



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Meeting Date: March 14, 2023

Agenda Item: BZA Docket No. 22-010

Hearing: **CONTINUED PUBLIC HEARING**

Application Type: **Developmental Standards Variances**

Summary: BZA 22-010 Community Foundation of Northwest Indiana requesting approval of multiple variances from the Munster zoning ordinance in order to construct an immediate care medical building at 730 Treadway Drive (*formerly 10240 Calumet Avenue*).

Applicant: Community Foundation of Northwest Indiana

Property Address: 730 Treadway Drive (formerly 10240 Calumet Avenue)

Current Zoning: CD-4.B General Urban - B Character District

Adjacent Zoning: North: CD-4.B
South: CD-4.B
East: SD-PUD
West: CD-4.B

Action Requested: Approval of variances

Additional Actions Required: Findings of Fact

Staff Recommendation: Denial

Attachments: Community Foundation Addition Block 5 Site Plan prepared by Torrenga Engineering, Inc. dated 11.10.2022
CFNI Munster Immediate Care renderings prepared by Stantec dated 05.26.2022
Community Munster Immediate Care sign package prepared by Legacy Sign Group dated 02.21.2023
Community Munster Immediate Care monument sign prepared by Legacy Sign Group dated 02.21.2023

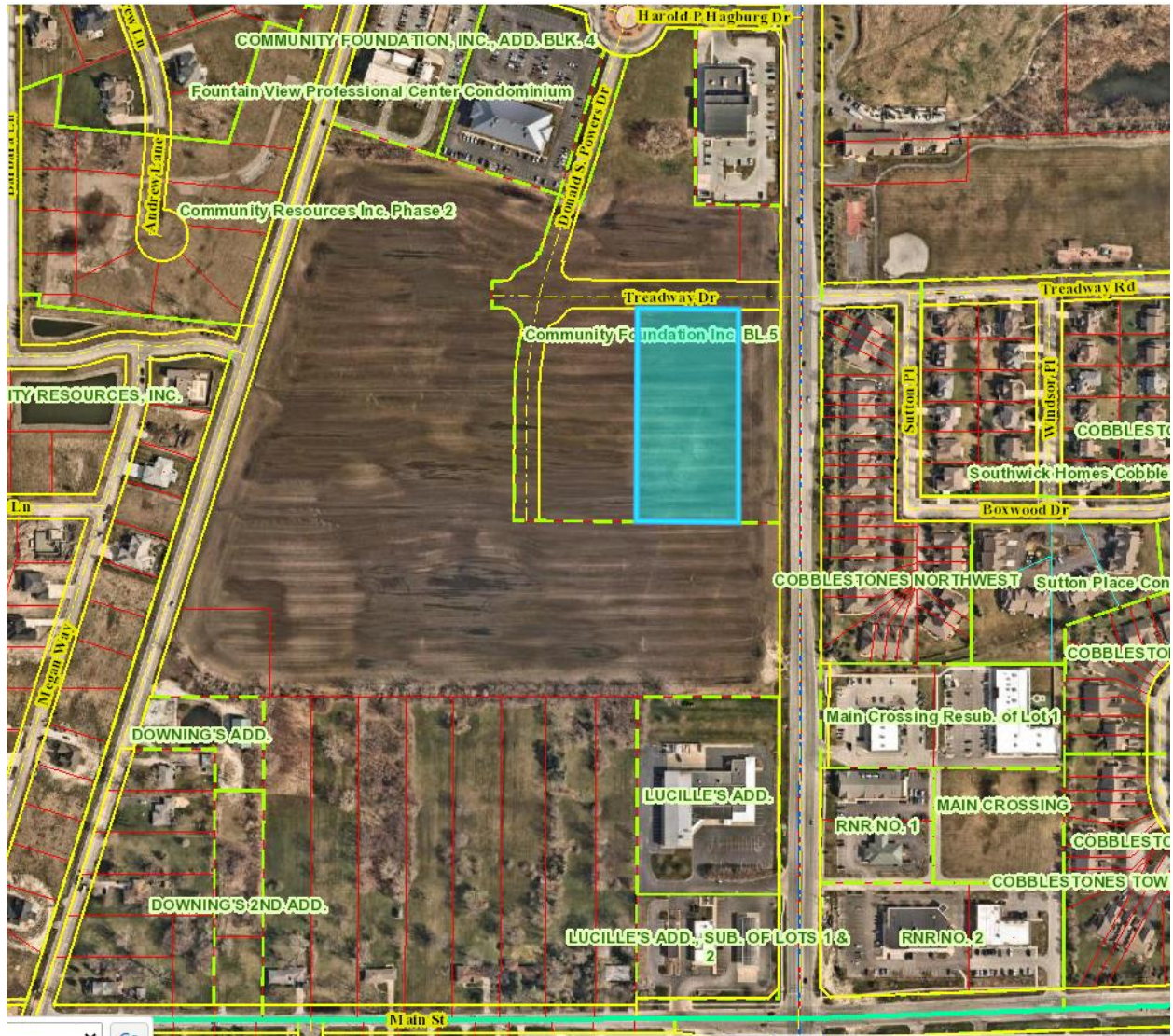


Figure 1 Subject property.

BACKGROUND

The Community Foundation of Northwest Indiana is seeking approval of 26 variances related to signage for an Immediate Care building under construction at 730 Treadway Drive. The variance application was initially submitted in June of 2022 in conjunction with the application for a subdivision and a development plan.

In June 2022, Community Foundation of Northwest Indiana, Inc. (CFNI) presented plans to subdivide and develop a portion of the 37 acres of greenfield property under its ownership between Calumet Avenue and Don Powers Drive.

The proposal contained three elements:

1. A master plan that includes an internal road network serving multiple lots and providing access to Main Street and Columbia Avenue.
2. A three-lot subdivision, which also includes two outlots designated for detention, an extension of Treadway Drive west into the subdivision, an extension of Donald Powers Drive south and improvements to the intersection of Calumet Ave and Treadway.
3. Development of Lot 3 with a two-story, 31,845 sf medical clinic with parking lot.

The preliminary plat of subdivision and the development plan for the project were approved conditionally in June 2022. The final plat of the subdivision was approved November 2022.

In conjunction with the development plan, CFNI submitted an application for developmental standards variances, which was presented to the BZA under BZA 22-010.

