



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 27, 2024

Case Number: 2024-CAP-822 / 2024-CVR-822
Property Address: 1351 Roosevelt Avenue
Location: Center Township, Council District #13
Petitioner: Penn Electric Partners LLC, by Brent Roberts

Current Zoning: C-S (FF)

Request: Modification of the Commitments for 2022-ZON-115 to Modify Commitment #3 to provide for the addition of building signage, roof sign, and architectural canopies, which shall be submitted for Administrator's Approval prior to the issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a 26-foot long, 8.5-foot-tall roof sign. Said roof sign would be supported by a 23.2-foot long, 15.9-foot-tall scaffold structure (not permitted).

Current Land Use: Mixed-Use

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the June 13, 2024 hearing, to the June 27, 2024 hearing, at the request of the neighborhood organization.

No new information has been submitted to the file. Staff continues to recommend denial.

STAFF RECOMMENDATION

Denial. If approved, staff requests that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final site plan and elevations, including signage and canopies, shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

Modification

Petition 2022-ZON-115 rezoned this 2.26-acre site to the C-S district to provide for a mixed-use development with retail, office, and restaurant / outdoor seating uses. This request would modify commitments related to this rezoning request to modify Commitment #3 to provide for the addition of building signage, roof sign and architectural canopies. See Exhibit A.

The proposed commitment would read: "The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished. Addition of building signage, roof sign, and architectural canopies shall be submitted for Administrator Approval prior to issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld."

The agreed upon commitment associated with the 2022 rezoning was requested by staff because of the historical architecture and significance of this building. Staff believed that preserving this historical building would complement the adjacent historically preserved building to the east and maintain the historical integrity of this industrial / commercial corridor currently undergoing redevelopment.

As proposed, the sign and scaffold structure extending 16.5 feet above the existing one-story historical building would be out of scale and visually dominate the historical architecture.

Furthermore, allowing a roof sign at this location would establish a precedent that could result in a level of light pollution that would interrupt an equitable opportunity for effective communication within this corridor.

The proposed canopies would further compromise the historical architecture of the existing building. The combination of the roof sign and canopies would result in the loss of the historical integrity of the existing building and would be incompatible with the surrounding land uses, particularly the adjacent building to the east that has been redeveloped to maintain the historical architecture.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Variance of Use

The request would provide for a 26-foot long, 8.5-foot-tall roof sign, supported by a 23.2-foot long, 15.9-foot-tall scaffold structure. The Sign Regulations are “intended to facilitate an easy and agreeable communication between people and to balance the interests and objectives of the sign owner and the community audience.”

Staff understands that signs serve an important function and believes that reasonable and adequate display is permitted under the Sign Regulations. The Ordinance also defines the purpose of the Sign Regulations by providing a list of attributes, most of which would be compromised and diluted by the proposed roof sign.

Staff believes that the proposed roof sign would potentially increase hazards to motorists and pedestrians, limit an equitable opportunity for effective communication, cause excessive and confusing sign display, and dominate the scale of the one-story historic structure and surrounding land uses.

Staff is concerned that approval of the roof sign would also increase the possibility of future requests for roof signs in this area, as well as throughout the City, which would conflict with the purpose of the Sign Regulations related to excessive signage and negatively impact long-term vitality and overall quality of life in the City.



Furthermore, the Comprehensive Plan recommendation of village mixed-use typology encourages “neighborhood gathering places” that are small, intimate, and walkable. The Findings of Fact indicate that visibility of the site / business is limited, and the proposed sign is necessary to attract customers from a larger area and outside of the immediate area, which would defeat the Plan recommendation.

