

**METROPOLITAN BOARD OF ZONING APPEALS  
DIVISION III**

**PUBLIC ASSEMBLY ROOM  
2nd Floor City-County Building  
1:00 PM**

**STAFF REPORTS FOR JULY 21, 2015**

**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**

<b>PETITION NO.</b>	<b>PETITION ADDRESS AND LOCATION</b>	<b>PAGE NO.</b>
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2015-DV3-025	4545 ROCKVILLE ROAD WAYNE TOWNSHIP, COUNCIL DISTRICT 14	11
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2015-DV3-026**	845 (FILED AS 843) CAPITOL AVENUE CENTER TOWNSHIP, COUNCIL DISTRICT 15	97
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2015-DV3-030	3902 SOUTH POST ROAD FRANKLIN TOWNSHIP, COUNCIL DISTRICT 25	107
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\* Automatic Continuance

\*\* Continuance Requested

\*\*\* Withdrawn or Dismissal

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-DV3-024  
**Address:** 5212 North College Avenue (approximate address)  
**Location:** Washington Township, Council District #3  
**Zoning:** C-3 (W-5)  
**Petitioner:** Rising Property Management, LLP, by Andi M. Metzel  
**Request:** Variance of development standards of the Commercial Zoning Ordinance to provide for a second level, 646-square foot outdoor seating and dining area (not permitted), with 48 seats, not to exceed the 312 seats and 19 parking spaces approved by 2012-UV3-010.

### RECOMMENDATIONS

Staff **recommends approval** subject to the site plan, file-dated June 3, 2015, and the following commitment:

Live music or entertainment shall be prohibited on the second story outdoor seating area.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.385-acre site, zoned C-3 (W-5), is developed with a restaurant that has existed since the early 1930s. Commercial uses are located to the south and east, with single-family residential adjacent to the west and north.
- ◇ There have been previous variances for this site to permit live entertainment, outdoor seating, ornamental lighting, wildlife habitat, signage, an eleven-foot tall fence, substandard parking spaces, zero-foot transitional yards and front yard, and parking lot. (See zoning history)

#### **DEVELOPMENT STANDARDS**

- ◇ This request would provide for a second level, 646-square foot outdoor seating and dining area, with 48 seats, while not exceeding the 312 seats and 19 parking spaces approved by 2012-UV3-010. As filed, this outdoor seating and dining area would serve the second floor private event area that seats up to 60 people. There would be no increase of the 312 seats or 19 parking spaces previously approved, because the proposed additional outdoor seating area would serve only those 60 customers participating in the private event.

(Continued)

**STAFF REPORT 2015-DV1-024 (Continued)**

- ◇ Staff supports this request because the proposed outdoor seating area would be an expansion of the space available for those customers in the second floor private room and would not increase the number of permitted seats or require additional parking.
- ◇ Additionally, a buffer would be provided by parapet wall on the building, and the seating area would be surrounded by an ornamental railing and setback 12 feet from the north and 20 feet from the west, from the residential uses. The petitioner has also agreed to prohibit live music.

**WELLFIELD PROTECTION DISTRICT**

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. With the exception of single- and multi-family residential land uses, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the technically qualified person in the Department of Public Works.
- ◇ The subject site is located in a W-5 protection area and is also exempt from the requirements for filing a development plan.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

C-3                      Restaurant

**SURROUNDING ZONING AND LAND USE**

North -	D-5	Single-family dwelling
South -	C-3	Commercial
East -	C-3	Commercial
West -	D-5	Single-family dwellings

**NEIGHBORHOOD PLANNING AREA (1976)**

The Meridian Kessler Neighborhood Plan recommends business/commercial use and residential use at six to 15 units per acre.

**THOROUGHFARE PLAN**

This portion of North College Avenue is designated on the Official Thoroughfare Plan as a primary arterial, with an existing and proposed right-of-way of 90 feet.

**SITE PLAN**

File-dated, June 3, 2015

**FINDINGS OF FACT**

File-dated, June 3, 2015

(Continued)

## **STAFF REPORT 2015-DV3-024 (Continued)**

### **ZONING HISTORY**

#### **SUBJECT SITE**

**2012-UV3-010, 5212 North College Avenue;** Requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish live entertainment associated with a restaurant, outdoor seating, ornamental lighting, wildlife habitat, signage, eleven-foot tall fence, and substandard parking spaces, **granted**

**2010-CZN-802, 5212 North College Avenue;** Requested rezoning of 0.13 acres, from the D-5(W-5) District, to the C-3(W-5) classification to legally establish an accessory parking lot, **withdrawn**.

**2010-VAR-802, 5212 North College Avenue;** Requested variance of development standards of the Commercial Zoning Ordinance to legally establish:

- a) a zero-foot north transition yard containing parking and an eleven-foot tall fence,
- b) with a six-foot fence within the clear-sight triangle of College Avenue,
- c) with a zero-foot front yard along a portion of College Avenue,
- d) with a zero-foot west transitional yard, **granted**.

**72-UV3-90, 5218 North College Avenue;** Requested variance of use, setback, side, rear and transitional yard requirements to permit a parking lot on premises, **granted**.

#### **VICINITY**

**2011-DV1-026, 5170 North College Avenue (south of subject);** Requested variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 28-seat, 288.02-square foot outdoor seating area, with a zero-foot front setback located 7.17 feet within the right-of-way of East 52<sup>nd</sup> Street, with zero-off street parking spaces, and to legally establish a dumpster enclosure and provide for outdoor seating within the ten-foot west transitional yard within the clear sight triangle, **granted**.

**2010-DV3-030, 5215 North College Avenue (east of subject);** Requested variance of development standards of the Commercial Zoning Ordinance to provide for a restaurant,

- a) with 21 parking spaces (56 required),
- b) with a 3.5-foot south side and rear transitional setback,
- c) with a zero-foot north side transitional yard,
- d) with a zero-foot front yard, without landscaping, being approximately 40 feet from the centerline, and
- e) with an outdoor seating area with 32 seats, **granted**.

**2007-DV3-018, 5164-5170 North College Avenue (south of subject);** Requested variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 24-seat, 500-square foot outdoor seating area, with a zero-foot front setback, and located 5.3 feet within the right-of-way of North College Avenue, with zero off-street parking spaces, **granted**.

(Continued)

**STAFF REPORT 2015-DV3-024 (Continued)**

**2006-DV1-025, 5164-5166 North College Avenue (south of subject);** Requested variance of development standards of the Commercial Zoning Ordinance to provide for the expansion of a sidewalk café with a 1,011.85 square foot canopy structure with a zero-foot front yard setback and located five feet into the right-of-way of North College Avenue with five off-street parking spaces (28 required), **granted.**

**2004-DV1-012, 5164-5170 North College Avenue (south of subject);** Requested variance of development standards of the Commercial Zoning Ordinance to provide for a restaurant with a twelve-seat sidewalk café and five off-street parking spaces (16 required), **granted.**

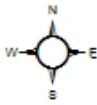
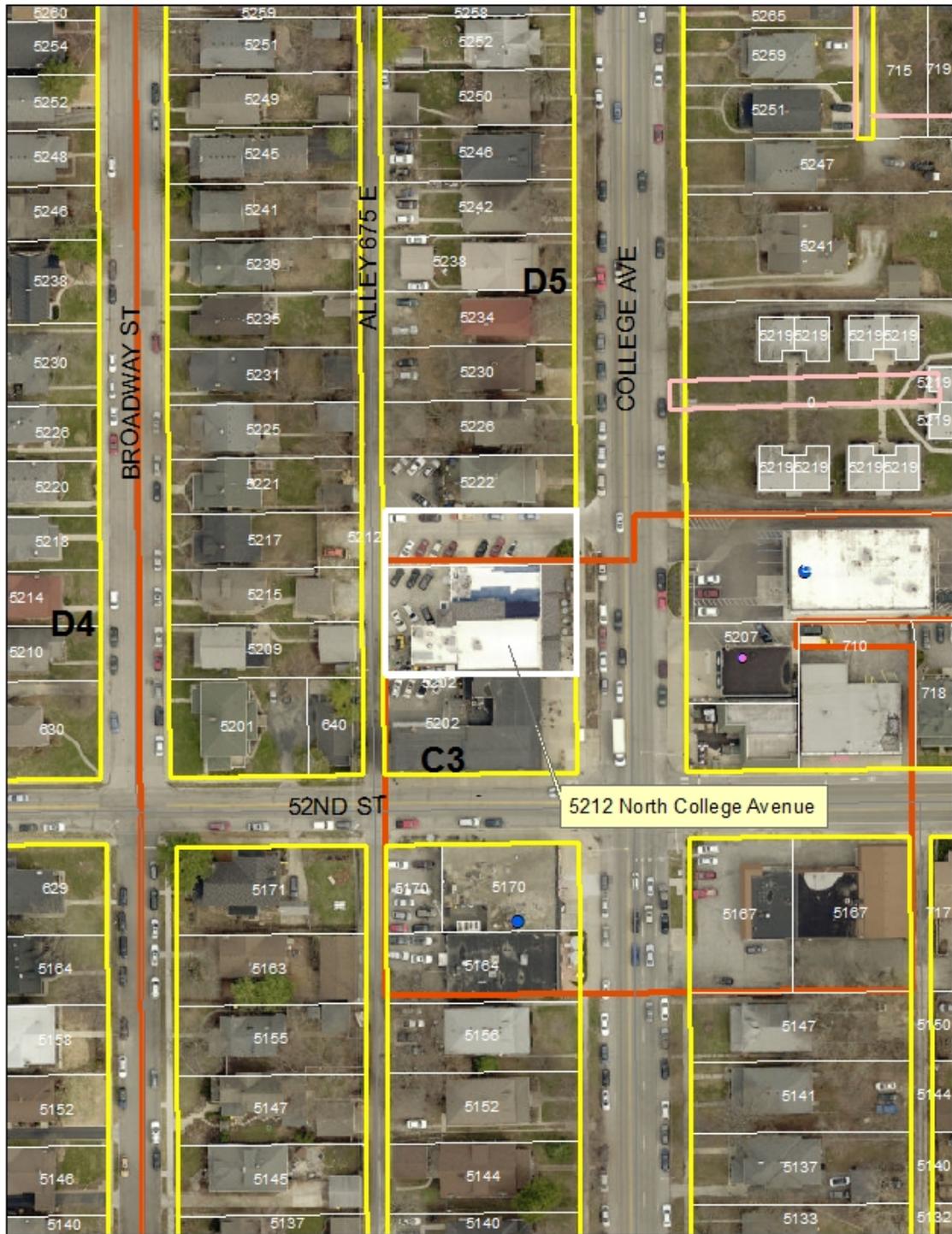
**96-Z-96/96-CV-26, 5215 North College Avenue (east of subject); Requested** rezoning of 0.456 acre, being in the C-3(W-5) and D-5(W-5) Districts, to the C-3(W-5) classification to provide for the continued commercial use including the operation of an existing video store and variance of development standards of the Commercial Zoning Ordinance to provide for the continued operation of a commercial use with:

- a) a 3.5-foot transitional side and rear yard setback and a zero-foot transitional side yard along the north property line,
- b) parking within the required front yard as well as the side and rear transitional yard and,
- c) without landscaping along North College Avenue, **granted.**

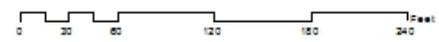
**88-UV1-145, 5209 North College Avenue (east of subject);** Requested variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor display and sale of antiques within the required front setback at 8.2 feet from the right-of-way of College Avenue, **granted.**

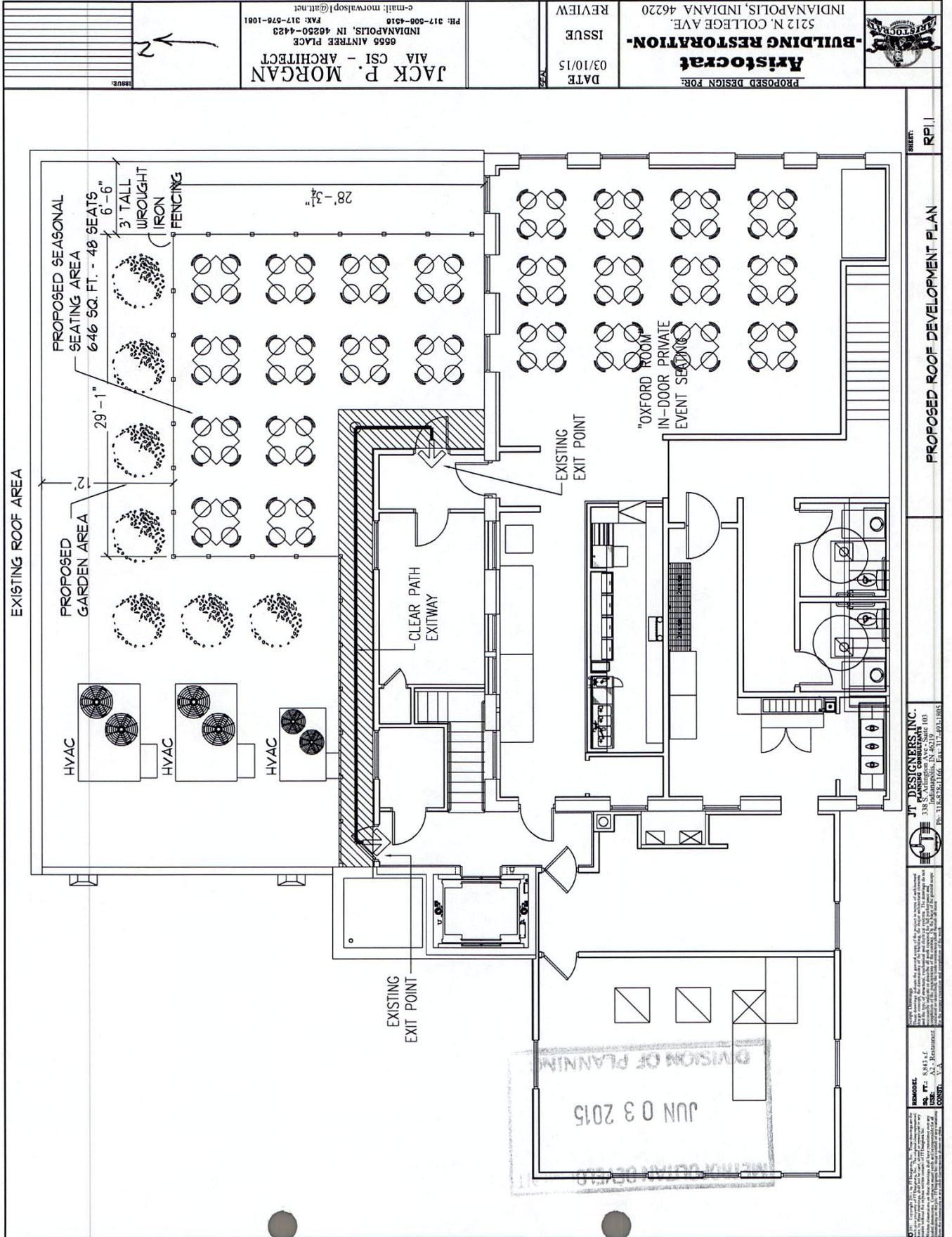
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5212 North College Avenue





EXISTING ROOF AREA

PROPOSED SEASONAL SEATING AREA 646 SQ. FT. - 48 SEATS

PROPOSED GARDEN AREA

HVAC

HVAC

HVAC

3' TALL WROUGHT IRON FENCING

6'-6"

29'-1"

28'-3 1/4"

EXISTING EXIT POINT

CLEAR PATH EXITWAY

EXISTING EXIT POINT

"OXFORD ROOM IN-DOOR PRIVATE EVENT SEATING"

JUN 03 2015  
DIVISION OF PLANNING

JACK P. MORGAN  
AIA CSI - ARCHITECT  
6656 AINTREE PLACE  
INDIANAPOLIS, IN 46250-4423  
PH: 317-508-4316  
FAX: 317-576-1081  
e-mail: morwalsop1@att.net

DATE 03/10/15  
ISSUE  
REVIEW

PROPOSED DESIGN FOR:  
**Aristocrat**  
-BUILDING RESTORATION-  
5212 N. COLLEGE AVE.  
INDIANAPOLIS, INDIANA 46220



SHEET: RPI.1

PROPOSED ROOF DEVELOPMENT PLAN

JT DESIGNERS INC.  
PLANNING CONSULTANTS  
338 S. Adair Street, Suite 100  
Indianapolis, IN 46204  
PH: 317.838.1156 FAX: 317.493.8051

REVISIONS:  
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View looking east at proposed second-story outdoor seating area



View looking southeast at proposed second-story outdoor seating area



View looking southeast at proposed second-story outdoor seating area



View looking south along College Avenue frontage

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-DV3-025  
**Address:** 4545 Rockville Road (approximate address)  
**Location:** Wayne Township, Council District #14  
**Zoning:** C-3 (FF)  
**Petitioner:** MAS Realty, by David Kingen and Justin Kingen  
**Request:** Variance of development standards of the Commercial Zoning Ordinance to provide for one stacking space before and one space after the drive-through unit, (six stacking spaces before the drive-through unit required and two spaces after the drive-through unit required), to permit carry-out food service within 35 feet of the nearest protected district (100-foot separation required), and to permit deficient maneuvering space for a handicapped parking space (adequate maneuvering required), with said maneuvering space also conflicting with the required stacking space area (not permitted).

### RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated July 10, 2015, and the following commitments:

1. The privacy fence along the southern boundary shall be installed prior to the operation of the drive-through pickup window.
2. The variance shall be limited to a pizza drive-through pickup window.
3. The proposed landscaping shall be installed with one year from the date of the variance grant.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.44-acre site, zoned C-3 (FF), is developed with a fast-food restaurant. Commercial uses are located to the east, with an industrial use to the west. Single-family dwellings are adjacent to the south and north, across Rockville Road.
- ◇ Historical maps indicate that this restaurant was constructed in the mid-1980s and has been operating since that time.

(Continued)

## **STAFF REPORT 2015-DV3-025 (Continued)**

- ◇ The business model for this company has evolved over the past few years and now offers a drive-through pickup service for customers. This service does not include the ability to order from a menu board, but only to pick up a previously placed order.

### **DEVELOPMENT STANDARDS**

- ◇ This request would allow for drive-through service, without the required six stacking spaces before the drive-through unit and without the two spaces after the drive-through unit. Staff supports this request, because of space limitations created by the size of the property and because the drive-through lane provides for a pick-up window only, eliminating the additional time required for placing and waiting for an order. The decreased time in the drive-through lane would minimize the need for additional stacking spaces.
- ◇ Because of the lack of stacking spaces, staff believes it would be appropriate to limit this variance to a pizza drive-through pickup window, as it would generate less traffic than typical fast-food drive-through service units.
- ◇ This request would also permit carry-out food service within 35 feet of a protected. The Ordinance requires a 100-foot separation, but because this restaurant has been operating for approximately 30 years at this location, staff believes impact of this request upon the protected district would be minimal. Furthermore, the proposed privacy fence along the southern boundary would provide an appropriate buffer and should be installed prior to the operation of the drive-through.
- ◇ This petition also requested a variance for deficient maneuvering space for the handicapped parking, as well as maneuvering conflicting with stacking spaces. Staff was concerned and could not support deficient maneuvering space for the handicapped parking, but the petitioner has submitted an amended site plan, file-dated July 10, 2015, addressing that concern. Additionally, the proposed drive-through lane would likely draw customers to that service unit and minimize the number of customers and maneuvering conflicts with those utilizing the parking spaces.

### **FLOODWAY FRINGE**

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (C-3 in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-3 (FF)      Commercial use

(Continued)

## STAFF REPORT 2015-DV3-025 (Continued)

### SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings
East -	C-3	Commercial uses (vacant)
West -	C-S	Contractor

COMPREHENSIVE PLAN (2007)                      Recommends community commercial.

THOROUGHFARE PLAN                      This portion of Rockville Road is designated as a primary arterial with an existing and proposed 64-foot right-of-way.

SITE PLAN                                      File-dated, June 11, 2015

AMENDED SITE PLAN                      File-dated, July 10, 2015

FINDINGS OF FACT                      File-dated, June 11, 2015

### ZONING HISTORY

#### SUBJECT SITE

None.

