



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

JUNE 13, 2024

Case Number: 2024-MOD-007
Property Address: 5080 East 82nd Street (approximate address)
Location: Washington Township, Council District #3
Petitioner: Allison Pointe Owners Association, Inc., by Joseph D. Calderon
Current Zoning: C-S (FF)
Request: Modification of Development Plan related to 86-Z-81 to modify Permitted Sign Criteria to provide for an additional business park and building/tenant identification sign adjacent to I-465 and not less than 300 feet from the General Park identification sign. Said sign would include signage panels to identify tenants and occupants of the business park (previous Development Plan was limited to one sign along I-465).
Current Land Use: Undeveloped
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The approximate 44-acre subject site is an undeveloped parcel that is part of an overall development plan for the Allison Point Business Park created through rezone petition 86-Z-81.

The site surrounded by businesses to the south and east, zoned C-S, to the west by the White River and wooded area, zoned D-A, with apartments across I-465 to the north, zoned D-9.

MODIFICATION

The existing development plan identifies a General Park identification sign adjacent to I-465, which exists today.



It does not allow for additional signage to be installed as requested by the petitioner.

OVERLAYS

The site consists of three environmentally sensitive overlays such as woodlands, wetland, and 100-year flood plain.

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The wetland within the existing lake system will not be affected by the new sign location.

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Most of the site is within floodway fringe. This is the area where water is likely to sit during a flood of such intensity that there is a 1% chance of it occurring in any given year. This compares to the floodway along the southern property boundary where floodwater would flow during a flood of the same intensity. Generally, buildings are not permitted in the floodway, while, with exception of certain land uses, they are permitted in the floodway fringe, but must be constructed at least two feet above the base flood elevation.

Staff Analysis

The request would modify the development plan for 86-Z-81 to include an additional business park and building/tenant identification sign adjacent to I-465.

Staff determined that the new sign would be supportable since the existing identification sign does not include panels for tenant identification and is not visibly apparent from I-465.

GENERAL INFORMATION

Existing Zoning	C-S
Existing Land Use	Undeveloped
Comprehensive Plan	Large-Scale Park
Surrounding Context	Zoning
North:	D-9
	Land Use
	Multi-family dwellings

South:	D6-II / C-S	Commercial
East:	C-S	Offices
West:	D6-II / D-A	White River / Park
Thoroughfare Plan		
I-465	Freeway	A range of 300 feet to 644 feet existing right-of-way without a proposed right-of-way.
Allison Point Boulevard	Local Street	70-foot existing right-of-way and a 50-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	May 3, 2024.	
Site Plan (Amended)	May 23, 2024.	
Elevations	May 9, 2024.	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Large-Scale Park development for the site.

- **LARGE-SCALE PARKS**

- Large-Scale Parks are generally over 10 acres in size.

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

86-Z-81 / 86-CV-17; 5252 East 82nd Street (subject site), Rezoning of 111 acres, from the A-2 and CS Districts to the C-S classification to provide for a mixed-use business park with office buildings, hotels, restaurants, health club, branch bank and heliport and a variance of a reduction in required parking, **approved and granted.**

80-Z-137; 4500-5258 East 82nd Street (subject site), Rezoning of 180.0 acres, being in the A-2 and C-4 districts, to the C-S classification, to provide for commercial office and residential complex, **approved.**

Zoning History – Vicinity

2023-CZN-816; 5110 East 82nd Street (south of site), Rezoning of 10.5 acres from the C-S (FF) district to the C-S (FF) district to provide for a multi-family uses and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 62-foot-tall multi-family building (maximum 45-foot height permitted), **approved.**

2018-ZON-115; 8580 Allison Pointe Boulevard and 5110 East 82nd Street (south of site), Rezoning of 13.79 acres from the C-S (FF) district to the C-S (FF) classification to provide for multi-family residential uses, in addition to the uses previously approved by 86-Z-81, **withdrawn.**

