



BOARD OF ZONING APPEALS DIVISION III

May 28, 2024

Case Number: 2024-DV3-012
Property Address: 2916 West Banta Road
Location: Perry Township, Council District #22
Petitioner: Martin Marietta Materials Inc., by Jennifer Milliken
Current Zoning: D-A (GSB) (W-5)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for Gravel, Sand and Borrow operations with a front yard setback of 100 feet from Banta and Concord Roads and a 100-foot east side yard setback (150-foot front yard setback, 175-foot side yard setback required).
Current Land Use: Single-family dwelling
Staff Recommendations: Staff recommends approval, With Commitments
Staff Reviewer: Eddie Honea, Principal Planner II

PETITION HISTORY

This petition was continued, at Staff's request, from the April 16, 2024 hearing, to the May 28, 2024 hearing of Division III in order to further review the request and engage with the petitioner.

STAFF RECOMMENDATION

Staff recommends approval of the request, subject to the following Commitments:

1. No blasting or use of explosives shall occur on the Real Estate;
2. No dewatering shall occur on the Real Estate unless necessary due to flooding;
3. All extraction of sand and gravel shall use wet extraction methods;
4. Materials excavated will be moved via pipeline to the processing plant. Trucks and conveyors belts for the transportation of sand or gravel to the processing plant are prohibited;
5. Only extraction of sand and gravel shall be permitted. Processing of aggregate on the Real Estate shall be prohibited;
6. Owner shall not request any additional curb cuts onto the Real Estate from adjacent rights-of-way. Access, except for emergencies or the installation and maintenance of landscaping and mounding, shall utilize internal access to the existing mining operation to the north of the Real Estate;
7. Any dredge used on the Real Estate shall be electric;
8. Extraction shall be limited to hours of 6am-7:30pm Monday through Saturday, unless required by a government project that requires the delivery of aggregate during different hours; and



9. The operation shall not deviate from the projections outlined within the Dredge Noise Analysis, file-dated May 10, 2024.

PETITION OVERVIEW

- The subject site was rezoned within the GSB overlay district as part of the approval of 2006-ZON-852, which encompassed 144.36 acres. This district represents the sole zoning classification that allows for Gravel Sand and Borrow operations in Marion County.
- The grant of this 2006 rezoning request was subject to numerous commitments, which remain in full force and effect for the subject property. Among the various commitments imposed on the property, include the following: exclusive use of an electric suction dredge; the use of a floating curtain to be maintained in good condition to protect the wellfield; the prohibition of blasting; and the prohibition of using adjacent public streets for the purposes of transporting sand and gravel from the site to adjacent sand and gravel sorting plants. Should the request be granted, these commitments are further reinforced by Commitments submitted by the petitioner as part of this variance filing.
- The request, as proposed, would allow for 100-foot setbacks along Banta Road and Concord Street, where 150-foot setbacks are required. The request would also provide for a 100-foot eastern side yard setback, where 175 feet are required. The request also proposes a seven-foot-tall berm along the frontages and eastern side yard setback. The berm would be topped with trees and other vegetation.
- While Staff initially had concerns about noise related nuisance issues, particularly upon the residential community directly to the East, various factors mitigate this concern. Gravel Sand and Borrow operations are typically characterized by intermittent blasting, heavy vehicle traffic patterns and other generators of loud noises. Given that the commitments, both existing and proposed for the site, prohibit and cause operations on this site to function as part of a larger operation located to the North, Staff believes reduced setbacks would be appropriate.
- In addition, the petitioner has provided a Dredge Noise Analysis, performed by Vibra-Tech Engineers, which indicates that operations, as proposed, would not likely emit sound beyond 53 dBa (measurement of sound level perceived by human ears). The Marion County Noise Ordinance has a limit of 60 dBa at perimeter lot lines.