#### VICINITY

**2013-CAP-815 / 2013-CVR-815, 25 Woodrow Avenue (west of site);** Requested a modification of commitment to provide for an electronic variable message sign and a variance of development standards of the Sign Regulations to provide for a freestanding sign with reduced separation, **approved.**

**2002-APP-039; 25 Woodrow Avenue (west of site);** Requests a modification of commitment #10 associated with 93-Z-112 to allow for a second freestanding sign within an integrated development, **approved.**

**2002-APP-002; 25 Woodrow Avenue (west of site);** Requests a modification of commitment #8 associated with 93-Z-112 to allow for loading areas to be oriented towards perimeter yards, **approved.**

**98-UV2-111, 4503 Rockville Road (east of site);** Requested a variance of use of the Commercial Zoning Ordinance and Dwelling Districts Zoning Ordinance to provide for a trade shop, including machining and/or woodworking and I-2-U uses, **granted.**

**97-Z-219, 4503 Rockville Road (east of site);** Requested rezoning of 0.673 acre, being the C-3 and D-5 Districts, to the I-2-S classification, **withdrawn.**

(Continued)

**STAFF REPORT 2015-DV3-025 (Continued)**

**93-Z-112; 4801 Rockville Road (west of site);** Requested rezoning of 13.1 acres from the D-6II district to the C-S classification to provide for light manufacturing, warehousing, assembly operations; machine shops, engineering and research, general offices, and race car maintenance, **approved.**

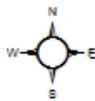
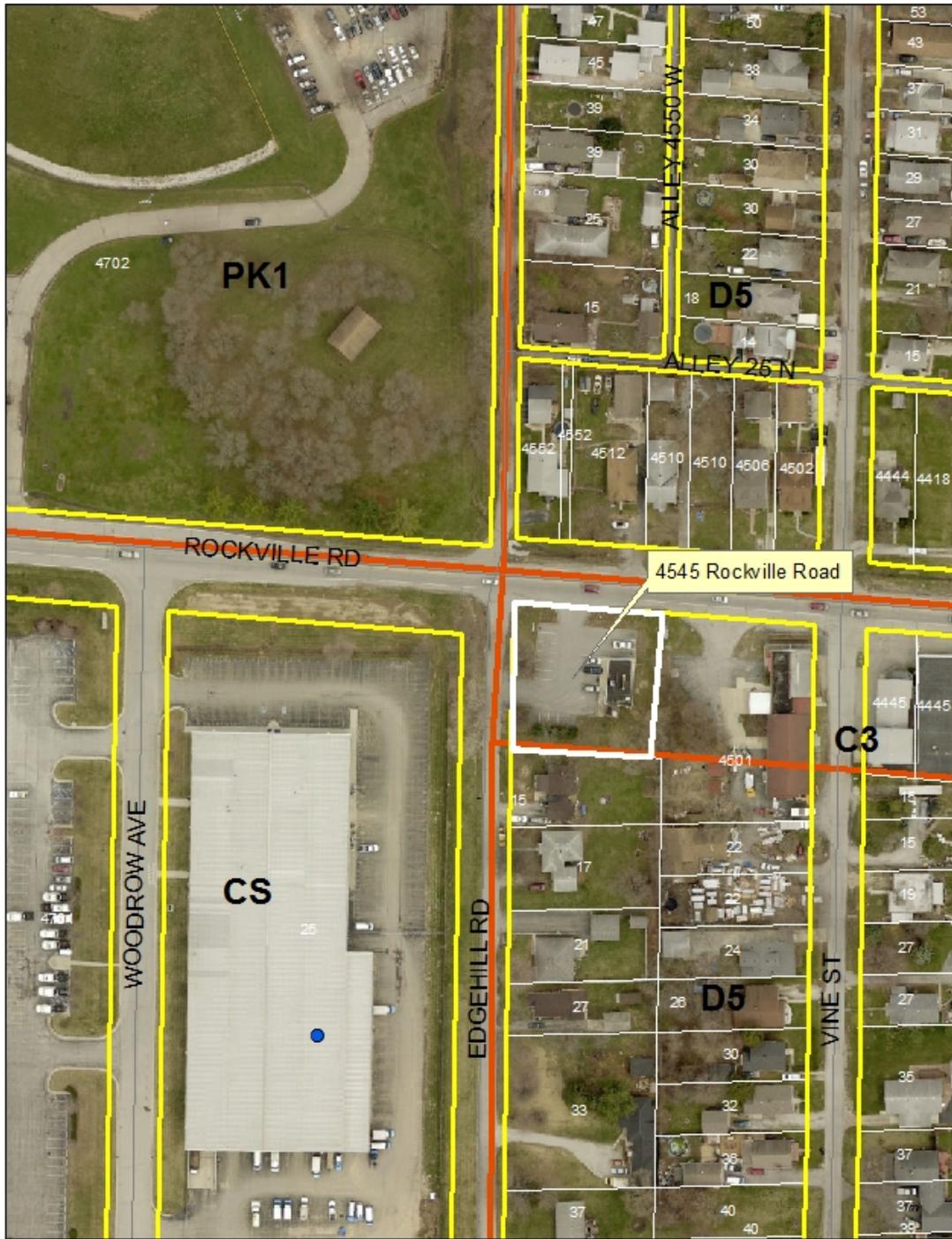
**84-Z-198; 4701 Rockville Road (west of site);** Requested rezoning of 14 acres from the D-6II district to the I-1-S classification to provide for light industrial uses, **denied.**

**77-Z-46, 4602 Rockville (west of site);** Requested rezoning of 21.15 acres, being in the D-5 District, to the D-6II classification to provide for the expansion of Thatcher Park, **approved.**

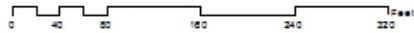
**69-Z-92; 4701 Rockville Road (west of site);** Requested rezoning of 14 acres from the D-5 district to the D-6II classification to provide for two-story garden apartments, **approved.**

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4545 Rockville Road







View of site looking southeast



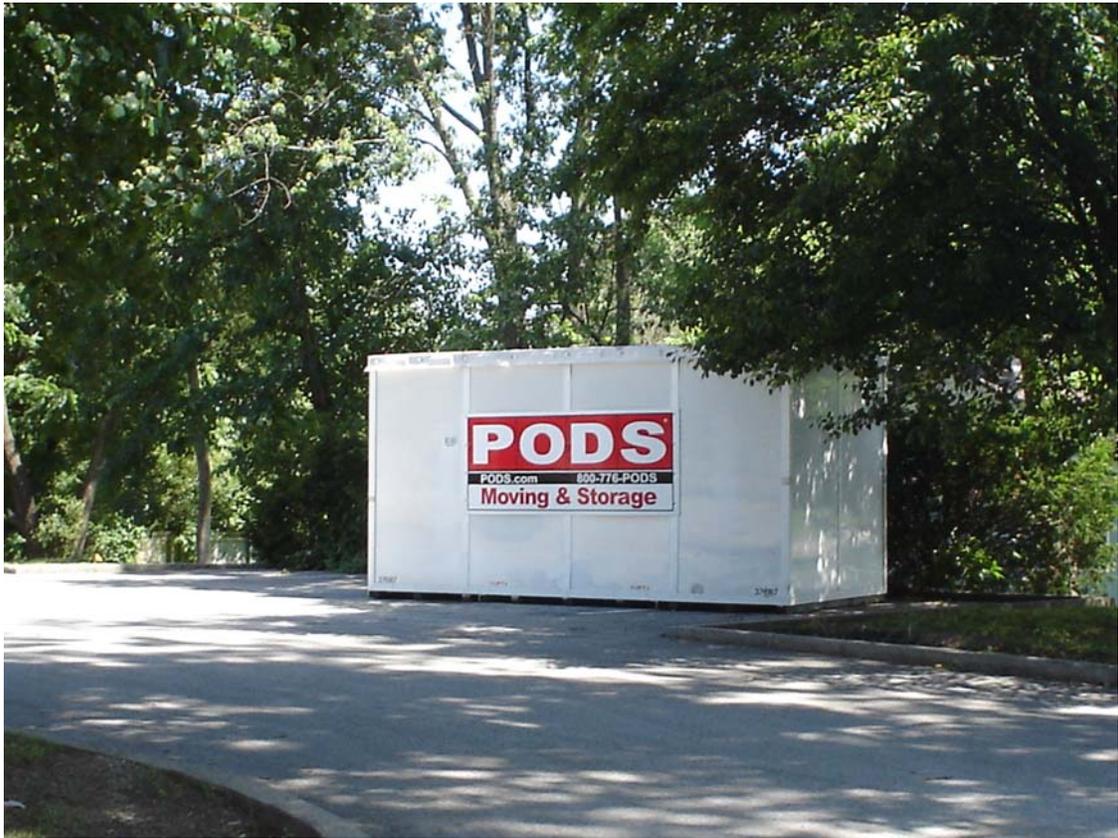
View looking east along Rockville Road frontage



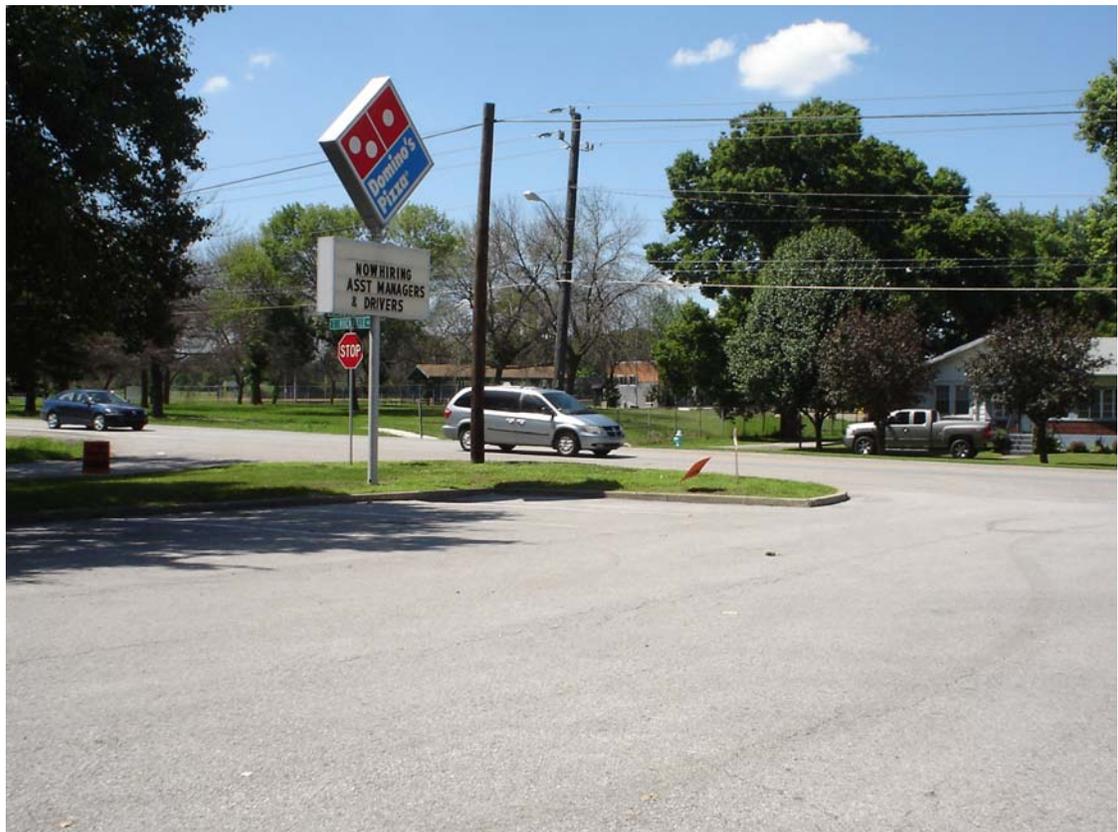
View of site looking east from Edgehill Road



View from site looking south at abutting residential uses



View of unscreened on-site storage



View from site looking northwest at intersection of Edgehill Road and Rockville Road

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-DV3-028  
**Address:** 7501 Westfield Boulevard (approximate address)  
**Location:** Washington Township, Council District #3  
**Zoning:** C-3  
**Petitioner:** Nathan Slabaugh  
**Request:** Variance of development standards of the Commercial Zoning Ordinance to legally establish a building, with a five-space parking lot, with deficient parking space size (not permitted), deficient maneuvering area (not permitted) and maneuvering within the right-of-way (not permitted).

### RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the site plan file dated June 15, 2015.

### SUMMARY OF ISSUES

#### LAND USE

- ◇ The subject site is zoned C-3 and is currently improved with a vacant commercial structure, and associated parking. The subject site is surrounded to the north and east by a hair salon and interior designer within the C-3 Zoning District. To the south of the subject site are single-family dwellings within the D-4 Zoning District. To the west are the Monon Trail and a portion of a single-family dwelling parcel in the D-S Zoning District. The Comprehensive Plan recommends office commercial uses for the site.
- ◇ This request would legally establish a building, with a five-space parking lot, with deficient parking space size, deficient maneuvering area and maneuvering within the right-of-way.

#### VARIANCE OF USE

- ◇ According to the Polk Directory, dating as early as 1961, the subject site has been used commercially as an automobile repair radiator shop, and more recently as an antiques and garden store.
- ◇ The proposed request would be consistent with the existing improvements on the site. The property is developed with a long-established commercial building that was subject to a previous commercial use variance. The proposed requests would have no greater impact on the site or surrounding properties than the previous parking deficiencies located at this site.
- ◇ A previous variance, 2004-UV1-025, was granted for this site to allow for five undersized off-street parking spaces without proper maneuvering space, and maneuvering areas within the right-of-way. This portion of East 75<sup>th</sup> Street, east of the subject site, where the maneuvering areas within the right-of-way would be located, is a dead-end street with limited use.

(Continued)



**STAFF REPORT 2015-DV3-028 (Continued)**

**2015-DV3-028; Location Map**





**2015-DV3-028; Photographs**



Subject site looking northeast across Westfield Boulevard and 75<sup>th</sup> Street



Parking spaces 1 and 2 to the north of the building, looking east



Parking spaces 3 and 4 to the south of the building, looking north



Handicapped parking space (5) to the west of the building, looking south



Commercial use to the east



Commercial use to the north



Single-family residential to the south

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-DV3-029  
**Address:** 661 East 49<sup>th</sup> Street (approximate address)  
**Location:** Washington Township, Council District #9  
**Zoning:** C-3 (W-5)  
**Petitioner:** Alpha Capital, LLC, by Michael Rabinowitch  
**Request:** Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating (not permitted).

### RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan file-dated June 15, 2015, and the following commitments:

1. The following activities or items shall not be outdoors: live entertainment, bars, television screens, speakers, Karaoke / recorded music or other similarly impactful items or activities.
2. Outdoor food and beverage service shall end by 11:00 p.m. on Monday through Thursday and 12:00 a.m. on Friday and Saturday.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

### **LAND USE ISSUES**

- ◇ This 0.11-acre lot, zoned C-3, is improved with a multi-tenant retail/office structure. The outdoor seating is proposed in both front yards of this corner lot. The Meridian-Kessler subarea plan recommends business/commercial for the subject site.
- ◇ Single-family dwellings, zoned D-5, are adjacent to the west. A commercial structure, zoned C-3, is adjacent to the south and east. An undeveloped lot and commercial structure, within the C-S district, are adjacent to the north.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ Development standards of the Commercial Zoning Ordinance were developed, in part, to ensure the health and safety of the public as it relates to commercial structures. This includes adequate access, maneuvering and separation. Additionally, size limitations for outdoor seating help to ensure impacts to surrounding properties are limited.
- ◇ This request would provide for approximately 183.13 square feet of outdoor seating area, split between two tenants on the north and east facades of the existing building. Generally, Staff supports outdoor seating areas if their location and operational characteristics do not impact adjoining residential areas. In this case there could be impacts due to the potential noise and close proximity to dwelling districts directly to the west, and 32 feet to the south of the subject site.

(Continued)



## **STAFF REPORT 2015-DV3-029 (Continued)**

### **ZONING HISTORY - SITE**

None

### **ZONING HISTORY – VICINITY**

**2014-DV1-005, 4905 and 4923 North College Avenue**, requested Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating (not permitted), **granted**.

**2010-DV1-039; 4923 North College Avenue**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a restaurant and bar within 50 feet of a protected district (bar required to have 100-foot separation from a protected district), **granted**.

**2009-DV1-057; 4923 and 4925 North College Avenue**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for parking areas, totaling 28 spaces, including one handicapped space, with deficient maneuvering area, with maneuvering area within the right-of-way of College Avenue, and with an eastern zero-foot side transitional yard and 2.9-foot north side transitional yard, **granted**.

**2009-DV3-031; 661 East 49th Street** , requested a variance of development standards of the Commercial Zoning Ordinance to legally establish a multi-tenant, integrated center building with zero-foot front setbacks from College Avenue and 49<sup>th</sup> Street, no landscaping, and zero off-street parking spaces, and to provide for carry-out alcohol sales within approximately 40 feet of a protected district, **granted**.

**2007-APP-865 / 2007-VAR-865; 4902-4930 North College Avenue and 650 East 49<sup>th</sup> Street**, requested an approval petition to modify the commitments, site plan and elevations of 2006-ZON-861 and 2006-VAR-861, including modified building locations, modified landscaping and three outdoor seating areas, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a building height of 47 feet, reduced front setbacks from College Avenue, 49<sup>th</sup> Street and 50<sup>th</sup> Street, a zero-foot west side setback, a building within the clear sight-triangles at the intersection of 49<sup>th</sup> Street and College Avenue, the intersection of 50<sup>th</sup> Street and College Avenue, and at the intersection of 49<sup>th</sup> Street and a public alley, 39 parking spaces and trash containers within the required west transitional side yard and 10 parking spaces with maneuvering area within the public right-of-way, with a reduction in off-street parking, without loading spaces and with three outdoor seating areas, **approved**.

**2006-UV3-045; 661 East 49th Street** , requested a variance of use of the Commercial Zoning Ordinance to provide for a veterinarian, with overnight stay of animals for medical reasons, in an integrated center, with zero off-street parking spaces, **granted**.

**2006-ZON-861 / 2006-VAR-861; 4902-4930 North College Avenue and 650 East 49<sup>th</sup> Street**, requests a rezoning of 1.157 acres, being in the D-5 (W-5) and C-3 (W-5) Districts, to the C-S (W-5)

(Continued)

**STAFF REPORT 2015-DV3-029 (Continued)**

classification to provide for five dwelling units and neighborhood commercial uses, and variances of development standards of the Commercial Zoning Ordinance to provide for increased building height, reduced front setbacks on College Avenue, 49<sup>th</sup> Street and 50<sup>th</sup> Street, encroachment into the clear sight-triangle, a reduced west transitional yard, a reduced number of off-street parking spaces and zero loading spaces, **approved**.

**93-V1-111; 4851 College Avenue**, requested a variance of use and development standards of the Commercial Zoning Ordinance, to legally establish a drive-through and provide for the location of a cooler in a required transitional yard, **granted**.

**83-UV2-42; 4901 North College Avenue**, requested a variance of use and development standards of the Commercial Zoning Ordinance, to provide for a two-story addition to an existing liquor store, for the purpose of operating a carry-out food store, within 100 feet of a protected district, **granted**.

EDH

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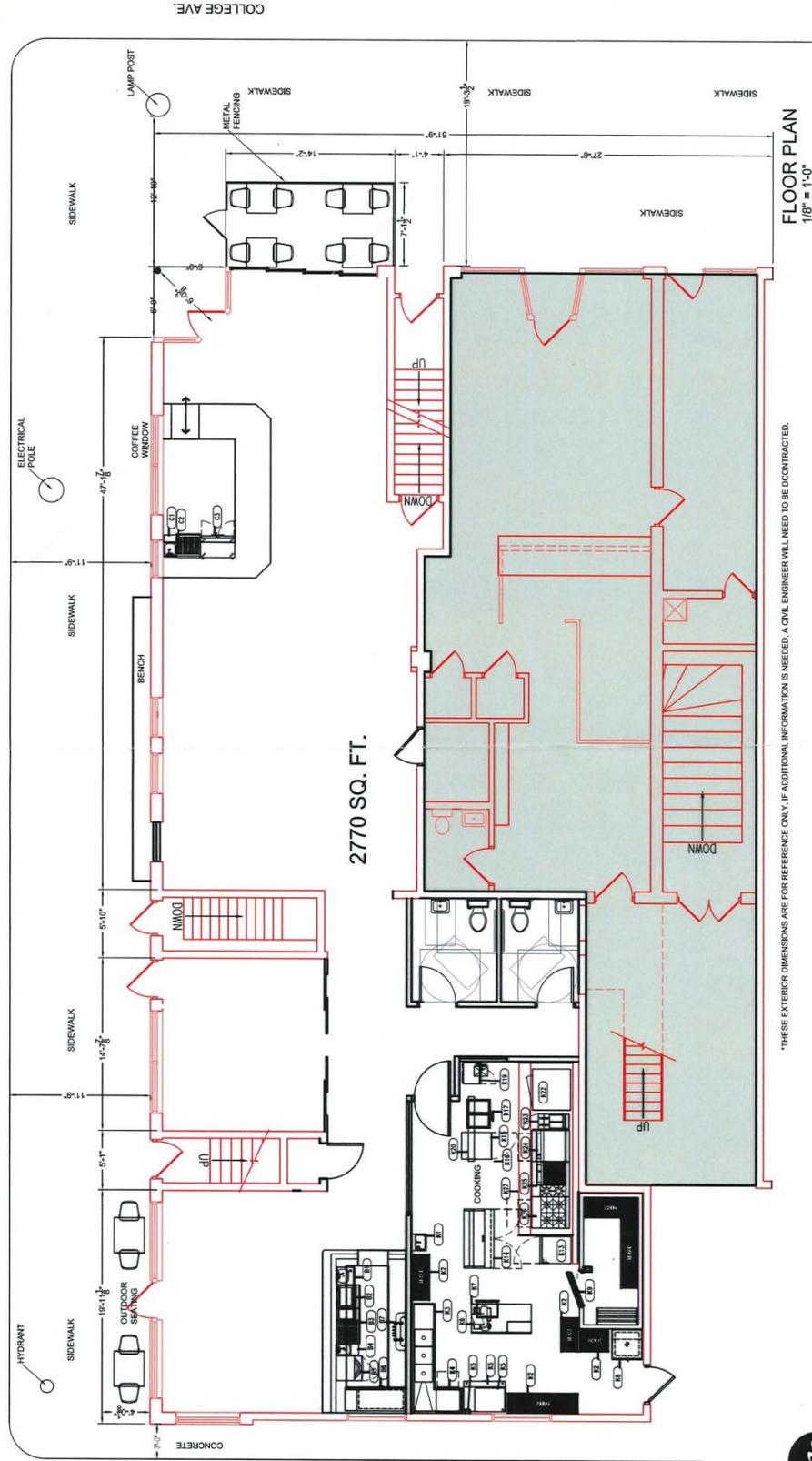
**2015-DV3-029; Location Map**



**2015-DV3-029; Site Plan**


  
 JUN 15 2015
   
 METROPOLITAN DEVELOPMENT

49TH STREET



2770 SQ. FT.

FLOOR PLAN  
1/8" = 1'-0"

\*THESE EXTERIOR DIMENSIONS ARE FOR REFERENCE ONLY. IF ADDITIONAL INFORMATION IS NEEDED, A CIVIL ENGINEER WILL NEED TO BE CONTACTED.

**OPEN SOCIETY- BUIDLING LOCATION & DIMENSIONS**  
 49TH & COLLEGE AVE.  
 INDIANAPOLIS, IN



mitch DESIGN | 200 s rangeltine road | suite 213 | carmel, indiana 46032 | 317.573.2222 phone | 317.573.2230 fax | www.mitchdesign.com

6.16.15  
15063



661 East 49<sup>th</sup> Street – Site Plan

**2015-DV3-029; Photographs (Subject Site)**



Photo 1: Facing south along College Avenue.



Photo 2: Facing north along College Avenue.



Photo 3: Facing west along 49<sup>th</sup> Street.



Photo 4: Facing east along 49<sup>th</sup> Street.



Photo 5: Residential structure to the west of subject site.



Photo 6: Façade of building, from the east.



Photo 7: North side of building, from the north.



Photo 8: Undeveloped lot to the north, commercial development to the northeast.

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-DV2-012  
**Address:** 3220 South East Street (approximate address)  
**Location:** Perry Township, Council District #23  
**Zoning:** C-3  
**Petitioner:** MAS Realty, by David Kingen and Justin Kingen  
**Request:** Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for two stacking spaces before and after the drive-through unit (six stacking spaces before the drive-through unit required), and to legally establish a free-standing sign, with a four-foot setback from East Street and a 14-foot setback from Murry Street (15-foot setback required), and being within the clear sight triangle of East and Murry Streets (not permitted).

### ADDENDUM FOR JULY 21

At the request of the petitioner, the Board continued this petition and transferred it to Board III for their hearing on July 21, 2015.

### RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the following commitments:

1. An amended site plan shall be submitted for Administrator's Approval depicting the trash enclosure.
2. An easement from the abutting property owner, allowing for the exit lane, shall be recorded, if none exists, prior to the operation of the drive-through pick up service and the issuance of any Improvement Location Permit or Sign Permit, whichever occurs first.
3. A sign permit shall be shall be applied for, within 30 days from the date of the variance grant.
4. The proposed landscaping shall be installed within one year from the date of the variance grant
5. The variance shall be limited to a pizza drive-through pickup window.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.33-acre site, zoned C-3, is developed with a fast food restaurant and surrounded by commercial uses.

(Continued)

## **STAFF REPORT 2015-DV2-012 (Continued)**

- ◇ The business model for this company has evolved over the past few years and now offers a drive-through pickup service for customers. This service does not include the ability to order from a menu board, but only to pick up a previously placed order.