The BZA granted approval of the following variances:

1. **TABLE 26-6.405.A-7 DISTRICT STANDARDS. Building Standards Roof Type and Pitch:** 8:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and that roof pitch may match the primary roof pitch of an existing building that is less than 8:12. **The proposed building roof pitch is 3:12 with multiple 8:12 pitched dormers on each elevation.**
2. **TABLE 26-6.405.A-7 DISTRICT STANDARDS Private Landscaping and Fencing** Landscaping Required for all areas not covered by Structure, Parking Area, walkway, patio, terrace, or deck. If First Lot Layer ≥ 10 ft., minimum of 30% of 1st Lot Layer must be landscaped in compliance with Section 26-6.405.P. 1st Lot Layer may not be paved except for driveway and sidewalk. Required minimum of 25% of landscaped area must be covered with groundcover or evergreen trees or shrubs. **The portion of a lot between the façade of a building and the front lot line is called the First Lot Layer. The Munster Zoning Ordinance requires that 30% of this area be landscaped. There is landscaped area south proposed between the sidewalk and the drop-off drive aisle as well as landscaped area proposed around the foundation of the building. The plans do not quantify the amount of landscape area, though, so it is unclear the development plan complies. It is also not verified that 25% of the landscaped area is covered with groundcover or evergreen trees, shrubs.**
3. **SECTION 26-6.405.O.1.h.vii.l.11.** In addition to any walkway or Sidewalk around a Parking Area or Parking Lot, each such Parking Area or Parking Lot exceeding one hundred and twenty (120) spaces shall have at least one pedestrian walkway bisecting the Parking Area or Parking Lot and connecting to adjoining sidewalks of a minimum width of eight (8') feet that is paved differently from the parking spaces with respect to texture, material, style, and/or color. **A short path through the parking lot is provided through the east-west oriented parking row south of the building. The Munster Zoning Ordinance requires an 8-foot wide path through the center of the parking lot.**
4. **TABLE 26-6.405.O-6 BICYCLE PARKING REQUIREMENTS.** Unless otherwise noted, bicycle parking shall be provided as specified below or at a rate of 1 bicycle space for each 5 vehicular parking spaces provided, whichever is greater. Any fractions round up. Required bicycle parking shall be provided in accordance with specifications and requirements on file with the Department of

Planning & Community Development. MEDICAL USES: 1 space per 10 examination or patient rooms. **1 bike parking space is required for each 5 vehicular parking spaces. 182 vehicular spaces are provided which means that 36 bike parking spaces are required. The applicant is proposing a rack for 5 bikes.**

5. **SECTION 26-6.405.O.2.a. Off-street loading spaces** shall be provided in accordance with Table 26-6.405.O-5 (Loading Space Requirement) and shall be located in accordance with Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards) and Table 26-6.405.B (Civic Zone Standards). **No loading space shown on plans.**
6. **SECTION 26-6.405.Q.2.a Lighting Standards or Poles.** A lighting standard shall be of a height and design consistent with the surrounding area Buildings but in no event higher than twenty (20') feet. **The height of the lighting standard is not shown on the plans.**
7. **SECTION 26-6.405.Q.2.b Lighting Standards or Poles.** Standards shall be located at distances of four times their height. **The height of the lighting standard is not shown on the plans.**
8. **TABLE 26-6.405.Q-1 Private Lighting Types.** Parking lot light fixtures are required to be coach, acorn, or colonial heads. **The proposed light fixtures have standard rectangular heads.**

The BZA denied the following variances:

1. **TABLE 26-6.405.A-7 DISTRICT STANDARDS Screens** Applicability: Except at Driveways: Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment shall be Screened from Frontage, Civic Space and Adjacent Property by a Building or Screen. Rooftop Antennas and HVAC, Mechanical and other Equipment shall be screened from Frontage and Civic Space by a Building parapet or Building Element. Except where Building has 0' Setback: A Screen is required where a non-residential CD-4.A property abuts a CD-3, CD-3.R1, CD-3.R2, CD-3.R3, CD-4.R4 district.
2. **SECTION 26-6.405.P.4.g Plant Material Sizes and Standards.** At installation, Trees shall be a minimum two and a half inches (2.5") in caliper measured three feet (3') from the base of the trunk.
3. **SECTION 26-6.405.Q.3.c Illumination** Color temperature of lighting shall not exceed 3000K.

At this time CFNI is seeking approval of the following variances, all of which relate to signs. The original application has been amended since the public hearing held on February 14, 2023. The current request is for 21 variances.

Wall Signs

Code Section	Standard	Permitted	Proposed	Number of Variances
Table 26-6.701.B Sign Types – Wall Sign – Specific Standards	Quantity	Maximum 1 per Façade - a single sign on the north side of the building	2 signs on the north side, 2 signs on the south side, and 2 signs on the east side	5
Table 26-6.701.B Sign Types – Wall Sign – Specific Standards	Material	Channel letters, flat cut out acrylic, pvc, metal, wood or like material; or routed etched on wood or like material; or static neon	3 Community Logo signs internally illuminated flex face with translucent vinyl graphics	3
Table 26-6.701.B Sign Types – Wall Sign – Specific Standards	Dimensions – Letter Height	Channel letter(s): max 24” Flat cut out acrylic, pvc, metal, wood or like material; or routed etched on wood or like material; or static neon: max 36”	2 Community Logo signs with height of 72”; 1 Community Logo sign with a height of 48”	3
Table 26-6.701.B Sign Types – Wall Sign – Specific Standards	Dimensions – Overall Height	Channel letter(s): max 36” Flat cut out acrylic, pvc, metal, wood or like material; or routed etched on wood or like material; or static neon: max 48”	2 Community Logo signs with height of 72”; 1 Community Logo sign with a height of 48”	3
Table 26-6.701.B Sign Types – Wall Sign – Specific Standards	Additional Standards	a. Shall be applied to the first Story Façade and not project vertically above the roof line	3 Community Logo signs on second story	3

Table 26-6.701.B Sign Types – Wall Sign – Specific Standards	Additional Standards	d. Vinyl may not be used to create any design	3 Community Logo signs with vinyl creating design	3
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Monument Sign

Code Section	Standard	Permitted	Proposed	Number of Variances
Table 26-6.701.B Sign Types – Monument Sign – Specific Standards	Dimensions – Letter Height	Maximum 12 inches	Community Logo height 17 inches	1

DISCUSSION

For this site, the Munster zoning ordinance permits the following:

- On the front of the building: A single wall sign with a total area of 189 square feet and a maximum letter/logo height of 2’.
- At any public entrance on the rear or side of the building: An additional, non-internally illuminated wall sign with a maximum area of 6 square feet.
- A monument sign at a maximum height of 6’ and maximum area of 18 square feet and with letters and logos no larger than 12 inches in height.

To comply with the Munster zoning code, the applicant could amend their sign plan as follows:

- Eliminate the 6’-4” tall logo signs installed on the second floor north, east, and west sides of the building.
- Eliminate the “Immediate Care” sign on the east side of the building.
- Reduce the size of the “Immediate Care” sign on the rear of the building to 6 square feet and eliminate the internal illumination.
- Reduce the size of the monument sign to 18 square feet and reduce the height of all letters and logos to 12”.
- Redesign the monument sign with solid materials rather than a cabinet.