Staff believes the current Sign Regulations would provide appropriate visibility and would not result in an unusual and unnecessary hardship for this site.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Mixed-Use	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
	North:	C-S Vacant land
	South:	C-S Industrial uses
	East:	C-S Commercial uses
	West:	I-4 Industrial uses
Thoroughfare Plan		
Roosevelt Avenue	Local Street	Existing 62-foot right-of-way and a proposed 40-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes – 500-year unregulated	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 10, 2024	
Site Plan (Amended)	N/A	
Elevations	February 23, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	May 10, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends village mixed-use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types –Village Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

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)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2022-ZON-115; 1255 and 1351 Roosevelt Avenue, requested rezoning of 2.26 acres from the I-4 district to the C-S district to provide for a mixed-use development with retail, office, and restaurant uses (including outdoor seating), **approved**.

VICINITY

2023-ZON-082; 1102-1138 Roosevelt Avenue (west of site), requested Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage, **approved**.

2019-CZN-859 / 2019-CVR-859 / 2019-CVC-859 (east of site); 1328, 1336, 1340, 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue; 1402, 1406, 1410, 1414, 1420, 1422, 1423, 1427, 1431 and 1435 Dr. A J Brown Avenue; 1406 and 1410 Arsenal Avenue; 1420 Newman Avenue, requested rezoning of six acres from the D-8, C-3 and C-S district to the C-S district to provide for a mixed-use development with retail, office, indoor recreation, restaurant and/or industrial uses permitted by the I-1 and I-2 districts; variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 254 parking spaces (including 54, eight by 16-foot small car spaces); and vacation of a portion of Dr. A J Brown Avenue, being 60 feet wide, from the southeast corner of Lot 36 of Ingram Fletchers Addition, being the north right-of-way line of Roosevelt Avenue, 247.37 feet to the northeast corner of Lot 30 of said Addition being the south right-of-way line of Interstate 70, and a vacation of a portion of a north-south alley, being 15 feet wide, from the southeast corner of Lot 39 of said Addition, being the north right-of-way line of Roosevelt Avenue, to a point 170.42 at the northeast corner of Lot 43, being the south right-of-way line of Interstate 70, both with a waiver of the assessment of benefits **approved, granted and approved**.

2018-CZN-802 / 2018-CVR-802; 1302 and 1320 Columbia Avenue (west of site), requested rezoning of 0.81 acre from the D-8 and C-3 districts to the I-4 classification and variances of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing building and provide for a proposed building, parking and outdoor storage, with zero-foot front and side transitional yards without landscaping and front and side yards without landscaping, **approved and granted**.

2017-CZN-843 / 2017-CVC-843; 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue 1423 and 1427 Dr. A.J. Brown Avenue and 1420 Newman Street (east of site), requested rezoning of 4.14 acres from the I-4 and C-3 Districts to the C-S classification to provide for a mixed-use development, including office, light industrial, restaurant, charter school and/or recreational uses; and vacation of Vacation of first alley south of Roosevelt Avenue, being 15 feet wide, from the west right-of-way line of Newman Street, to a point 360 feet to the southwest at the east right-of-way line of Dr. A.J. Brown Avenue and Vacation of Dr. AJ Brown Avenue, being 60 feet wide, from the south right-of-way line of Roosevelt Avenue, to a point 178.6 feet south to the northwest, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

2016-VAC-004; 1211 Roosevelt Avenue (west of site), requested vacation of a 16-foot wide alley, beginning at the northwest corner of Lot One of Ingram Fletcher's Subdivision of Block 3 in E.T. and S.K. Fletcher's Addition to the City of Indianapolis, as recorded in Plat Book 3, Page 115 in the Office of the Recorder of Marion County, Indiana, also being at the south right-of-way line of Roosevelt Avenue; thence 140 feet to the southwest corner of said Lot One, also being at the north right-of-way line of the CCC and St. Louis Railroad, with a waiver of the assessment of benefits, **approved**.

2012-SE3-001; 1256 Roosevelt Avenue (north of site), requested a special exception of the Industrial Zoning Ordinance to provide for a wrecker service / impound lot, with the storage of inoperable vehicles and a variance of development standards of the Industrial Zoning Ordinance to legally establish a 12-foot-tall concrete block wall in the required front yard, **granted**.

