

**METROPOLITAN BOARD OF ZONING APPEALS
DIVISION II**

**PUBLIC ASSEMBLY ROOM
2nd Floor City-County Building
1:00 p.m.**

STAFF REPORTS FOR OCTOBER 8, 2013

**These reports do not in any way commit the Board
to approve or disapprove any petition filed before it.**

**DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING
CURRENT PLANNING SECTION**

PETITION NO.	PETITION ADDRESS AND LOCATION	PAGE NO.
EXPEDITED PETITIONS:		
2013-DV2-015	6120 CROWS NEST DRIVE WASHINGTON TOWNSHIP, COUNCIL DISTRICT 8	2
2013-UV2-016	10220 EAST SOUTHPORT ROAD FRANKLIN TOWNSHIP, COUNCIL DISTRICT 25	10
2013-UV2-020	3800 DIVISION STREET PERRY TOWNSHIP, COUNCIL DISTRICT 22	23
2013-UV2-021	6515 CARROLLTON AVENUE WASHINGTON TOWNSHIP, COUNCIL DISTRICT 3	30
TRANSFERRED PETITION:		
2013-UV1-028	1352 NORTH ILLINOIS STREET CENTER TOWNSHIP, COUNCIL DISTRICT 15	40
CONTINUED PETITIONS:		
2013-SE2-002	6350 MOORESVILLE ROAD DECATUR TOWNSHIP, COUNCIL DISTRICT 22	48
2012-DV2-012**	4545 NORTH DELAWARE STREET WASHINGTON TOWNSHIP, COUNCIL DISTRICT 8	58
2013-UV2-017	307 NORTH PENNSYLVANIA STREET CENTER TOWNSHIP, COUNCIL DISTRICT 15	59

* Automatic Continuance
** Continuance Requested
*** Withdrawn or Dismissal

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-DV2-015
Address: 6120 Crows Nest Drive (*Approximate Address*)
Location: Washington Township, Council District #8
Zoning: D-1
Petitioner: Vernon Back
Request: Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 1,000-square foot building addition, with an approximately 50-foot front setback (average setback of approximately 90 feet required).

RECOMMENDATIONS

Staff **recommends approval of this request**, subject to the site plan, file-dated August 29, 2013.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.25-acre site, zoned D-1, is developed with a single-family dwelling and a detached garage. The D-1 District of the Dwelling District Zoning Ordinance (DDZO) provides for single-family low density development patterns in suburban areas. "Development plans should incorporate and promote environmental and aesthetic considers, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife."
- ◇ Surrounding properties are zoned D-1 and developed with single-family dwellings.

DEVELOPMENT STANDARDS

- ◇ This request would permit a 1,000-square foot addition, with an approximately 50-foot front setback. The D-1 District development standards require the depth of the front setback to be the greater of 40 feet from the right-of-way of Crows Nest Drive (approximately 50-foot right-of-way) or the average setback of the existing buildings along the linear frontage of this block. In this case, the average setback of single-family dwellings area approximately 90 feet along this portion of Crows Nest Drive.
- ◇ Options for improvements and expansions are limited by the orientation of the existing house, the oddly-shaped parcel, the variations in topography, and the street curve along the southern boundary. Consequently, this presents a practical difficulty for any expansion or improvement.

(Continued)

STAFF REPORT 2013-DV2-015 (Continued)

- ◇ There are a number of large mature trees in the neighborhood that provide character, screening, and privacy for the residents. One of the trees is located in the front yard and near the proposed addition. Efforts should be put in place to protect this tree during construction to secure its survival.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-1 Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-1	Single-family dwelling
South	D-1	Single-family dwelling
East -	D-1	Single-family dwellings
West -	D-1	Single-family dwelling

COMPREHENSIVE PLAN (2007) Recommends zero-1.75 residential units per acre.

THOROUGHFARE PLAN Crows Nest Drive is not indicated in The Official Thoroughfare Plan.

SITE PLAN File-dated, August 29, 2013

FINDINGS OF FACT File-dated, August 29, 2013

ZONING HISTORY

SUBJECT SITE

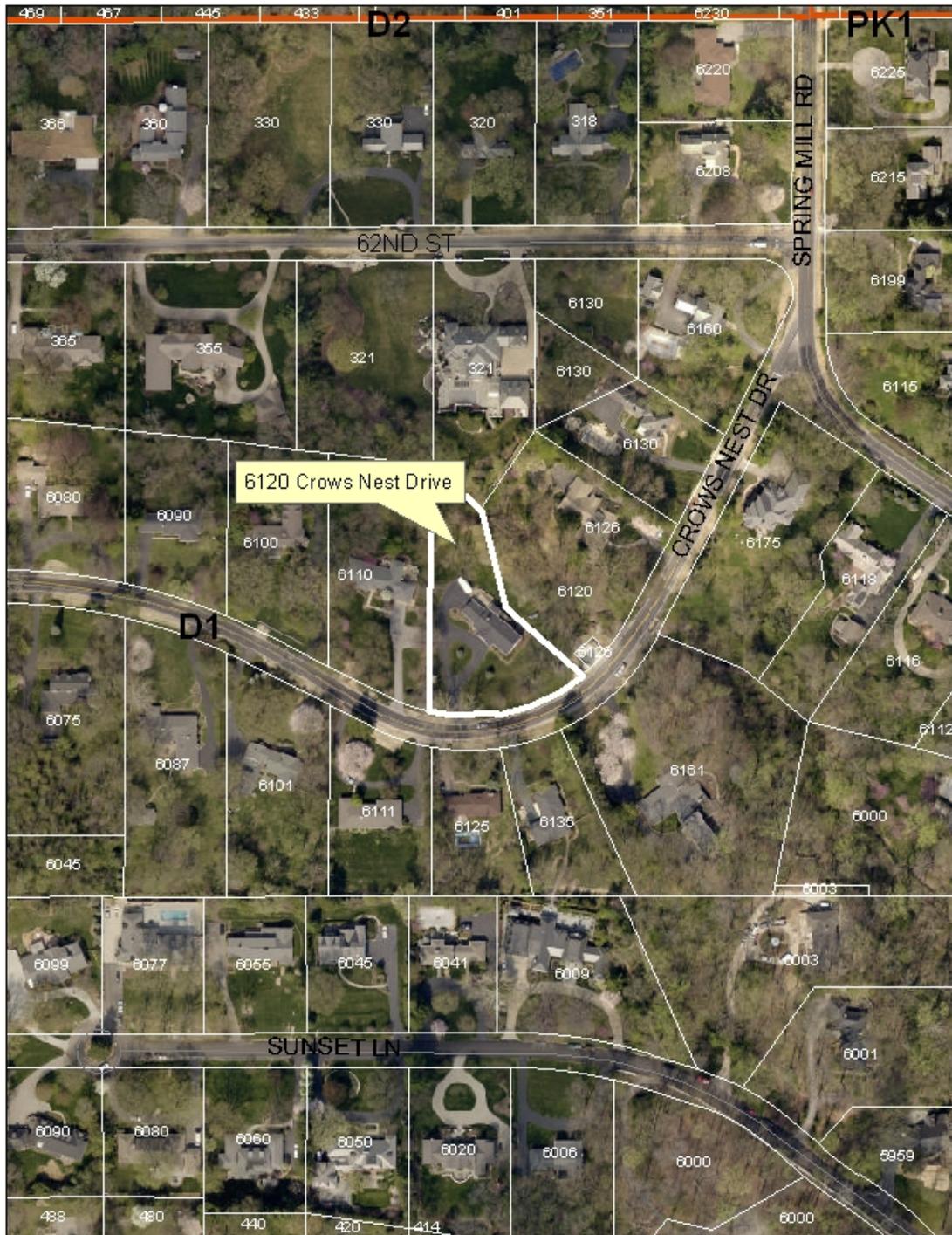
None.

VICINITY

2006-DV3-026, 6130-6160 Springmill Road (east of site); Requesting variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an 804-square foot detached garage in front of the established front building line of the primary structure (not permitted), with a 24.7-foot front setback from 62nd Street (minimum 25-foot front setback required), **granted.**

2002-UV2-035, 6087 Crows Nest Drive (west of site); Requesting a variance of use of the Dwelling districts Zoning Ordinance to provide for a second 808-square foot single-family dwelling (not permitted), **granted.**