### **DEVELOPMENT STANDARDS**

- ◇ This request would allow for a drive-through service, without the required six stacking spaces before the drive-through unit. Staff supports this request because of space limitations created by the size of the property and because the drive-through lane provides for a pick up window, eliminating the additional time required for placing and waiting for an order. The decreased time in the drive-through lane would minimize the need for additional stacking spaces.
- ◇ The site plan does not depict the trash enclosure, but only identifies an area where it would be located. An amended site plan should be submitted for Administrator's Approval depicting the location and dimensions of the trash enclosure.
- ◇ The site plan does not depict an exit lane, which is presumed to be located on the abutting property to the west. Consequently, an easement agreement should be obtained prior to the operation of the drive-through pick up service.
- ◇ Because of the lack of stacking spaces, staff believes it would be appropriate to limit this variance to a pizza drive-through pickup window as it would generate less traffic than typical fast food drive-through service units.
- ◇ This request would also legally establish a free-standing sign, with reduced setbacks from South East Street and Murry Street. Staff was able to find limited information regarding a sign permit (SGN01-00445), but could not find an application, site plan, or a sign permit. Consequently, staff believes it would be appropriate to obtain a sign permit for this site, particularly since the branding of this company has recently been updated.
- ◇ There would be a fourteen-foot setback for the sign along Murry Street (fifteen feet required) and four-foot setback from South East Street. Staff believes relief from the Sign Regulations should be granted because the size and configuration of the property limits installation of the sign in compliance with the Regulations, including the slight encroachment into the clear-sight triangle.

### **PROCEDURE**

- ◇ The site plan indicates additional landscaping as required by the Ordinance. The landscaping should be installed within one year from the variance grant.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-3 Commercial uses

(Continued)

## **STAFF REPORT 2015-DV2-012 (Continued)**

### **SURROUNDING ZONING AND LAND USE**

North -	C-4	Commercial uses
South -	C-1	Commercial uses
East -	C-5	Commercial uses
West -	C-4	Commercial uses

NEIGHBORHOOD PLANNING AREA (2000)      The Concord Community Plan recommends commercial and retail services.

THOROUGHFARE PLAN      This portion of South East Street is designated in the Official Thoroughfare Plan as a primary arterial with an existing and proposed right-of-way of 140 feet.

SITE PLAN      File-date May 29, 2015

AMENDED SITE PLAN      File-dated, June 15, 2015

FINDINGS OF FACT      File-dated, May 29, 2015

### **ZONING HISTORY**

**83-UV2-111, 3220 South East Street;** Requested a variance of use and development standards of the Commercial Zoning Ordinance and of the Sign Regulations to allow for a carry-out pizza establishment within 100 feet of a residential district, with an individual pole sign, **granted**.

**83-Z-206, 3230 South East Street;** Requested rezoning of 0.33 acre from the C-3 District to the C-3 classification to provide for construction and operation of a Domino's carry-out pizza restaurant, **approved**.

### **VICINITY**

**2013-DV1-026, 3340 Madison Avenue (east of site);** Requested a variance of development standards of the Commercial Zoning Ordinance to legally establish a trash container encroaching 10 feet into the right-of-way of Werges Avenue and to provide for the storage of two trailers in the right-of-way of the west abutting alley at its intersection with Werges Avenue, **granted**.

**2013-UV1-018, 510 East Werges Avenue (east of site);** Requested a variance of use of the Commercial Zoning Ordinance to legally establish a single-family dwelling, **granted**.

**2012 DV3-001, 3291 Madison Avenue (east of site);** Requested a variance of development standards of the Sign Regulations to provide for a pylon sig, with an EVMS, without the required separation from a protected district, **granted**.

**2004-DV3-024 3291 Madison Avenue (east of site);** Requested a variance of development standards of the Sign Regulations to provide for a pylon sign, with an EVMS, without the required separation from a protected district, **denied**.

(Continued)

## **STAFF REPORT 2015-DV2-012 (Continued)**

**2004-UV2-050, 3340 Madison Avenue (east of site).** Variance of use and development standards of the Commercial Zoning Ordinance to provide for reconstruction of a glass fabrication sales/service business (not permitted), a zero-foot front setback along Madison Avenue and Werges Avenue (minimum ten feet required), and to provide for thirteen parking spaces (minimum of sixteen parking spaces required), with ten of those parking spaces within the right-of-way of Werges Avenue (not permitted), **granted**.

**2002-DV1-028, 3229 South East Street south of site);** Requested a variance of development standards of the Commercial Zoning Ordinance to provide for the temporary operation of a drive-through with reduced stacking spaces, reduced setbacks, an encroachment into the right-of-way, **granted**.

**2000-ZON-157, 3291 Madison Avenue (east of site)'** Requested rezoning of 0.665 acre, from the D-5 and C-S Districts to the C-7 classification to legally establish a dry cleaning plant, **approved**.

**2009-DV1-034, 3411 Madison Avenue, (east of site).** Variance of development standards of the Commercial Zoning Ordinance to legally establish a zero-foot front landscape strip (minimum ten-foot landscape strip required), outdoor display of automobiles within the required front yard (not permitted), a 3.5-foot rear transitional yard (minimum twenty-foot rear transitional yard required), and an existing building with a 3.5-foot rear setback (minimum twenty-foot rear setback required), **granted**.

**2004-ZON-102, 510 East Werges Avenue (east of site).** Rezoning of 0.17 acres, being the D-3 and C-7 Districts, to the C-5 classification to provide for commercial use, **approved**.

**2002-DV1-028, 3229 South East Street (south of site).** Variance of development standards of the Commercial Zoning Ordinance to provide for the temporary operation of a drive-through service with five stacking spaces before the final component of the unit (minimum six stacking spaces required), three stacking spaces located six feet from the right-of-way of Murry Street (minimum ten-foot front setback measured from the right-of-way required), three required off-street (not permitted), and one required off-street parking space encroaching 14 feet into the right-of-way of East Street (off-street parking not permitted within the right-of-way), **granted**.

**90-Z-102, 3302 South East Street (south of site);** Requested rezoning of 0.37 acre, being in the D-3 District, to the C-1 classification to provide for an office building, **approved**.

**96-Z-241 / 96-CV-42, 3314 South East Street (south of site);** Requested rezoning of to the C-3 classification and a variance of development standards of the Commercial Zoning Ordinance to provide for a restaurant with a drive-through unit and trash enclosure with reduced separation from a protected district and reduced parking setbacks, **approved**.

**90-UV1-104, 3216 South East Street (north of site);** Requested a variance of use of the Commercial Zoning Ordinance to permit warehousing and custom fabrication of plastic materials, **granted**.

(Continued)

**STAFF REPORT 2015-DV2-012 (Continued)**

**83-UV3-97, 3314 South East Street (north of site);** Requested a variance of the Commercial Zoning Ordinance to allow a portable freezer to be placed outside the building, **granted.**

**83-UV3-60, 3335-37 Madison Avenue, (east of site).** Variance of use and development standards of the Commercial Zoning Ordinance and Dwelling Districts Zoning Ordinance to allow for the operation of restaurant/lounge within 100 feet of a residentially zoned lot, to allow accessory off-street parking on a portion of a lot zoned D-5, and to allow fewer parking spaces than the Ordinance requires, **denied.**

**82-Z-75, 3130 Madison Avenue (east of site);** Requested rezoning of 4.48 acres, being in the C-5 and D-3 Districts to the C-7 classification to provide for home improvement company and boat sales, **approved.**

**80-UV1-79, 3314 South East Street (south of site);** Requested a variance of use to provide for an addition to an existing restaurant, **granted.**

**79-UV3-46, 3216 South East Street (north of site);** Requested a variance of use and development standards to permit the repair, sales, and renting of vehicles and parts, with outdoor storage/display, and sign, **granted.**

**79-Z-46, 3216 South East Street (north of site);** Requested rezoning of 1.27 acres, being in the D-3 District, to the C-4 classification to provide for repair, sale, and rental of four-wheel drive vehicles, **approved.**

**76-UV1-20, 3216 South East Street (north of site);** Requested a variance of use to permit outdoor display and sales of swimming pools and Christmas decorations, **granted.**

**69-V4-54, 3306-3312 South East Street (south of site);** Requested a variance of use and development standards to permit off-street parking for an existing office building, **granted.**

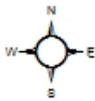
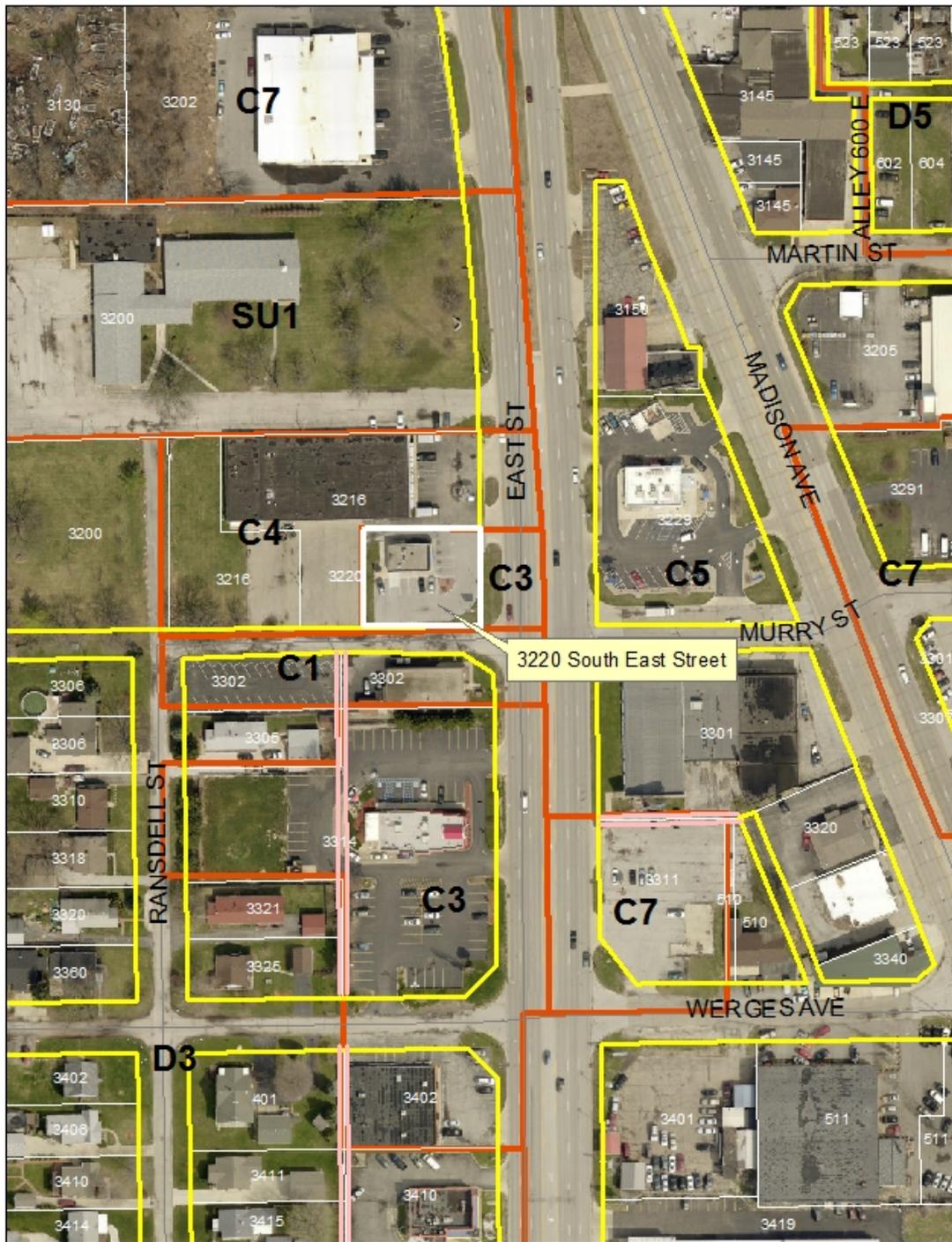
**69-V1-16, 3306-3312 South East Street (north of site);** Requested a variance of use and development standards to permit office and retail sales to include the sale of alcohol, with two pole signs and reduced parking in the front setback, **granted.**

**68-V4-39, 3314-3324 South East Street (north of site);** Requested a variance of use to permit a carry-pout restaurant with off-street parking and pole signs, **approved.**

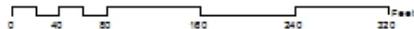
**68-V4-30, 3314 South East Street (north of site);** Requested a variance of use to provide for a carry-out restaurant, **granted.**

kb

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3220 South East Street





435 2ND AVE SUITE 110  
 PORTLAND, OR 97204  
 P. 503.441.5088  
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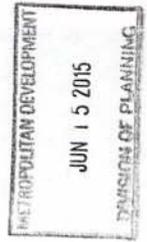
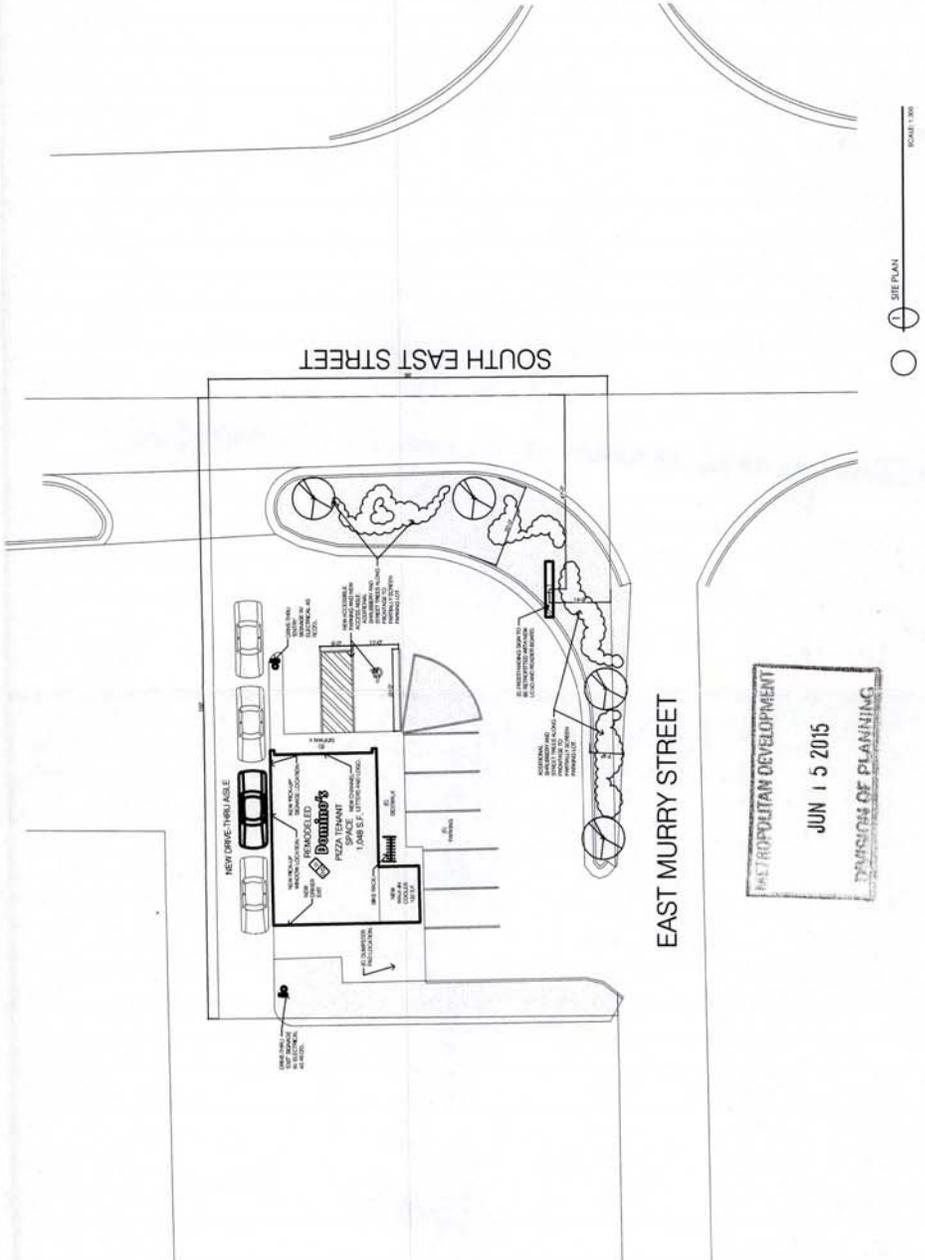


Project No: 3452/ Store #2568  
 228.832.4000 ext 2244  
 GUILFORD, MS 39503  
 DESIGN FOR ZONING REVIEW  
 15384 5th St  
 for PFM Pizza LLC  
 Pizza Theater Remodel  
 Domino's Pizza Bakery Store

DATE	DESCRIPTION
7/15/15	FOR PLAN REVIEW
7/15/15	FOR PLAN REVIEW

SHEET NAME:  
 PROPOSED DRIVE THRU  
 SEE PLAN REVIEW

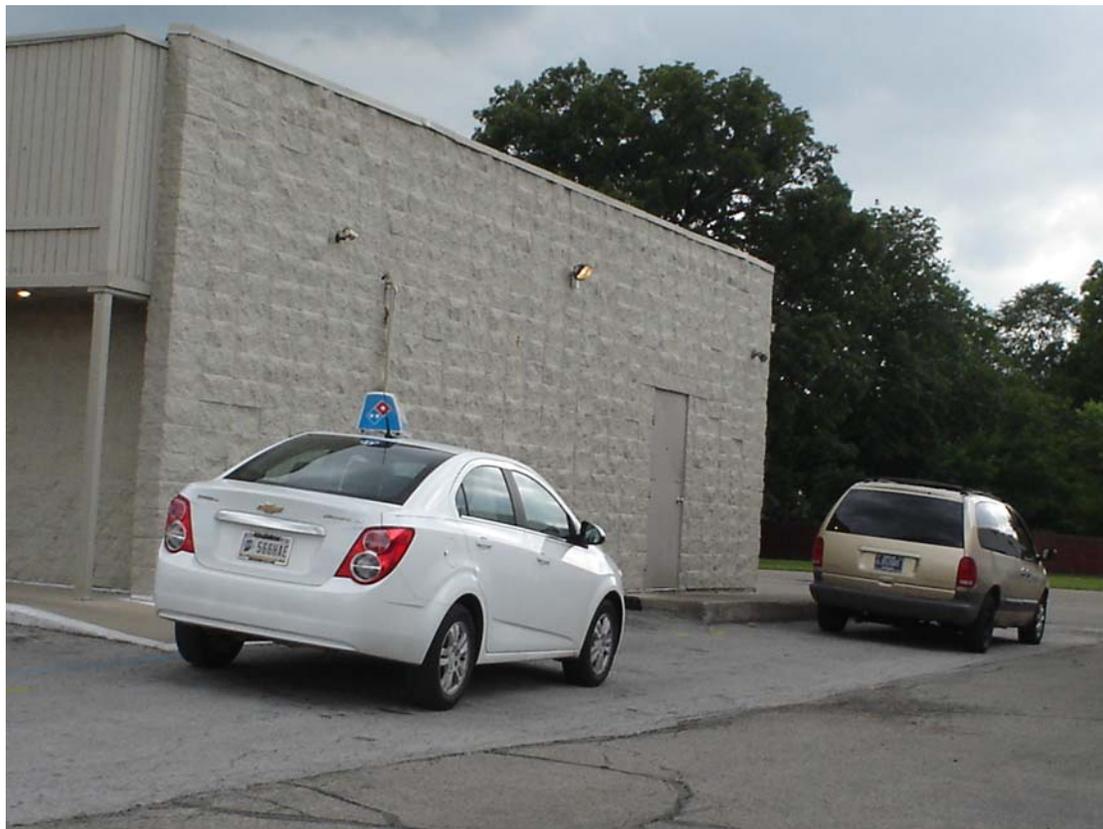
SP1.0  
 SCALE: 1/8" = 1'-0"



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View looking southwest at front building facade



View looking west at proposed location of the drive-through pick up lane



View looking south at western boundary and abutting property



View looking northeast at rear of building and possible easement for the exit lane



View looking east at unenclosed dumpster and sign



View from Murry Street looking north

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-SE3-001  
**Address:** 3120 South Taft Street, aka 3135 South Fleming Street (approximate address)  
**Location:** Decatur Township, Council District #22  
**Zoning:** D-5  
**Petitioner:** Katya and Celso Malpica  
**Request:** Special Exception of the Dwelling Districts Zoning Ordinance to provide for a 1,792-square foot manufactured home, with two, 100-square foot storage sheds.

The Board acknowledged a timely automatic continuance filed by a registered neighborhood organization continuing this matter from the June 16, 2015, hearing to the July 21, 2015.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to the revised site plan, file-dated May 21, 2015, and the photographs, file-dated May 21, 2015.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.40-acre site, zoned D-5, is undeveloped. Single-family dwellings are located to the north, east, and south. An undeveloped lot lies to the west.
- ◇ This request would provide for a 1,792-square foot manufactured home on this parcel of land, along with two 100-square foot storage sheds. The Dwelling Districts Zoning Ordinance permits manufactured homes in most of the dwelling districts by special exception. Staff understands that the manufactured home is currently in another location and would be moved to this site, if approved.

#### **SPECIAL EXCEPTION**

- ◇ The Dwelling Districts Zoning Ordinance (DDZO) permits manufactured homes by Special Exception in D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, D-12, and any other zoning district that permits single-family dwelling uses. Manufactured homes are permitted without a Special Exception in the D-3, D-4, D-5, D-5II, and D-12, if located in a subdivision that received final plat approval on or after July 1, 1982.

(Continued)

**STAFF REPORT 2015-SE3-001 (Continued)**

- ◇ Under Special Exception provisions, manufactured homes are required, among other things, to be set onto a permanent foundation with utility connections, a crawl space, and comply with all development standards of the applicable zoning district. Additionally, the findings of fact for a Special Exception require the following:
  - That the grant will not be injurious to the public health, safety, morals, convenience or general welfare.
  - The grant will not injure or adversely affect the adjacent area or property values therein.
  - The manufactured home will be in harmony with the character of the surrounding neighborhood, utilize siding and roofing materials which are aesthetically compatible with the surrounding neighborhood, and constitute a land use authorized in the zoning district.
  