Staff notes that none of the commercial buildings within the commercial area bounded by Calumet Avenue and Columbia Avenue have the quantity and size of signs being proposed by CFNI. Some examples are below.

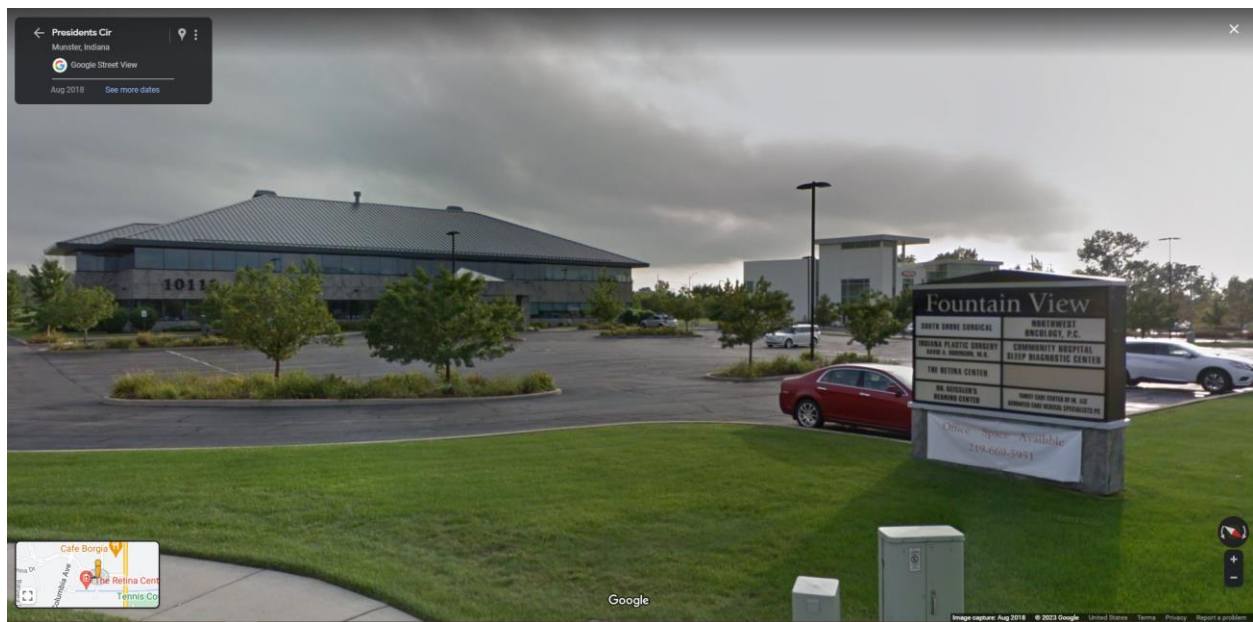


Figure 2 10110 DONALD S. POWERS DR



Figure 3 10010 DONALD S POWERS DR / 631 HAROLD P HAGBURG DR



Figure 4 9950 CALUMET AVE

1005 Ridge Road • Munster, IN 46321 • (219) 836-8810 • Police/Fire Emergencies 911

Police Non-Emergency (219) 836-6600 • Fire Non-Emergency (219) 836-6960

www.munster.org



Figure 5 10010 CALUMET AVE

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;

Staff finds that there are no unique aspects of this property that are not shared by all properties in the vicinity.

- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;

The petitioners are requesting 21 variances, which indicates that this criterion has not been met.

- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and

The Plan Commission and Town Council have adopted sign standards which are intended to implement the general purposes and intent of the Zoning Ordinance.

- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

As noted above, the commercial buildings within the immediate vicinity have limited signage.

h. Specific to Development standards Variances:

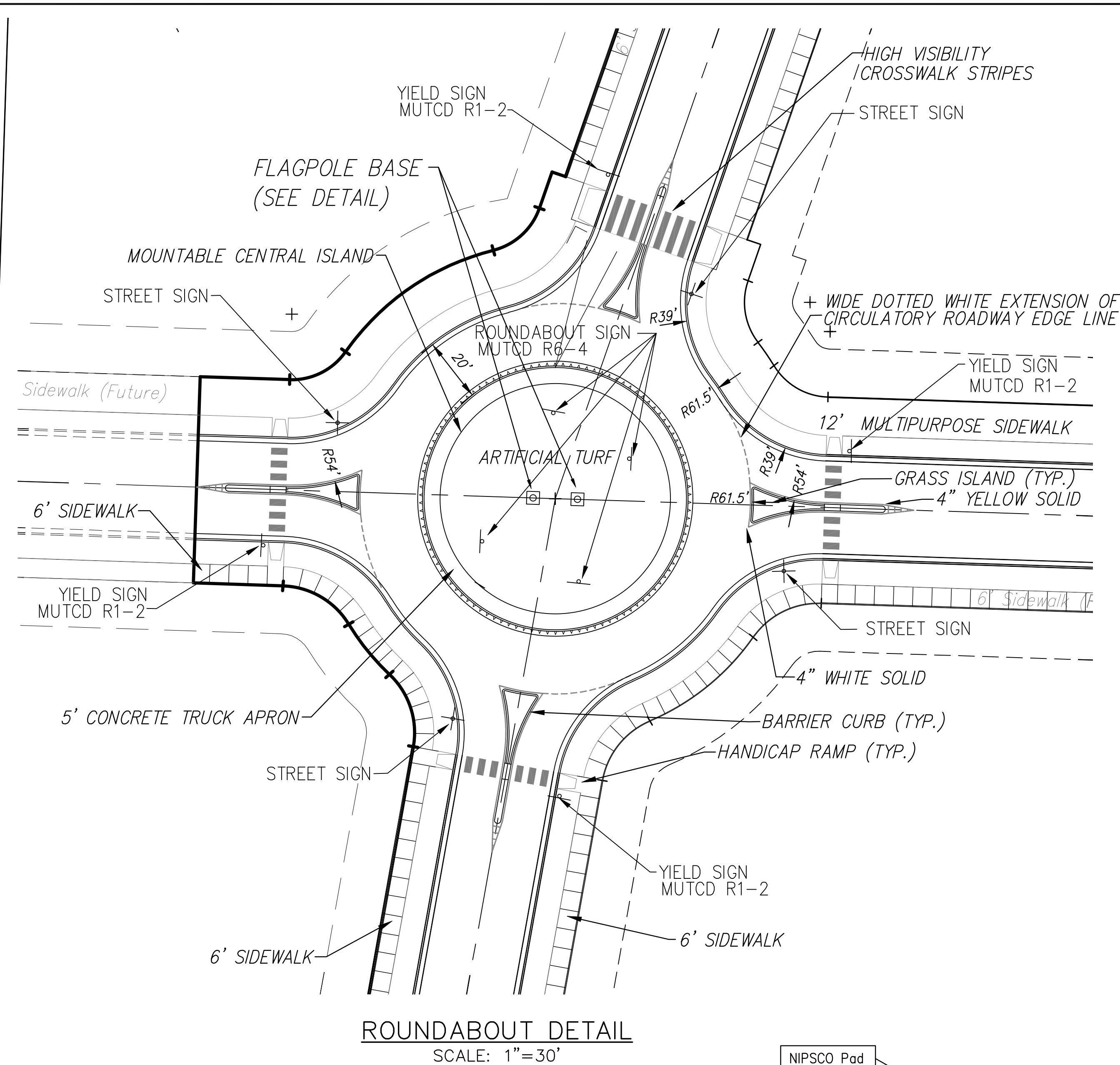
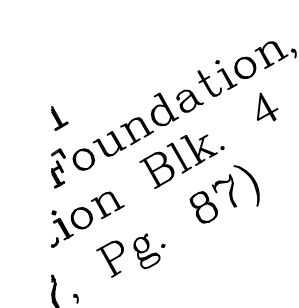
A Variance from Development Standards may be approved or approved with conditions only if:



- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

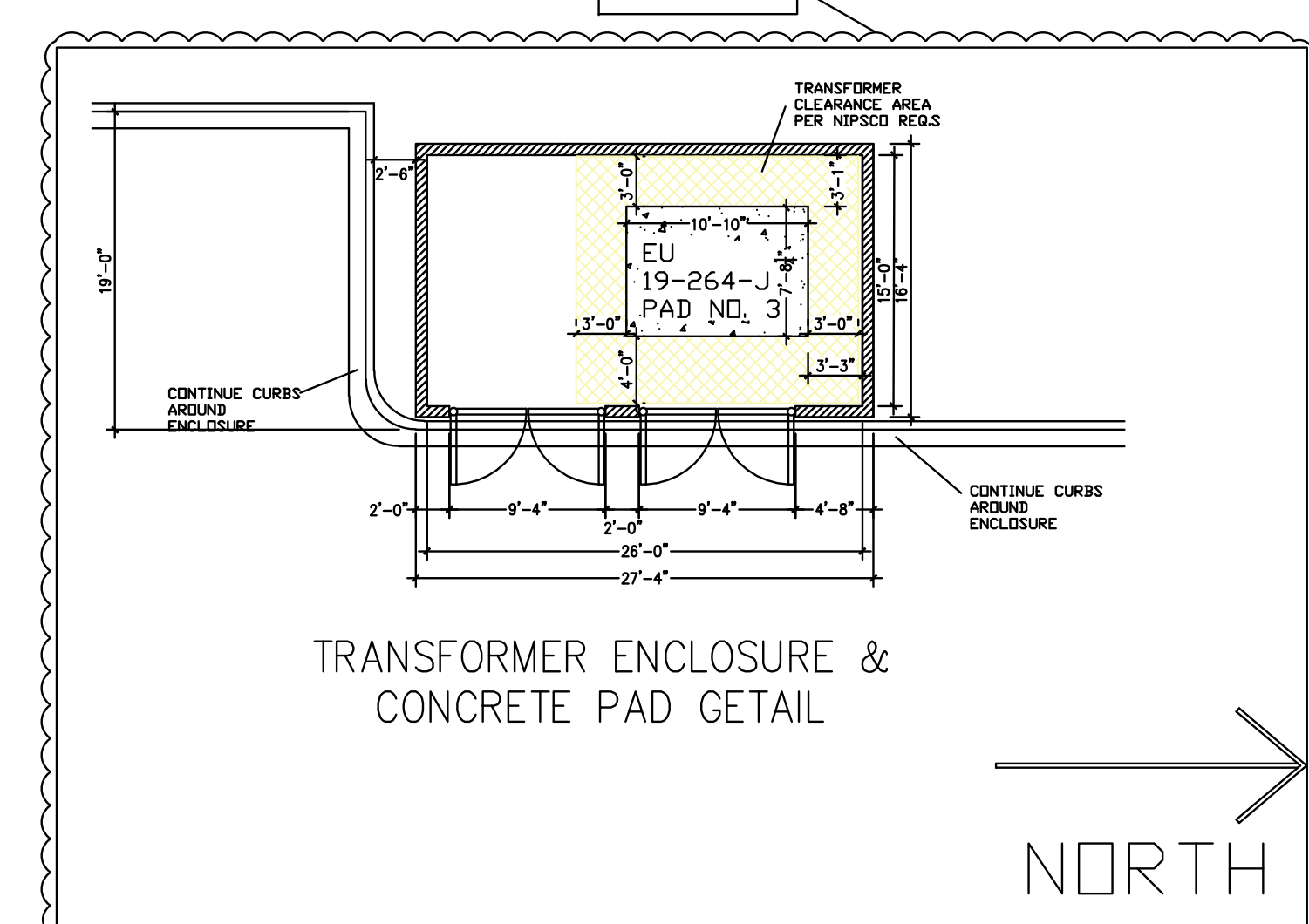
The applicant has addressed these criteria in the attached application.

MOTION

The Board of Zoning Appeals should make a motion listing the specific variances that are approved or denied.



- | | |
|---|--|
| (F) | NUMBER OF PARKING SPACES |
| (A) | TYPICAL PAVEMENT |
| (C) | 24" COMBINED CONCRETE HIGH BACK CURB & GUTTER (SHEET C-4.0) |
| (B) | 6" BARRIER CURB (SHEET C-5.0) |
| (C) | 24" COMBINED CONCRETE GUTTER ONLY |
| (CC) | 24" CURB CUT (SHEET C-5.1) |
| (HC) | HANDICAP RAMP |
| (S) | SIDEWALK / CURB COMBINATION (SHEET C-5.0) |
| (SF) | SIDEWALK / CURB COMBINATION (SHEET C-5.0)
POUR FLUSH WITH PAVEMENT. |
|  TRAFFIC FLOW ARROWS | |
|  STREET LIGHT | |



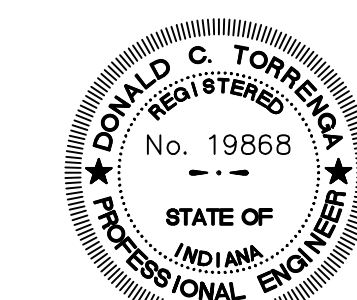
NOTES:

1. CURRENT ZONING CLASSIFICATION CD-4.B (GENERAL URBAN - B DISTRICT.)
2. PROPOSED BUILDING ON LOT 3 (CLINIC BUILDING) = 31,845 SQ.-FT.
(SEE ARCHITECTURAL PLAN FOR ACTUAL BUILDING DETAILS & DIMENSIONS)
3. TOTAL SITE AREA OF LOT 3 = 123,951 SF
4. PARKING: (9'X19' MINIMUM (TYPICAL) WITH 24' AISLE)

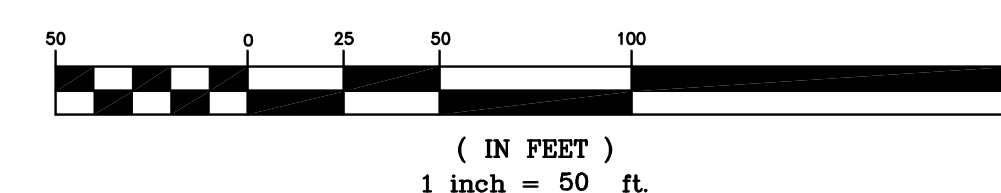
REQUIRED PARKING: 5.7 SPACES PER 1000 SQ.-FT. OF FLOOR AREA

REQUIRED PARKING BY ORDINANCE:
(31,845/1000) X 5.7 = 182 SPACES

AVAILABLE PARKING SPACES:
STANDARD PARKING = 174 SPACES
HANDICAP PARKING = 8 SPACES
TOTAL AVAILABLE PARKING (INCLUDING HC) = 182
5. ALL CURB DIMENSIONS ARE MEASURED TO THE FRONT FACE OF THE CURB.