kb



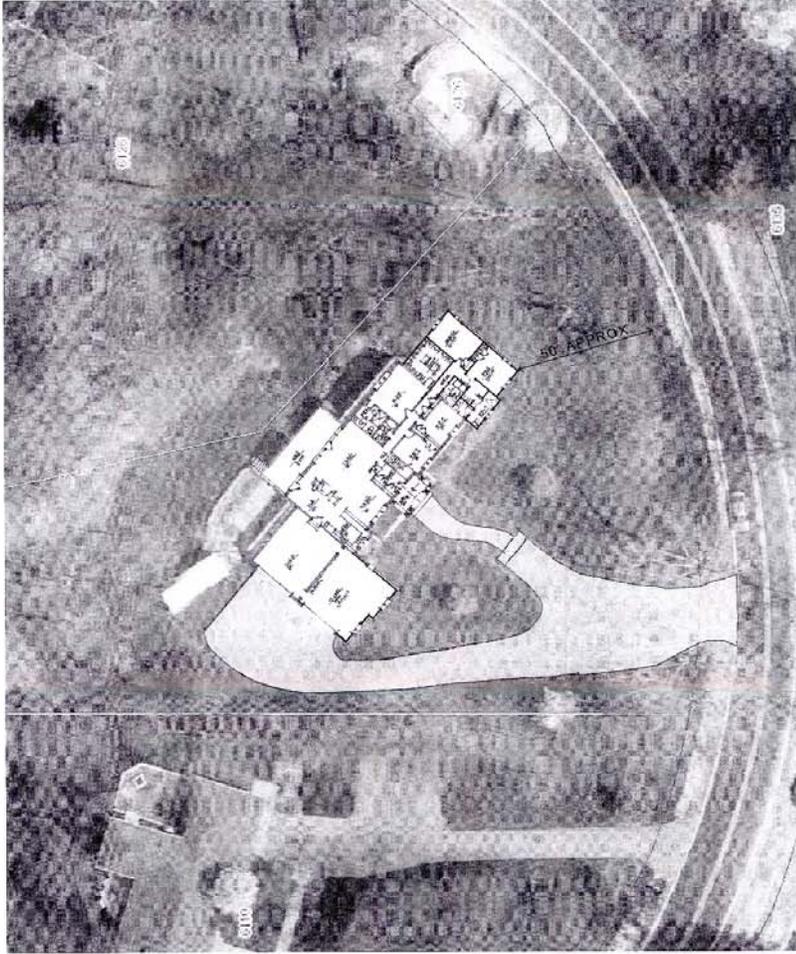
6120 Crows Nest Drive

RECEIVED
AUG 29 2013
INTERNATIONAL DEVELOPMENT

The Back Residence

7.31.2013

5/20/13



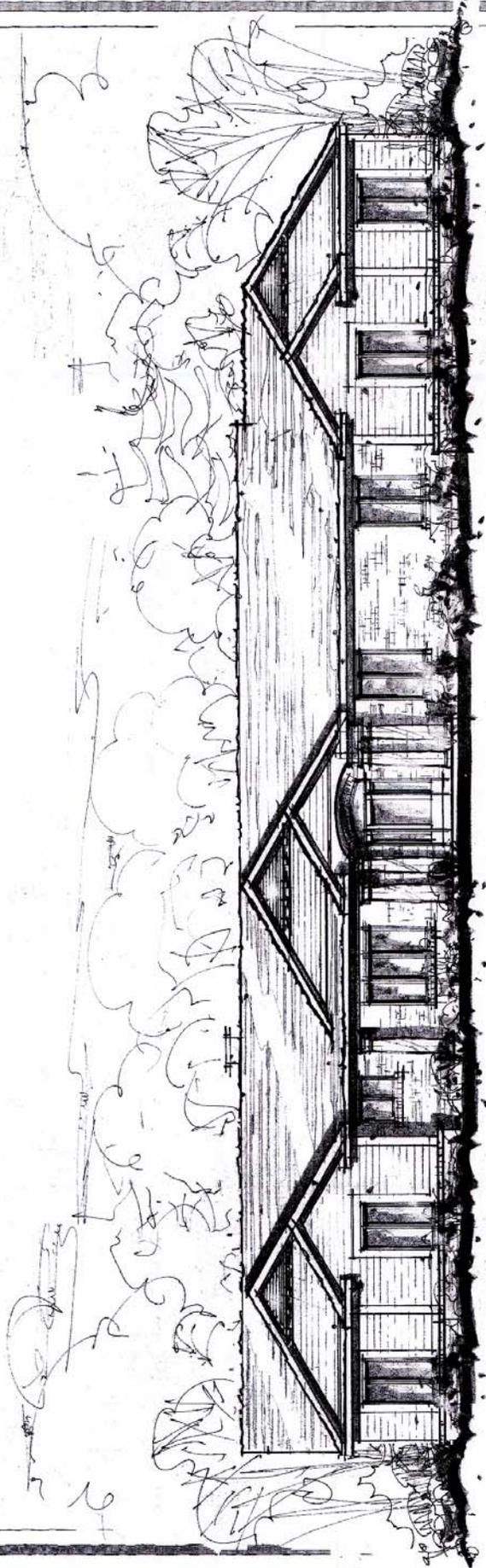
SITE PLAN

1"=20'

6120 CROWS NEST DRIVE

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WEDGEWOOD BUILDING CO.

The Back Residence

7.31.2013

5/1/13



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View of dwelling looking southeast



View of location of proposed addition



View of rear of site



View of neighbor to the west

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-UV2-016
Address: 10220 East Southport Road (*Approximate Address*)
Location: Franklin Township, Council District #25
Zoning: D-A
Petitioner: Ronald G. and Shirley J. Ketron, by David A. Retherford
Request: Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a temporary excavation contracting business, with the storage, repair, restoration and maintenance of excavating equipment (not permitted), to provide for a 2,000-square foot addition to an existing 2,640-square foot pole barn and to provide for a 3,500-square foot pole barn, creating an accessory building area and accessory use area of 8,140 square feet (455% of the main floor area of the primary dwelling) and 9,076 square feet (323.1% of the total floor area of the primary dwelling), respectively (maximum accessory building area of 75% of the main floor area of the primary building or 1,341 square feet permitted, maximum accessory use area of 99.9% of the total floor area of the primary dwelling or 2,806 square feet permitted).

ADDENDUM FOR OCTOBER 8, 2013

The petition was continued from the September 10, 2013, hearing to the October 8, 2013, hearing to provide additional time for preparation of commitments.

Subsequently, commitments, a revised site plan, and Plan of Operation were submitted, all of which address Staff's concerns and recommended commitments.

Staff **recommends approval**, subject to the following items:

1. Site plan, file-dated, September 11, 2013
2. Plan of Operation, file-dated, September 11, 2013.
3. Commitments, file-dated, September 11, 2013.

RECOMMENDATIONS

Staff **recommends approval** subject to the site plan, file-dated July 3, 2013, and the following commitments:

1. No outdoor storage of equipment shall be permitted.
2. All repairs, restoration activities, and maintenance activities shall be conducted within existing and proposed buildings.
3. No storage of excavation materials shall be permitted.
4. A dust mitigation plan shall be prepared and submitted for Administrator's Approval within 60 days following approval of this request. Such plan shall become effective upon approval and remain in effect until the variance expires.

(Continued)

STAFF REPORT 2013-UV1-016 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 3.58-acre site is zoned D-A. It is developed with a single-family dwelling and a 2,640-square foot pole barn. The surrounding properties are zoned D-A and developed with single-family dwellings, with accessory buildings, on large parcels of land.

VARIANCE OF USE

- ◇ The request would permit an excavation contracting business operation, which would include storage, repair, restoration and maintenance of the excavating equipment. This type of business operation would be permitted in an industrial zoned district, but is not permitted in a dwelling district.
- ◇ According to the petition, the business would be temporary and operated by a sole proprietor. The variance would not be transferable to any other individual. The petitioner is self-employed and apparently has been operating the business for approximately 20 years. A combination of the size of the property, no outdoor storage, the low intensity of the business, and the temporary nature of this request would minimize the negative impact and not be injurious to the general welfare of the surrounding community. As long as the business remains as it is proposed to be operated, it would be a minor deviation that staff finds supportable.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The Dwelling Districts Zoning Ordinance prescribes limitations on accessory buildings and accessory uses to establish a balanced relationship between the primary dwelling and accessory buildings and uses. When the accessory building area and the accessory use area is excessive, these elements visually dominate the property and create an inappropriate development pattern in a residential area.
- ◇ This request would provide for a 2,000-square foot addition to an existing 2,640-square foot pole barn, which would almost double the size of the existing barn. It would also permit a second pole 3,500-square foot pole barn. The addition and new pole barn exceeds the square footage permitted by the Dwelling Districts Zoning Ordinance (DDZO) for both the accessory building area and the accessory use area.
- ◇ The DDZO permits accessory building area up to 75% of the main floor area of the primary building and accessory use area up to 99.9% of the total floor area of the primary dwelling. This request would allow an increase of the accessory building area to 8,140 square feet or 455% of the main floor area of the single-family dwelling. It would also permit an increase of the accessory use area to 9,076 square feet or 323.1% of the total floor area of the single-family dwelling.

(Continued)

STAFF REPORT 2013-UV1-016 (Continued)

- ◇ Support of the use on this site would require that outdoor storage, including materials, not be permitted in order to minimize adverse impact on surrounding property owners. Due to the size of the equipment required by this enterprise, the buildings would be required to be large enough to accommodate the equipment, along with repair, maintenance, and restoration of the equipment.
- ◇ The size of the site and the surrounding properties provides the open space that minimizes the visual impact of the accessory buildings area and the accessory use area. The buildings would be consistent with development of the surrounding community and would maintain the rural character of the area.

IMPACT UPON AIR QUALITY

- ◇ The movement of vehicles and equipment on the long existing gravel drive is a concern because of the substantial dust created by this activity and the impact upon surrounding properties. It would be appropriate to establish a dust mitigation plan that would indicate control measures demonstrating reductions in airborne particulate matter.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwelling
South -	D-A	Undeveloped
East -	D-A	Single-family dwelling
West -	D-A	Single-family dwelling

COMPREHENSIVE PLAN (2007)	Recommends residential development of zero to 1.75 units per acre.
THOROUGHFARE PLAN	This portion of East Southport Road is designated in the Official Thoroughfare Plan as a two-way primary arterial, with a 50-foot existing right-of-way and a 140-foot proposed right-of-way
SITE PLAN	File-dated, July 3, 2013
SITE PLAN (AMENDED)	File-dated, September 11, 2013
FINDINGS OF FACT	File-dated, July 3, 2013

ZONING HISTORY

SUBJECT SITE

None.

(Continued)

STAFF REPORT 2013-UV1-016 (Continued)

VICINITY

2006-UV1-034A, 10232 East Southport Road (east of site); Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 360-square foot addition to a single-family dwelling with a west side setback of 8.31 feet (minimum 30-foot side setback required), and to provide for a 336-square foot garage addition with a 3.51-foot west side setback (minimum 30-foot side setback required), resulting in an accessory use area of 13,171.5 square feet of 431.14 percent of the total living area of the primary dwelling (maximum 3,054 square feet of 99.99 percent of the total living area of the primary dwelling permitted, **denied**).