- ◇ There are several other manufactured homes in this neighborhood. The proposed structure would be similar to the existing dwellings and would be in harmony with the character of the surrounding neighborhood, including siding and roof materials.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-5                      Undeveloped

**SURROUNDING ZONING AND LAND USE**

North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings
East -	D-5	Single-family dwellings
West -	D-5	Single-family dwellings

COMPREHENSIVE PLAN (2007)	Recommends residential development at 3.5 to 5 units per acre.
THOROUGHFARE PLAN	South Taft Street and South Fleming Street are not designated on the Official Thoroughfare Plan.
SITE PLAN (revised)	File-dated, May 21, 2015
PHOTOGRAPHS	File-dated, May 21, 2015
FINDINGS OF FACT	File-dated, May 8, 2015

**ZONING HISTORY**

**SUBJECT SITE**

**None.**

(Continued)

**STAFF REPORT 2015-SE3-001 (Continued)**

**VICINITY**

**2001-ZON-015, 3151 South Roena Street (east of site);** Requested rezoning of 1.215 acres from the D-5 District to the SU-1 classification to provide for religious uses, **approved.**

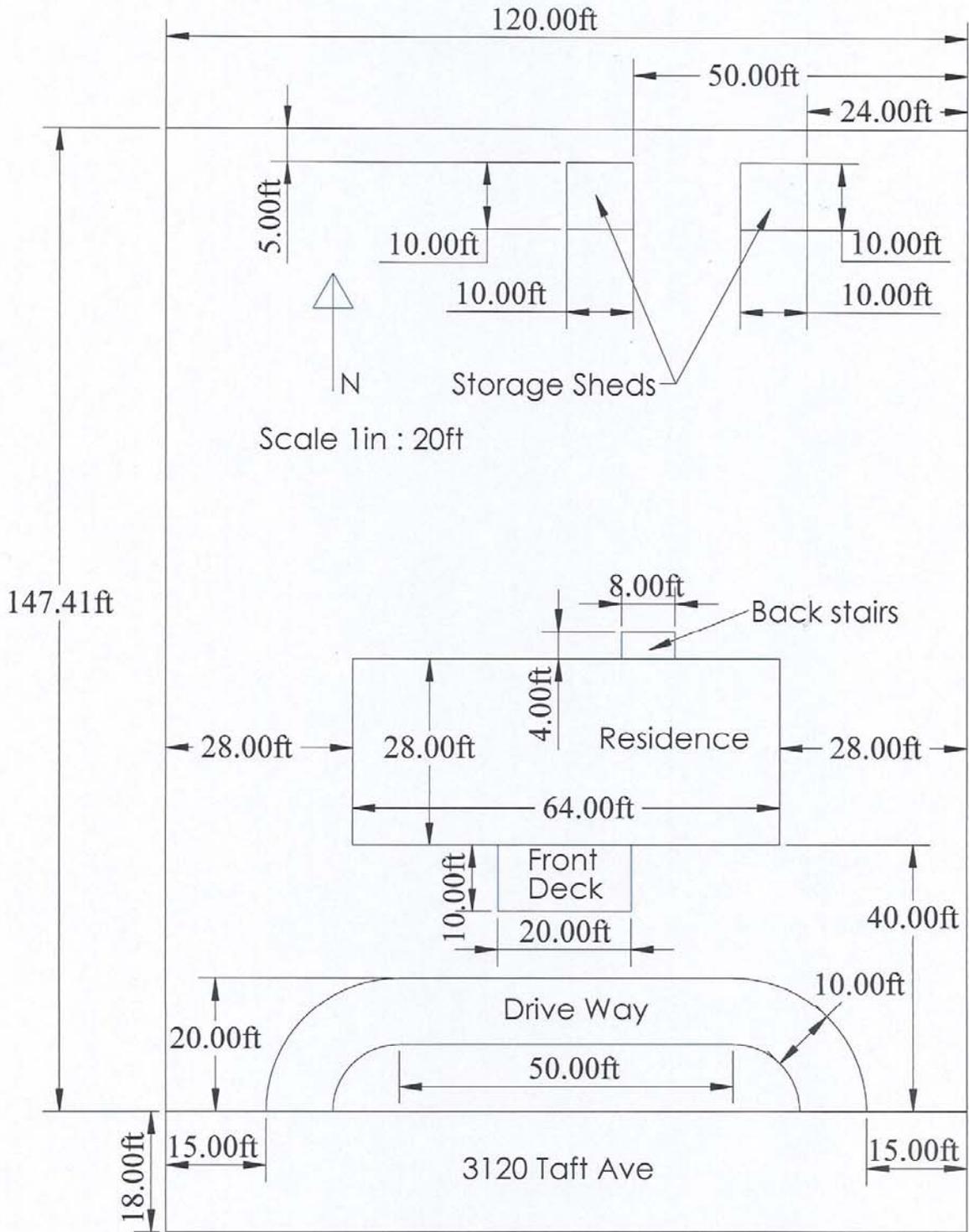
**96-SE3-5, 3040 South Taft Street (north of site); Requested** a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **granted.**

**95-V2-73, 3000 and 3161 South Roena Street (east of site);** Requested a variance of development standards of the Sign Regulations to provide for a ground sign, **granted.**

kb

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Front of existing manufactured home to be relocated to subject site



Rear of existing manufactured home to be relocated to subject site



View of site looking west from South Taft Avenue



View of site looking west from South Taft Avenue



View of nearby dwelling in the neighborhood



View of nearby dwelling in the neighborhood

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2014-DV3-037 (Amended)  
**Address:** 2202 North College Avenue and 666 East 22<sup>nd</sup> Street (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** 0.48 acre, C-3  
**Petitioner:** Guru-Kirpa Real Estate, LLC, by David and Justin Kingen  
**Request:** Variance of development standards of the Commercial Zoning Ordinance to provide for a neighborhood retail center:  
a) with 18, 162-square foot parking spaces (29 parking spaces required, 180-square foot parking spaces required),  
b) with a trash enclosure, with a zero-foot west side transitional yard (10-foot side transitional yard required along an alley),  
c) with carryout food service within approximately 20 feet of a D-8 zoned protected district (100-foot separation required), and  
d) with outdoor seating and dining (not permitted), encroaching partially into the front yard of 22<sup>nd</sup> Street (10-foot front setback required).

#### ADDENDUM FOR JULY 21, 2015

This petition was continued from the June 16, 2015 hearing to the July 21, 2015 hearing, at the request of a registered neighborhood organization.

#### June 16, 2015

Staff requested a continuance of 2014-DV3-037 from the October 21, 2014 hearing to the November 18, 2014 hearing to provide time for the petition to be revised and the required public notice provided.

Petition 2014-DV3-037 was continued from the November 18, 2014 hearing to the December 16, 2014, as required legal notice had not been provided. Notice was not provided for the December 16, 2014 hearing, so this petition was continued to the January 20, 2015 hearing. Notice was not provided for the January 20, 2015 hearing, the February 17, 2015 hearing or the April 21, 2015 hearing, so this petition was continued until the May 19, 2015 hearing. In order to further modify plans, the petitioner's representative requested a continuance to the June 16, 2015 hearing, with notice.

#### RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan file-dated June 4, 2015 and the following commitment:

At least two, 32-gallon trash receptacles will be provided along the east side of the building between the two proposed outdoor seating areas.

(Continued)

## **STAFF REPORT 2014-DV3-037 (Continued)**

### **SUMMARY OF ISSUES**

#### **LAND USE**

- ◇ The subject site, zoned C-3, is improved with two commercial structures and a surface parking lot. This petition would allow for the redevelopment of the site, with a convenience store within the western building. The eastern, smaller, building would be demolished to provide for parking. The initial site plan and request, file-dated September 9, 2014, and several amendments thereafter, included a gasoline pump island and canopy, with several additional variance requests. These are no longer part of this proposal.
- ◇ The surrounding uses include undeveloped land to the north, zoned C-3; a religious use to the south, zoned PK-2; a pipe distribution company to the east, zoned C-3; and multi-family and single-family dwellings to the west, zoned D-8.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ Development standards of the Commercial Zoning Ordinance and Sign Regulations, specifically within the C-3 district, are intended to ensure orderly development on the site as well as limit impacts to adjacent properties. These standards include transitional yards relative to protected districts, setbacks from adjacent rights-of-way and adequate maneuvering area for automobiles.
- ◇ The subject site was originally developed as two two-family dwellings and a multi-family structure as early as 1898. The western half of the site was redeveloped as a large commercial structure, according to 1915 Sanborn Insurance Maps.

#### **Parking**

- ◇ This site would provide for 18 parking spaces, by demolishing the approximately 1,800-square foot building on the eastern half of the site. While there would be a fairly significant deviation in the parking requirement, this proposal would improve a non-conforming situation and permit reuse of an existing building, including the enclosure of an open area at the southeast corner of the building.

#### **Trash Enclosure**

- ◇ While the trash enclosure would be across the alley from single-family and multi-family residential uses, the multi-family use, as shown in the aerial photography below, has eight individual trash cans along the alley, in an unscreened area. In Staff's opinion, because alleys are intended to access for service vehicles, and given the site's constraints due to the existing building, the proposed trash container location would be reasonable and supportable.

(Continued)

## **STAFF REPORT 2014-DV3-037 (Continued)**

### **Carry-out food service / Outdoor dining**

- ◇ The impacted protected district would be to the west of the site; given that the building fundamentally serves as a screen to shield all activity on the east side of the building, in Staff's opinion, permitting the carryout food service would be appropriate. For the same reason, Staff's supports the outdoor dining. Staff would suggest; however, that a commitment should be included that would provide for at least two trash containers for the public between the two book-end outdoor seating areas.

### **SITE PLAN**

- ◇ The site plan, file-dated June 4, 2015, provides for the retention of the approximately 8,400-square foot building, including the enclosure of the southeast corner depicted in Photograph One below. It also provides for one-way access aisles for 18 angled parking spaces, including two handicapped spaces. One access drive would be provided from each abutting street.
- ◇ Two outdoor seating areas are proposed adjacent to the northeast and southeast corners of the building. Bike racks are proposed on small islands within the parking lot.
- ◇ A freestanding sign, with a fifteen-foot setback would be provided at the southeast corner of the site.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-3 Vacant commercial structures

#### **SURROUNDING ZONING AND LAND USE**

North -	C-3	Undeveloped
South -	PK-2	Church
East -	C-3	Pipe distribution warehouse
West -	D-8	Multi-family dwelling

**NEIGHBORHOOD PLANNING AREA** The King Park/Citizens Neighborhood Plan recommends Neighborhood Shopping for the eastern half of the site and Special Use for the western half.

**THOROUGHFARE PLAN** College Avenue is classified as a primary arterial, with an existing and proposed 80-foot right-of-way. 22<sup>nd</sup> Street is also classified as a primary arterial, with an existing and proposed 60-foot right-of-way.

**INITIAL SITE PLAN** File-dated September 9, 2014

**CURRENT SITE PLAN** File-dated June 4, 2015

**FINDINGS OF FACT** File-dated September 9, 2014  
(Continued)

**STAFF REPORT 2014-DV3-037 (Continued)**

**ZONING HISTORY**

**94-UV2-62, 666 East 22<sup>nd</sup> Street, (subject site);** Variance of use of the Commercial Zoning Ordinance to provide for a church and food pantry, **granted.**

**2013-UV1-001, 2225 and 2228 North College Avenue, (north and east of site);** Variance of use of the Dwelling District Zoning Ordinance and Commercial Zoning Ordinance to provide for outdoor pipe storage and barbed wire on a chain link fence, **granted with removal of barbed wire.**

**2009-DV1-044, 2203 North Broadway Street, (west of site);** Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a parking lot, with a three-foot east setback and a five-foot front setback along 22<sup>nd</sup> Street, and a trash enclosure with a 1.5-foot setback from the east property line, **granted.**

**96-UV1-132, 2201 North College, (east of site);** Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a religious use, within an existing building with 26 off-street parking spaces provided from an adjacent property owner, **granted.**

**96-UV3-35, 2228 North College Avenue, (north of site);** Variance of use to legally establish outdoor storage, **granted for 10 years.**

**96-AP3-3, 2225 North College Avenue, (east of site);** Modification of a commitment from 72-UV3-167 requiring a shadowbox fence to allow for a chain link fence topped with barbed wire, **granted for 5 years.**

**76-UV3-7, 2230 North College Avenue, (north of site);** Variance of use to provide for off-street parking, accessory to an adjacent business in a dwelling district, **granted.**

**75-UV1-7, 2158 North College Avenue, (south of site);** Variance of development standards to permit the erection of a pool room in a drug store, **granted.**

**72-UV3-167, 2205-2231 North College Avenue, (east of site);** Variance of use and development standards to provide for the construction of an industrial building with insufficient setbacks and transitional yards and with outdoor storage, **granted.**

**70-Z-260, Land surrounding King Park, (south of site);** Rezoning of 80 acres from the C-1, C-3, C-4 and D-8 districts to the PK-2 district, **granted.**

LWC

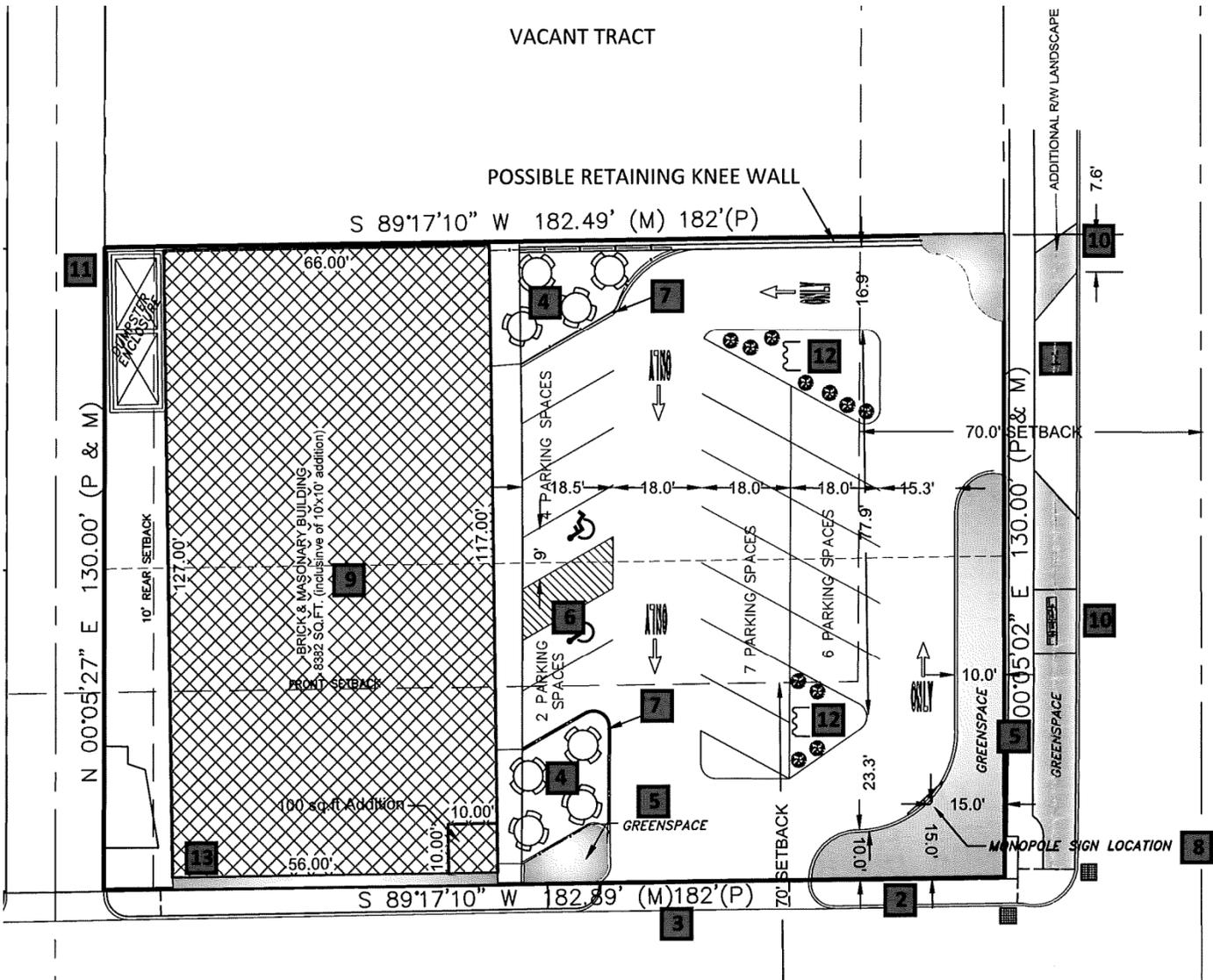
\*\*\*\*\*



VACANT TRACT

POSSIBLE RETAINING KNEE WALL

S 89°17'10" W 182.49' (M) 182'(P)



Photograph One – Building to remain and be remodeled

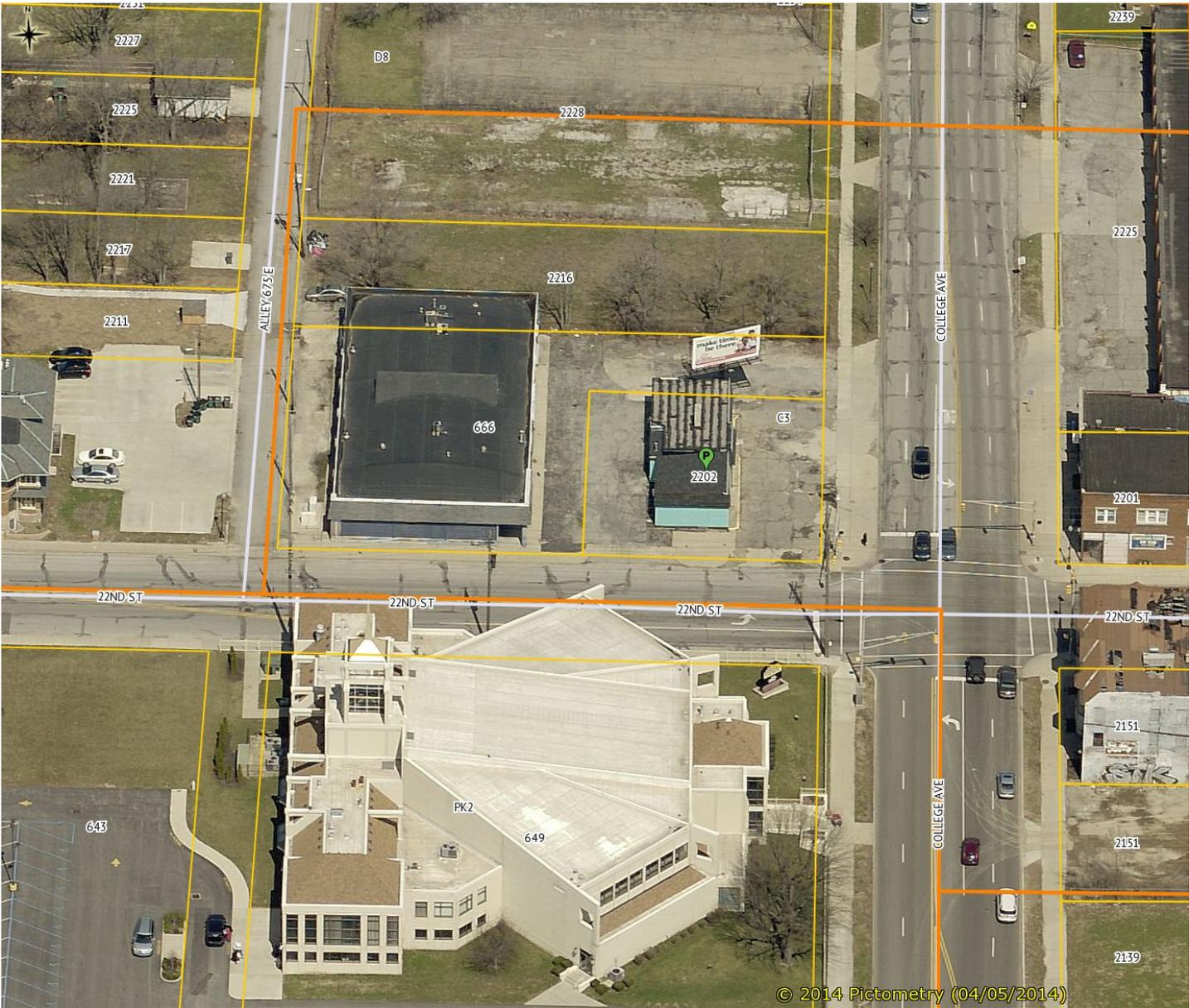


Photograph Two – Building to be demolished / existing billboard

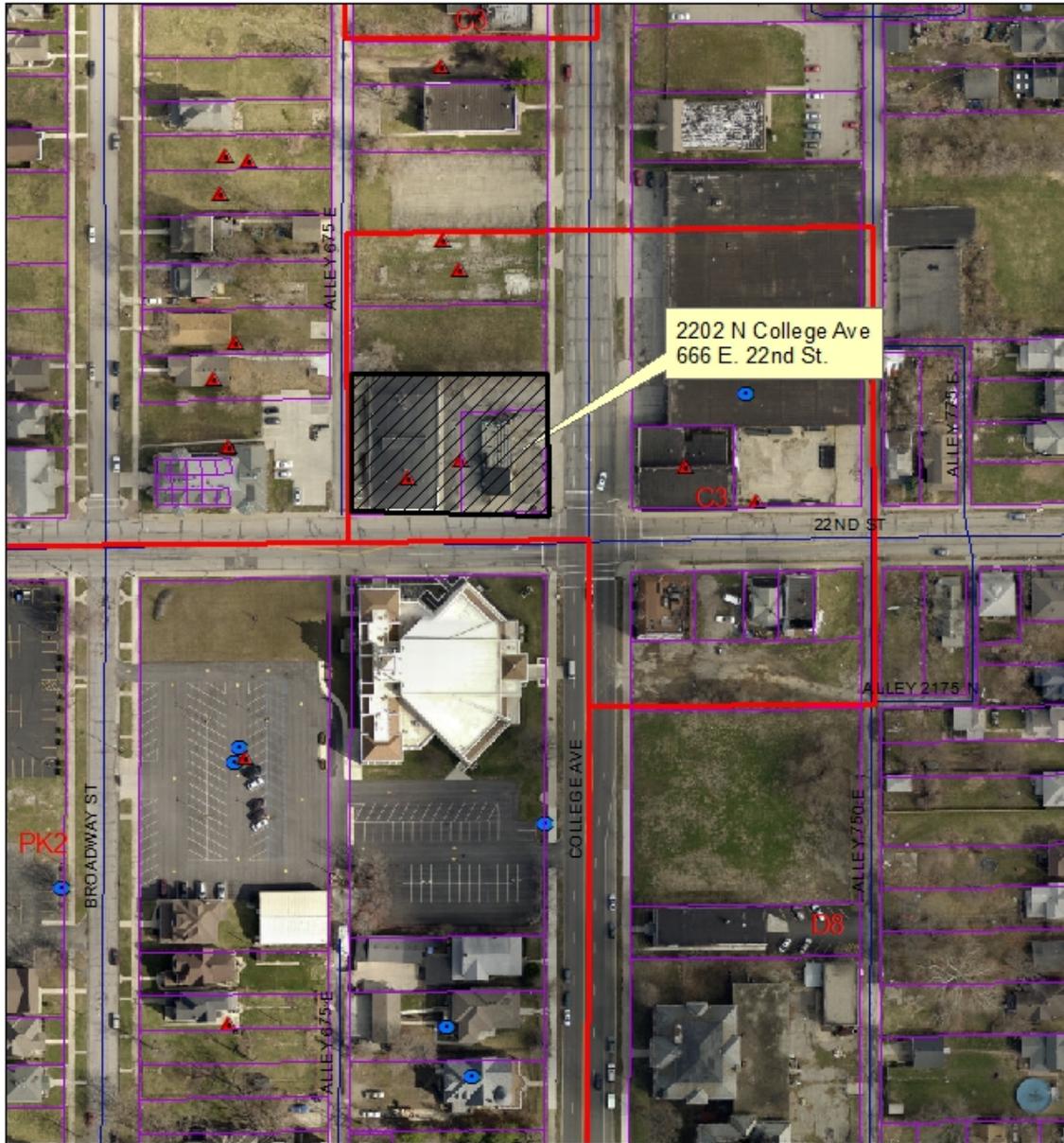


Photograph Three – Rear of building along alley





2014-DV3-037



0 55 110 220 330 440 Feet



## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2014-UV3-003 (Amended)  
**Address:** 11498 Maze Road  
**Location:** Franklin Township, Council District #25  
**Zoning:** D-A  
**Petitioner:** Robert J Sellers Revocable Trust, by Michael Walsh  
**Request:** Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a machine shop (not permitted) in an existing pole barn (accessory structure not permitted without a primary structure), with a 57-foot rear setback (75-foot rear setback required) on a 150-foot wide lot (250 feet of lot width required) without direct access to a public street (direct access to a public street required); and to legally establish a second lot with 80 feet of street frontage and lot width (125 feet of street frontage required and 250 feet of lot width required).