Ronald C. Tuenga

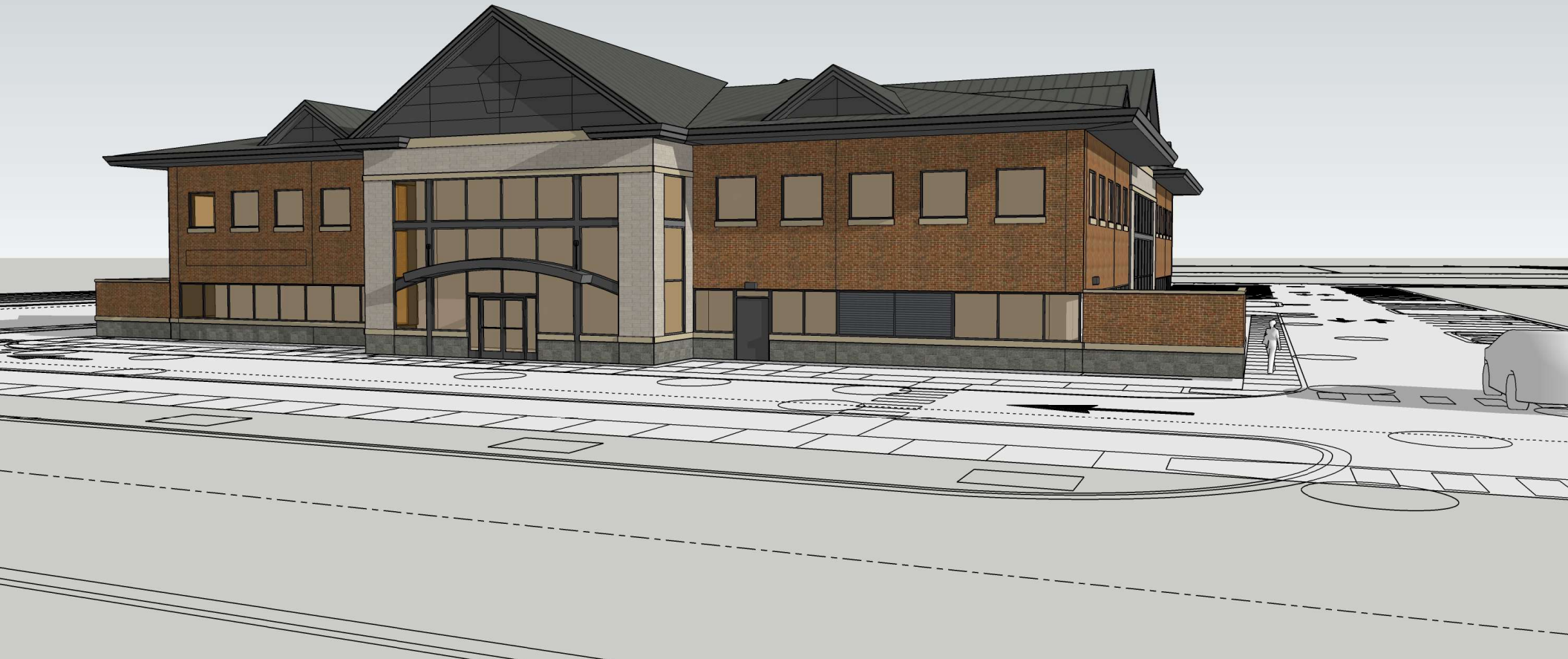




CFNI Munster
Immediate Care

10240 Calumet Avenue
May 26.2022

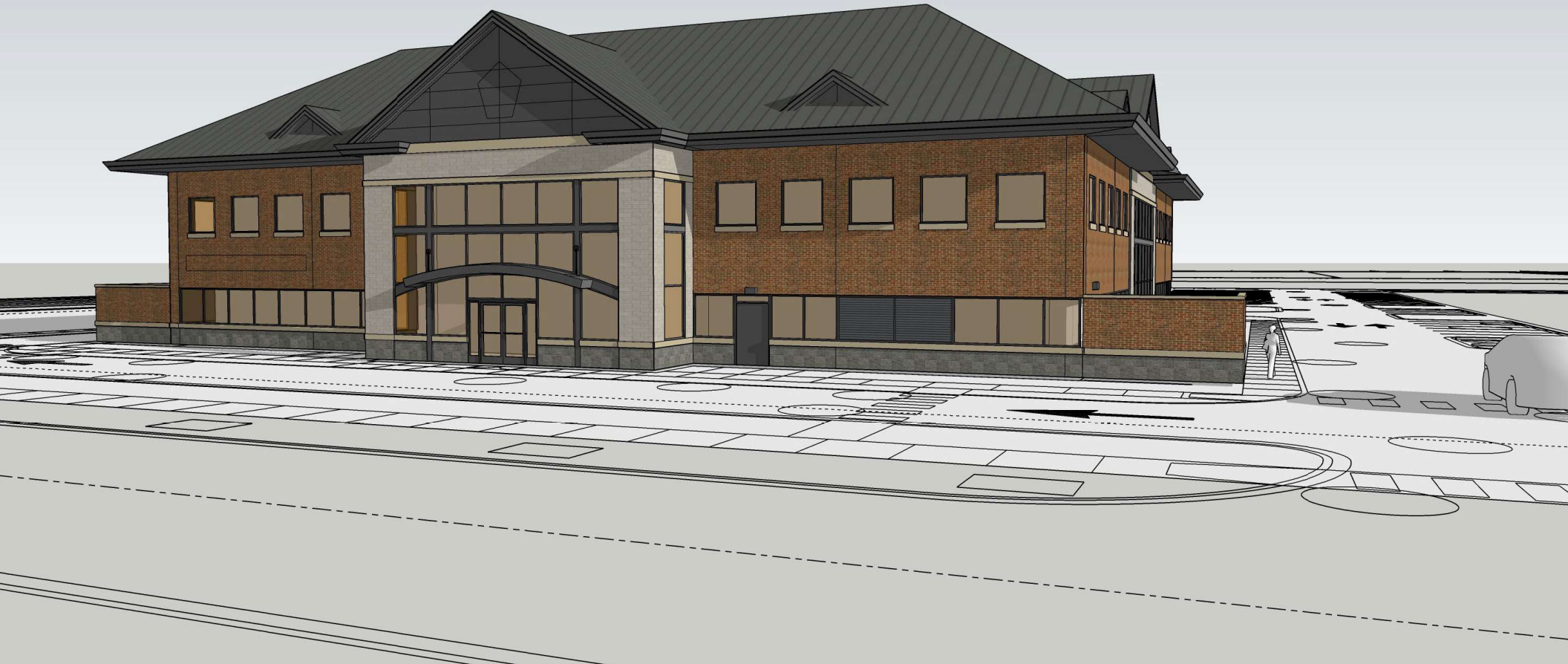
View from North – Low Roof



CFNI Munster Immediate Care

May 26, 2022

View from North – High Roof



CFNI Munster Immediate Care

May 26, 2022

SW View – Low Roof



CFNI Munster Immediate Care
May 26.2022

SW View – High Roof



CFNI Munster Immediate Care

May 26, 2022

View from South – Low Roof



CFNI Munster Immediate Care

May 26.2022

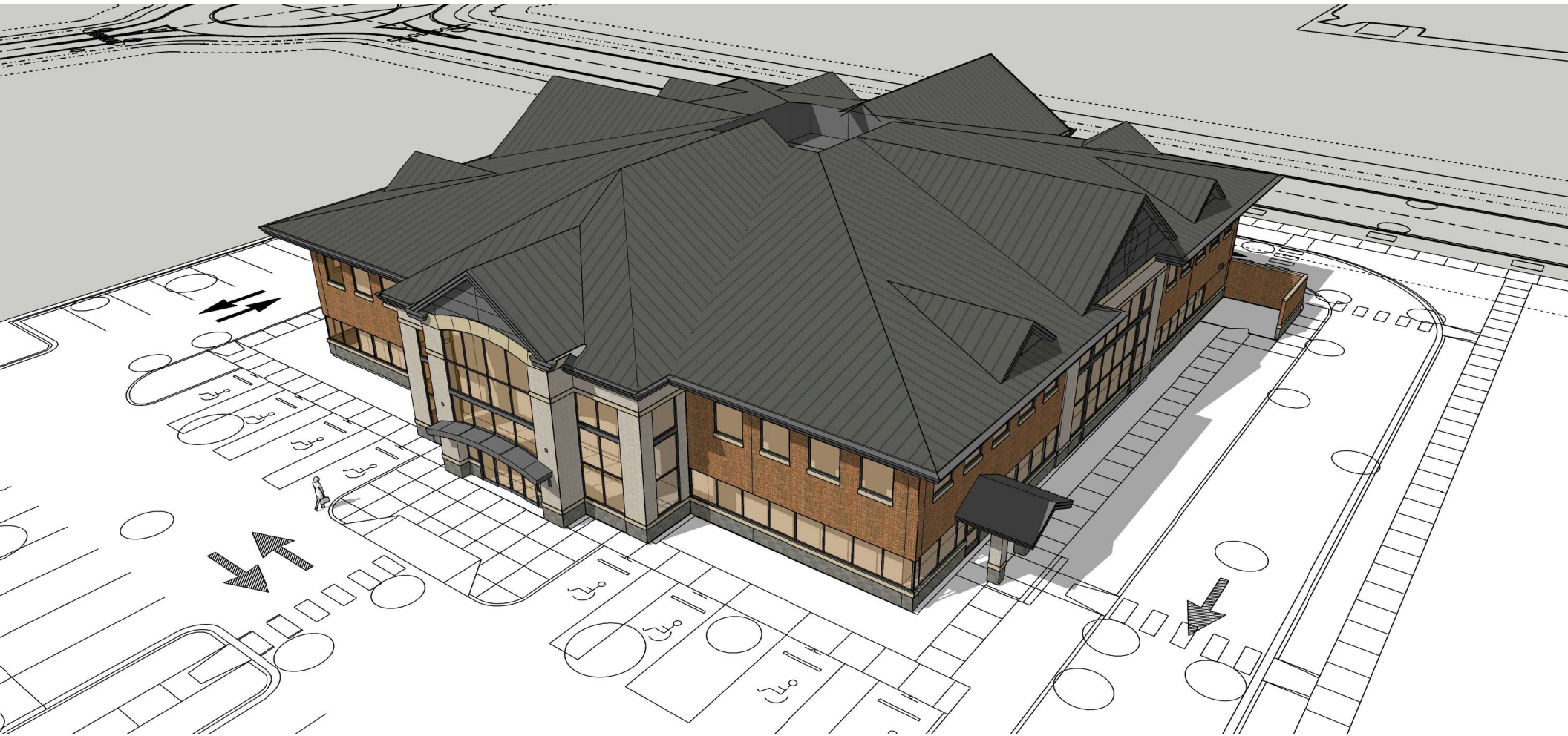
View from South – High Roof



CFNI Munster Immediate Care

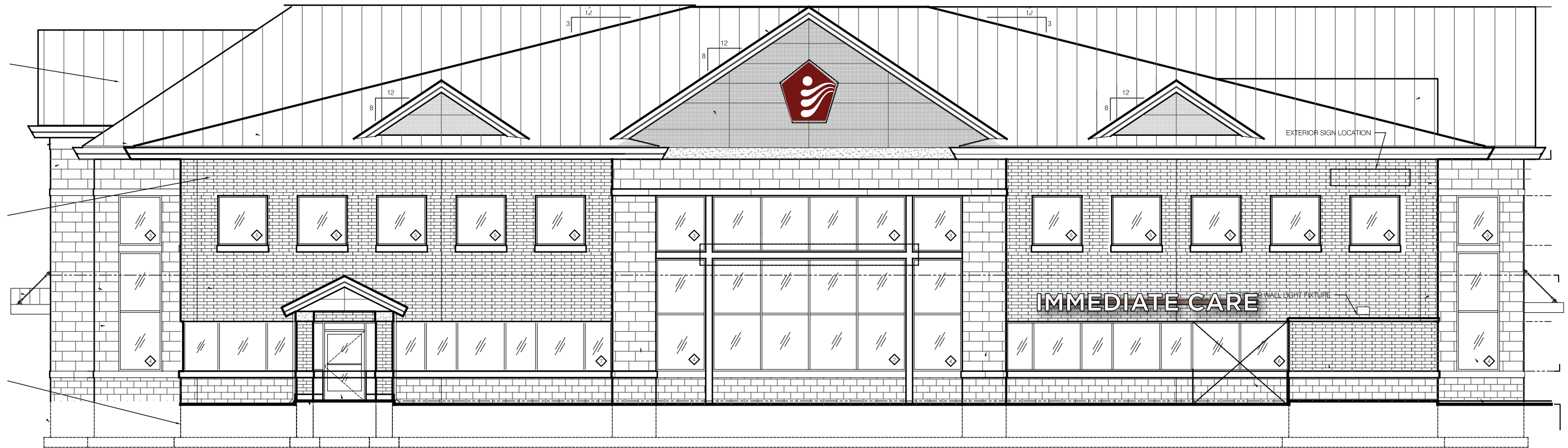
May 26, 2022

View from Above – Low Roof

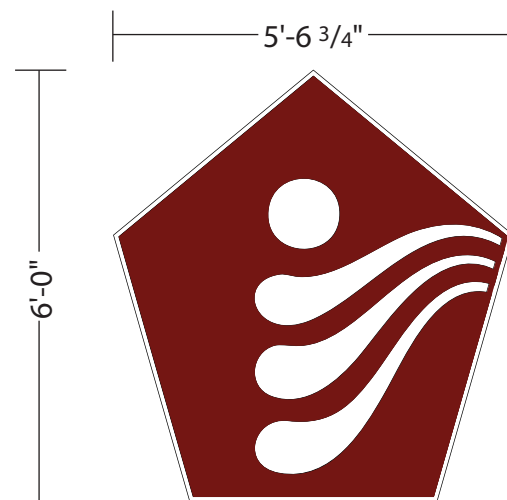


CFNI Munster Immediate Care

May 26, 2022



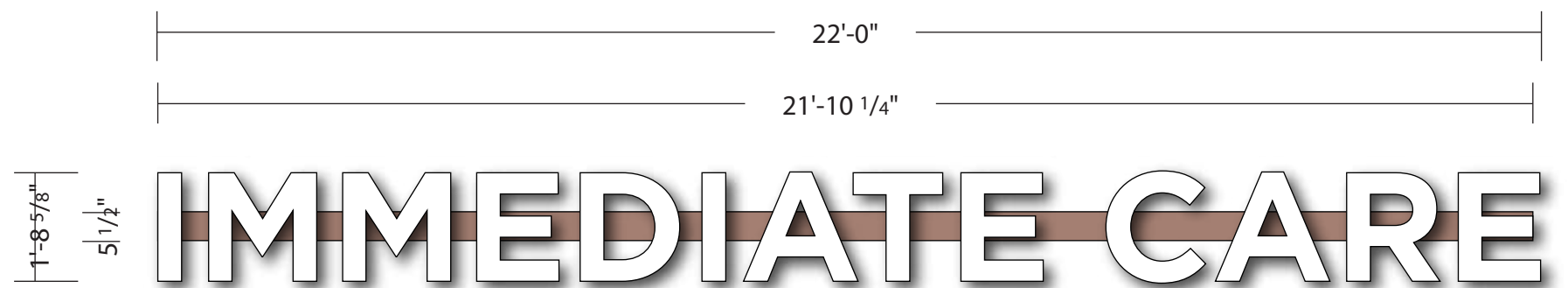
Proposed placement - East Elevation - 3/32" = 1'



Scale: 3/8" = 1'

- **ONE (1) SINGLE FACE LOGO / INTERNALLY ILLUMINATED WITH LEDs / FLEX FACE WITH TRANSLUCENT VINYL GRAPHICS / WITH LED HALO LIT OUTER SHAPE / ALUMINUM BACKER AROUND PERIMETER**