2002-ZON-109; 1317 Columbia Avenue (south of site), requested rezoning of 0.15 acre from D-8 to the C-3 to provide for commercial development, **approved**.

98-SE1-3; 1102 Roosevelt Avenue (west of site), requested a special exception of the Industrial Zoning Ordinance to provide for 36,000 square feet of an existing 151,945 square foot building to be utilized for commercial office use, **granted**.

96-HOV-45; 1203 Roosevelt Avenue (west of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for an armored car facility with zero feet of public street frontage and a zero-foot side yard setback along the north and south property line, **granted**.

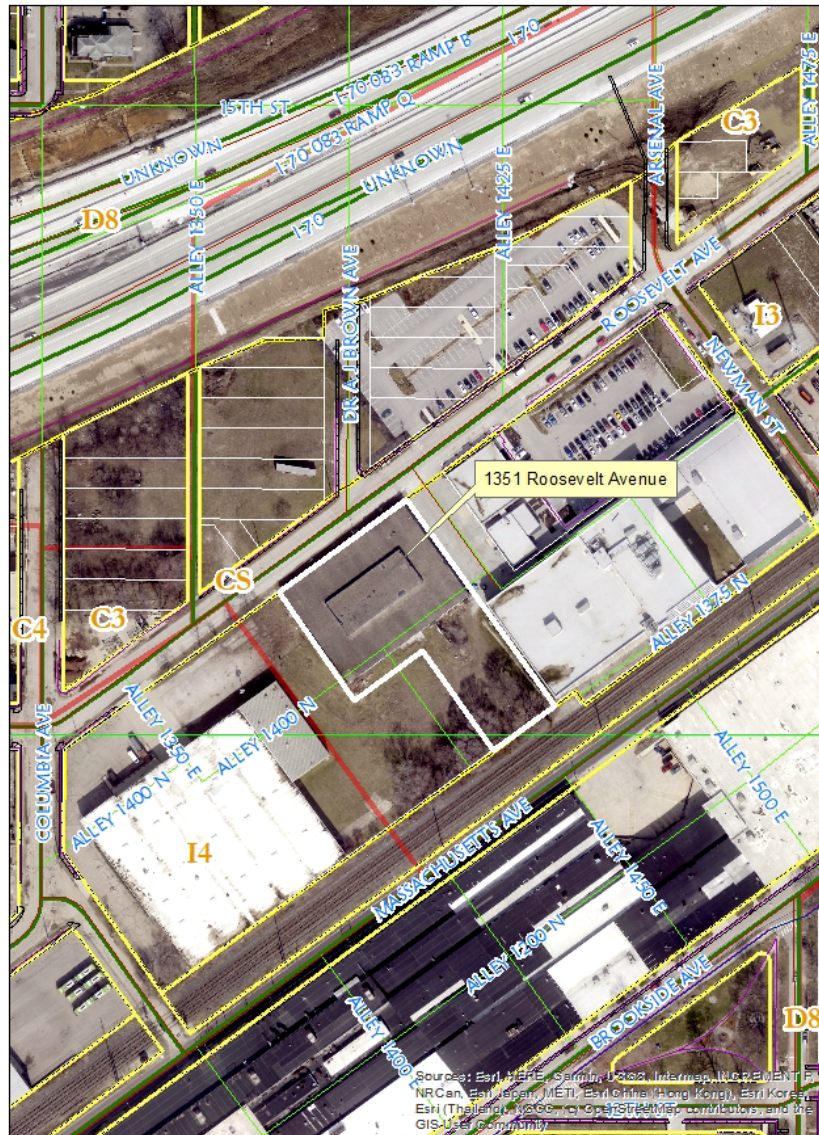
89-HOV-97; 1125 Brookside Avenue (south of site), requested a variance of development standards of the Industrial Zoning Ordinance to permit the addition of a new loading dock area to an existing factory / warehouse within the required front yard, without the required maneuvering area and with a 100 feet wide drive, **granted**.