#### **ADDENDUM FOR JULY 21, 2015**

This petition will need to be continued from the July 21, 2015, hearing to the August 20, 2015, hearing to provide time to amend the petition and provide new notice.

#### **ADDENDUM FOR JUNE 16, 2015**

This petition was continued from the May 19, 2015, hearing to the June 16, 2015, hearing, at the request of the petitioner to provide additional time to obtain deed signatures and record the deed.

#### **ADDENDUM FOR MAY 19, 2015**

This petition was continued from the April 21, 2015, hearing to the May 19, 2015, hearing, at the request of the petitioner to provide additional time to combine two parcels, prepare a deed, and record the deed.

#### **ADDENDUM FOR APRIL 21, 2015**

This petition was continued from the March 17, 2015, hearing at the request of the petitioner to provide additional time to combine two parcels, prepare a deed, and record the deed.

#### **ADDENDUM FOR MARCH 17, 2015**

This petition was continued from the February 17, 2015, hearing to the March 17, 2015, hearing at the request of the petitioner to provide additional time to combine two parcels, prepare a deed, and record the deed.

(Continued)

## **STAFF REPORT 2014-UV3-003 (Continued)**

### **ADDENDUM FOR FEBRUARY 17, 2015**

This petition was continued from the January 20, 2015, hearing to the February 17, 2015, hearing at the request of the petitioner to provide additional time to combine two parcels, prepare a deed, and record the deed.

### **ADDENDUM FOR JANUARY 20, 2015**

This petition was continued from the December 6, 2014, hearing to the January 20, 2015, hearing at the request of the petitioner to provide additional time to combine two parcels, prepare a deed, and record the deed.

### **ADDENDUM FOR DECEMBER 6, 2014**

This petition was continued from the November 18, 2014, hearing to the December 6, 2014, at the request of the petitioner to provide additional time to finalize the purchase of the site.

### **ADDENDUM FOR NOVEMBER 18, 2014**

This petition was continued from the September 16, 2014, hearing to the November 18, 2014, hearing at the request of the petitioner to provide additional time for continued negotiations for the sale of the site.

### **ADDENDUM FOR SEPTEMBER 16, 2014**

The petition was continued from the July 15, 2014, hearing to the September 16, 2014, hearing to provide time for negotiations for the possible purchase of the site by an adjacent neighbor.

This petition was continued from the February 18, 2014, hearing to the March 18, 2014, to provide time to amend the petition and send new notice. A timely automatic continuance was filed by the Petitioner, continuing this matter to the April 15, 2014, hearing. Staff requested a continuance from the April 15, 2014, hearing to the May 20, 2014, hearing for additional time for the Petitioner to provide an amended request.

### **ADDENDUM FOR JULY 15, 2014**

The petition was continued from the May 20, 2014, hearing to the July 15, 2014, hearing at the request of the petitioner to provide additional time for negotiations with the neighborhood.

## **RECOMMENDATIONS**

Staff **recommends denial** of the request.

## **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

(Continued)

## **STAFF REPORT 2014-UV3-003 (Continued)**

### **LAND USE ISSUES**

- ◇ This 7.04-acre site, zoned D-A, is comprised of two parcels developed with a machine shop in an existing pole barn on one parcel and a single-family dwelling on the second parcel. Surrounding properties are zoned D-A and developed with single-family dwellings.
- ◇ The purpose of the D-A District is to provide for a variety of agricultural enterprises, with a secondary intent of large estate development of single-family dwelling. Because no agricultural enterprise exists on these two parcels, development of these parcels would be considered a large estate with a single-family dwelling.
- ◇ These parcels were created in 1990 when they were split from a larger parcel, without the required development standards. Information from the Assessor's Office indicates that the original pole barn was constructed in 1990, followed by additions in 1995 and 2001. It would appear that one Improvement Location Permit (ILP) was issued in 1996 for two accessory buildings being 30 by 40 feet and 40 by 50 feet. At some point in time these two buildings were connected, without the appropriate permits.
- ◇ On November 26, 2013, #VIO13-004661 was issued for operation of a machine shop in a D-A District.

### **VARIANCE OF USE**

- ◇ This request would legally establish a machine shop within the lowest density of the Dwelling Districts Zoning Ordinance (DDZO).
- ◇ The Comprehensive Plan recommends residential development of zero-1.75 units per acre. A machine shop is permitted in I-3 and I-4 Industrial Districts that accommodate medium and heavy industrial uses.
- ◇ The I-3 District "is located away from protected districts and buffered by lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required."
- ◇ The I-4 District is heavy industrial and "designed for those heavy industrial uses which are typically characterized by certain factors which would be exceedingly difficult, expensive of impossible to eliminate. The industries are, therefore buffered by sufficient area to minimize and detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Whenever practical, this district is removed as far as possible from protected districts and buffered by intervening light industrial districts."
- ◇ It would be inappropriate to allow this industrial use, surrounded by single-family dwellings, to continue to operate. No steps have been taken to provide a buffer or mediate the substantial adverse affect upon the adjacent property owners and residential uses. Lack of appropriate setbacks and the intensity of the use negatively impacts the adjacent property owners and the surrounding residential community.

(Continued)

**STAFF REPORT 2014-UV3-003 (Continued)**

**DEVELOPMENT STANDARDS**

- ◇ The DDZO requires development standards for each parcel or lot. Consequently, the requested variances are required. In order to maintain the residential character of the area, a primary structure should exist on each of the parcels. A single-family dwelling exists on the parcel to the east, but development on the western parcel is limited to the pole barn that has been expanded twice since 1990. The building expansions and growth of the machine shop business further intensifies the negative impact upon the surrounding residential community.
- ◇ The required setbacks in the DDZO provide the appropriate distance between the property lines and structures. Maintaining the required distances supports and enhances the low-density residential character of the area and protects the public health, safety, morals, and general welfare of the community.
- ◇ This request would legally establish two parcels with reduced lot widths. The western parcel is 150 feet wide and the eastern parcel is 80 feet wide. When the parcels were created in 1990, the required 250-foot lot width could have easily been met. Consequently, there is no practical difficulty in the use of the property.
- ◇ Only one, of the two parcels, has direct access to a public street. Access to the parcel with the machine shop (western parcel) is gained from a gravel driveway on the parcel to east. Appropriate division of the parcels would have provided access that would be in compliance with the DDZO. Consequently, there is no practical difficulty in the use of the property.
- ◇ The eastern parcel has 80 feet for street frontage when 125 feet is required. By inappropriately sub-dividing these parcels, a number of development standards were violated. These standards provide benefits, particularly related to safety issues and the ability to identify locations and buildings in emergency situations. This situation is further complicated by the fact that the adjacent property to the east violates the DDZO by gaining access, by way of an easement, from the driveway along the eastern boundary of the eastern parcel of this site, creating a situation where one driveway serves three parcels.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-A Industrial uses

**SURROUNDING ZONING AND LAND USE**

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

(Continued)

## STAFF REPORT 2014-UV3-003 (Continued)

COMPREHENSIVE PLAN (2007)	Recommends residential development at zero-1.75 units per acre.
THOROUGHFARE PLAN	This portion of Maze Road is designated as a secondary arterial, with a 50-foot existing right-of-way and an 80-foot proposed right-of-way.
SITE PLAN	File-dated, January 10, 2014
AMENDED SITE PLAN	File-dated, April 24, 2014
FINDINGS OF FACT	File-dated, January 10, 2014

### ZONING HISTORY

#### SUBJECT SITE

None.

#### VICINITY

**2014-DV1-010, 11270 Maze Road (west of site);** Requesting a variance of development standards of the Dwelling Districts zoning Ordinance to provide for an accessory structure that creates an excess of accessory use and building square footage, **granted.**

**2014-DV3-007 11224 Maze Road (north of site); Requesting** a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an accessory structure that exceeds the permitted height and in front of the established front building line of the primary structure, an accessory structure prior to construction of a single-family dwelling, an excess in square footage of accessory use and structures, and legally establish a lot with reduced frontage and lot width, **granted.**

**2009-DV1-021, 11224 and 11338 Maze Road (west of site);** Requesting a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for Tract "A" to be divided into no more than three residential lots, with reduced street frontage and lot width and Tract "B" to be divided into two lots, with reduced lot width, **granted.**

**89-UV2-43, 11702 Maze Road (east of site);** Requesting a variance of use for the continuation of an electrical contractor's business, **granted.**

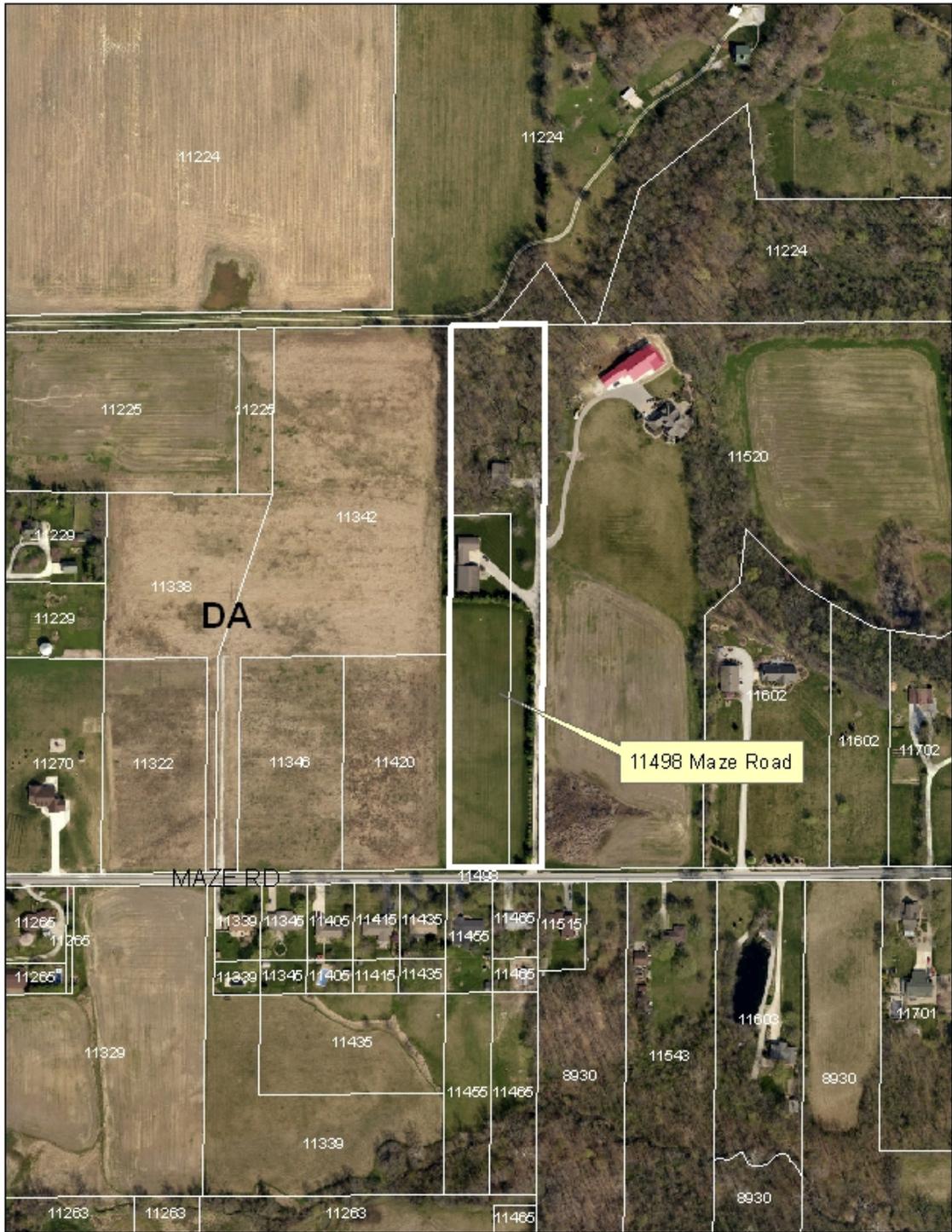
**89-V3-1, 112621 Maze Road (west of site);** Requesting a variance of development standards to provide for the construction of a single-family dwelling reduced street frontage, **granted.**

**88-UV2-11, 11702 Maze Road (east of site);** Requesting a variance of use to provide for an electrical contracting business with outdoor storage of equipment and materials, **granted.**

**82-V2-6, 11219 Maze Road (west of site);** Requesting a variance of development standards to provide for the construction of a single-family dwelling on a site without frontage, **granted.**

kb

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11498 Maze Road

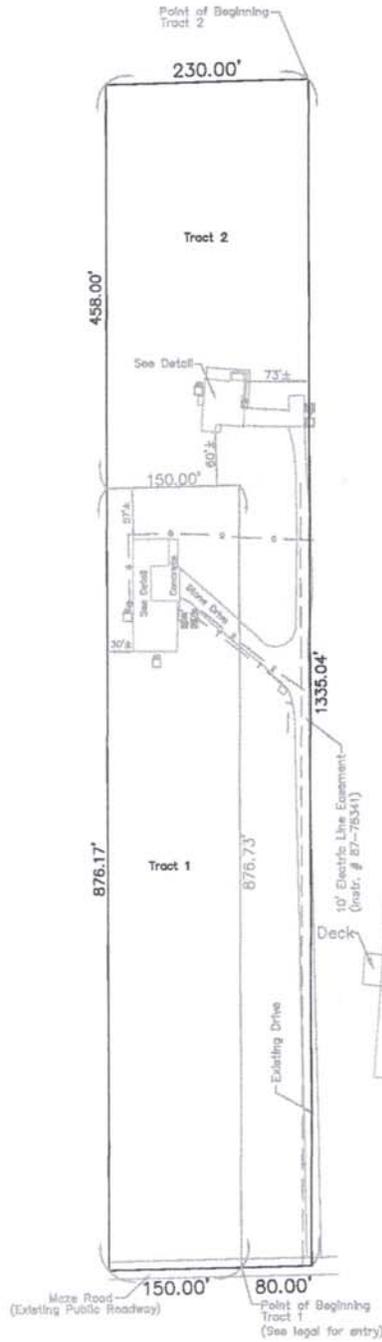
# SITE PLAN

"THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT."

RECEIVED

APR 24 2014

METROPOLITAN DEVELOPMENT



Scale: 1"=150'

Legend

---	Buried gas line
---	Buried electric line
---	Buried telephone line
---	Overhead Utility Line
○	Cable box
○	Transformer
○	Electric meter
○	Air conditioner
○	Gas meter
□	Telephone pedestal

Note: A retracement survey is recommended if precise locations are desired.

House Detail  
(Not to Scale)



**HAHN SURVEYING GROUP, INC.**  
 Surveyors & Engineers  
 2850 E. 96th St., Indianapolis, IN 46240  
 PHONE: (317) 846-0840 or (317) 846-4119  
 FAX: (317) 846-4298 or (317) 582-0662



PREPARED: January 10, 2014  
 REVISED: March 10, 2014

*Richard A. O'Brian*

Richard A. O'Brian  
 Registered Land Surveyor,  
 Indiana #8800177  
 Job No.: 131218  
 Sheet 2 of 2



View access on property to the east of site.



View of machine shop looking north from Maze Road



View of machine shop looking northwest



View of dwelling to the north



View of adjacent dwelling to the west



View of dwelling to the south across Maze Road

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-UV3-013  
**Address:** 3940 South Keystone Avenue (approximate address)  
**Location:** Perry Township, Council District #20  
**Zoning:** C-3  
**Petitioner:** Jack W. Abbott, Jr. by Theodore L. Geiseking  
**Request:** Variance of use of the Commercial Zoning Ordinance to provide for live entertainment (not permitted) within an existing bar/tavern.

#### ADDENDUM FOR JULY 21, 2015

This petition was continued from the June 16, 2015, hearing to the July 21, 2015 hearing, for additional time for the petitioner to submit additional information.

Staff continues to recommend approval of this request, subject to the site plan, file-dated May 8, 2015, plan of operation, and amended commitments, file dated July 14, 2015.

#### RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated May 8, 2015, and the commitments, file-dated May 8, 2015, with an amendment of Commitment Four requiring the proposed sound-deadening system to be installed prior to any live entertainment events.

#### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 2.10-acre site, zoned C-3, is improved with a commercial strip center, consisting of six tenant spaces and associated parking along the South Keystone Avenue frontage. The subject site is the southernmost 50 by 100-foot tenant space. Commercial uses are located to the south and east, across South Keystone Avenue. Religious uses are located to the north, with residential uses to the west.
- ◇ This site was granted a variance in 1997 (97-UV2-70), which permitted live entertainment on a temporary basis, for a period of one year from the variance grant.

(Continued)

## STAFF REPORT 2015-UV3-013 (Continued)

### USE VARIANCE

- ◇ This request would provide for live entertainment within an existing bar/tavern. The impact of live entertainment at this location would be minimal, because of the existing on-site commercial uses and the commercial uses to the south. The religious use to the north is separated from the tenant space by approximately 593 feet. The dwellings to the west are approximately 218 feet from the tenant space, with an intervening forested area that provides an appropriate separation and protection from the negative impact generated by the live entertainment.
- ◇ The petitioner has also submitted proposed commitments that include, but are not limited to, the installation of a system that would minimize the level of sound emanating from the business (see Attachment "A"). Staff believes this system should be installed prior to any live entertainment events.
- ◇ For all these reasons, staff is recommending approval of this petition.

### GENERAL INFORMATION

#### EXISTING ZONING AND LAND USE

C-3 Commercial uses

#### SURROUNDING ZONING AND LAND USE

North -	SU-1	Religious uses
South -	C-3	Commercial uses
East -	C-1 / C-4	Commercial uses
West -	D-4	Single-family dwelling

NEIGHBORHOOD PLANNING AREA (2000) Concord Community Plan recommends commercial retail services.

THOROUGHFARE PLAN This portion of South Keystone Avenue is designated in the Official Thoroughfare Plan as a primary arterial, with an existing 90-foot right-of-way and a proposed 120-foot right-of way.

SITE PLAN File-dated, May 8, 2015

FINDINGS OF FACT File-dated, May 8, 2015

### ZONING HISTORY

#### SUBJECT SITE

**97-UV2-70, 3940 South Keystone Avenue;** Requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the continued operation of a nightclub with live entertainment and an amusement arcade, granted (live entertainment expired after one year).

(Continued)

**STAFF REPORT 2015-UV3-013 (Continued)**

**VICINITY**

**2013-DV1-019, 4026 South Keystone Avenue (south of site);** Requested a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating for a tavern within approximately 70 feet of a PK-1 district, **granted.**

**2007-ZON-032, 2200 East Hanna Avenue (west of site);** Requested rezoning of 7.41 acres from the D-4 district to the SU-1 classification, **approved.**

**2000-UV2-039, 3959 Carson Avenue (west of site);** Requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish parking of commercial vehicles/construction equipment, detached garage and three accessory structure, **denied.**

**99-UV1-126, 4031-4051 Carson Avenue (east of site);** Requested a variance of use of the commercial zoning Ordinance to provide for the outdoor sales of produce, flowers, plants and other seasonal goods (not permitted), **granted.**

**98-UV2-92, 2602 East Hanna Avenue (east of site);** Requested a variance of use and development standards of the Commercial Zoning Ordinance to allow for the construction of an 88-unit self-storage mini-warehouse facility (not permitted) with zero on-site parking space (minimum four spaces required), **granted.**

**96-Z-212, 1941 East Hanna Avenue (west of site; Requested** rezoning of 8.14 acres from the D-2 and PK-1 districts to the PK-1 classification, **approved.**

**91-V3-70, 2149 East Hanna Avenue (west of site);** Requested a variance of the Sign Regulations to permit a two-sided ground sign, **granted.**

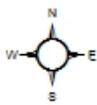
**88-V3-131, 2202 East Hanna Avenue (west of site);** Requested a variance of development standards of the Sign Regulations to provide for two canopy signs with a setback of 35 feet (70 feet required) and gasoline canopy within required setback, **granted.**

**87-UV1-111, 3950 South Keystone Avenue, (north of site);** Requested a variance of use of the Commercial Zoning Ordinance to provide for the addition of a drive-through car wash to an existing gasoline service station, **granted.**

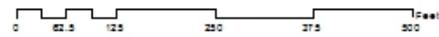
**83-V3-33, 2202 East Hanna Avenue (west of site);** Requested a variance of development standards of the Commercial Zoning Ordinance and Sign Regulations to provide for a convenience store without required transition yard, **granted.**

kb

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3740 South Keystone Avenue

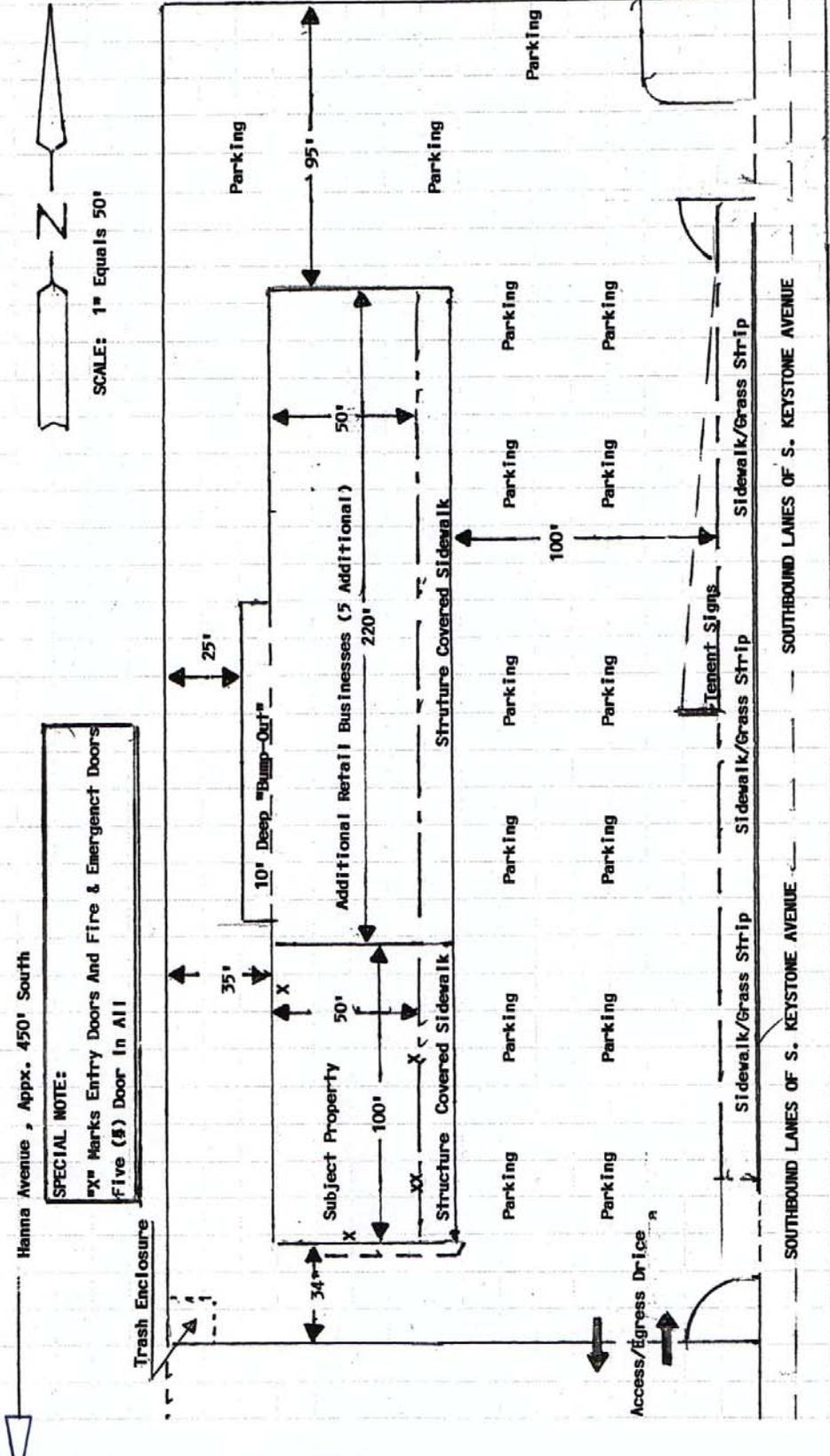


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MAY 08 2015

METROPOLITAN DEVELOPMENT

SIMPLIFIED SITE-PLAN FOR THE PROPERTY KNOWN AS  
3940 SOUTH KEYSTONE AVENUE, INDIANAPOLIS INDIANA



Theodore Gieseking  
Real Estate Project Coordinator  
1803 S. Perkins Ave.  
Indianapolis, IN 46203

Hanna Avenue , Appx. 450' South

SPECIAL NOTE:  
X Marks Entry Doors And Fire & Emergencnt Doors  
Five (5) Door In All

SCALE: 1" Equals 50'

TOTAL AREA OF SUBJECT PROPERTY: 91,038.04 SQ. FT.