LOGO FACE = TRANS BURGUNDY VINYL 3730-47L
GRAPHICS = TRANS WHITE
RETURNS = PAINTED MAP TO MATCH PMS 188C BURGUNDY
ILLUMINATION = WHITE LEDs



Scale: 3/8" = 1'

- **ONE (1) SET OF PLEX FACE CHANNEL LETTERS / INTERNALLY ILLUMINATED WITH LEDs / ON RACEWAY / MOUNTED FLUSH TO METAL WINDOW FRAMES**

LETTER FACES = WHITE PLEX
TRIMCAP = 1" WHITE
4" RETURNS = PAINTED SATIN MAP WHITE
ILLUMINATION = WHITE LEDs
RACEWAY = PAINTED MAP TO MATCH WINDOW FRAMES (TBD)

SCALE: Mixed



7933 W Hwy 6, Westville, IN 46391

PROJECT: Community Munster
 Immediate Care
 Munster IN 46321

REP: Shaun O'Brien 219-406-0218

DATE: 2-21-2023

DRAWING: SO-0340-2

DESIGNER: *James Bowling*

REVISIONS:

1. Decrease logo size, revise placement of CLs 2-21-23 JB

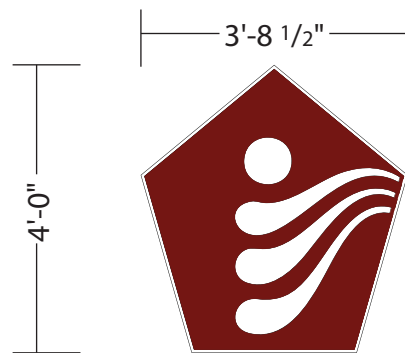
CLIENT APPROVAL: _____

By signing this print, I understand that I am accepting all aspects of this drawing. This includes artwork, specifications, dimensions, spelling and all other representations herein. I also understand that color representations on this print are approximate, and may not match actual colors produced.