2009-ZON-021; 8415 Allison Pointe Boulevard (southeast of site), Rezoning of 8.767 acres, from the C-S District to the C-S classification to provide for Schools / Educational Services including University, Business and Secretarial, Clerical, Correspondence, Data Processing, Junior College, Language, Music, Nursery, or Vocational/Technical, and to provide for all uses previously permitted by petition 86-Z-81, **approved.**

2000-ZON-132; 8580 Allison Point Boulevard (south of site), Rezoning of 4.73 acres from the C-S District to the C-S classification to provide for the reuse of an existing restaurant building for a banquet hall and catering facility, **approved.**

86-Z-44; 4602 East 82nd Street (south of site), Rezoning of 81.20 acres, being in the A-2, FF, and FW district, to the D-6II classification to provide for multi-family development, **approved.**

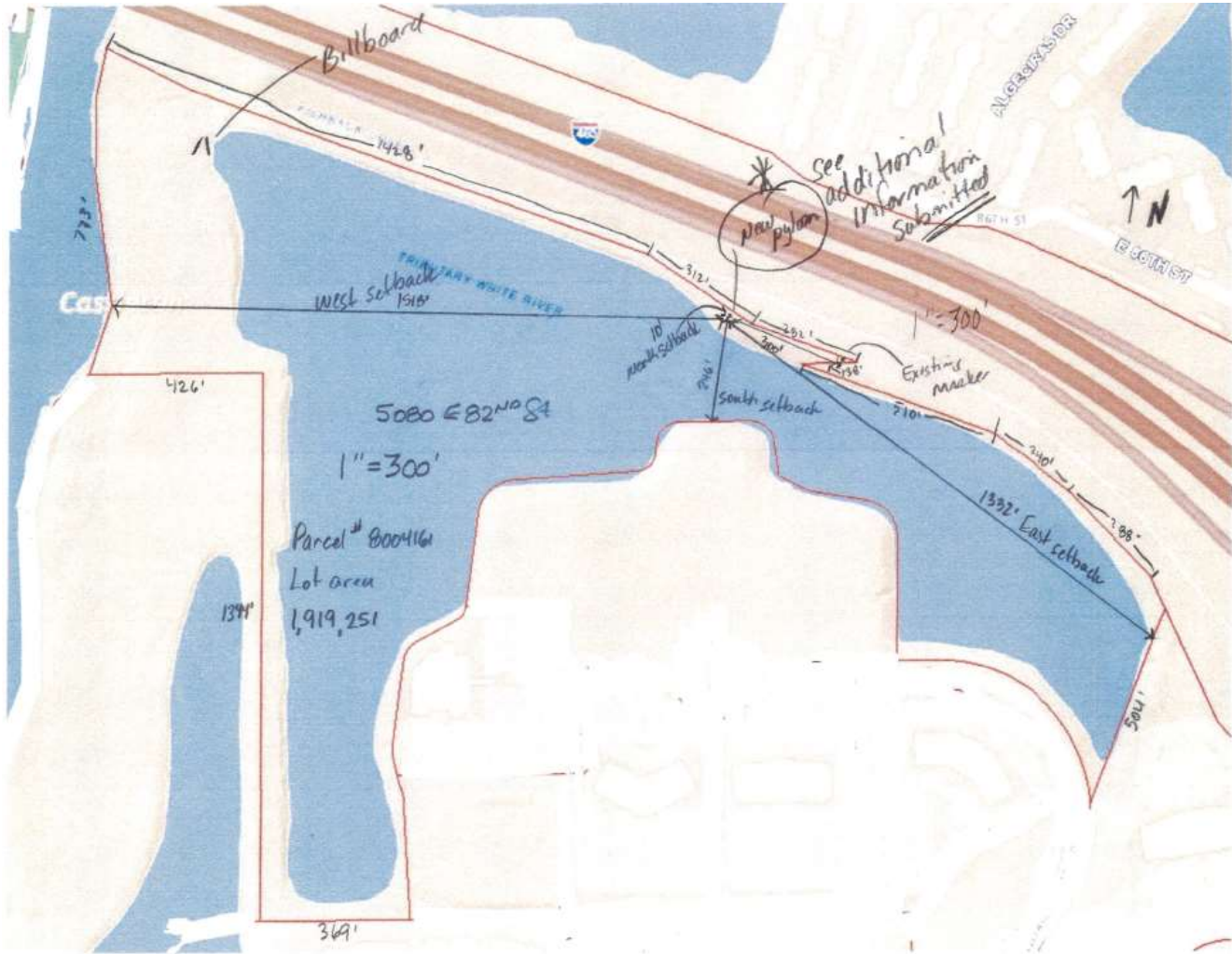
85-Z-82; 4602 East 82nd Street (south of site), Rezoning of 82 acres, being in the A-2, FW, and FF districts, to the C-S classification, to provide for apartments, offices, and retail, **withdrawn.**