2006-UV1-034B, 10232 East Southport Road (east of site); Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 26.5-foot tall, 7,200-square foot detached accessory building (maximum 12.5-foot height permitted, height of primary structure), resulting in an accessory building area of 8,400 square feet or 274.96 percent of the main floor area of the primary dwelling (maximum 2,201.25 square feet or 75 percent of the main floor area of the primary dwelling permitted), and to provide for the storage of one tractor low boy, a bull dozer, two back hoes, and a truck with a one-ton load capacity and three flat-bed truck associated with a construction business within the proposed 7,200-square foot detached accessory building, **denied**.

kb

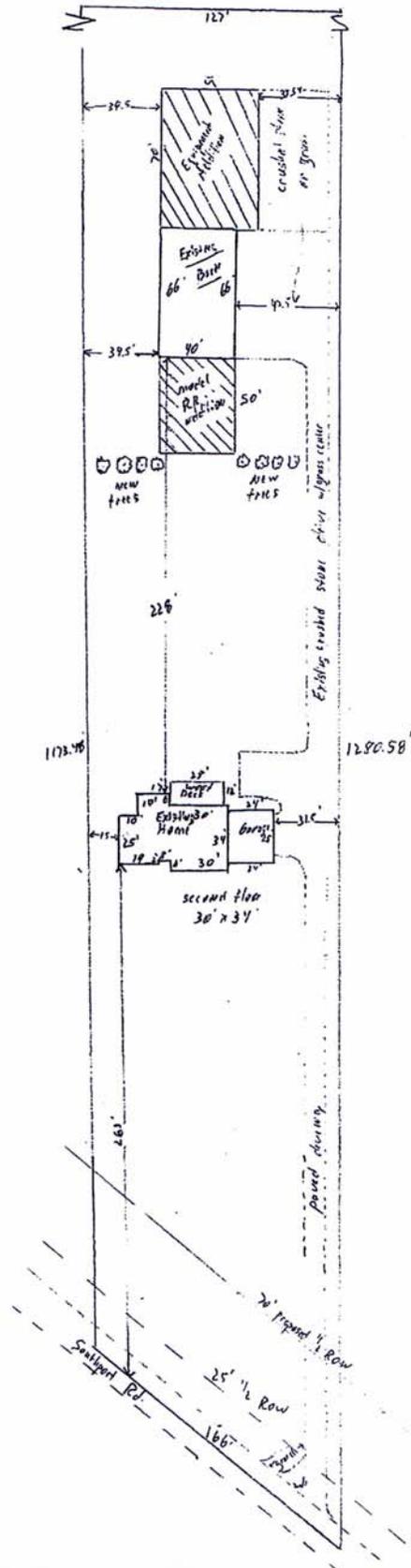


10220 East Southport Road



10220 East Southport Road





Variance Site Plan
 10220 E. Southport Rd.
Ketron

Scale 1" = 50'
 N

METROPOLITAN DEVELOPMENT
 SEP 11 2013
 DIVISION OF PLANNING

Plan of Operation

2013-UV2-016

10220 E. Southport Road

October 4, 2013

Petitioners and Owners: Ronald G. and Shirley J. Ketron

1). **Operation:** Petitioners shall continue to operate a small excavation contracting business on the site, along with the storage, repair, restoration and maintenance of excavating equipment, some of which is used on the business, and some of which is just being stored, restored and kept as a part of his collection of antique excavating equipment.

2). **Details of Operation:**

A. The office functions of the business may occur in either the existing residence on the site, or in one of the two accessory buildings.

B. Without regard to whether the equipment is being used in the excavation contracting business or simply being stored/restored as a part of the Petitioner's collection, all storage, repair, restoration and maintenance of any excavation equipment will occur indoors only; and only within either the existing 2,640 sq. ft. accessory building, or within the proposed new accessory building (maximum 3,500 sq. ft.).

C. The actual excavation contracting operations are all done off-site; and for jobs that take more than a day, the equipment used is typically parked/stored at the job-site.

3). **Limits on Operation:**

A. The excavation contracting business shall be limited to only one employee.

B. The operation of the excavation contracting business shall be subject to the applicable Commitments approved as a part of the approval of the Use Variance.

4). **Signage:** No temporary or permanent business signage shall be displayed anywhere on the site.

5). **Limits on Use Variance:** The Use Variance shall be personal to the current petitioner's/owners. To clarify, the Use Variance which permits the operation of the Petitioner's small excavation contracting business on this property shall expire upon the earlier of the closing on the sale of the property, or all the equipment, or the excavation contracting business itself, to a third party.

Variance Commitments
2013-UV2-016
10220 E. Southport Road

1. The Use Variance shall be personal to the Petitioner(s). To clarify, the Use Variance which permits the operation of the Petitioners' small excavation contracting business on this property, and also the parking, and indoor storage, repair, restoration and maintenance of excavating equipment owned by the Petitioner (whether said equipment is used in the excavating contracting business or not) shall expire upon the earlier of the closing on the sale of the property to a third party, or the sale of all the excavating equipment to a third party, or the sale of the excavation contracting business itself to a third party.
2. No more than six (6) pieces of excavating equipment stored on the site shall be actively used in the excavation contracting business at any one time.
3. The number of round trips (in and out) for hauling excavation equipment used in the excavation contracting business during any calendar month, shall not exceed six (6).
4. The proposed 2,000 square foot addition to the South side of the existing 40' X 66' accessory building shall not be utilized for the parking, storage, repair, restoration or maintenance of excavating equipment.
5. No outdoor storage of excavating equipment shall be permitted.
6. No indoor or outdoor storage of any excavation materials shall be permitted.
7. All repairs, restoration activities, and maintenance activities shall be conducted indoors.
8. The Petitioner shall have six months from the date of the grant of the variance to either: (A) complete the proposed new accessory building to the North of the existing building and move all the excavating equipment on the site inside; or (B) to remove sufficient excavating equipment so that all remaining excavating equipment is stored inside the existing 40' X 66' accessory building on the site.
9. The Petitioner's use of the portion of the drive and maneuvering areas which are not hard surfaced, for either the operation of the excavation contracting business or other hauling or moving of excavation equipment, shall not generate dust which materially and negatively impacts the downwind property owners. The "dust control plan" approved for this Variance is that the Petitioner shall treat the gravel areas used in such operations with water or chemical dust retardant, or shall utilize a form of gravel or stone which does not produce significant amounts of dust (such as asphalt regrind or similar) as necessary to control the production of dust when conditions reasonably require same as necessary to avoid generating dust which materially and negatively impacts the downwind property owners.
10. The proposed new 3,500 sq. ft. addition to the North side of the existing accessory building is shown on the Approved Site Plan, as not being located on top of the existing underground drain line running West to East which benefits the property owned by Mr. and Mrs, Morgan to the West of the site. If the building location changes, and it is proposed to be built over the existing line, then prior to construction commencing on said building the Petitioner shall relocate said line further to the North at Petitioner's expense as necessary at least 10 feet away from the North wall of said new building. In such case, the Petitioner shall reinstall the underground line so that it functions as well as the existing

line at that time, and shall not remove or stop up the existing line until the new line is within one day of completion.

11. The new screening trees shown on the site plan South of the accessory building shall be installed prior to May 15, 2014. They shall either be a deciduous tree at least 1½ inches caliper at the time of planting, or an evergreen tree no less than 5 ft. in height at the time of planting. These total of 8 new trees can be a mixture of both evergreens and deciduous trees. The trees shall be well maintained by the Petitioner, and if they die or are damaged beyond recovery, they shall be replaced promptly by the Petitioner.



View of dwelling looking north



View of existing accessory building looking north



View of equipment on site



View of equipment on site looking west



View of equipment looking north



View of adjacent property to the east



View of dwelling to the east looking southeast from the site



View of dwelling to the west of site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-UV2-020
Address: 3800 South Harding Street & 3800 Division Street (*Approximate Address*)
Location: Perry Township, Council District #22
Zoning: 5.96 acres, I-3-S
Petitioner: Indiana Shingle Recycling, LLC, by Joseph D. Calderon.
Request: Variance of use and development standards of the Industrial Zoning Ordinance to provide for a shingle recycling facility (not permitted), with 7,500 square feet of outdoor storage (maximum 50% of the gross floor area of enclosed buildings permitted or 337.5 square feet) and to provide for operations within two, 7,500-square foot, three-sided buildings for shingle grinding within 90 feet of a D-3 protected ditrict (all operations have to be within completely enclosed buildings within 500 feet o a protected district).

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan, file-dated September 12, 2013, the plan of operation, file-dated September 3, 2013 and the following condition:

A landscape plan shall be submitted for Administrator's Approval, within 30 days, indicating a mound and a combination of evergreen and shade trees near the east and southeast portions of the property.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site is zoned I-3-S and is currently unimproved. The site is surrounded to the north by a railroad track and a utility pole storage yard within the D-3 District. East of the subject site includes single-family dwellings also within the D-3 District. Surrounding the subject site to the west includes a power plant within the I-4-S District, and to the south includes an industrial structure and a motor truck terminal within the I-3-S District. The Concord Community Plan recommends heavy industrial uses.
- ◇ The proposal would permit the development of a shingle recycling business with open storage and a freestanding integrated center sign.

VARIANCE OF USE AND DEVELOPMENT STANDARDS

- ◇ Recycling facilities are permitted within the I-3-S District. Recycling facilities for construction materials, however, are specifically excluded from this category and are permitted within the I-4 District only with the grant of a special exception. Construction material recycling operations, like the proposed use, are subject to more extensive review with concerns related to potential negative impacts such as noise, odor and outdoor storage.