89-UV3-51; 969 Dorman Street (south of site), requested a variance of use of the Industrial Zoning Ordinance to permit outdoor storage and incidental maintenance of school buses, **granted**.

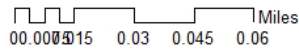
81-VAC-5, Vacation of parts of Roosevelt Avenue and Yandes Street, **approved**.

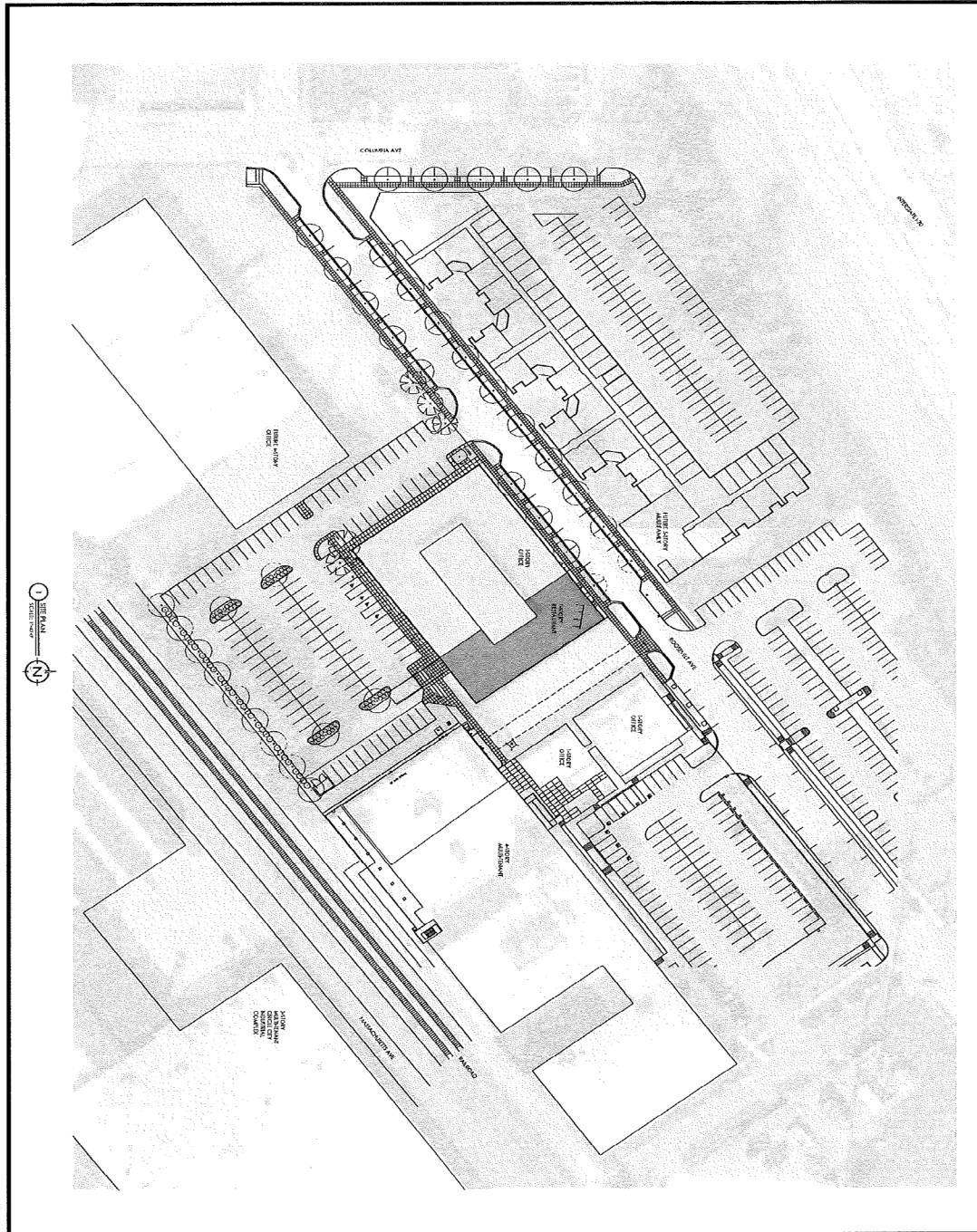
84-VAC-18, Vacation of parts of Lewis Street, **approved**.