84-Z-108; 5258 East 82nd Street (south of site), Rezoning of 29.37 acres, being in the C-S Commercial District, to the C-S classification, to provide for a nursing home, **approved.**

80-Z-72; 4802 East 82nd Street (south of site), Rezoning of 81.20 acres, being in A-2 district to GSB (Gravel-Sand-Borrow) Secondary classification to permit extraction and local processing of mineral aggregate, **denied.**

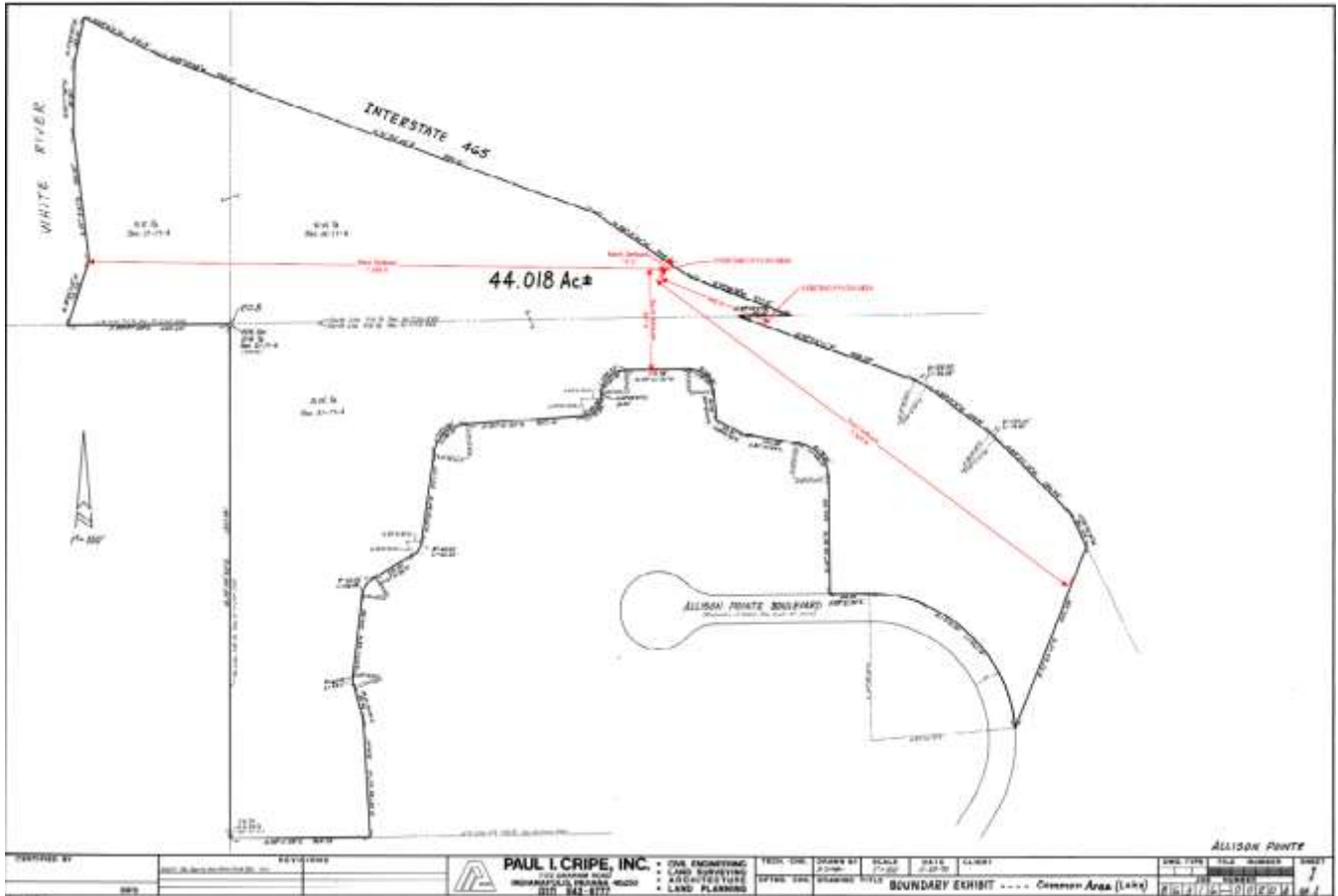
EXHIBITS



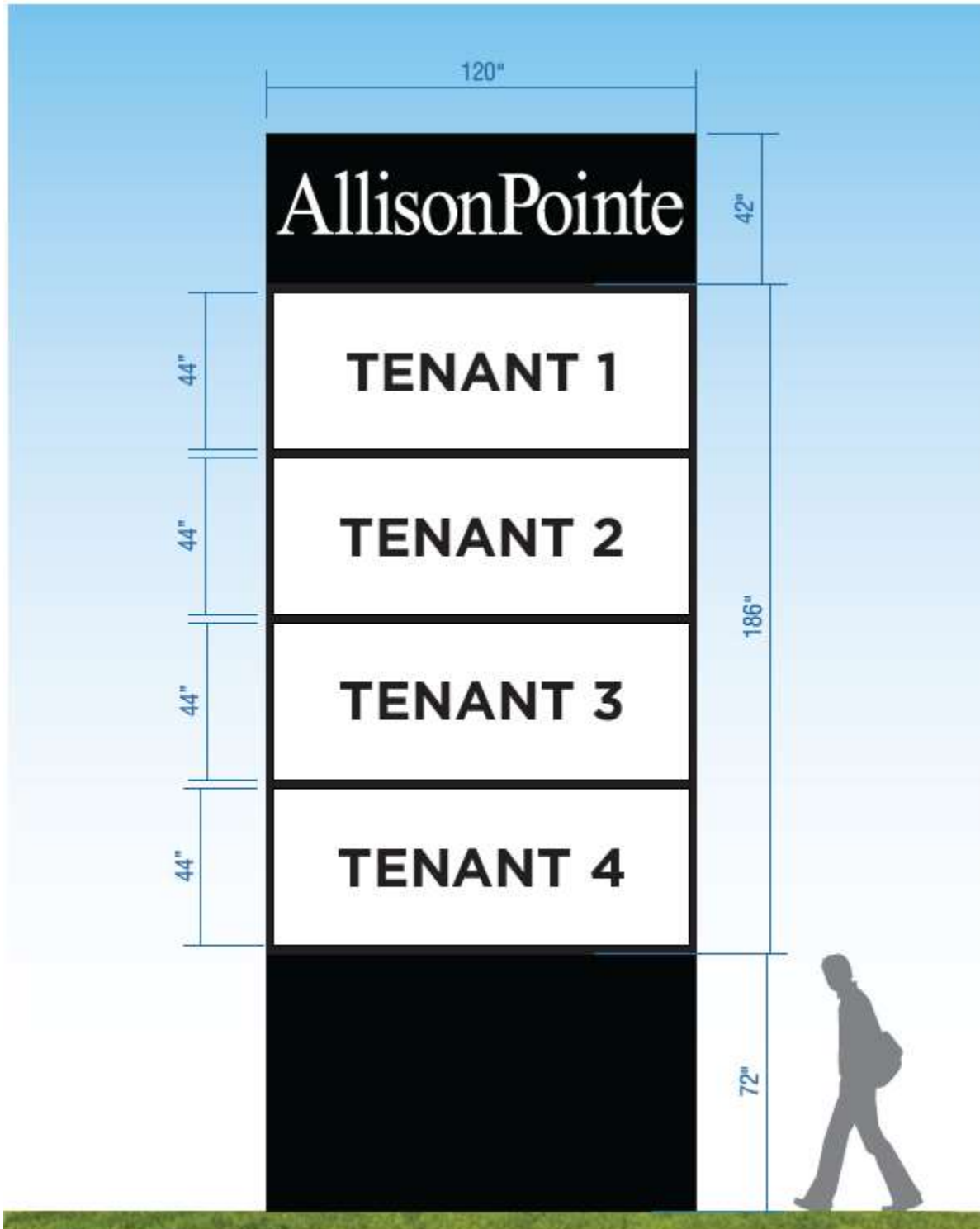




AMENDED SITE PLAN



300-foot separation exhibit



1/4" = 1'-0"



ELEVATION OF PYLON SIGN

3/32" = 1'-0"

Development Plan related to 86-Z-81

**Proposed Sign Criteria
Business Park
I-465 & Allisonville Road**

General.

All signs erected within Business Park shall be in compliance with these controls, and the Sign Regulations of Marion County, Indiana, except as relieved by the Metropolitan Board of Zoning Appeals and S.M.T. Realty Ltd.

Permitted Signs.

1. Business Park identification signs.
 - a. To identify entrance to Park.
 - b. General Park identification sign adjacent to I-465.
2. Business ground signs.
 - a. To identify specific buildings and tenants.