(Continued)

STAFF REPORT 2013-UV2-020 (Continued)

- ◇ According to the submitted plan of operation, used roof shingles would be delivered to the subject site and stored in the open on a hard surface of concrete or asphalt. The business would then sort materials, removing foreign material to be hauled to different sites. A proposed three-sided metal structure would contain a large diesel-powered grinder that would process the shingles into a material to be sold and used for asphalt applications.
- ◇ The Concord Community Plan recommends heavy industrial uses for the subject site and all surrounding sites, including the single-family dwellings along Division Street. Staff believes the proposed use meets the intent of the Concord Community Plan and would be compatible with other existing industrial uses in the area.
- ◇ Staff does have concerns regarding the adjacent dwellings and the impact of the proposed use. The submitted site plan indicates that the proposed area for grinding and storage would be approximately 670 feet from the rear, or east property line, which is adjacent to the single-family dwelling. To adequately screen the subject site, the petitioner has agreed to provide landscaping near the east property line. Staff would recommend that the petitioner submit a landscape plan for Administrator's Approval indicating a mound and a combination of evergreen and shade trees near the east and southeast portions of the property.
- ◇ The petition also includes variance of development standards' request to permit outdoor operations within 500 feet of a protected district, to allow outside storage to exceed 50% of enclosed structures and to provide for a freestanding identification sign within 300 feet of an existing sign.
- ◇ As mentioned above, adjacent property east of the subject site includes single-family dwellings. Staff would note, however, that the request to allow open operations within 500 feet of a protected district is required only for the adjacent property north of the subject site, which is used industrially for utility pole storage, but zoned to the D-3 District. Staff would support the request to allow open operations within 500 feet of the protected district, as the protected district impacted by this proposal is used industrially as open storage.
- ◇ The request for extensive outside storage is connected to the operation of the proposed use. The nature of the business requires large, open areas for material to be dropped off and sorted as well as for the internal movement of material from storage to processing and, ultimately, to be hauled away. While the request is a substantial increase beyond the Ordinance maximum, Staff believes the use of three-sided buildings, storage areas indicated on the site plan and a proposed masonry wall would reduce negative impacts related to outside storage.
- ◇ The Sign Regulations require 300 feet of separation between freestanding identification signs to minimize sign clutter and proliferation. Appropriate space between signs provides reasonable communication and adequate display of signs, while eliminating potential hazards to motorists and pedestrians caused by dense sign clusters that are difficult and confusing to read.
- ◇ The proposed sign would be located along Harding Street, approximately 211 feet from an existing freestanding sign for the motor truck terminal south of the subject site. Further south, the east side of Harding Street includes its intersection with Hanna Avenue and associated right-of-way, as well as a small stream that intersects Harding Street. North of the subject site includes right-of-way for a railroad. Based on the adjacent properties along the east side of Harding Street

(Continued)

STAFF REPORT 2013-UV2-020 (Continued)

and the large single-use west of Harding, it is unlikely that a large number of signs would be located along this section of Harding Street, reducing the concern related to potential clutter and proliferation of signage. Additionally, the proposed sign would be adequately setback from Harding Street and would be required to meet all other standards of the Sign Regulations.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3-S Undeveloped

SURROUNDING ZONING AND LAND USE

North -	D-3	Railroad and utility pole storage
South -	I-3-S	Industrial structure
East -	D-3	Single-family dwellings
West -	I-4-S	Power plant

NEIGHBORHOOD PLANNING AREA The Concord Community Plan recommends Heavy Industrial uses.

THOROUGHFARE PLAN This section of Harding Street is classified as a primary arterial on the Official Thoroughfare Plan with a variable 140-foot existing and proposed right-of-way. This section of Division Street is not indicated on the Official Thoroughfare Plan.

SITE PLAN File-dated September 12, 2013

FINDINGS OF FACT File-dated September 12, 2013 (Use and Development Standards Variance)

ZONING HISTORY

2006-ZON-827/2006-VAR-827, 3730 Division Street, (subject site). Rezoning of 13.27 acres from the I-3-S (FF) District to the I-4-S (FF) classification to provide for heavy industrial suburban uses. Requesting a special exception of the Industrial Zoning Ordinance to provide for the construction of a chemical manufacturing plant, **dismissed**.

98-Z-187, 3801 South Harding Street, (subject site). Rezoning of 27.3 acres from the D-3 (FF) to I-3-S (FF) to provide for medium industrial suburban development, **granted**.

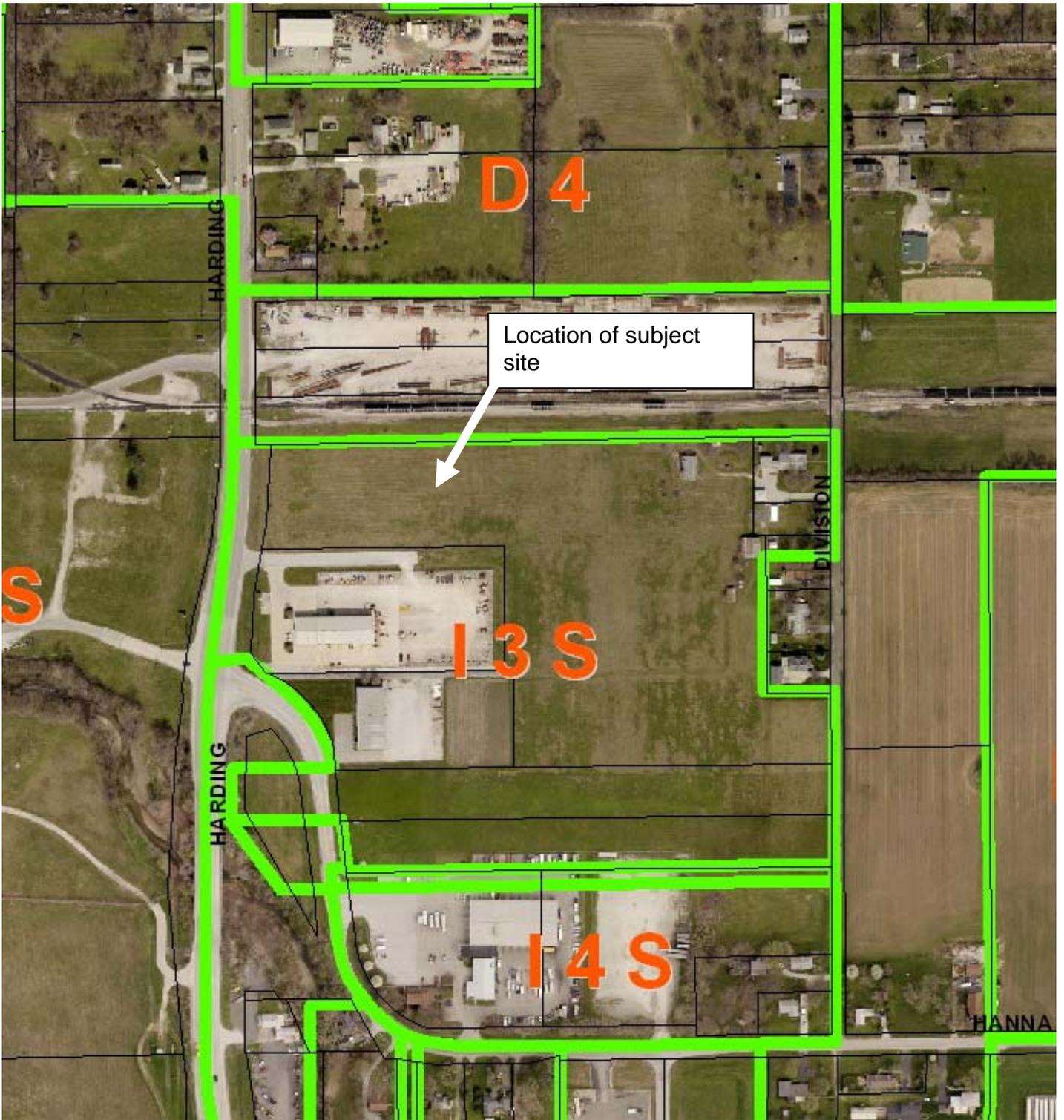
2006-UV2-045, 1008 and 1112 West Hanna Avenue, (east of site). Variance of use and development standards of the Industrial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for a motor truck terminal, with temporary use of gravel in lieu of hard surfacing, **granted**.

93-V3-11, 3926 Division Street, (east of site). Variance of development standards of the Flood Control Districts Zoning Ordinance to provide for the construction of a 936-square foot detached garage approximately five feet below the Base Flood Elevation, **denied**.

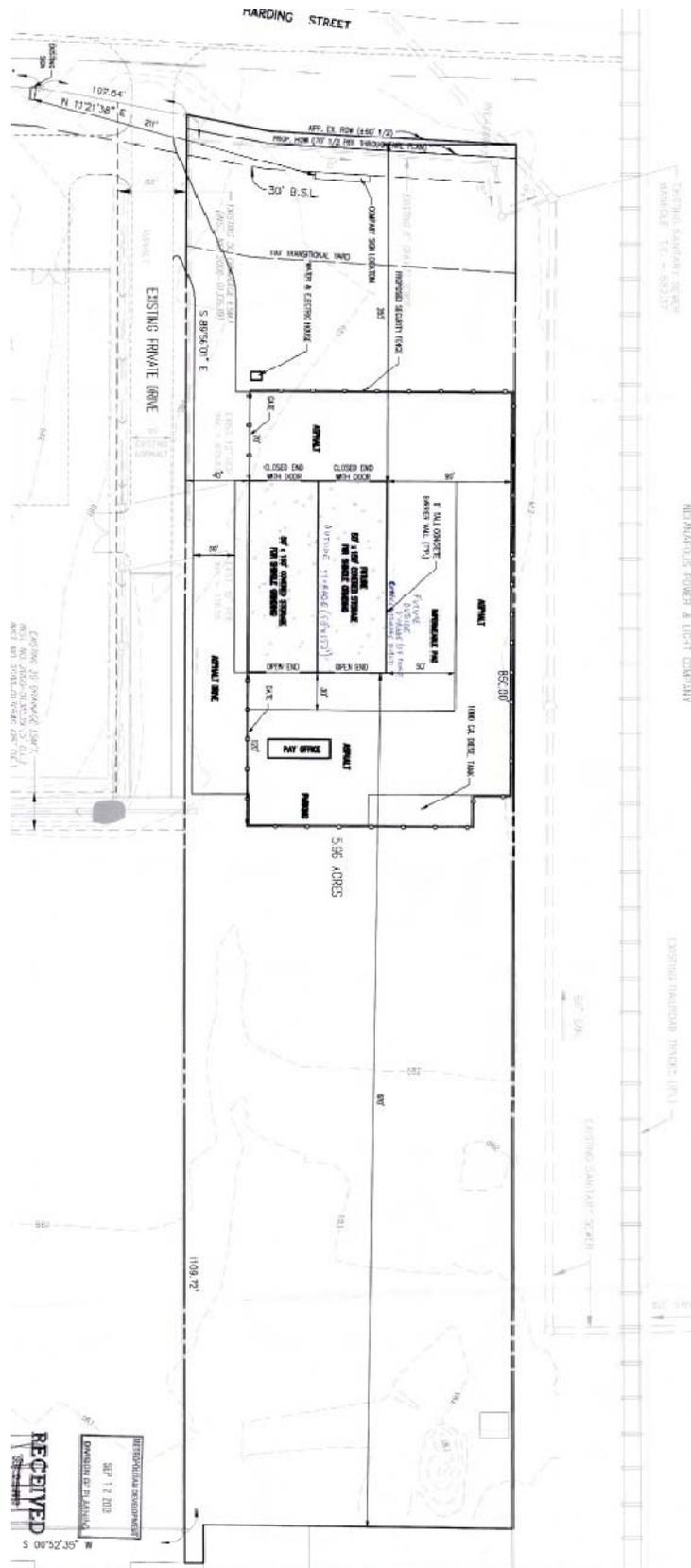
91-UV3-34, 3850 South Harding Street (west of site). Variance of use and development standards of the Industrial Zoning Ordinance to provide for a dry ash disposal facility without the required street frontage in I-4-S (FF), **granted**.