FLOOR PLAN FOR THE BAR  
 LOCATED AT 3940 S. KEYSTONE AVENUE (THE ROCK HOUSE), INDIANAPOLIS, IN

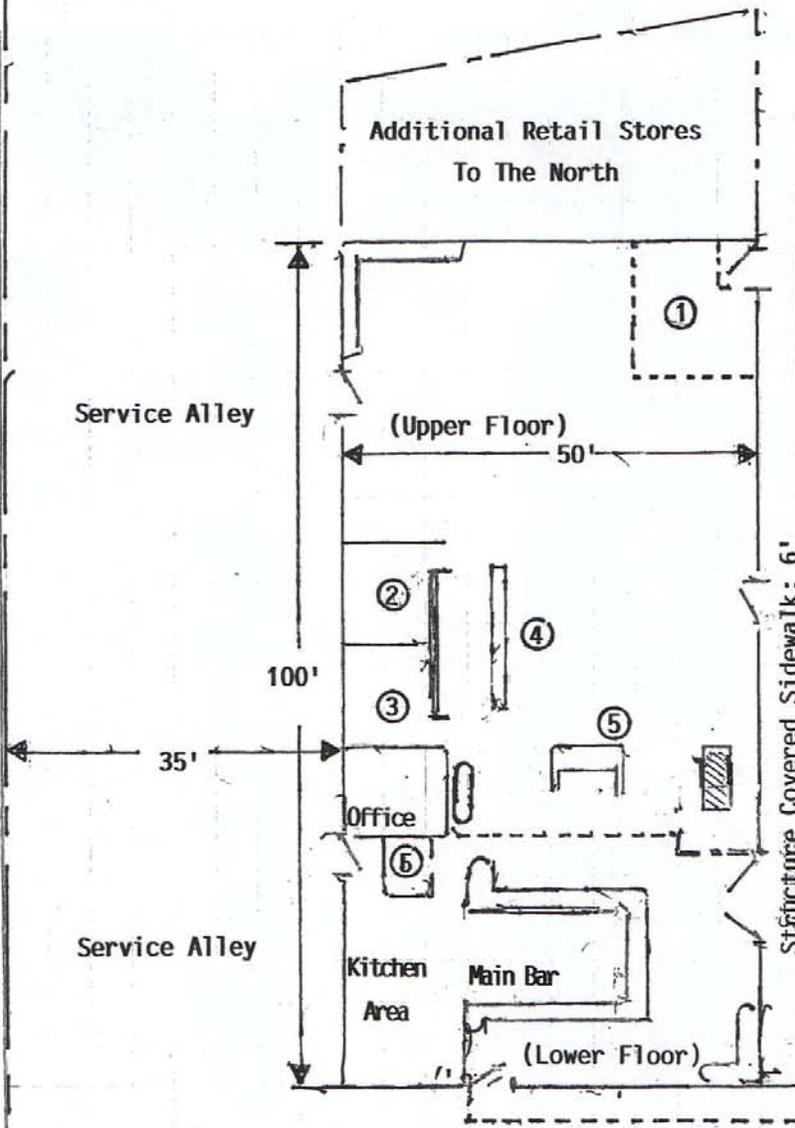
**RECEIVED**

MAY 08 2015

METROPOLITAN DEVELOPMENT



SCALE: 1" = 20', ENG'S. SCALE



**Tab Information:**

- 1) Elev. Stage
- 2) Men's Restroom
- 3) Women's Restroom
- 4) Stand Bar
- 5) DJ & Sound Booth
- 6) Bev. Cooler

\*\* SITE CONTAINS SIX (6) ENTRY / EXIT DOORS

Theodore Gieseke  
 Real Estate Project Coordinator  
 1803 S. Perkins Ave.  
 Indianapolis, IN 46203  
 (317) 402-6712, 502-5249



View of tenant space looking west from parking lot



View from tenant space looking north



View from site looking west at forested area



View from site looking south at abutting commercial use



View from northern portion of the site looking north at abutting religious use



View from site looking east across South Keystone Avenue

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-SE3-002  
**Address:** 1301 West 73<sup>rd</sup> Street (approximate address)  
**Location:** Washington Township, Council District #2  
**Zoning:** SU-2  
**Petitioner:** Sprint, by Derek McGrew  
**Request:** Special Exception of the Wireless Communication Zoning Ordinance to provide for a 150-foot tall monopole tower, for a wireless communication facility, and associated equipment.

### RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated June 18, 2015, and the following conditions:

1. An amended landscape plan shall be submitted for Administrator's Approval that surrounds the site on all four sides, with evergreen trees (not shrubs) that will grow taller than six feet and provide an opaque screen, prior to the issuance of an Improvement Location Permit and installed within one year from the date of the variance grant.
2. An amended elevation of the monopole (monopine) shall be submitted for Administrator's Approval, with branches that cover the structure down to approximately 10 feet above the ground, prior to the issuance of an Improvement Location Permit.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 20-acre site, zoned SU-2, is developed with a school, parking, and athletic fields. Except for the multi-family dwellings to the northwest across West 73<sup>rd</sup> Street, the site is surrounded by single-family dwellings
- ◇ The wireless communication facility would be located south of the athletic fields and west of the bus garage. The 50-foot by 50-foot leased area would be surrounded by a six-foot tall chain link fence, with landscaping on three of the four sides.

#### **SPECIAL EXCEPTION**

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

(Continued)

## **STAFF REPORT 2015-SE3-002 (Continued)**

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 WCF ordinance, a Special Exception is required when locating a WCF in a district zoned SU-2. 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. The Special Exception requires a higher standard of development to insure that the facility is compatible with and integrated into existing land uses, without creating the negative impact of clutter in the surrounding community, by encouraging the facilities to be as unobtrusive and invisible as reasonably possible, using designs and colors that are compatible with the adjacent land uses.
- ◇ The Board 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 or 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.
- ◇ The petitioner has proposed a “monopine” in an attempt to camouflage the monopole, but the branches only extend approximately half way down from the top, leaving a large visible pole approximately 75 feet tall. Staff believes that continuing the branches down to approximately 10 feet above the ground, along with the fencing would provide the camouflage intended by the Ordinance, in addition to installing evergreen trees.

(Continued)

## STAFF REPORT 2015-SE3-002 (Continued)

- ◇ As proposed, the tower would clearly be visible in any direction of the site. There are existing mature trees on the site, but these trees lack the density and height 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. The monopine, with the branches extending down to approximately 10 feet above the ground, would be a reasonable attempt to camouflage and integrate this facility with surrounding residential development.
- ◇ Furthermore, the WCF ordinance requires a minimum 10-foot wide landscape yard around the entire perimeter of the tower site. The landscaping plan filed with this request depicts landscaping on three of the required four sides of the compound. Staff believes that landscaping should be installed on all four sides, pursuant to the Ordinance, with evergreen trees, not shrubs.

## GENERAL INFORMATION

### EXISTING ZONING AND LAND USE

SU-2                      School

### SURROUNDING ZONING AND LAND USE

North -	D-6 / D-2	Multi-family dwellings
South -	D-2	Single-family dwelling
East -	D-2	Single-family dwelling
West -	D-2	Single-family dwelling

COMPREHENSIVE PLAN  
(2007)

Recommends special use for the subject site.

THOROUGHFARE PLAN

This portion of West 73<sup>rd</sup> is designated as a primary arterial on the Official Thoroughfare Plan, with an existing 110-foot right-of-way, and a proposed 120-foot right-of-way.

SITE PLAN

File-dated, May 28, 2015

POLE ELEVATIONS

File-dated May 28, 2015

FINDINGS OF FACT

File-dated, May 28, 2015

## ZONING HISTORY

### SUBJECT SITE

**2015-AP3-001, 1301 West 73<sup>rd</sup> Street;** Requested an approval for a waiver of the refiling rule to permit the refiling of a variance of use petition for a 150-foot tall monopole tower, subsequent to the denial of 2014-SE3-004 and prior to the expiration of the 12-month waiting period, **approved**.

**2014-SE3-004, 1301 West 73<sup>rd</sup> Street;** Requested a special exception of the Wireless Communication Zoning Ordinance to provide for a 150-foot tall monopole tower, for a wireless communication facility, and associated equipment, **denied**.

(Continued)

**STAFF REPORT 2015-SE3-002 (Continued)**

**2001-DV1-034 1301 West 73<sup>rd</sup> Street;** Requested a variance of development standards of the Sign Regulations to provide for a pylon sign within 40 feet of a dwelling district, **granted.**

**VICINITY**

**2001-UV2-002, 1612 Westlane Road (west of site); Requested** a variance us of the Dwelling Districts Zoning Ordinance to provide for an office within an existing single-family dwelling, **granted.**

**96-UV2-43, 1612 Westlane Road (west of site); Requested** a variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a real estate sales office, **granted.**

kb

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1301 West 73rd Street



1301 West 73rd Street











View looking east from west boundary line



View looking east from west boundary line



View of proposed location of cell tower looking west



View of proposed location of cell tower looking west

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2015-DV3-026 (Amended)  
**Address:** 845 (filed as 843 North Capitol Avenue (Approximate address))  
**Location:** Center Township, Councilmanic District # 15  
**Lot Size:** 0.18 acre  
**Petitioner:** Norle Investments, Inc., by David Kingen and Justin Kingen  
**Request:** Variance of use and development standards of the Central Business Districts Zoning Ordinance and the Sign Regulations to provide for a drive-through lane (not permitted, for a carry-out restaurant, and to permit a drive-through entry sign and bike rack within the right-of-way of Capitol Avenue and a trash enclosure in the right-of-way of Muskingum Street (not permitted).

This petition was amended on July 8, 2015 to clarify the requested variances. Therefore, this petition should be **continued** to the **August 17, 2015** hearing, with new notice required. A staff report will be available prior to that hearing.

JY

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## STAFF REPORT

### Department of Metropolitan Development Division of Planning - Current Planning Section

**Case Number:** 2015-DV3-027  
**Address:** 2930 North Tibbs Avenue (approximate address)  
**Location:** Wayne Township, Council District #14  
**Zoning:** C-4  
**Petitioner:** Carol Wheeler (Alexander), by David E. Dearing  
**Request:** Variance of development standards of the Commercial Zoning Ordinance to provide for the outdoor storage of twenty commercial vans (outdoor storage not permitted), with a zero-foot north transitional yard (20-foot transitional yard required).

### RECOMMENDATIONS

Staff **recommends denial** of the request as filed.

Staff would **recommend approval** of the request if the following commitments are agreed to:

1. No inoperable vehicles shall be stored onsite.
2. The existing chain-link fence portion shall be replaced with a wooden slat fence similar to the surrounding fence
3. Slat to block visibility of the stored vehicles shall be installed in the existing chain-link gate.
4. The gravel portion of the parking area shall be paved within one year of this grant.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is currently improved with an existing 1,122-square foot building, a utility shed and a surface parking lot, with approximately 8,139 square feet graveled, in the C-4 zoning district. The site is surrounded to the north and east by single-family dwellings in the D-4 zoning district. To the west and south, the site is adjacent to an undeveloped site and a commercial use in the C-4 zoning district.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for the outdoor storage of twenty commercial vans, with a zero-foot north side transitional yard setback.

(Continued)

## **STAFF REPORT 2015-DV3-027 (Continued)**

- ◇ The Comprehensive Plan recommends commercial retail uses at this location. While the proposal would increase the intensity of outdoor storage at this location and contradict the commercial retail use recommendation (where most storage is required to be indoors), the increased intensity of outdoor storage would be buffered by a surrounding fence, as shown on the site plan.
- ◇ The proposed request could be further mitigated with the commitments requested by staff. The petitioner has agreed to commitments one through three, but would not agree to commitment four. Since the parking would become the primary use of the site, staff has requested the paving of the gravel area, to help mitigate any adverse and detrimental impact on the single-family dwellings to the east and north of the site; and any potential impact to the adjacent wellfield. If the petitioner cannot agree to pave the gravel area, then staff would continue to recommend denial of the petition, as filed.
- ◇ The subject site is adjacent to protected districts, separated from them by an undeveloped side yard and parking lot. The use is located 48 feet from the closest dwelling, and 210 feet from the religious use structure. In addition, a six-foot tall wooden fence, as shown on the site plan, would help mitigate the zero-foot north side transitional yard. Therefore the request to provide for a zero-foot north side transitional yard would be a minor deviation.

### **WELLFIELD PROTECTION**

- ◇ Although the subject site is not located within a Wellhead Protection Area, the White River Wellhead Protection Area (W-5), one of seven (7) wellfields within Marion County, is located approximately 100 feet to the southeast of the site.
- ◇ The Wellfield Protection Zoning Ordinance was adopted in 1995, to protect the drinking water supply within Marion County by preventing potential ground water contaminants associated with human activity from interfering with each community public water supply systems' ability to produce drinking water that meets all applicable federal primary drinking water standards after undergoing conventional ground water treatment.
- ◇ This Ordinance establishes land use regulations that "apply to all land within the Wellfield Protection Zoning Districts, with the exceptions of single-and multi-family residential land uses." The site, while being located just outside the White River Wellhead Protection Area, would not be subject to additional restrictions, should still be considered as a potential contaminate site due to the immediate proximity of the gravel parking area to the wellfield.

(Continued)

**STAFF REPORT 2015-DV3-027 (Continued)**

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

C-4 Commercial vehicle storage

SURROUNDING ZONING AND LAND USE

North - D-4 Single-family dwelling  
South - C-4 Commercial use  
East - D-4 Single-family dwelling  
West - C-4 Undeveloped

NEIGHBORHOOD PLAN (1990) The Lafayette Road Coffin Park neighborhood plan recommends commercial retail uses.

THOROUGHFARE PLAN This portion of Tibbs Avenue is not indicated on the Official Thoroughfare Plan.

SITE PLAN File-dated June 15, 2015

FINDINGS OF FACT File-dated June 15, 2015.

**ZONING HISTORY**

**2005-DV1-033; 2835 and 2857 Lafayette Road (south of site)**, requested a variance of development standards of the Sign Regulations of Marion County to provide for the addition of a 36-square foot electronic variable message component to an existing pylon sign located 435 feet from a protected district, **granted**.

**97-V2-85; 2839 Lafayette Road (south of site)**, requested a variance of development standards of the Sign Regulations of Marion County to provide for a 580-square foot, integrated center sign located 250 feet from a protected district, **granted**.

**90-V-353; 2857 Lafayette Road (south of site)**, requested a variance of use and development standards to permit the construction of a tire sales and service building, with a pole sign setback 5 feet from the right-of-way of Lafayette Road, **granted**.

RU \* \* \* \* \*

**STAFF REPORT 2015-DV3-027 (Continued)**

**2015-DV3-027: Location Map**





**2015-DV3-027: Photographs**



View of subject site looking west



View of subject site parking area looking west



View of south portion of gravel parking area looking west



View of north portion of gravel parking area looking west.



Adjacent commercial use to the south of site



Adjacent single-family dwelling to the north of site, looking west



Adjacent single family dwelling to the southeast of site



Adjacent single family dwelling to the northeast of site

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-DV3-030  
**Address:** 3902 South Post Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** C-5  
**Petitioner:** Bryan Durr  
**Request:** Variance of development standards of the Sign Regulations to provide for a 56-foot tall, 241.75-square foot “tall” sign (maximum 240-square foot “tall” sign permitted) and to provide for a second 25-foot tall, 69.08-square foot pole sign (no other freestanding signs permitted with a “tall” sign).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request subject to the elevations, file-dated June 16, 2015, and the following condition:

An amended site plan shall be submitted for Administrator’s Approval that identifies the location of each of the signs, prior to the issuance of a Sign Permit.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 1.071-acre site, zoned C-5, is comprised of two parcels. This undeveloped site lies south of the Interstate 74 interchange at Post Road and is surrounded by commercial uses, including a similar commercial use to the north, across Atlantis Drive.

#### **DEVELOPMENT STANDARDS – SIGN REGULATIONS**

- ◇ This request would provide for two signs, including a 56-foot tall, 241.75-square foot tall sign and a 69.08-square foot pole sign. The Sign Regulations limit the square footage of a tall sign to 240 square feet. Because of the surrounding commercial uses, a 1.75-square foot increase in the size of the sign would have minimal impact and would be a minor deviation from the Regulations. Furthermore, the proposed tall sign would be visible to motorists on I-74.

(Continued)

**STAFF REPORT 2015-DV3-030 (Continued)**

- ◇ The Sign Regulations permit a tall identification sign for uses adjacent to freeway interchanges if the sign is the only freestanding identification on the site. Because tall signs are visible from greater distances, and therefore, have a greater visual impact than most identification signs or combination of signs, a use that chooses to use the tall sign option is not permitted to have any other freestanding identification sign.
- ◇ This request would provide for a second 25-foot tall, 69.08-square foot pole sign that would be similar to existing signs in the area. Because of its lower height, it would be more visible to motorists traveling on area streets, such as Post Road. Additionally, a signs of similar square footage and height were granted a variance (2001-DV3-006).
- ◇ The proposed signs would have minimal impact upon this area because of the commercial uses, with similar existing signs that provide identification and location of area businesses.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

C-5                      Undeveloped

**SURROUNDING ZONING AND LAND USE**

North -	C-5	Single-family dwellings
South -	C-4	Undeveloped
East -	C-4/C-5	Gasoline Station / Car Dealership
West -	C-5	Undeveloped

COMPREHENSIVE PLAN (2007)                      Recommends Community Commercial.

THOROUGHFARE PLAN                      This portion of South Post Road is designated on the Official Thoroughfare Plan as a primary arterial, with an existing 50-foot right-of-way and a proposed 140-foot right-of-way.