 - 1) One (1) sign per building shall be allowed.
3. Incidental ground signs.
 - a. To identify building entrances/exits, parking, loading areas, etc.
 - 1) One (1) sign at each entrance/exit driveway shall be allowed.

DEPT. OF METRO DEVELOP
MAY 2 - 1986
MARION COUNTY, INDIANA

86-Z-81

Temporary Signs.

- a. To identify individual buildings under construction, as well as available for lease.
 - 1) One (1) temporary sign per building shall be allowed.

Sign Sizes & Heights.

1. Business Park identification signs shall be of a size and height as required to effectively index Park Entrances along 82nd Street corridor and identify Park from I-465. Identification signs shall not exceed thirty (30) feet in height.
2. Business ground signs shall not exceed six (6) feet in height, twelve (12) feet in width, and two (2) feet in depth. Sign bases shall be concrete and shall not exceed the aforementioned width and depth limitations.
3. Incidental signs shall not exceed four (4) feet in height, two (2) feet in width, and six (6) inches in depth.
4. Temporary signs shall not exceed twenty (20) feet in height and thirty (30) feet in width.

Development Plan related to 86-Z-81 (continued).

Sign Locations.

All signs shall be set back a minimum of five (5) feet from internal street right-of-ways, and fifteen (15) feet from external street right-of-ways.

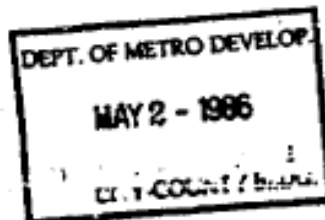
Sign Construction.

1. Business Park identification signs shall be constructed of quality materials in keeping with the scope of the Park.
2. With the exception of temporary signs, all other signs shall be fabricated aluminum frame construction with aluminum cabinet facing.
 - a. Graphics shall be either aluminum cutouts applied to sign face, or stencil cut with diffusers for internal back lighting.
3. Temporary signs shall be constructed of painted, weather proof plywood, or its equivalent.

Approval.

Erection of all signs with the Park shall not take place prior to:

1. Obtaining written approval from S.M.T. Realty, Ltd.. All submissions to S.M.T. for signs shall indicate sign location(s), and shall include detailed scaled drawings listing all pertinent information, including dimensions, materials and finishes.
2. Upon approval of S.M.T. Realty, Ltd., obtaining a sign permit from the City of Indianapolis.