JAS

2013-UV2-020; Location Map



2013-UV2-020; Site Plan



RECEIVED
 SEP 12 2013
 DIVISION OF PLANNING
 CITY OF BALTIMORE

2013-UV2-020; Photographs (Subject Site)



Subject site looking northeast from Harding Street



Rear of subject property looking east towards berm and adjacent residential



Shared access drive



Subject site along Harding Street

2013-UV2-020; Photographs (Adjacent Properties)



Adjacent residential looking west from Division Street towards subject site in background



Adjacent residential along Division Street looking south



Power plant west of subject site



Adjacent industrial south of subject site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-UV2-021
Address: 6515 Carrollton Avenue
Location: Washington Township, Council District 3
Zoning: D-4 (FF)
Petitioner: Charles L. Mong, III, by Brian J. Tuohy
Request: Variance of use of the Dwelling Districts Zoning Ordinance and variance of development standards of the Sign Regulations to provide for a 470-square foot addition (not permitted) to the east end of an existing building, approved for use as a bakery and coffee house, with retail sales and outdoor seating (2012-UV2-022),
a) to provide for an additional parking space (not permitted), and
b) to provide for a free-standing sign (not permitted), with a three-foot front setback (15-foot front setback or the front established building line, whichever is less).

RECOMMENDATIONS

Staff **recommends approval**, subject to the following conditions.

1. A revised site plan that locates the dumpster within the property boundary.
2. An elevation of the sign shall be submitted for Administrator's Approval prior to the issuance of and Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.18-acre site is zoned D-4 (FF) and developed with a one-story, single-family dwelling that has been converted for commercial use. The site provides for a drive access along the southern boundary and a parking area with six parking spaces and bike rack.
- ◇ Converted single-family dwellings are located to the west, north, and east. Many of the single-family dwellings in this area have been converted to commercial uses. The abutting property to the south is a multi-family structure, zoned C-3.
- ◇ A recent petition (2012-UV2-022) was granted and provided for a variance of use of the Dwelling Districts Zoning Ordinance (DDZO) to permit a bakery and coffee house, with retail sales and outdoor seating.

(Continued)

STAFF REPORT 2013-UV2-021 (Continued)

DEVELOPMENT STANDARDS

- ◇ This request would permit an expansion of the previously approved commercial use for a bakery and coffee house. This would provide for a 470-square foot addition to the existing building and an additional parking space for a total of seven spaces. While the addition would increase the commercial space, the 470 square feet would not substantially increase the intensity or the site and impact the immediate area, as it would be primarily used for storage.
- ◇ The additional on-site parking space would be a small improvement. As commercial uses in Broad Ripple have increased over the years, parking frequently becomes an issue. This area north of the canal was originally developed as a residential neighborhood. Over the years, however, many of the dwellings have been converted to commercial uses requiring more parking. Additional on-site parking reduces the demand for on-street parking.
- ◇ This request would also provide for a free-standing sign with a three-foot setback when a 15-foot setback is required. Due to the size and development of the site, installation of the sign in accordance with the DDZO presents a practical difficulty related to visibility and identifying the structure as a bakery and coffee house.
- ◇ A concern about the quality of signs throughout the Broad Ripple area was expressed by the public during the recent neighborhood plan update. The Envision Broad Ripple Plan recommends that “[s]igns should be compatible with the architectural pattern, style and fenestration of the building.” In particular, the character of this area of the village remains less intense and of a residential-type scale. Any signage should respect and maintain this character and scale. Consequently, it would be appropriate for elevations of the sign to be submitted for Administrator’s Approval prior to the issuance of an ILP.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-4 (FF) Single family dwelling (commercial use)

SURROUNDING ZONING AND LAND USE

North -	D-4 (FF)	Single-family dwelling
South	C-3 (FF)	Multi-family dwellings
East -	D-4	Single-family dwelling (commercial use)
West -	D-4	Single-family dwelling (commercial use)

NEIGHBORHOOD AREA PLAN (2012) The Envision Broad Ripple Village Plan recommends Village Mixed-Use.

THOROUGHFARE PLAN Carrolton Avenue is not designated in The Official Thoroughfare Plan

SITE PLAN File-dated, September 6, 2013

SITE PLAN (AMENDED) File-date, September 20, 2013

FINDINGS OF FACT File-dated, September 10, 2013

(Continued)

STAFF REPORT 2013-UV2-021 (Continued)

ZONING HISTORY

SUBJECT SITE

2012-UV2-022, 6515 Carrollton Avenue; Requesting variance of use of the Dwelling Districts Zoning Ordinance to provide for a bakery and coffee house, with retail sales and outdoor seating (not permitted), **granted.**

VICINITY

2013-UV2-011, 6515 Ferguson Street (east of site); Requesting a variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulation to provide for massage therapy in the eastern portion of the proposed building, attach a detached garage for café, install two outdoor freezer/refrigeration units, outdoor seating, window signs, and parking without required setbacks, **granted.**

2005-UV1-009; 6523 North Carrollton Avenue (north of site); Requesting a variance of use of the Dwelling Districts Zoning Ordinance to provide for office uses (not permitted) within an existing 1,073.38-square foot single-family dwelling, with a 104.34-square foot porch, with a proposed 518.2-square foot addition and with a 566-square foot detached garage providing two-off-street parking spaces, **granted.**

2003-UV3-022; 6524 North Carrollton Avenue (north of site), A variance of use and development standards of the Commercial Zoning Ordinance to provide for a beauty salon (not permitted), with seven off-street parking spaces (nine off-street parking spaces permitted), **granted.**

2012-UV1-020, 6527 Carrollton Avenue (north of site); Requesting a variance of use and development standards of the Dwelling districts Zoning Ordinance to provide for medical office uses, with parking in the front yard (not permitted), to legally establish a two-story dwelling with a two-foot east side setback and a three-foot front setback from the right-of-way of Coil Street (five-foot side setback and 25-foot front setback required) and to legally establish a seven-foot tall wood privacy fence with a zero-foot front setback from the right-of-way of Coil Street (maximum six-foot tall fence permitted, 25-foot front setback required), **granted.**

2000-UV1-025; 6523 North Carrollton Avenue (north of site); Requesting a variance of use of the Dwelling Districts Zoning Ordinance to provide for retail uses, **granted.**

99-UV3-72, 6512 North Ferguson Street (east of site); Requesting a variance of use of the Dwelling districts Zoning Ordinance to provide for a four-seat hair salon (not permitted), with off-street parking, **granted.**

96-Z-114, 6527 Carrollton Avenue (north of site) Requesting a rezoning of 0.23 acre, being in the D-4(FF) District, to the C-1(FF) classification to provide for the operation and expansion of a dental laboratory within an existing residential structure, **withdrawn.**

(Continued)

STAFF REPORT 2013-UV2-021 (Continued)

94-UV2-78; 6524 North Carrollton Avenue (north of subject site); Requesting a variance of use and development standards of the Commercial Zoning Ordinance to provide for a boutique business in an existing two-story 2,112 square foot building with storage located in the basement (not permitted), parking 4.5 feet from Coil Street (minimum 20 foot setback required), parking 3 feet from the west property line and 0.5 feet from the south property line (minimum 10 foot setback required for each), **granted.**

89-UV2-18; 6539 North Carrollton Avenue (north of subject site); Requesting a variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing retail children's shoe store, **granted.**

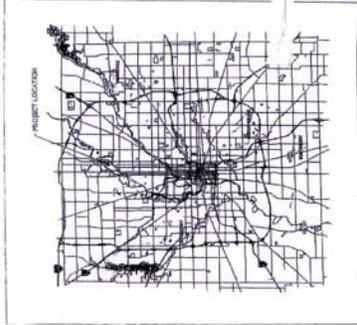
80-UV2-83; 6523 North Carrollton Avenue (north of subject site); Requesting a variance of use of the Dwellings Districts Zoning Ordinance to provide for an engineering testing laboratory, **granted.**

72-V1-165; 6523 North Carrollton Avenue (north of subject site),; Requesting a variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for a gift shop, **granted.**

72-UV3-137; 6524 North Carrollton Avenue (north of subject site); Requesting a variance of use of the Marion County Master Plan Permanent Zoning Ordinance to provide for a gift shop, **granted.**