EXHIBITS

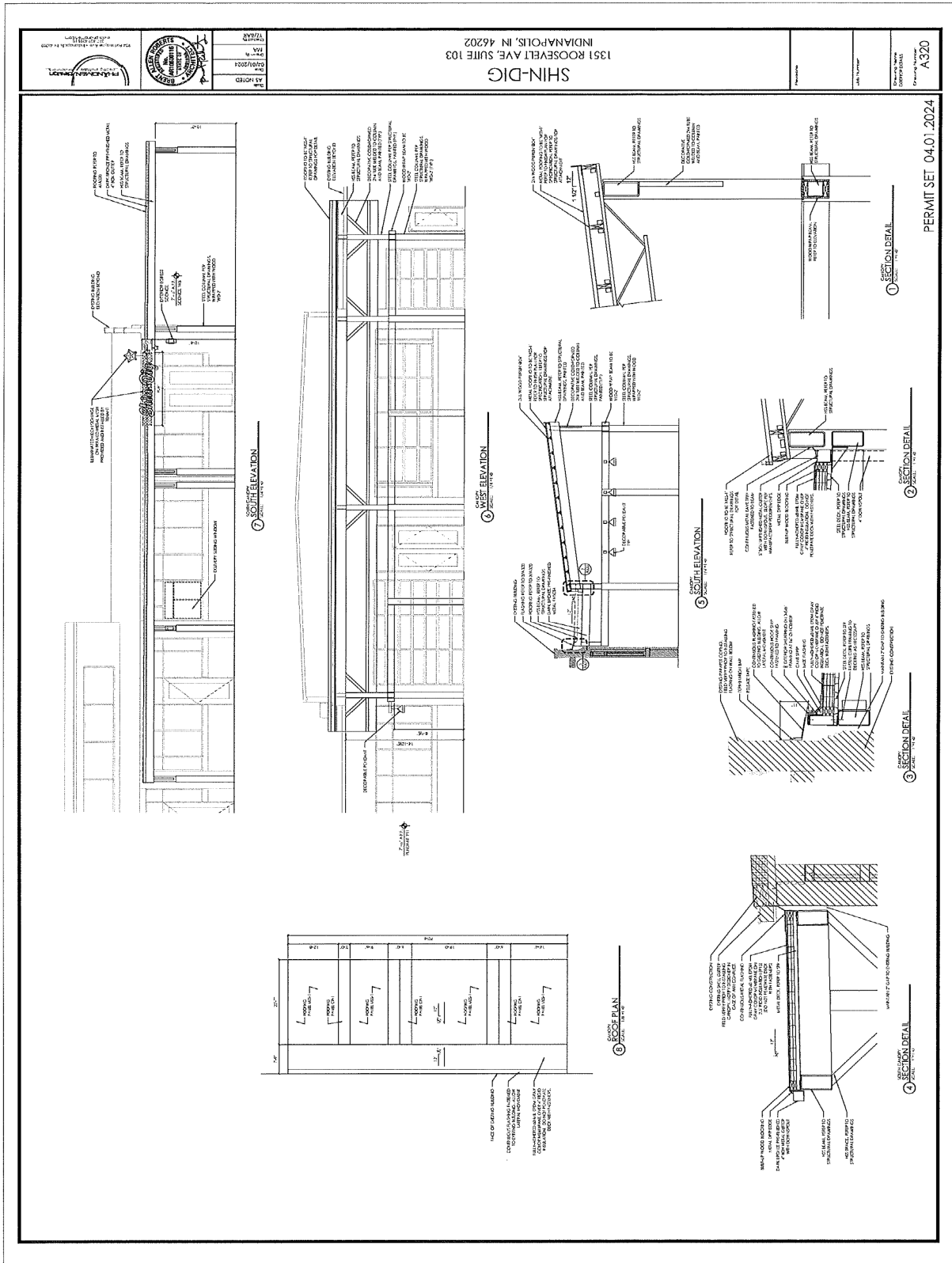


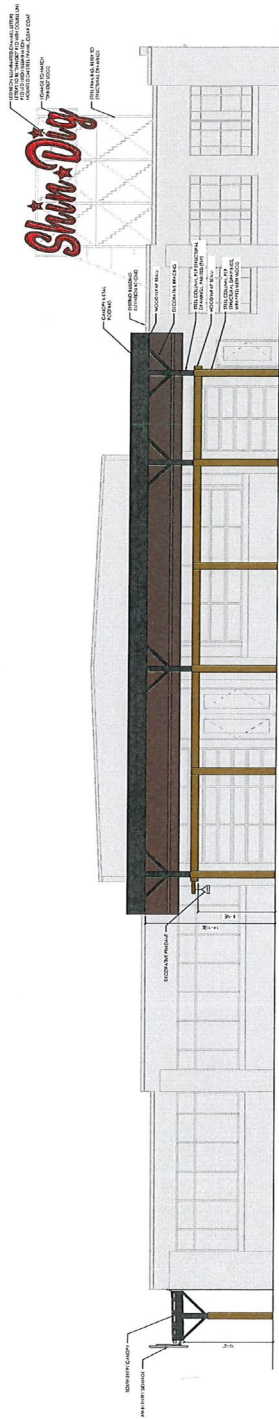
1351 Roosevelt Avenue



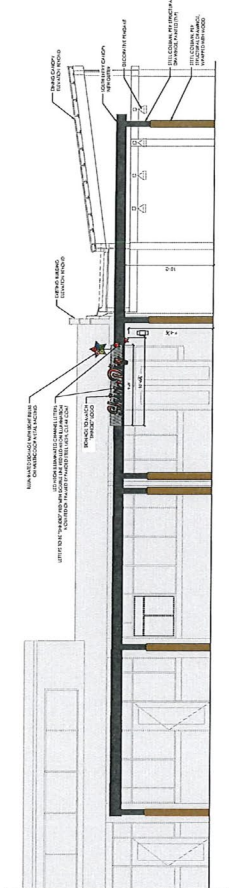


Drawing No. A000	Drawing Title SHIN-DIG	Drawing Date 2/20/2024	Drawing By BAW	Drawing To BAW	Drawing No. BAW		Via text message to: 317.432.6124 317.432.6124 www.prandmet.com