SITE PLAN                      File-dated, June 16, 2015

SIGN ELEVATIONS                      File-dated, June 16, 2015

FINDINGS OF FACT                      File-dated, June 16, 2015

**ZONING HISTORY**

**SUBJECT SITE**

**None.**

(Continued)

**STAFF REPORT 2015-DV3-030 (Continued)**

**VICINITY**

**2006-ZON-853 / 2006-VAR-853, 3920 South Post Road (south of site);** Requested rezoning of 12.733 acres, from the D-A District, to the C-4 classification to provide for community-regional commercial uses and a variance of use of the Commercial Zoning Ordinance to provide for a mini-warehouse facility, **approved.2**

**2004-ZON-004, 3920 South Post Road (south of site);** Requested rezoning of 12.733 acres, being in the D-A District, to the D-6II classification to provide for multi-family residential development , **pending.**

**2001-DV3-006, 3878 South Post Road (north of site);** Requested a variance of development standards of the Sign Regulations to provide for a 60-foot tall pole sign and a 23-foot tall pole sign, **granted.**

**2001-ZON-167, 3920 and 3928 South Post Road (south of site);** Requested rezoning of 3.79 acres from the D-A District, to the C-4 classification to provide for the construction of a gasoline station/commercial center, **approved.**

**91-V2-44, 3801 South Post Road (north of site);** Requested a variance of development standards of the Sign Regulations to provide for canopy sign and pump signs exceeding the permitted square footage, **granted.**

**87-Z-136,3851 South Post Road (north of site);** Requested rezoning of 0.96 acre, from the C-3 District, to the C-5 classification to provide for the sale and display of used cars, **approved.**

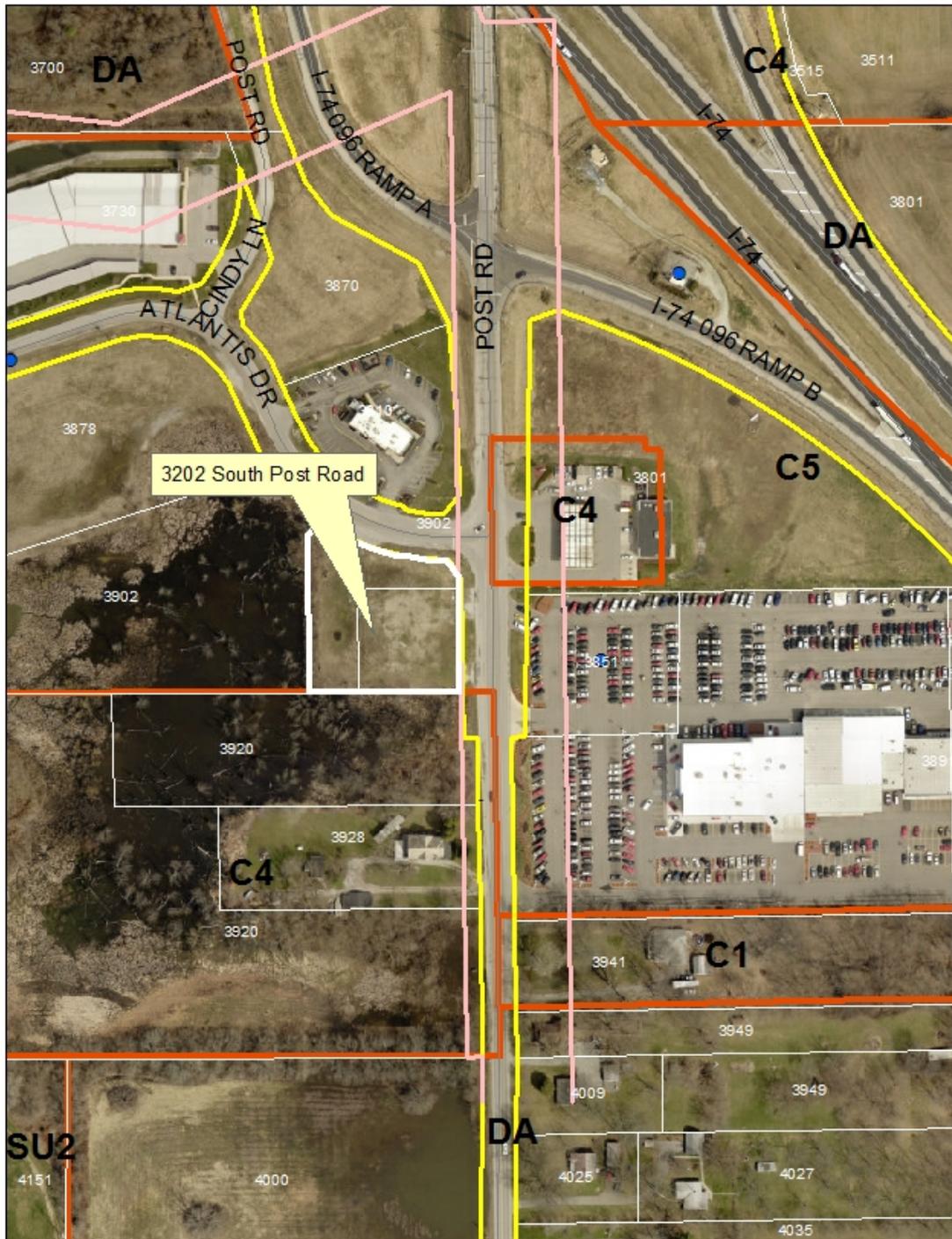
**80-Z-148, 3802 South Post Road (north of site);** Requested rezoning of 17 acres, being in the A-2 District to the C-5 classification to provide for commercial development, **approved.**

**77-Z-24, 3902 South Post Road (north of site);** Requested rezoning of 0.87 acre, being in the A-2 District to the C-5 classification to provide for commercial development, **approved.**

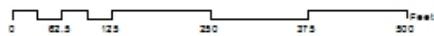
**69-V4-190, 3831 South Post Road (north of site);** Requested a variance of use and development standards of the Sign Regulations to provide for a 73.89foot tall pole sign, **granted.**

kb

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3202 South Post Road

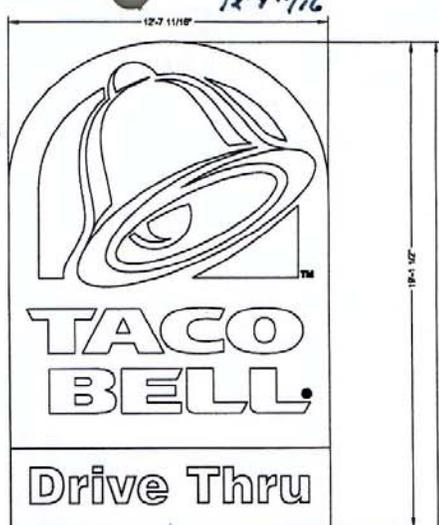
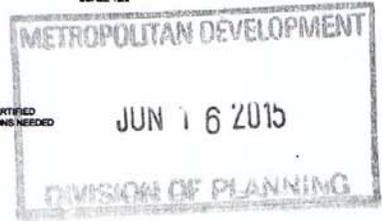
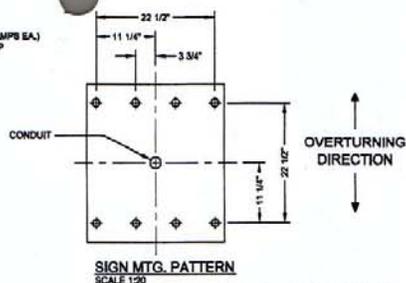




Revised.

Actual Sign Face Requested on tall Pole.

**ELECTRICAL SPECIFICATION:**  
 LAMPS: (11) H35-42000X MW  
 BALLAST: (11) 1 LAMP #88P-400 1800S (4.0 AMP/9 EA.)  
 TOTAL LOAD > 44 AMP/ 120 VOLTS (3) 20 AMP  
 LUMENS 208,800 TOTAL  
 LUMENS / SQ.FT. 913.40 SQ  
 AREA OF SIGN 228.4 SQ.FT



241.75  
19' 1 1/2"

**NOTE:**

ALL WELDING TO BE COMPLETED BY AN AWS CERTIFIED WELDER QUALIFIED IN THE APPLICABLE POSITIONS NEEDED

**EVERBRITE TO FURNISH:**

- 229 SQ. FT. SIGN
- MOUNTING POLE IN FOUR PIECES
- TOUCH UP PAINT

**INSTALLER TO FURNISH:**

- CONCRETE BASE
- ALL ELECTRICAL COMPONENTS REQUIRED
- INSTALLER TO BE SURE SIGNS ARE PROPERLY INSTALLED, CONNECTED AND GROUNDED

**GENERAL CONTRACTOR TO FURNISH:**

PRIMARY WIRES FROM BUILDING (OR SOURCE) TO AND INCLUDING THE CONNECTION TO THE POLE MOUNTED BREAKER BOX

**CONCRETE SPECIFICATION:**

3250 CU. YDS. TOTAL. CONCRETE SHALL HAVE MIN. COMPRESSIVE STRENGTH OF 3,000 PSI @ 28 DAYS REINFORCING STEEL SHALL HAVE MIN. YIELD STRENGTH OF 60,000 PSI. RECOMMENDED MIN. CURE TIME OF 7 DAYS BEFORE SIGN INSTALLATION.

**DESIGN NOTE:**

SIGN, POLE AND CONCRETE FOUNDATION ARE DESIGNED TO WITHSTAND A WIND LOAD OF 30 P.S.F. CONCRETE FOUNDATION DESIGNED USING A NET ALLOWABLE SOIL BEARING PRESSURE OF 2000 P.S.F. IF THESE SOIL CONDITIONS DO NOT EXIST AT THE FOUNDATION LOCATION IT IS THE ERECTOR'S RESPONSIBILITY TO NOTIFY EVERBRITE, LLC. PRIOR TO ADDITIONAL EXCAVATION OR ANY CONCRETE PLACEMENT

**GENERAL NOTE:**

INCLUDE COMPLETION PHOTOS OF MOUNTING / CONNECTION POINTS INCLUDING FOUNDATION, BASE PLATES, ANCHOR BOLTS, MATCH PLATE, WALL MOUNT, WELDING CONNECTIONS AND GROUT INSTALLATION IF APPLICABLE.

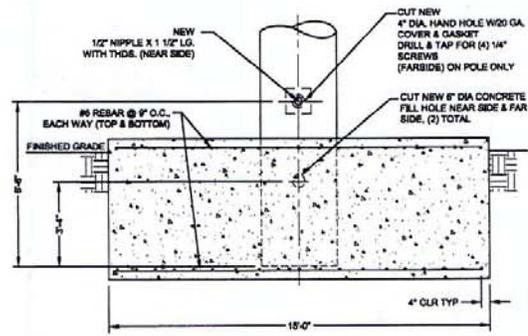
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 800 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

**INSTALLATION INSTRUCTIONS:**

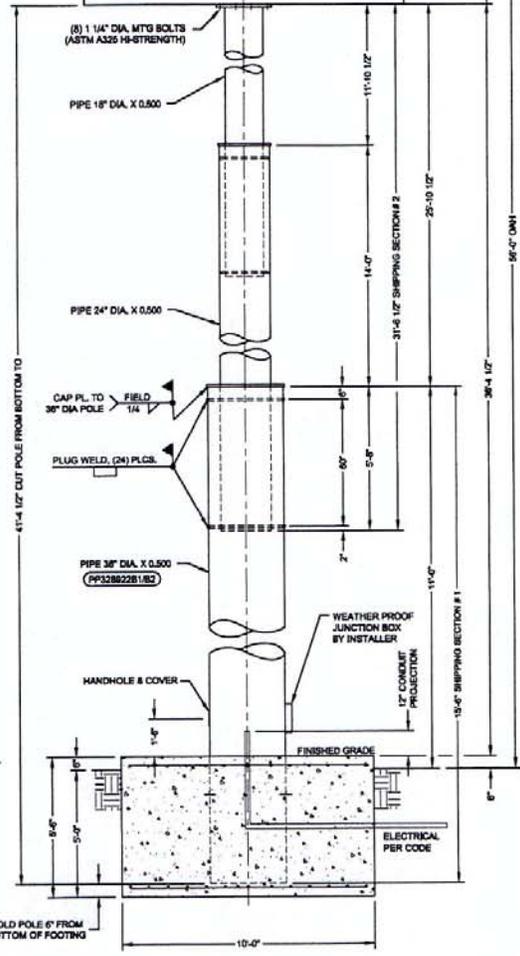
- STAKE FOUNDATION AREA AND CONFIRM FINAL GRADE REQUIREMENTS WITH O.C.
- EXCAVATE FOUNDATION AREA.
- SET COLUMN PLUMB. INSTALL CONDUIT STUB AND POUR CONCRETE. (PRIMARY ELECTRICAL SERVICE TO BASE BY G.C.)
- ALLOW CONCRETE CURE TIME AS REQUIRED.
- MOUNT I.D. SIGN ON POLE (INSTALLER TO PROVIDE WIRE BETWEEN SIGN AND BASE OF POLE)
- MAKE FINAL ELECTRICAL HOOK UP TO PRIMARY (ALL ELECTRICAL TO MEET LOCAL CODES).
- NOTE: INSTALLER IS REQUIRED TO PAINT THE POLE COMPLETE, UPON ERECTION OF I.D. SIGN OR AS SOON AS WEATHER PERMITS.
- TEST LIGHT SIGN AND TOUCH UP SIGN DRUM AS NEEDED.
- REMOVE LIFTING BRACKET AND REINSTALL BOLT.
- CLEAN UP AREA AND REMOVE ANY PACKING MAT'L.

**POLE SPEC:**

36'-4 1/2" EXPOSED POLE  
 41'-4 1/2" TOTAL POLE LENGTH  
 SHIPPING SECTION #1 WEIGHT: 2938 LBS  
 SHIPPING SECTION #2 WEIGHT: 4965 LBS  
 TOTAL WEIGHT: 7903 LBS.



SIDE ELEVATION SCALE 1/20



FRONT ELEVATION SCALE 1/20

**Everbrite**  
 4940 SO. 110TH ST.  
 P.O. BOX 20020  
 GREENFIELD, WI 53220  
 414-429-3900

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF EVERBRITE, LLC. USE OF, OR DUPLICATION IN ANY MANNER WITHOUT EXPRESS WRITTEN PERMISSION OF EVERBRITE, INC. IS PROHIBITED.

SITE: TB3902ADR  
 3902 S. POST RD  
 INDIANAPOLIS, IN 46239

DWG TITLE: 229 SQ. FT. TACO BELL @ 56'-0" OAH

DRN BY: IMPACT/DTI DATE: 04/13/15 SCALE: AS SHOWN DWG NO: IN05063B REV: B  
 CHKD BY: RHB DATE: 04/14/15 PIP REF: 328922

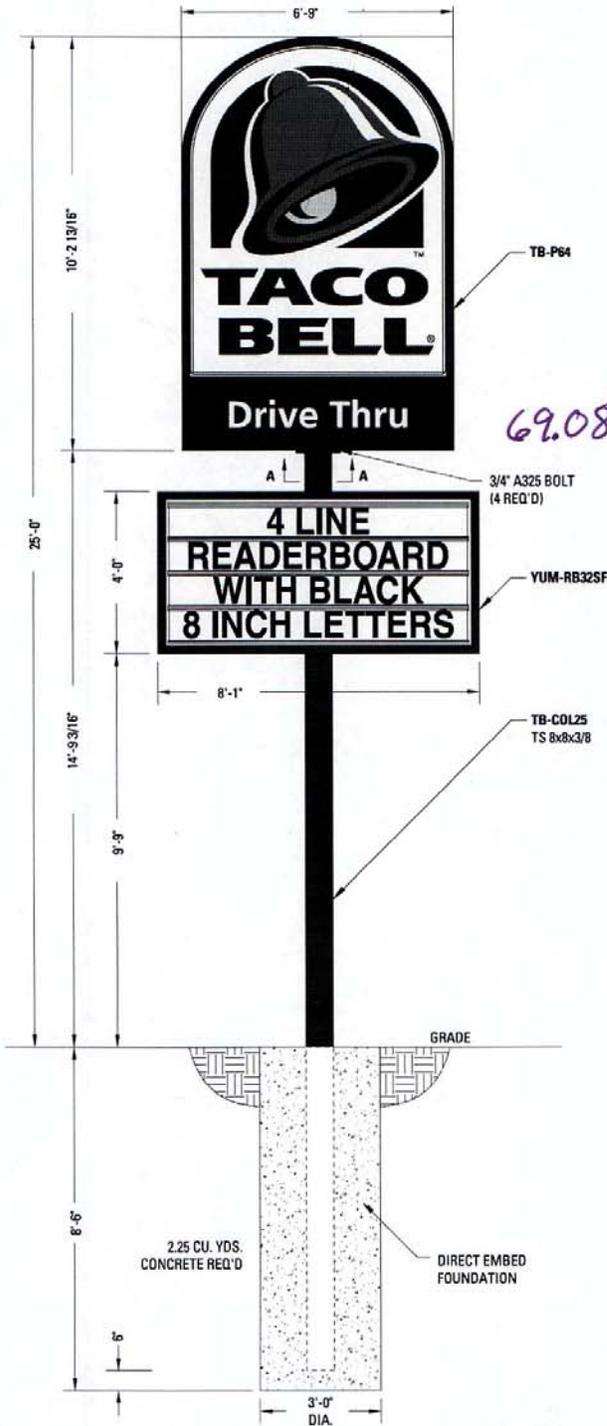
REV.	DESCRIPTION	DATE	DRN	CHK	ECN
B	REVISED OAH, FOOTING & WIND PRESSURE. ADDED NEW DIM TO CUT POLE & NEW HANDHOLE	06/15/15	IMPACT/DTI	RHB	-
A	RELEASED FOR INSTALL	04/14/15	IMPACT/DTI	RHB	-

Example of 25' Pole Sign Requested.



TB-P64 • PYLON SIGN

Yum!



**DESIGN PARAMETERS:**

- 110 mph wind speed 3-second gust-Exposure C.
- 300 PSF per foot of depth allowable lateral soil bearing pressure.
- Compliant with national building codes and standards (IBC, UBC, BOCA, AISC, ASCE 7, ACI & Aluminum Design Manual)
- Refer to written documentation for material specification details

**TB-P64 - DF TACO BELL PYLON CABINET Sq. Ft: 64.0** Extruded aluminum frame, 10" deep with 2" retainer.

- Aluminum painted fillers
- .187 Pan formed and embossed SG polycarbonate with retention strips
- Hingeable access
- Approximate weight: 400 lbs.

**Electrical:**

Lamps: (8) F60T12HO/DSGN50, (2) F64T12HO/DSGN50  
(2) F72T12HO/DSGN50

Ballast: (2) 6 Lamp electronic ballast (2.5 amps each)

Amp Load: 5.0 amps/120 volts

Circuits: (1) 20 amp circuits 60 HZ - UL 48 & NEC compliant

**YUM-RB32SF - SF READERBOARD (2 Req'd) Sq. Ft: 32.0**

- Extruded aluminum frame, 6 1/4" deep with 1 1/2" retainer.
- Aluminum painted fillers
- .150 Pan formed, SG polycarbonate with retention strips
- Approximate weight: 165 lbs.
- Four lines of 8 inch font
- Black copy on clear font panels
- 274 piece character set
- Changer Arm and Storage Box

**Electrical:**

Lamps: (4) F96T12HO/CW (each cabinet)

Ballast: (1) 4 Lamp electronic ballast (1.7 amps each cabinet)

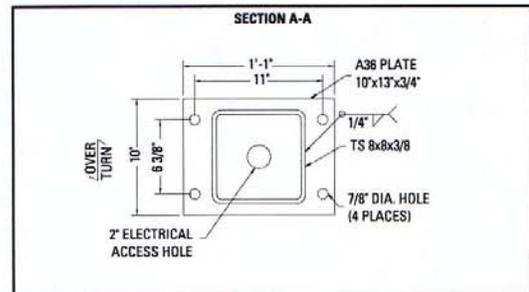
Amp Load: 3.4 amps/120 volts

Circuits: (1) 20 amp circuits 60 HZ - UL 48 & NEC compliant

**TOTAL LOAD: 8.4 amps - (2) 20 amp circuits 60 HZ**

**GRAPHIC & COLOR SPECIFICATIONS:**

COLOR	PMS	3M
Yellow	109	VQ-4077
Purple	Violet	VQ-4153
Magenta	Process Magenta	VQ-4154



NOT FOR CONSTRUCTION NOV. 03



7675 OAK RIDGE HIGHWAY • KNOXVILLE, TENNESSEE 39731 • VOICE: 865.342.8333 • FAX: 865.539.2810 • WWW.TRISECTENGINEERING.COM

T4 NOV. 03



View of site looking south across Atlantis Drive



View of site looking southeast from Atlantis Drive



View of signs looking northeast from site



View of tall sign on the adjacent site to the north



View of pole sign on property to the north of site



View of sign located northwest of site

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-UV3-015  
**Address:** 1040 North Post Road (approximate address)  
**Location:** Warren Township, Council District #21  
**Zoning:** C-3  
**Petitioner:** T-Mobile Central, LLC, by Stephen E. Carr  
**Request:** Variance of use of the Wireless Communication Zoning Ordinance to provide for a wireless communications facility, with a 120-foot tall monopole tower (not permitted), with a six-foot lightning rod, and with accessory equipment cabinets and structures.

### RECOMMENDATIONS

Staff **recommends denial** of this request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 1.70-acre site, zoned D-A and C-3, is developed with a building and associated parking. The northern one-third of the site is zoned D-A, with the southern two-thirds zoned C-3. The proposed wireless communications facility would be located on that portion of the property zoned C-3 at the southwest corner of the site.
- ◇ Commercial uses are located to the west, south and east, across North Post Road. Religious uses abut the site to the north.
- ◇ A similar request (2014-DV3-031) was heard and denied on January 21, 2015. A subsequent approval petition (2015-AP3-001) was filed to permit the refiling of variance of use request for a 120-foot tall monopole tower, subsequent to the denial of and prior to the expiration of the twelve-month waiting period waive the twelve-month. This approval petition was approved by the Board.

#### **DEVELOPMENT STANDARDS**

- ◇ This request would provide for a wireless communications facility (WCF), with a 120-foot tall monopole tower, including a six-foot tall lightning rod, accessory equipment cabinets and structures, within a 60 by 60-foot leased area.
- ◇ This request differs from the previous request by using a stealth pole with internal antenna mounting, installing a six-foot tall shadow box fence for enhanced screening, and providing for a second carrier to co-locate on the monopole.

(Continued)

## **STAFF REPORT 2015-UV3-015 (Continued)**

- ◇ For the C-3 District, the WCF ordinance permits only wall-mounted and roof-mounted facilities with a height limited to ten feet greater than the existing building height (may be increased to 20 feet if approved by the Administrator) for roof-mounted facilities and a ten-foot extension above the wall on which they are located, for wall-mounted facilities.
- ◇ 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.

- ◇ Because a monopole tower is not permitted in the C-3 District, staff suggests that, at a minimum, the request should comply with the following conditions required by the grant of a Special Exception of the WCF:
  - (1) The grant will not be injurious to the public health, safety, morals, convenience or 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 WCZO 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.

(Continued)

## STAFF REPORT 2015-UV3-015 (Continued)

- ◇ As filed, despite the stealth pole with internally mounted antennas, there has been no attempt to camouflage or integrate this 120-foot tall tower with the existing built environment to limit impacts of this WCF. The tower would clearly be visible from any direction of the site. The proposed six-foot tall shadow box fence and landscaping surrounding the leased area lacks the density and height to mitigate the negative visual impact of the tower or provide camouflage and/or integration with the surrounding one-story structures.

### GENERAL INFORMATION

#### EXISTING ZONING AND LAND USE

C-3 Fraternal organization

#### SURROUNDING ZONING AND LAND USE

North -	SU-1	Religious uses
South -	C-3	Commercial uses
East -	C-3	Commercial uses
West -	C-3	Commercial uses

COMPREHENSIVE PLAN (2007) Recommends special use for the subject site.

THOROUGHFARE PLAN This portion of North Post Road is designated on the Official Thoroughfare Plan as a primary arterial, with an existing 100-foot right-of-way and a proposed 120-foot right-of-way.

SITE PLAN File-dated, June 2, 2015.

FINDINGS OF FACT File-dated, June 2, 2015.

### ZONING HISTORY

**2015-AP3-001, 1040 North Post Road;** Requested an approval for a waiver of the refiling rule to permit the refiling of a variance of use petition for a 120-foot tall monopole tower, subsequent to the denial of 2014-UV3-031 and prior to the expiration of the 12-month waiting period, **approved**.

**2014-UV3-031, 1040 North Post Road;** Requested a variance of use to provide for a wireless communications facility, with a 120-foot tall monopole tower, with accessory equipment cabinets and structures, **denied**.

### VICINITY

**2013-CZN-812 / 2013-CVR-813, 9040 East 10<sup>th</sup> Street (south of site)'** Requested rezoning of 4.36 acres from the D-3 and C-3 Districts to the C-S classification to provide of C-3C uses (excluding residential uses), C-2 uses (excluding residential uses) and a self-storage facility and a variance of development standards of the Commercial Zoning Ordinance to provide for self-storage buildings and parking lots with zero-foot side yard and reduced parking, **approved**.

(Continued)

## **STAFF REPORT 2015-UV3-015 (Continued)**

**2008-DV2-036, 1065 North Post Road (north of site);** Requested a variance of development standards of the Commercial Zoning Ordinance to provide for a credit union, with two drive-through lanes, with reduced setbacks, and stacking space and maneuvering within the required front yard;, granted.