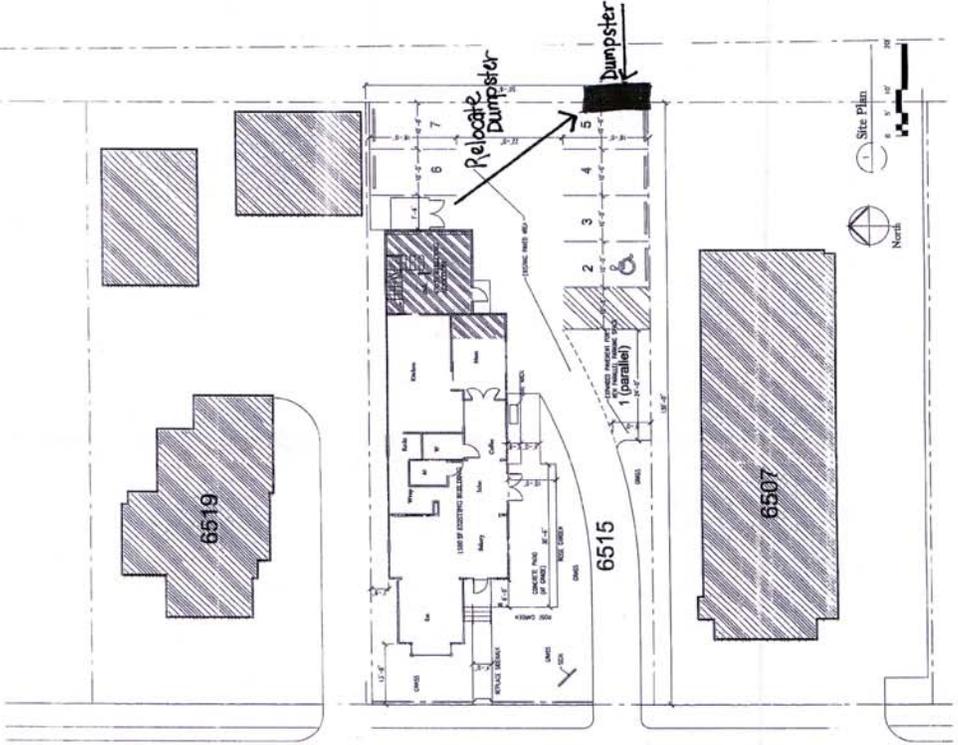
kb

CAKE · BAKE
SHOP

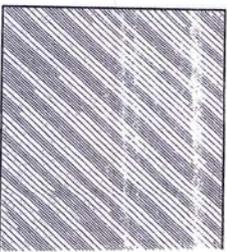
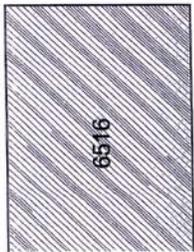
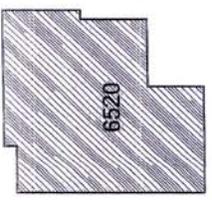


Cake Bake Shop
3111 Center, Indianapolis, IN
Site Plan
Date: 08/20/13
Scale: 1/8" = 1'-0"
A-001
Demery Architects
10000 N. Meridian, Suite 100
Indianapolis, IN 46220
Phone: 317.552.1111
www.demeryarchitects.com

- GENERAL NOTES:**
1. THE OWNER SHALL NOT BE ACCEPTING THE STRUCTURE BEING CONSTRUCTED.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK, 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE, 2009 INTERNATIONAL ELECTRICAL CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
 3. THE ARCHITECT'S DIMENSIONS SHALL BE USED UNLESS OTHERWISE NOTED.
 4. DIMENSIONS ARE TO FACE OF EXISTING STRUCTURE UNLESS OTHERWISE NOTED.
 5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK, 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
 6. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK, 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK, 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK, 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK, 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK, 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.



CARROLLTON AVE



RECEIVED
SEP 20 2013
METROPOLITAN DEVELOPMENT



View of site looking east from Carrollton Avenue



View of site looking northeast from access drive



View of the location of the proposed addition



View looking west from rear of site



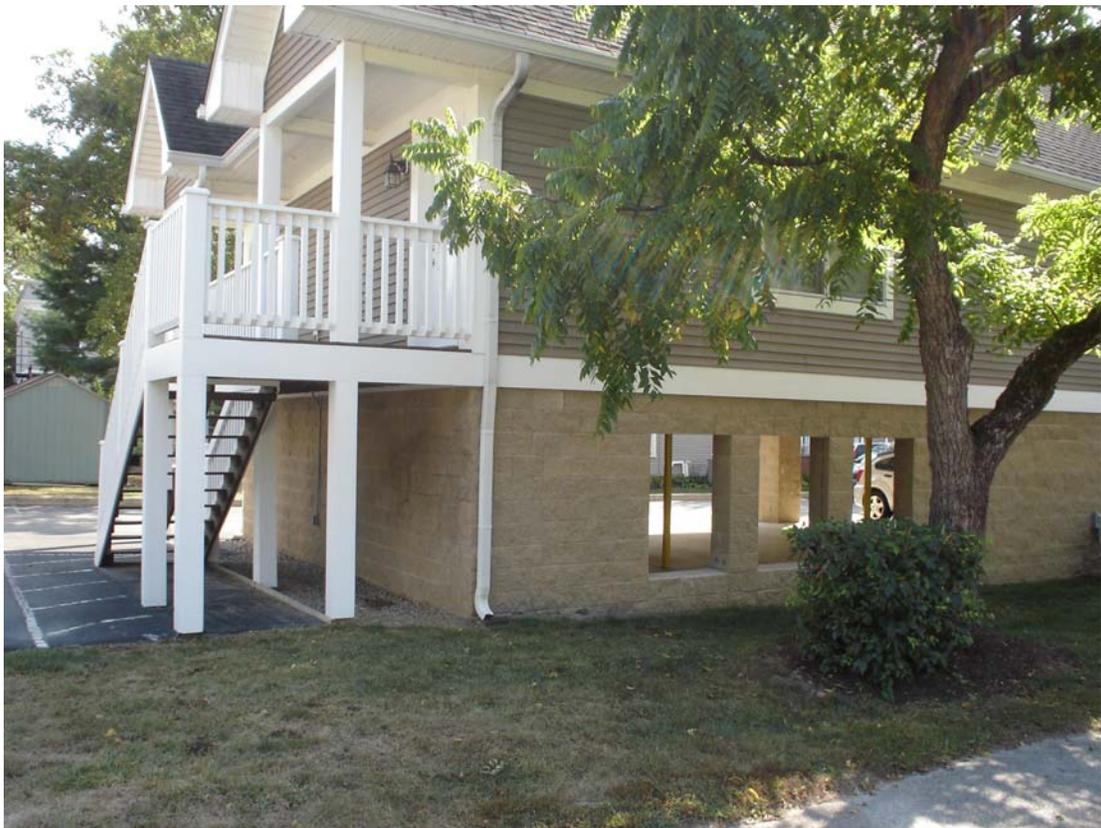
View of adjacent property to the north



View of adjacent property to the northeast



View of multi-family dwelling to the south of site



View of multi-family dwelling looking south from the parking area of the site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-UV1-028
Address: 1352 North Illinois Street (Approximate address)
Location: Center Township, Councilmanic District # 15
Lot Size: 0.88 acre
Petitioner: The Whitsett Group, by David Gilman
Requests: Variance of use and development standards of the Commercial Zoning Ordinance to provide for 63 multi-family units (not permitted) in an existing building and in new construction and 35 surface and garage parking spaces (minimum of 95 spaces required).

On October 1, 2013, this petition was continued and transferred by Division One to Division Two, for hearing on October 8, 2013.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the approval of a site plan and elevation plan during the Regional Center Approval process.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

REQUEST / LAND USE

- ◇ This request would permit a multi-family residential development, consisting of 63 one- and two-bedroom units within an existing historic building and in a proposed new structure. The site currently is improved with a one-story and a two-story commercial building, with a three-story portion. The petition indicates that the one-story building would be demolished and the two-story building would be substantially renovated for the proposed development. The new structure would be built along Illinois Street and connect to the three-story building.
- ◇ The property is zoned C-5, which does not permit residential uses. The two-story building was constructed in 1929 and was originally the Fame Laundry Building. No information could be found regarding the one-story building. The buildings have been vacant for many years.
- ◇ The site is surrounded by commercially zoned properties; however, residential uses are nearby. One block to the north and one block to the south are two existing and well established multi-family developments. Within walking distance are Methodist Hospital and other medical related facilities. Retail and office uses exist along Meridian Street, one block to the east.

(Continued)

STAFF REPORT 2013-UV1-028 (Continued)

- ◇ The Regional Center Plan 2020, recommends the site for Research and Technology development. Although residential use was not suggested for this area in the Plan, a dense multi-family development that would incorporate an historic building, would be an appropriate re-use of this site. Due to the long-standing vacancy of this site, other viable uses beside commercial should be considered.

PARKING

- ◇ The proposed development would incorporate surface and garage parking for residents and visitors. The amended site plan indicates 19 spaces would be provided within the building's first floor and 22 surface spaces would be provided at the rear of the site in a new parking area. The amended legal notice indicated 35 spaces would be provided; however, further site and building reconfiguration provided for six additional parking spaces, for a total of 41 spaces.
- ◇ A reduction of the parking spaces would provide for the ability to retain an historic building. In order to meet the strict standards for parking of 1.5 parking spaces per unit, substantial demolition would be required. Additionally, the request for residential use would not be detrimental to the adjacent property values due to the existence of two similarly dense residential developments within one block of the site.

REGIONAL CENTER OVERLAY ZONE

- ◇ The site is located within the Regional Center. Design of all new construction or additions to existing structures and signage in the Regional Center is subject to the approval of the Administrator of the Division of Planning or in the case of this request, a public hearing. A Regional Center Approval petition has been filed and is scheduled to be heard by the Regional Center Hearing Examiner on October 10, 2013.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE C-5 (RC) Two commercial buildings (vacant)

SURROUNDING ZONING AND LAND USE

North -	C-5 (RC)	Commercial
South -	C-5 (RC)	Commercial
East -	C-4 (RC)	Office
West -	I-3-U (RC)	Commercial / industrial

COMPREHENSIVE PLAN The site is located within the boundaries of the Regional Center Plan 2020 which recommends research and technology development.

THOROUGHFARE PLAN The Official Thoroughfare Plan for Marion County indicates that Illinois Street is a primary arterial with a 70-foot right-of-way existing and proposed.

(Continued)

STAFF REPORT 2013-UV1-028 (Continued)

SITE PLAN
Amended

File-dated September 6, 2013
File-dated September 20, 2013.

FINDINGS OF FACT

File-dated August 22, 2013

ZONING HISTORY

2009-APP-063; 1352 North Illinois Street (site), requests Regional Center Approval to provide for a structure for a soil vapor extraction system, approved (expired June 12, 2012).