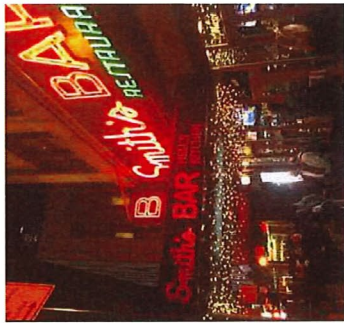
EAST ELEVATION



WEST ELEVATION

SHIN-DIG, INDIANAPOLIS, IN
 EAST ELEVATION
 06/24/2022

INSPIRATION IMAGES

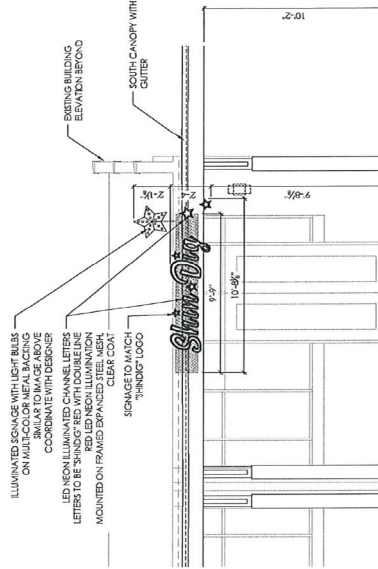


DOUBLE LINE LED NEON CHANNEL LETTER

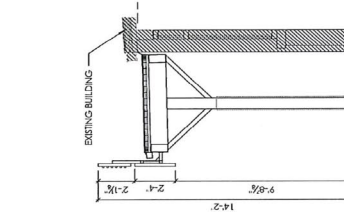
LED NEON WITH CHANNEL LETTER SIGNAGE

LIGHT BULB STAR

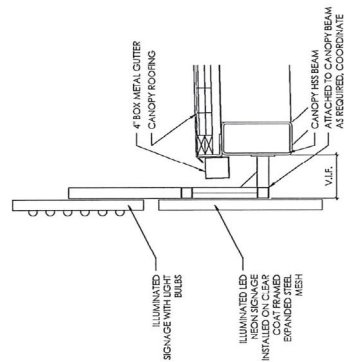
LIGHT BULB STAR



1 MAIN ENTRY SIGNAGE ELEVATION
 SCALE: 1/4"=1'-0"

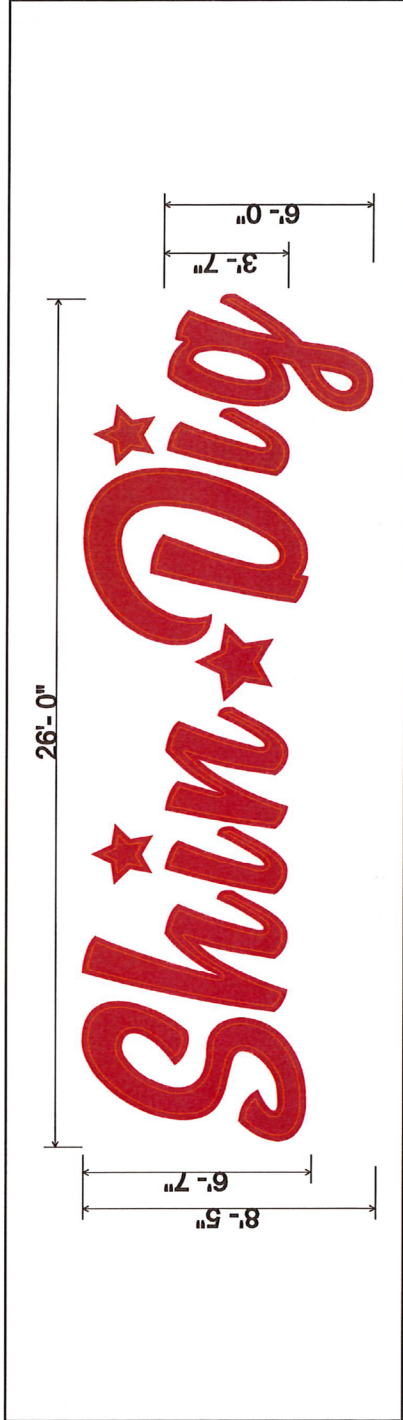


2 MAIN ENTRY SIGNAGE SECTION
 SCALE: 1/4"=1'-0"



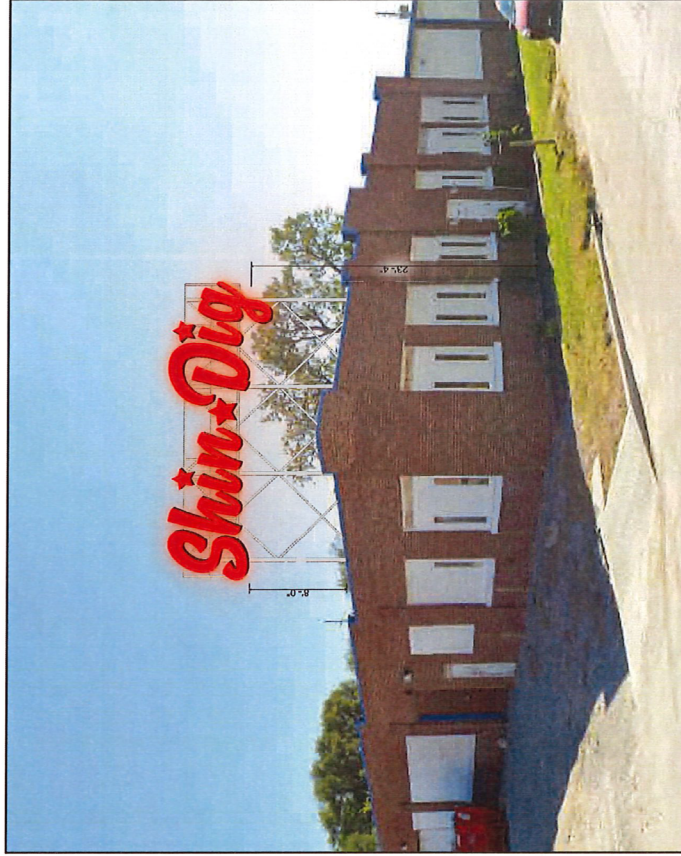
3 MAIN ENTRY SIGNAGE DETAIL SECTION
 SCALE: 1/4"=1'-0"

SHIN-DIG, INDIANAPOLIS, IN
 MAIN ENTRY SIGNAGE
 4/9/2024



SPECIFICATIONS:

1. FABRICATE AND INSTALL ONE SET OF ROOF MOUNTED ILLUMINATING CHANNEL LETTERS.
2. LETTERS TO BE RED WITH RED FAUX NEON ILLUMINATION.



A SIGN BY DESIGN IS NOT RESPONSIBLE FOR RUNNING THE MAIN ELECTRICAL LINE TO THE SIGN.
 A SIGN BY DESIGN WILL CONNECT TO ELECTRICAL IF IT IS LOCATED WITHIN 5' OF THE INSTALLED SIGNAGE.

A SIGN BY DESIGN, INC.

Signs By Design <i>"A Quality Sign Says It All"</i>		THE BLUE CHIP <small>BUSINESS AWARD WINNER</small>	
4725 W. 106th St. Zionsville, IN 46077		PHONE: 317-876-7900	
FAX: 317-802-5670		www.signbydesign.com	
EMAIL: sbr@signbydesign.com		FACIT/REP: DAVE	
CLIENT NAME: THE SHIN DIG	FILE NAME: SHINDIG-BLDLET10.PDF	DRAWN BY: AA	PRODUCTION FILE: SHINDIG-BLDLET10.FS
DATE: 11/16/2023	LOCATION: INDIANAPOLIS, IN.	ART: <input checked="" type="checkbox"/>	NOV-2022

DATE _____

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 THERE COULD BE A COLOR DIFFERENCE FROM THIS DRAWING TO THE FINAL PRODUCT

EXHIBIT A

DocID: 20110604
Tx: 42028017

A202200134328

12/21/2022 11:00 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 9
By: DG

STATEMENT OF COMMITMENTS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See attached Exhibit 1.

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), which approval shall not be unreasonably withheld.
3. The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished.
4. _____
5. _____

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These 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.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2022-ZON-115 by the City-County Council changing the zoning classification of the real estate from a I-4 zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.

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);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. _____
5. _____

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-ZON-115.



Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

- 1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



View looking west along Roosevelt Avenue



View looking east along Roosevelt Avenue



View of eastern portion of site looking south across Roosevelt Avenue



View of site looking south across Roosevelt Avenue



View of site looking southeast across Roosevelt Avenue



View of site looking southwest across Roosevelt Avenue



View of site looking southeast across Roosevelt Avenue



View from site looking northwest towards Interstate 70



View from site looking north toward Interstate 70



View of western portion of site looking south across Roosevelt Avenue



View of the rear of site looking north



View of the rear of site looking northeast



View of the rear of the site looking east