**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR COMMITMENTS
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH AN APPROVAL PETITION,
REZONING OF PROPERTY, A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Section 1 of the proposed sign criteria, with respect to Business Park identification signs are hereby amended to add new subsection I.c. as set forth on Exhibit "B" attached hereto and incorporated by reference.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition _____.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

Exhibit "B"

**Amended Proposed Sign Criteria
Business Park
I-465 & Allisonville Road**

General.

All signs erected within the Business Park shall be in compliance with these controls, and the Sign Regulations of Marion County, Indiana, except as relieved by the Metropolitan Board of Zoning Appeals and the Development Advisory Board of the Allison Pointe Owners Association (the "Association"), which Association, pursuant to Section 5.01(b) and Section 18.01 of the Declaration of Development Standards, Covenants, and Restrictions for Allison Pointe, recorded September 9, 1987 in the Office of the Recorder of Marion County, Indiana, as Instrument No. 87-105148 (as amended to date, the "Declaration"), was vested with all rights, power and authority to govern the Business Park upon the execution and recording of the Notice of Termination of Developer Rights under Declaration of Development Standards, Covenants and Restrictions for Allison Pointe, executed by New Boston Allison Limited Partnership, a Delaware limited partnership, a successor in interest to Allison Pointe Realty L.P. f/k/a SMT Realty Ltd. (the original Developer of the Business Park) and recorded in the Office of the Recorder of Marion County, Indiana, as Instrument No. 2006-00015792 on February 6, 2006, which terminated the status and all rights, power and authority of the "Developer" under the Declaration. These Amended Proposed Sign Criteria shall not apply to any existing or future sign installed in the Park if, at the time of installation, such existing or contemplated future sign complied or will comply with Chapter 744, Article IX of the 2015 City of Indianapolis Consolidated Zoning/Subdivision Ordinance (the "Ordinance"), as amended, or any predecessor or successor to the Ordinance, or any variance obtained therefrom, which was or is in effect at the time of installation of such sign.

Permitted Signs.

1. Business Park identification signs.
 - a. To identify entrance to Park.
 - b. General Park identification sign adjacent to I-465.
 - c. An additional Park and building/tenant identification sign adjacent to I-465 and not less than three hundred (300) feet from the General Park identification sign, with the name of the Park at the top of the sign and panels below the Park name for the purpose of identifying tenants or occupants of the Park, which tenant/occupant identification panels shall be interchangeable and replaceable to allow for changes from time to time.
2. Business ground signs.
 - a. To identify specific buildings and tenants.
 - 1) One (1) sign per building shall be allowed.
3. Incidental ground signs.
 - a. To identify building entrances/exits, parking, loading areas, etc.
 - 1) One (1) sign at each entrance/exit driveway shall be allowed.

4. Temporary Signs
 - a. To identify individual buildings under construction, as well as available for lease.
 - l) One (1) temporary sign per building shall be allowed.

Sign Sizes & Heights.

1. Business Park identification signs shall be of size and height as required to effectively identify the locations of Park Entrances along 82nd Street corridor and identify the Park and, where applicable, tenants or occupants shown thereon, from I-465. Identification signs shall not exceed thirty (30) feet in height.
2. Business ground signs shall not exceed six (6) feet in height, twelve (12) feet in width, and two (2) feet in depth. Sign bases shall be concrete and shall not exceed the aforementioned width and depth limitations.
3. Incidental signs shall not exceed four (4) feet in height, two (2) feet in width, and six (6) inches in depth.
4. Temporary signs shall not exceed twenty (20) feet in height and (30) feet in width.

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3. Temporary signs shall be constructed of painted, weatherproof plywood, or its equivalent.

Approval.

Erection of all signs with the Park shall not take place prior to:

1. Obtaining written approval from the Association. All submissions to the Association for signs shall indicate sign location(s), and shall include detailed scaled drawings listing all pertinent information, including dimensions, materials and finishes.
2. Upon approval of the Association, obtaining a sign permit from the City of Indianapolis.



Photo of the identification sign.



Photo of the identification sign looking south from I-465.



Photo of the existing identification sign in red and the approximate location of the new sign in orange.