JY



Bass Photograph - 1929



Zoning aerial (top) and oblique view of site – 2013-UV1-028



Existing one-story building (to be demolished)
2013-UV1-028



View of building looking north along Illinois Street
2013-UV1-028



Façade of existing building
2013-UV1-028



View of building looking west along 14th Street
2013-UV1-028

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-SE2-002
Address: 6350 Mooresville Road (*Approximate Address*)
Location Decatur Township, CD #22
Zoning: 32.39 acres, SU-1
Petitioner/Agent: AT& T Mobility, by Matthew M. Price
Request(s): Special Exception of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility with a 150-foot tall monopole tower and accessory equipment.

ADDENDUM FOR OCTOBER 8, 2013

The petitioner and the neighborhood organization agreed to continue this petition to the October 8, 2013, hearing, without additional notice to provide additional time for continuing discussions.

No new information has been filed. Staff continues to **recommend denial**.

ADDENDUM FOR SEPTEMBER 10, 2013

The petitioner and the neighborhood organization agreed to continue this petition to the September 10, 2013, hearing, without addition notice to provide additional time for continuing discussions.

No new information has been filed. Staff continues to **recommend denial**.

ADDENDUM FOR AUGUST 13, 2013

The petitioner and the neighborhood organization agreed to continue this petition to the August 13, 2013, hearing, without additional notice. Automatic continuances were previously filed by both a neighborhood organization and the petitioner that continued this petition to the June 11, 2013, and the July 9, 2013, hearings, respectively.

RECOMMENDATION

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

STAFF REPORT 2013-SE2-002 (Continued)

LAND USE ISSUES

- ◇ The 32.39-acre site is zoned SU-1 and improved with a church, an accessory building and parking. The request includes a 150-foot tall monopole wireless communications tower, along with accessory equipment. The tower and accessory equipment would be surrounded with a six-foot tall chain link fence with three strands of barbed wire. The equipment building would be 11 feet 5 inches by 20 feet and nine feet tall. The fenced area would also provide space for equipment for two additional future carriers. The proposed development would include an access gravel road and evergreen landscaping screen around the fence.
- ◇ The site is surrounded with single-family and two-family dwellings to the west, north, and south. The parcels to the east are zoned C-5 and developed with dwellings converted to low intensity commercial uses.
- ◇ The Comprehensive Plan recommends special use for this parcel of land.

SPECIAL EXCEPTION

- ◇ The Wireless Communication Facilities (WCF) ordinance was adopted in 1998 and included an extensive statement of purpose as follows:

This article creates the framework for wireless communications regulations, so that wireless communications facilities can be sited in a manner which provides comprehensive service to the community, which protects the community from clutter and design, which is compatible with existing and future land use, and which reinforces the need for an urban landscape which contributes to a sense of place and sense of community. These regulations have been developed in accordance with the technological considerations known at this time, with some anticipation for future changes in the wireless communications industry. Changes to the industry which were not anticipated will be considered in future amendments to this article.

The purpose of the wireless communications regulations set forth in this article shall be to: encourage facilities to be located in areas least disruptive to residential, park and greenway uses and functions, including wildlife habitats, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors which are compatible with the adjacent land uses; retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a place in which to live and work as an attraction to nonresidents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.

- ◇ Pursuant to the Wireless Communication Ordinance, a Special Exception is required when locating a WCF in a district zoned SU-1. The request would permit, by Special Exception, a WCF with a 150-foot tall monopole tower and accessory equipment to be located on the subject site.

(Continued)

STAFF REPORT 2013-SE2-002 (Continued)

- ◇ The Board of Zoning Appeals may grant the special exception only if the following conditions are met:
 1. The grant will not be injurious to the public health, safety, morals, convenience of general welfare; and
 2. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property and the surrounding community;
 3. The grant will assure that the design of the WCF is compatible with the surrounding environment, by camouflage, integration with existing structures, or other design-related solution;
 4. The grant is consistent with the 1996 Telecommunications Act; and
 5. The grant is consistent with the statement of purposes as set forth in section 735-900.

- ◇ In 2011 (2011-SE2-001), a petition was filed requesting the same scope as this petition. The petition was withdrawn, noting that the request would be re-filed at some future date. Staff recommended denial of that request.

- ◇ The purpose of the WCF ordinance is to provide comprehensive service while protecting the community from clutter and design. The WCF also encourages the facilities to be as unobtrusive and invisible as reasonably possible by using designs and colors that are compatible with the adjacent land uses.

- ◇ As proposed, landscaping around the compound would be evergreen trees, which would provide an appropriate screen of the equipment area for the surrounding property owners. On the other hand, the tower would clearly be visible in any direction of the site. There are existing mature trees on the site and surrounding properties, but these trees lack the density to mitigate the negative visual impact of the tower and provide the camouflage and integration with existing structures as required by the Findings of Fact.

- ◇ As proposed, this request would materially and substantially interfere with the lawful use and enjoyment of adjoining property and the surrounding community.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

SU-1 Religious uses

SURROUNDING ZONING AND LAND USE

North -	D-A	Dwellings
South -	D-A	Dwellings
East -	C-5	Commercial
West -	D-5II	Dwellings

COMPREHENSIVE PLAN
(2007)

Recommends Special Use for the subject site.

(Continued)



View of church looking west.



View of proposed cell tower location looking north



View of proposed cell tower location looking north



View looking north from church parking lot

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2013-DV2-012
Address: 4545 North Delaware Street (*Approximate Address*)
Location: Washington Township, Council District #8
Zoning: 0.12 acre, D-4 (W-5) (MSPC)
Petitioner: Paul and Michelle Musson
Request: Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an attached garage, with a 3.33-foot north side setback (minimum five-foot setback required), creating a 9.5-foot aggregate setback (13-foot aggregate setback required), and a 15-foot rear setback (minimum 20-foot rear setback required).

Staff is requesting a continuance of petition 2013-DV2-012 to the November 12, 2013 Division II Hearing to allow time for the petitioner to address access concerns from 46th Street to the proposed garage addition. The petitioner has indicated that a solution is being developed and Staff believes this petition will be able to move forward at that time.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-UV2-017
Address: 307 North Pennsylvania Street (Approximate address)
Location: Center Township, Councilmanic District # 15
Lot Size: 3.72 acres
Petitioner: The Whitsett Group, by David Gilman
Requests: Variance of use of the Regional Center Zoning Ordinance and variance of development standards of the Central Business Districts Zoning Ordinance to provide for a pick-up window (not permitted) for a drug store.

This petition was continued by request from staff, from the September 10, 2013 hearing to the October 8, 2013 hearing.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the approval of a site plan and elevation plan during the Regional Center Approval process and the following commitments, being reduced to writing on the BZA's Exhibit 'A' form at least three days prior to the hearing:

1. The pick-up lanes shall only be used to pick-up and pay for pharmaceutical or previously arranged medical supplies. No ordering shall be permitted in the pick-up lanes.
2. Any change of use of the commercial space utilizing the pick-up lanes, shall require staff review and Administrator's Approval prior to obtaining any required Regional Center Approval, permits or licenses.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

HISTORY

- ◇ This block, bounded by Delaware Street, New York Street, Vermont Street and Pennsylvania Street, is the site of the *Indianapolis Star* newspaper business. The building that houses the business is planned for renovation into a multi-family and commercial retail development in the near future. The subject site is directly east of the building and is currently a surface parking lot. In August, 2013, this site received Regional Center Approval for a five-story multi-family and commercial retail development. That petition (2013-REG-059) included a small five-story addition, for multi-family dwellings, to an existing parking garage directly north of this site.

REQUEST

- ◇ This request would permit a pick-up window within the proposed five-story building for a proposed pharmacy. The Central Business District-Three permitted uses do not provide for drive-through or pick-up window facilities.

(Continued)

STAFF REPORT 2013-UV2-017 (Continued)

- ◇ The pick-up window would be accessed from Delaware Street. Persons using this window would exit the area to the north via an internal drive to Vermont Street. These drive areas are formerly public alleys that were previously vacated. Two pick-up lanes would be provided, with the pick-up window approximately 70 feet west of the east building edge, with access from the Delaware Street right-of-way. The primary lane would be serviced directly by the pick-up window. The secondary lane would be serviced with a pneumatic tube system for transactions.
- ◇ According to the amended site plan, a total of seven vehicles could stack within the two lanes, including the pick-up window space while providing a third lane for vehicles making deliveries to the loading dock directly west of the pharmacy. It should be noted that a seventh vehicle in the pick-up lanes could present a maneuvering issue for a delivery vehicle accessing the access drive from Delaware Street.
- ◇ The Central Business Districts Zoning Ordinance only permits drive-through or pick-up lanes for non-good or food uses, such as a bank in the CBD-1 zone, with a Special Exception grant. A pharmacy with a pick-up lane would not be permitted and would be found generally within a suburban context. The primary reason for this prohibition is due to their inherent focus on vehicles, which is contrary to the Regional Center Plan 2020, which promotes the urban experience, with sidewalk access to provide a pedestrian-friendly environment. However, this proposal would not be a typical suburban-type pick-up window.
- ◇ The amended site plan indicates that the window would be located within the building footprint, approximately 70 feet from the Delaware Street right-of-way, with seven vehicles stacking at and behind the window within the pick-up lanes. A pharmacy is a use that does not generally have more than a vehicle or two in the pick-up lane(s). Typically, the customer would already know that a prescription would be ready for pick-up and no other transaction, like purchasing a good, typically occurs.
- ◇ By providing for as many as seven vehicles within the pick-up lanes and away from the Delaware Street sidewalk for pedestrian safety, the use of the sidewalk would be maintained. However, staff is very concerned that another retail use could utilize this pick-up system if the pharmacy would leave the space. Although other retail uses would be permitted in the CBD-3 zone, a commitment to require any other use to be subject to review and approval by staff should be made part of the grant of this petition. Additionally, only pharmaceutical goods, or other previously arranged medical supplies for pick-up, should be permitted to be transacted at the window. Other goods transacted would impede the flow of vehicles in the pick-up lanes.
- ◇ The staff would support the request with the above commitments. The variance request would not be substantially adverse to the adjacent property values if the commitments would be upheld.

