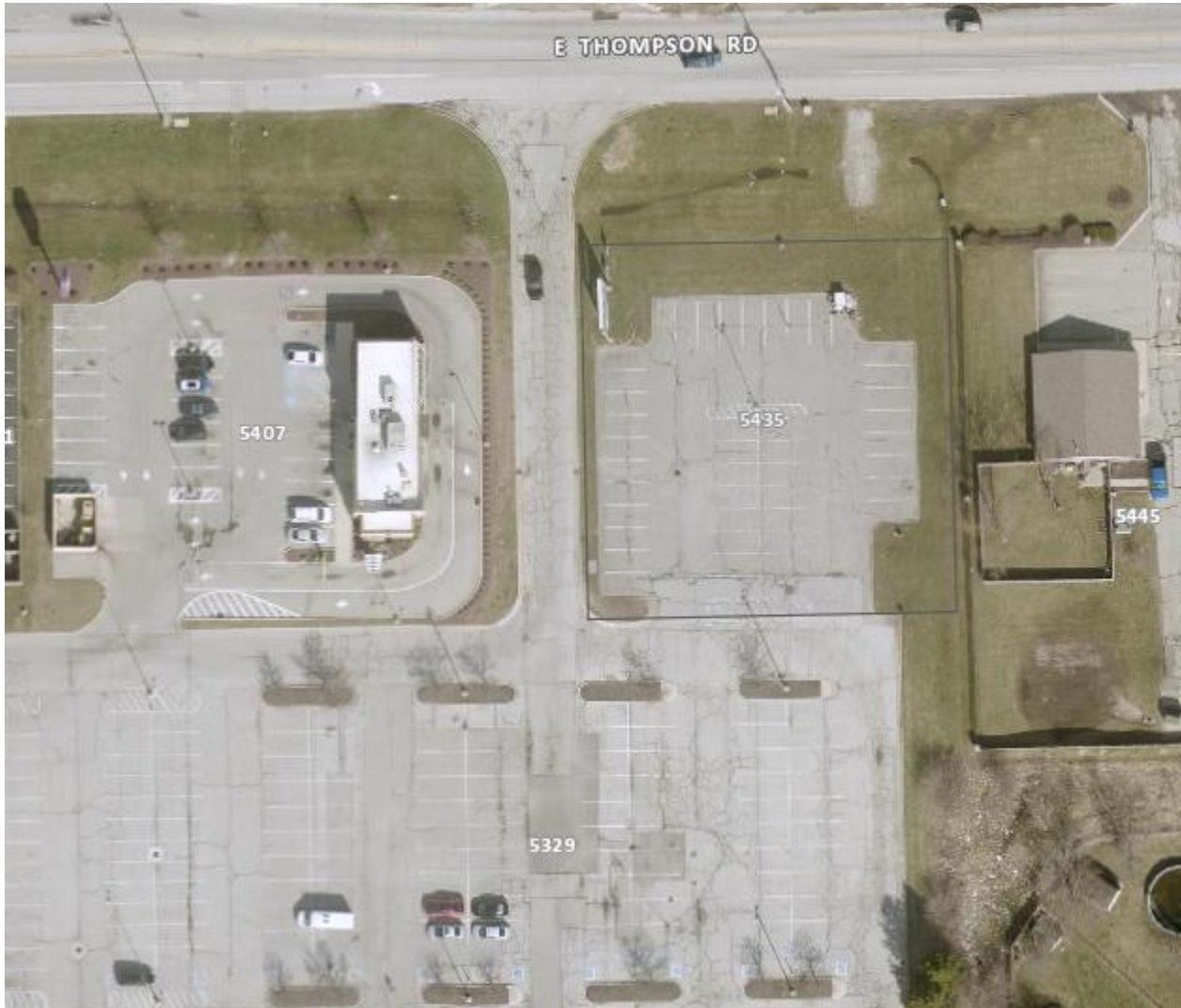
2001ZON136 ; 5426 E Thompson Road (north of site), rezoning of 3.25 acres to C-4, **approved**.

96-V1-127 ; 5327 E Thompson Road (west of site), variance of development standards of the Commercial Zoning Ordinance to provide for the continued operation of a retail shopping center with: a) outdoor spaces and display totaling 5202 square feet (maximum 200 square feet permitted); b) to provide for paking space width of 9 feet (minimum 10 feet required when shopping carts are allowed outside); c) to provide for one off-street loading area (minimum 2 loading areas required) and d) interior access drives with less than the required truck turning radii and maneuverability area, **approved**.