**2008-UV2-033, 8930 East 10<sup>th</sup> Street (south of site);** Requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for automobile body restoration, with a fence outdoor storage area, **granted.**

**2007-DV3-019, 1002 North Post Road (south of site);** Requested a variance of development standards of the Commercial Zoning Ordinance to provide for an outdoor seating area and legally establish a zero-foot landscaping strip, **granted.**

**2006-DV2-044, 8906 East 10<sup>th</sup> Street (south of site);** Requested a variance of development standards of the Sign Regulations to provide for the replacement of a manual reader-board component of an existing pole sign, with an electronic variable message sign component within 85 feet of a protected district, **withdrawn.**

**2003-DV2-038, 1975 North Post Road (south of site);** Requested a variance of development standards of the Sign Regulations to provide for a pylon sign, within 600 feet of a protected district, **granted.**

**99-Z-144, 1065 North Post Road (north of site);** Requested rezoning of 2.0 acres from the D-3 District to the C-3 classification to provide for a dental office, and other office uses, **approved.**

**96-Z-222, 990 North Boehning Avenue (south of site);** Requested rezoning of .052 acres from the C-3 and D-3 Districts to the D-8 classification to provide for residential development, **approved.**

**96-Z-101, 9150 East 10<sup>th</sup> Street (south of site);** Requested rezoning of 3.0 acres from the C-1 District to the SU-1 classification to provide for religious uses, **approved.**

**96-UV1-91, 8992 East 10<sup>th</sup> Street (south of site);** Requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a home remodeling contractors office and outdoor display with reduced setbacks, **granted.**

**88-V3-35, 901 North Post Road (south of site);** Requested a variance of development standards of the Sign Regulations to provide for a 5.2-tall ground sign and for three double-faced sign, **granted.**

**87-Z-12, 1001 North Post Road (south of site);** Requested rezoning of 0.66 acre from the D-3 District to the C-4 classification to conform to the existing restaurant use, **approved.**

**86-UV2-61, 1007 North Post Road (south of site);** requested a variance of use and development standards of the Sign Regulations to provide for a pole sign within the required setback and for wall signs, **denied.**

(Continued)

**STAFF REPORT 2015-UV3-015 (Continued)**

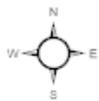
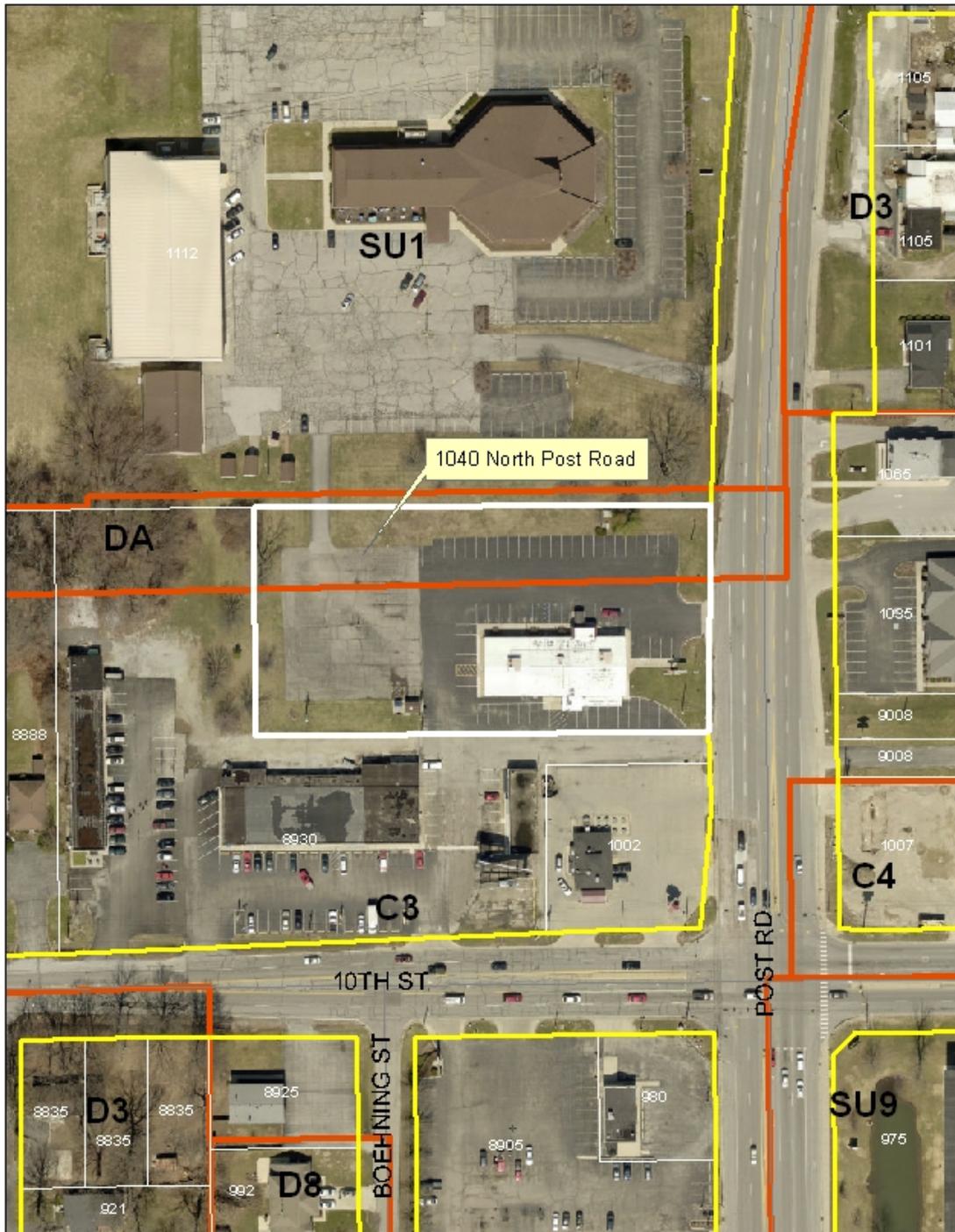
**72-Z-76, 9010 East 10<sup>th</sup> Street (south of site);** Requested rezoning of 5.07 acres from the D-3 District to the C-3 classification, **approved.**

**69-Z-284, 9008 East 10<sup>th</sup> Street (south of site);** Requested rezoning of 6.4 acres from the D-3 District to the C-3 classification, **approved.**

**62-V-169, 9122 East 10<sup>th</sup> Street (south of site);** Requested a variance of use and development standards to provide for an apartment complex, **granted.**

kb

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1040 North Post Road





**T-Mobile**  
 6215 MORENCI TRAIL  
 INDIANAPOLIS, IN 46268  
 OFFICE: 317-347-7071  
 FAX: 317-347-7019

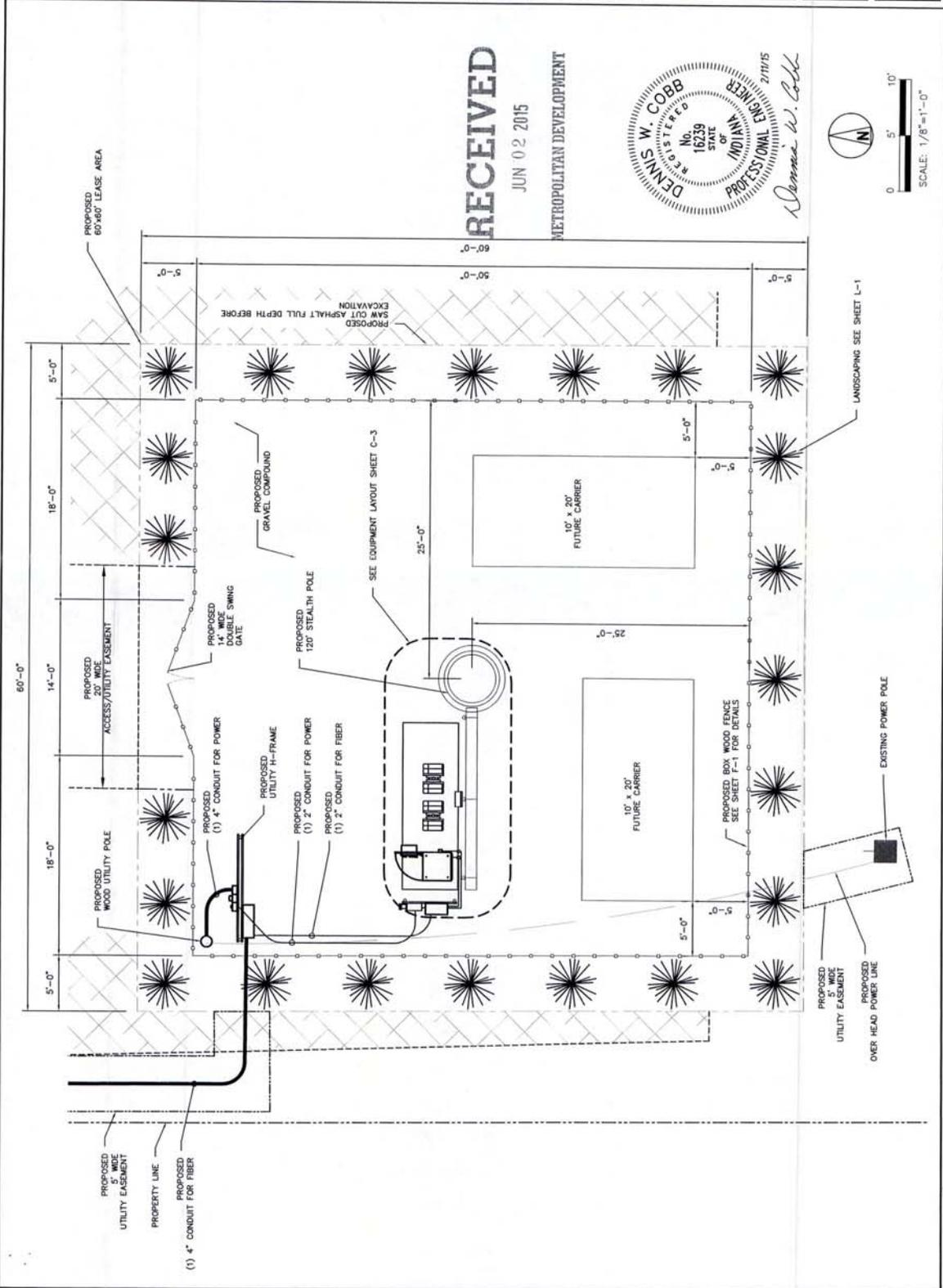
**APPROVALS**  
 T-MOBILE \_\_\_\_\_  
 LANDLORD \_\_\_\_\_  
 LEASING \_\_\_\_\_  
 R.F. \_\_\_\_\_  
 ZONING \_\_\_\_\_  
 CONSTRUCTION \_\_\_\_\_

PROJECT NO: 97-7088  
 DRAWN BY: \_\_\_\_\_  
 R.E.N. \_\_\_\_\_  
 CHECKED BY: M.A.N. \_\_\_\_\_

1	05/15/14	20's
2	05/16/14	20's
3	05/19/14	20's
4	05/21/14	20's
5	02/11/15	20's

**FIRST GROUP ENGINEERING INC.**  
 CONSULTING ENGINEERS  
 5625 LAKESIDE BLVD.  
 INDIANAPOLIS, INDIANA 46276  
 PH: (317) 290-9649  
 FAX: (317) 290-9600  
 MW046188  
 KNIGHTS OF COLUMBUS  
 STEALTH POLE  
 1040 N. POST ROAD  
 INDIANAPOLIS, IN 46219

SHEET TITLE  
**COMPOUND LAYOUT**  
 SHEET NUMBER  
**C-2**





**T-Mobile**  
 6315 MORSENG TRAIL  
 INDIANAPOLIS, IN 46268  
 OFFICE: 317-347-7071  
 FAX: 317-347-7019

**APPROVALS**  
 T-MOBILE \_\_\_\_\_  
 LANDLORD \_\_\_\_\_  
 LEASING \_\_\_\_\_  
 R.F. \_\_\_\_\_  
 ZONING \_\_\_\_\_  
 CONSTRUCTION \_\_\_\_\_

PROJECT NO: 97-7098

DRAWN BY: \_\_\_\_\_  
 R.E.N. \_\_\_\_\_

CHECKED BY: \_\_\_\_\_  
 M.A.N. \_\_\_\_\_

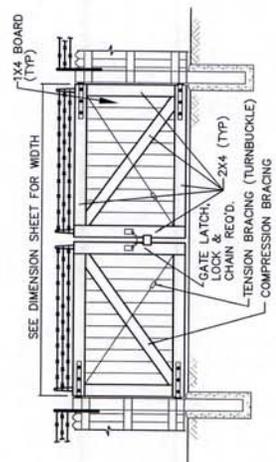
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2	05/16/14	ZD's
3	05/19/14	ZD's
4	10/29/14	ZD's
5	02/17/15	ZD's

**FIRST GROUP ENGINEERING INC.**  
 CONSULTING ENGINEERS  
 8605 LAKEVIEW BLVD.  
 INDIANAPOLIS, INDIANA 46278  
 TEL (317) 890-0649  
 FAX (317) 890-0660  
 M/W04618B  
 KNIGHTS OF COLUMBUS

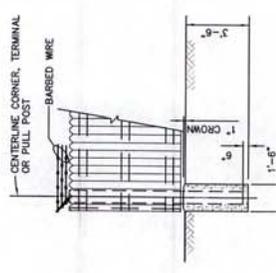
STEALTH POLE  
 1040 N. POST ROAD  
 INDIANAPOLIS, IN 46219

SHEET TITLE  
**FENCING DETAILS**

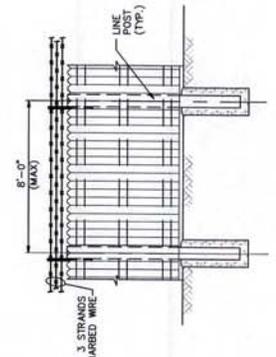
SHEET NUMBER  
**F-1**



**WOODEN SWING GATE DOUBLE WITH BARBED WIRE**



**CORNER, GATE OR PULL POST (TYP.) WITH BARBED WIRE**



**TYPICAL ELEVATION WITH BARBED WIRE**

**TYPICAL BOX WOOD FENCING NOTES**

1. ALL WOOD FENCE POSTS AND RAILS SHALL BE NO. 2 PINE CCA PRESSURE TREATED LUMBER.
2. PICKETS SHALL BE 7/8" THICK NO. 1 SPRUCE.
3. CORNER AND GATE POSTS SHALL BE 6X6 NO.2 PINE CCA PRESSURE TREATED LUMBER.
4. ALL HARDWARE SHALL BE HOT DIP GALVANIZED.
5. T-MOBILE SHALL MAINTAIN (REPAIR AND REPLACE AS NECESSARY) THE FENCE AS PROPOSED IN THESE PLANS.

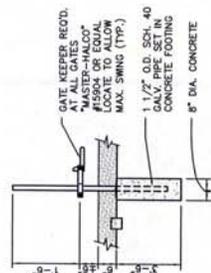
**RECEIVED**

JUN 02 2015

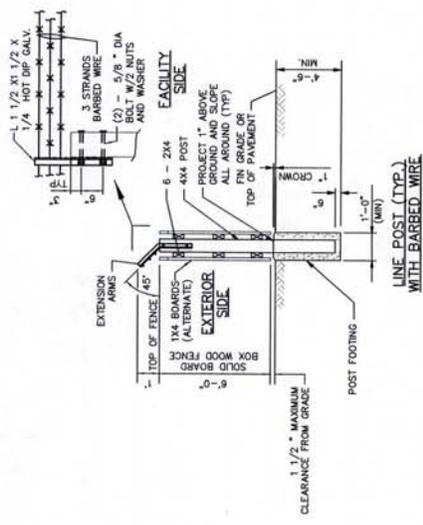
METROPOLITAN DEVELOPMENT



**PLAN VIEW**  
 GATE KEEPER REQUIRED AT ALL GATES "MASTER-HALCO" #15904 OR EQUAL LOCATE TO ALLOW MAX. SWING (TYP.)



**SIDE VIEW**

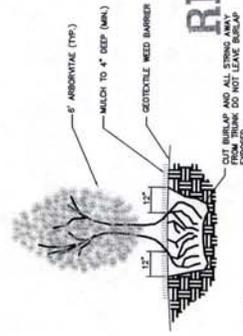


**LINE POST (TYP.) WITH BARBED WIRE**

**TYPICAL FENCE AND GATE DETAILS**  
 N.T.S.

**LANDSCAPE NOTES:**

- LANDSCAPE CONTRACTOR (CONTRACTOR) SHALL VISIT JOB SITE, INSPECT EXISTING CONDITIONS AND REVIEW PROPOSED PLANTING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, PLAN SHALL GOVERN QUANTITIES. COMMENCEMENT OF WORK.
- ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF WORK.
- CONTRACTOR WILL SUPPLY FINISHED GRADE AND EXCAVATE AS NECESSARY TO SUPPLY 4" TOPSOIL DEPTH IN ALL PLANTING BEDS.
- ALL PLANT MATERIAL TO BE PREMIUM GRADE NURSERY STOCK. PLANT MATERIAL SHALL CONFORM TO THE CODE OF STANDARDS SET BY "THE AMERICAN STANDARDS FOR NURSERY STOCK." NO BARE ROOT OR PARK GRADE MATERIAL WILL BE ACCEPTED.
- GUARANTEE OF PLANTS FOR ONE (1) YEAR SHALL BEGIN AFTER ACCEPTANCE BY OWNER AND/OR PROJECT REPRESENTATIVE. THE CONTRACTOR SHALL GUARANTEE ALL PLANTS TO BE IN A HEALTHY, VIGOROUS CONDITION FOR A PERIOD OF ONE (1) YEAR FOLLOWING ACCEPTANCE. CONTRACTOR SHALL REPLACE, WITHOUT COST TO OWNER, ANY DEAD OR UNACCEPTABLE PLANTS.
- THE CONTRACTOR SHALL ASSUME ALL MAINTENANCE RESPONSIBILITIES FOR A MINIMUM OF ONE YEAR AFTER PLANTING. THIS INCLUDES WATERING, WEEDING, AND OTHER OPERATIONS NECESSARY TO KEEP PLANT MATERIAL IN A THRIVING CONDITION.
- ALL LANDSCAPE AREAS SHALL HAVE PROPER DRAINAGE THAT PREVENTS EXCESS WATER FROM STANDING AROUND TREES.
- MULCHING AND WATERING OF ALL TREES SHALL BE IMMEDIATELY OR WITHIN 16 HOURS AFTER INSTALLATION.
- IT IS INTENDED THAT THIS SITE WILL MATCH EXISTING GROUND ELEVATIONS AND WILL MAINTAIN EXISTING DRAINAGE PATTERNS WHERE APPLICABLE.



**RECEIVED**  
 JUN 02 2015  
 METROPOLITAN DEVELOPMENT

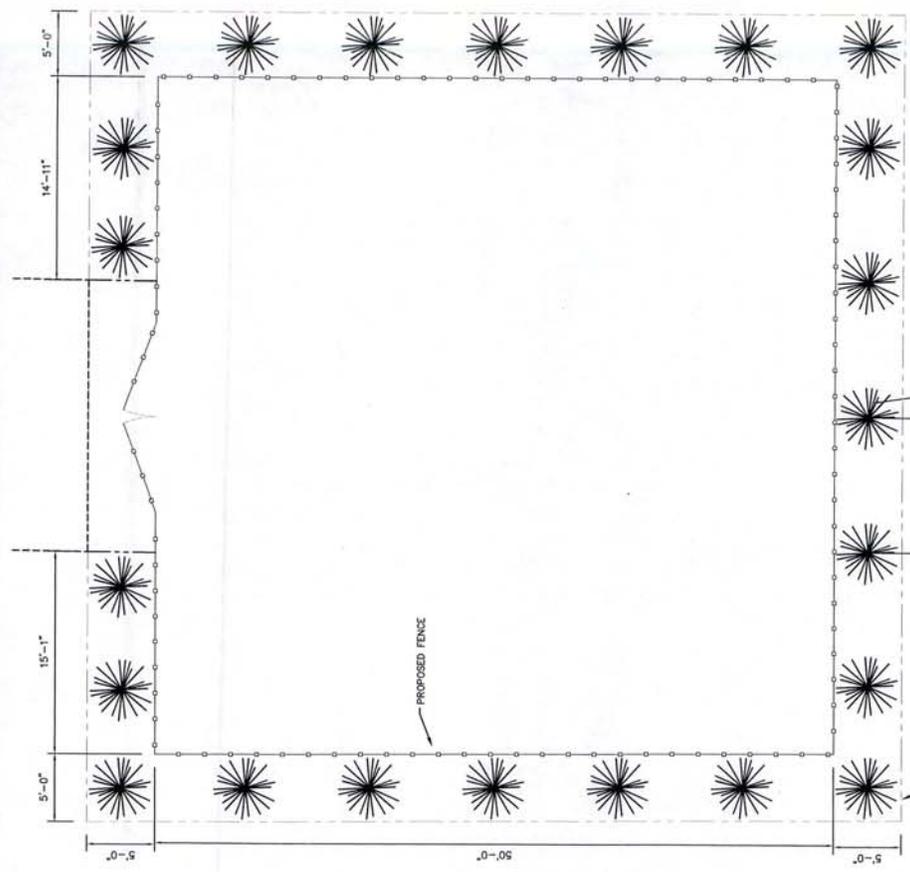
**Evergreen Tree Planting Detail**

- NOTES:
- SEE PLAN FOR SIZE OF ROOT BALL TO BE USED.
  - EXCAVATE PLANTING AREA TO MATCH EXISTING GROUND.
  - PLANTING MIX SHALL BE 2/3 TOPSOIL AND 1/3 SPHAGNUM PEAT.

**PLANT SCHEDULE**

QUANTITY	SCIENTIFIC NAME	COMMON NAME	SYMBOL	SIZE
23 EACH	BRANDON PYRAMIDAL	ARBORVITAE	★	6'
8 CYS	SHREDED BARK MULCH			

NOTE: CALIPER SHALL BE 2 1/2" MEASURED AT 40" ABOVE GROUND



**LANDSCAPE PLAN**  
 SCALE: 1/8" = 1'-0"

NOTE:  
 THESE DRAWINGS ARE IN NO WAY AN INDICATION OF APPROVAL OF ANY ITEM(S) PERTAINING TO THE CONSTRUCTION OF THIS PROJECT OTHER THAN PLANTS AND LANDSCAPING MATERIAL.  
 SOIL CONDITIONS HAVE NOT BEEN TESTED. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO NOTIFY THE OWNER'S REPRESENTATIVE IF ANY CONDITIONS ARE NOT SATISFACTORY.

**T-Mobile**  
 6215 MORENCI TRAIL  
 INDIANAPOLIS, IN 46268  
 OFFICE: 317-347-7071  
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**APPROVALS**

T-MOBILE \_\_\_\_\_  
 LANDLORD \_\_\_\_\_  
 LEASING \_\_\_\_\_  
 R.F. \_\_\_\_\_  
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PROJECT NO: 97-7088  
 DRAWN BY: \_\_\_\_\_  
 R.E.N. \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 M.A.N. \_\_\_\_\_

NO.	DATE	DESCRIPTION
1	05/15/14	ZD's
2	05/16/14	ZD's
3	05/19/14	ZD's
4	10/28/14	ZD's
5	02/11/15	ZD's

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 CONSULTING ENGINEERS  
 6085 LAKERSIDE BLVD.  
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 MWO46188  
 KNIGHTS OF COLUMBUS

STEALTH POLE  
 1049 N. POST ROAD  
 INDIANAPOLIS, IN 46219

SHEET TITLE  
**LANDSCAPE DETAILS**

SHEET NUMBER  
**L-1**



View from site looking north



View of proposed facility location looking south



View of proposed facility looking southwest



View from site of adjacent commercial uses to the east of proposed facility



View looking north at abutting religious uses



View from site of adjacent commercial uses to the west of the proposed facility