REGIONAL CENTER OVERLAY ZONE

- ◇ The site is located within the Regional Center. Design of all new construction or additions to existing structures and signage in the Regional Center is subject to the approval of the Administrator of the Division of Planning. A previously approved Regional Center Approval petition could be amended to reflect the proposed site plan and would be approved if the Board grants the request.

(Continued)

STAFF REPORT 2013-UV2-017 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE CBD-3 (RC) Surface parking lot

SURROUNDING ZONING AND LAND USE

North -	CBD-3 (RC)	Parking garage
South -	CBD-1 (RC)	Commercial buildings
East -	CBD-2 (IHPC)	Commercial buildings
West -	CBD-3 (RC)	Office building

COMPREHENSIVE PLAN The site is located within the boundaries of the Regional Center Plan 2020, which recommends high density mixed-use development.

THOROUGHFARE PLAN The Official Thoroughfare Plan for Marion County indicates that New York Street, Vermont Street and Delaware Street are primary arterials with a 90-foot rights-of-way existing and proposed.

SITE PLAN File-dated September 6, 2013
 Amended File-dated September 23, 2013

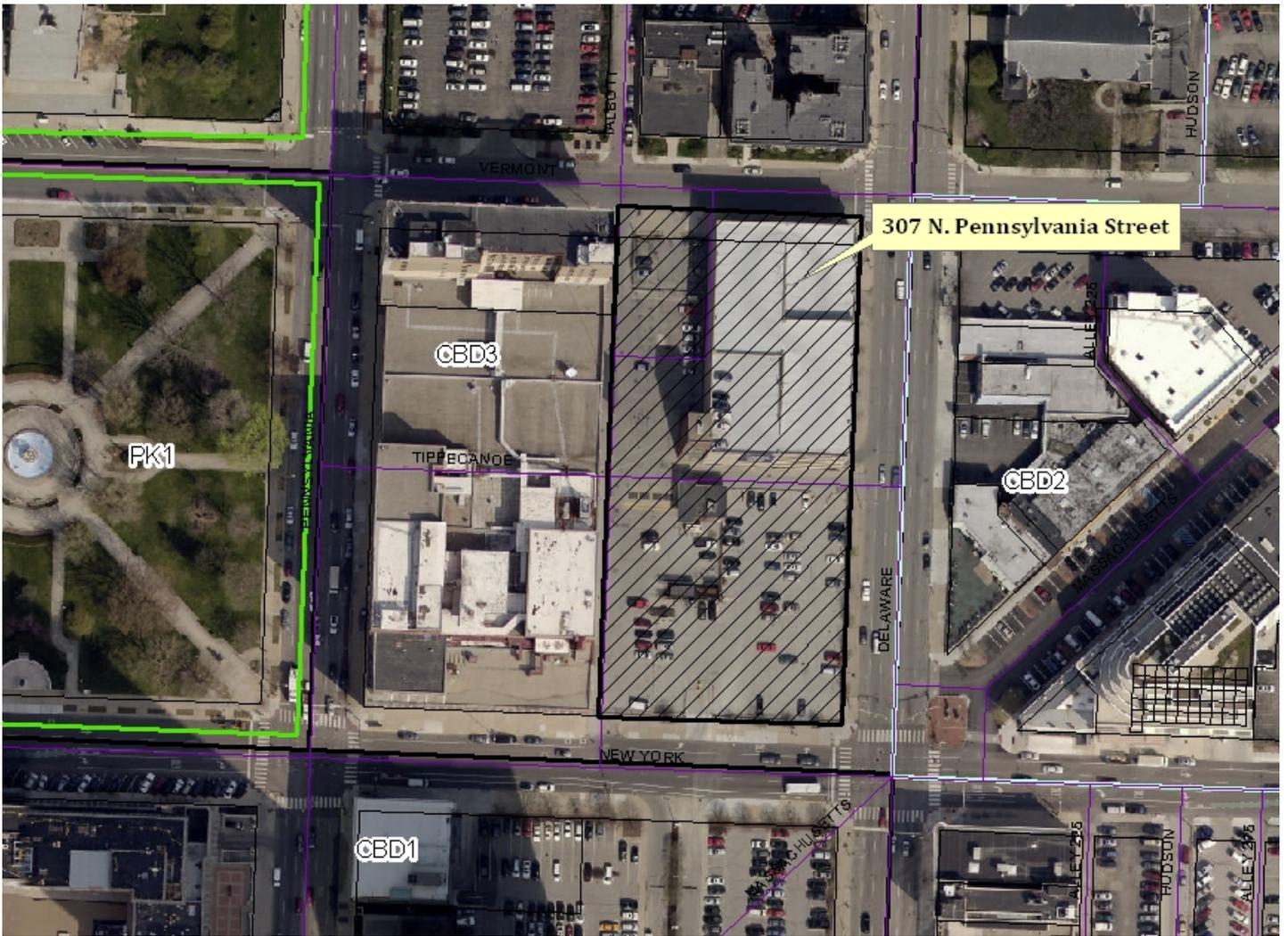
ELEVATIONS File-dated September 6, 2013

FINDINGS OF FACT File-dated August 6, 2013

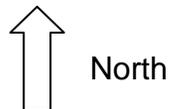
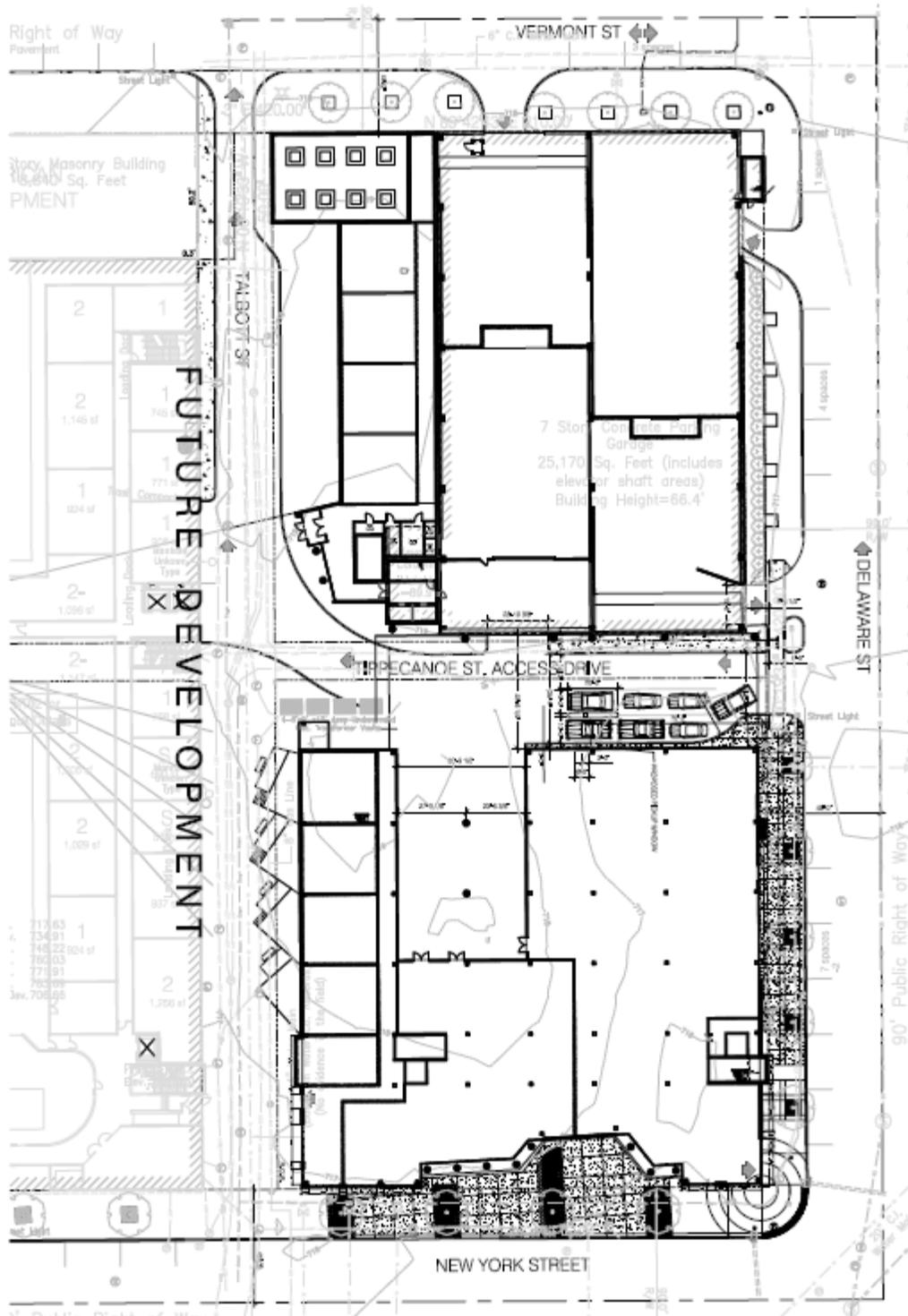
ZONING HISTORY

2013-REG-059; 307 North Pennsylvania Avenue (includes site), Regional Center Approval to provide for the demolition of a 2,400-square foot building (non-historic), a multi-family residential addition to an existing parking garage (Building 'C'), and a proposed five-story building for residential and commercial retail uses (Building 'A'), **approved**.

JY *****



Zoning aerial of site and surrounding area – 2013-UV2-017



Site plan – 2013-UV2-017



THE WHITSETT GROUP, LLC

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

RECEIVED THE LOFTS AT PULLIAM SQUARE
SEP 06 2013 AUGUST 29, 2013
METROPOLITAN DEVELOPMENT DRIVE FROM SOUTH



THE WHITSETT GROUP, LLC

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

RECEIVED THE LOFTS AT PULLIAM SQUARE
SEP 08 2013 AUGUST 29, 2013
METROPOLITAN DEVELOPMENT DRIVE FROM NORTH

Proposed elevations along Delaware Street from the New York Street intersection (top) and from the Vermont Street intersection - 2013-UV2-017