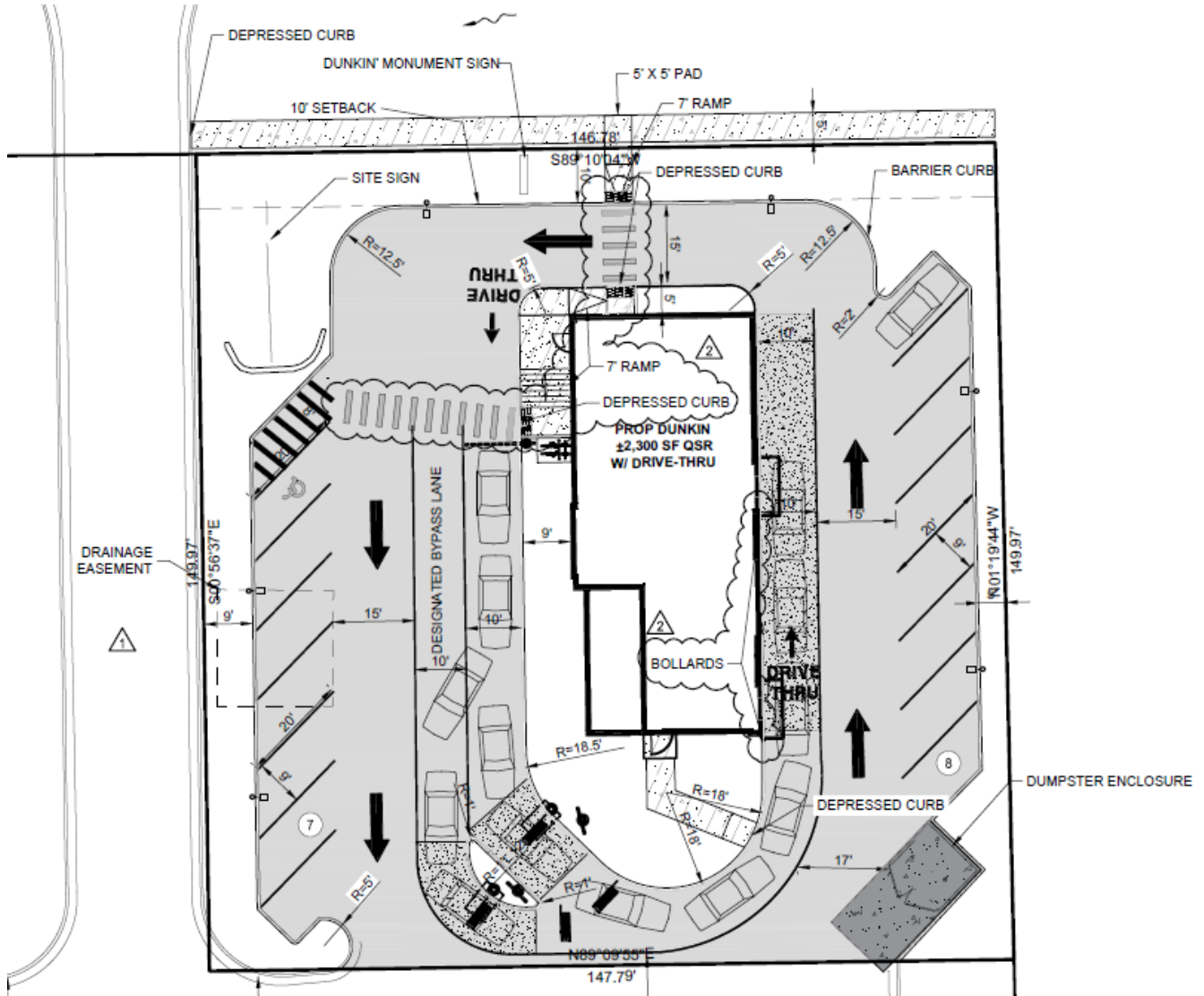
95-Z-65 ; 5361 E Thompson Road (east of site), rezoning of 4.97 acres to C-S, **approved**.

EXHIBITS

2024DV1010 ; Aerial Map



2024DV1010 ; Aerial Map



2024DV1010 ; Elevations



2024DV1010 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the proposed signage aesthetic is consistent with other Dunkin' sites in Indianapolis and its placement would not pose an obstruction that would be considered injurious to or immoral to the community.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

proposed site signage is consistent with other Dunkin' sites and is also consistent with the adjacent Taco Bell property having their own pylon signage advertising just the Taco Bell site.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the lot width would not otherwise allow a monument sign to be placed on the site (reference 744-906-1 C) and; the placement of the sign to conform with 744-906-1 F would result in existing underground utility conflicts on-site.

2024DV1010 ; Pictures



Photo 1: Existing Signage (3x) Along Thompson Integrated Center Frontage



Photo 2: Subject Site Viewed from Thompson to North

2024DV1010 ; Pictures (continued)



Photo 3: Multitenant Sign on Subject Site Property (taken May 2023)



Photo 4: Adjacent Property to the East