Proposed placement - South Elevation - 3/32" = 1'



Scale: 3/8" = 1'

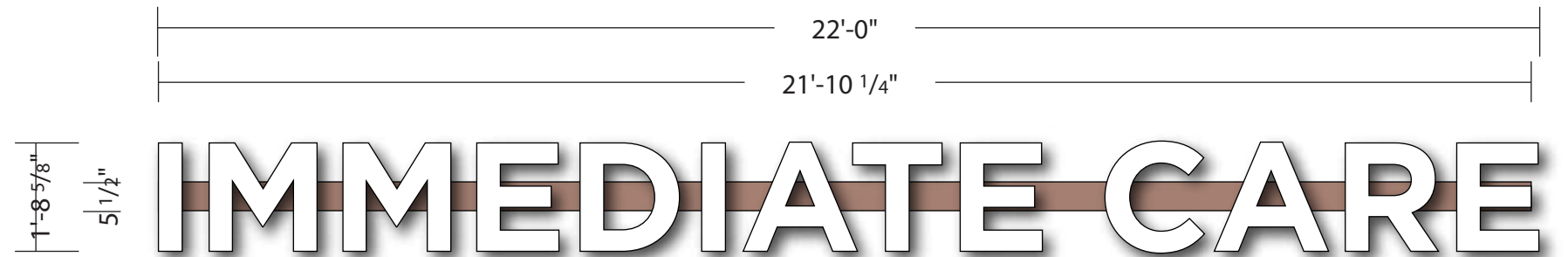
- ONE (1) SINGLE FACE LOGO / INTERNALLY ILLUMINATED WITH LEDs / FLEX FACE WITH TRANSLUCENT VINYL GRAPHICS / WITH LED HALO LIT OUTER SHAPE / ALUMINUM BACKER AROUND PERIMETER

LOGO FACE = TRANS BURGUNDY VINYL 3730-47L

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LETTER FACES = WHITE PLEX

TRIMCAP = 1" WHITE

4" RETURNS = PAINTED SATIN MAP WHITE

ILLUMINATION = WHITE LEDs

RACEWAY = PAINTED MAP TO MATCH WINDOW FRAMES (TBD)

SCALE: Mixed

LEGACY SIGN
GROUP

7933 W Hwy 6, Westville, IN 46391

PROJECT: Community Munster
Immediate Care
Munster IN 46321

REP: Shaun O'Brien 219-406-0218

DATE: 12-16-2022

DRAWING: SO-0340-3

DESIGNER: *James Bowling*

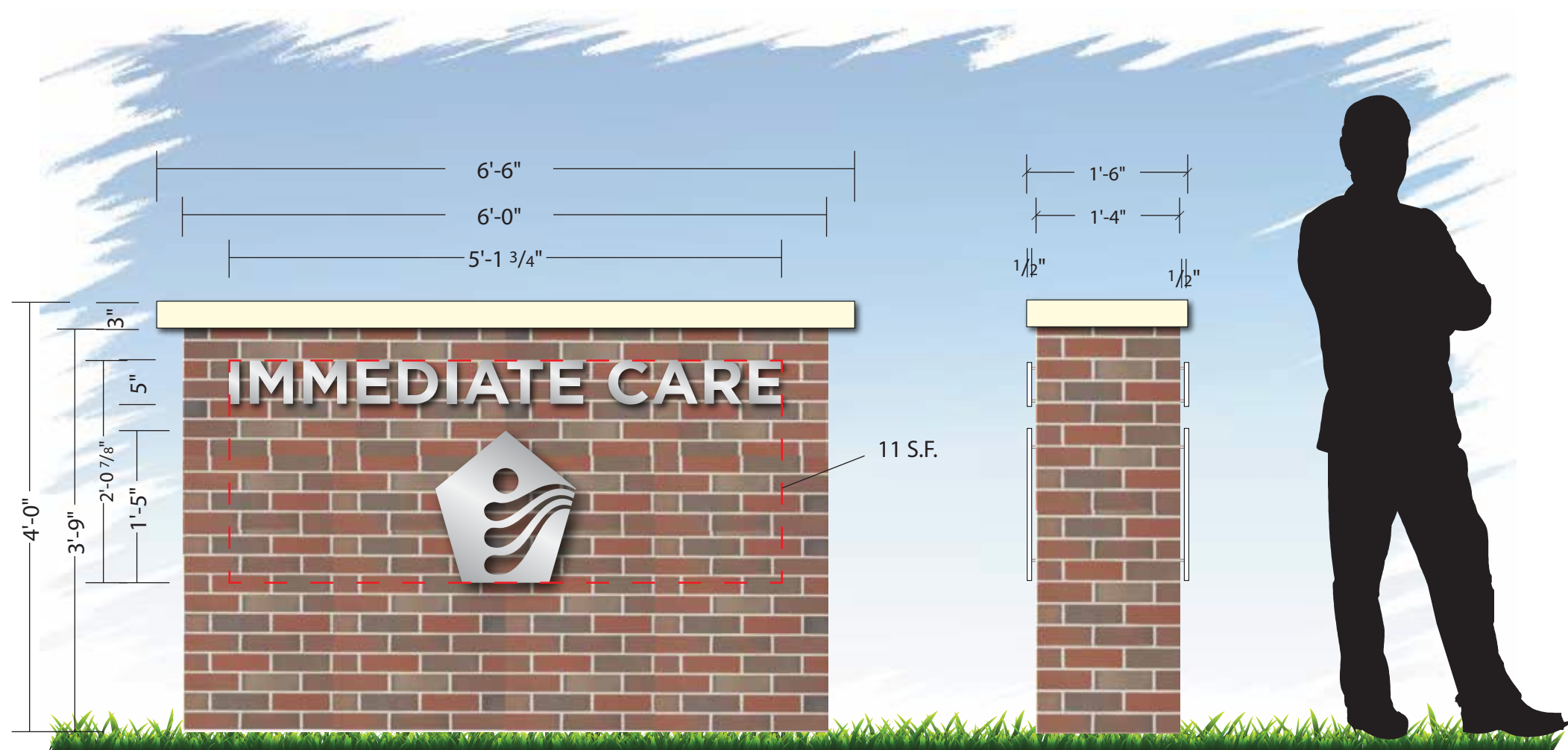
REVISIONS:

1. Decrease logo size, revise placement of CLs 2-21-23 JB

CLIENT APPROVAL: _____

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Face View

Side View

- ONE (1) DOUBLE FACE FREESTANDING BRICK SIGN WITH LIMESTONE CAPS AND FLAT-CUT-OUT ACRYLIC COPY

CAP / REVEAL = ARRISCRAFT NUTMEG LIMESTONE

BRICK = CANYON FULL RANGE SMOOTH BELDON BRICK

COPY / LOGO = 3/8" BRUSHED ALUMINUM MOUNTED ON 1/2" STUDS



Proposed



Proposed

SCALE: 3/4" = 1'

LEGACY SIGN
GROUP

7933 W Hwy 6, Westville, IN 46391

PROJECT: Community Munster
Immediate Care
Munster IN 46321

REP: Shaun O'Brien 219-406-0218

DATE: 2-21-2023

DRAWING: SO-0340-4B

DESIGNER: *James Budding*

REVISIONS:
1.

CLIENT APPROVAL: _____

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