GENERAL INFORMATION

Existing Zoning	D-A (GSB) (W-5)
Existing Land Use	Single-Family Residential
Comprehensive Plan	Suburban Neighborhood

Surrounding Context	Zoning	Surrounding Context
North:	D-A (GSB)	Gravel Sand and Borrow Operations
South:	D-P	Single-family dwellings
East:	D-P	Single-family dwellings
West:	D-A (GSB)	Gravel Sand and Borrow Operations
Thoroughfare Plan		
	Banta Road	Primary Collector
	Concord Street	Primary Collector
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	GSB and W-5	
Wellfield Protection Area	W-5	
Site Plan	March 14, 2024	
Site Plan (Amended)	April 2, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	Included with Site Plan File-dated March 14, 2024	
Findings of Fact	April 2, 2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Land Use Pattern Book

Pattern Book / Land Use Plan

- Suburban Neighborhood, within the Environmentally Sensitive Overlay

The Suburban Neighborhood land use recommendations contemplates low to moderate single-family residential uses, with limited commercial activities. Given Gravel Sand and Borrow operations classification as a land use classification, it is not directly contemplated by the Land Use Pattern Book.

The Land Use Pattern Book identifies portions of the subject site within the Environmentally Sensitive Overlay. This overlay strives to protect waterways, ensure the preservation of trees and the implementation of landscaping, when possible.

Red Line / Blue Line / Purple Line TOD Strategic Plan



- Not Applicable

Neighborhood / Area Specific Plan

- Not Applicable

Infill Housing Guidelines

- Not Applicable

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Banta Road and Concord Street are both classified as Primary Collectors within the Thoroughfare Plan

ZONING HISTORY

Site:

2006-ZON-852 and 2006-VAR-852; 2916 West Banta Road and 6300 South Concord Street; requests rezoning of 144.36 acres from the secondary zoning classification of the D-A (FF) (W-1) (W-5) District, to the D-A (FF) (W-1) (W-5) (GSB) classification to provide for the a dredging operation; and a variance of development standards of the Gravel Sand-Borrow Zoning Ordinance to provide for mining operations within 90 feet of an existing public right-of-way of Concord Avenue and mining operations within 25-feet of the east side property line and a variance of development standards of the Dwelling Districts to permit a mining operation with a 25-foot east side setback; rezoning approved, **variances withdrawn.**

Vicinity:

2022-CZN-807, 2022-CAP-807, 2022-CVR-807; 5540 South Belmont Avenue; requested Rezoning of 10 acres from the D-A (GSB) (FF) to the SU-23 (GSB) (FF) district to provide for sand and gravel extraction and concrete processing plant; and the Modification of Commitments associated with rezoning petitions 72-Z-233, 87-Z-91, 97-Z-78, 97-Z-79 and 99-Z-199 to terminate all prior zoning commitments and replace them with commitments filed with this petition.; and a Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of two concrete plants (not permitted); **granted and approved**

2008-UV2-012; 5540 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for the location of a 10,000 gallon above-ground, outdoor storage tank for diesel fuel storage; **granted.**

2000-UV2-004; 5320 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for a temporary concrete plant; **granted.**

99-Z-199; 5719 South Concord Street; requested rezoning of 30 acres from the D-A District to the SU-21 classification to provide for a permanent sand and gravel processing facility and associated accessory uses; **approved.**

98-UV1-41; 5502 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for a concrete processing facility; **granted.**

97-Z-79; 5730 South Concord Street; requested rezoning of 10 acres from the D-A (FF) (GSB) to SU-23 (FF) (GSB) classification to provide for the operation of a sand and gravel processing plant and stockpiling; **approved.**

97-Z-78; 5719 South Concord Street; requested rezoning of 10 acres from D-A (FF) (GSB) to SU-23 (FF) (GSB) classification to provide for the operation of a sand and gravel processing plant and stockpiling; **approved.**



Department of Metropolitan Development
Division of Planning
Current Planning

97-HSE-1; 5719 South Concord Street; requested Special Exception of the Wellfield Protection Zoning Ordinance to provide for the operation and expansion of mining extraction of sand and gravel products including a primary processing plant; **approved.**

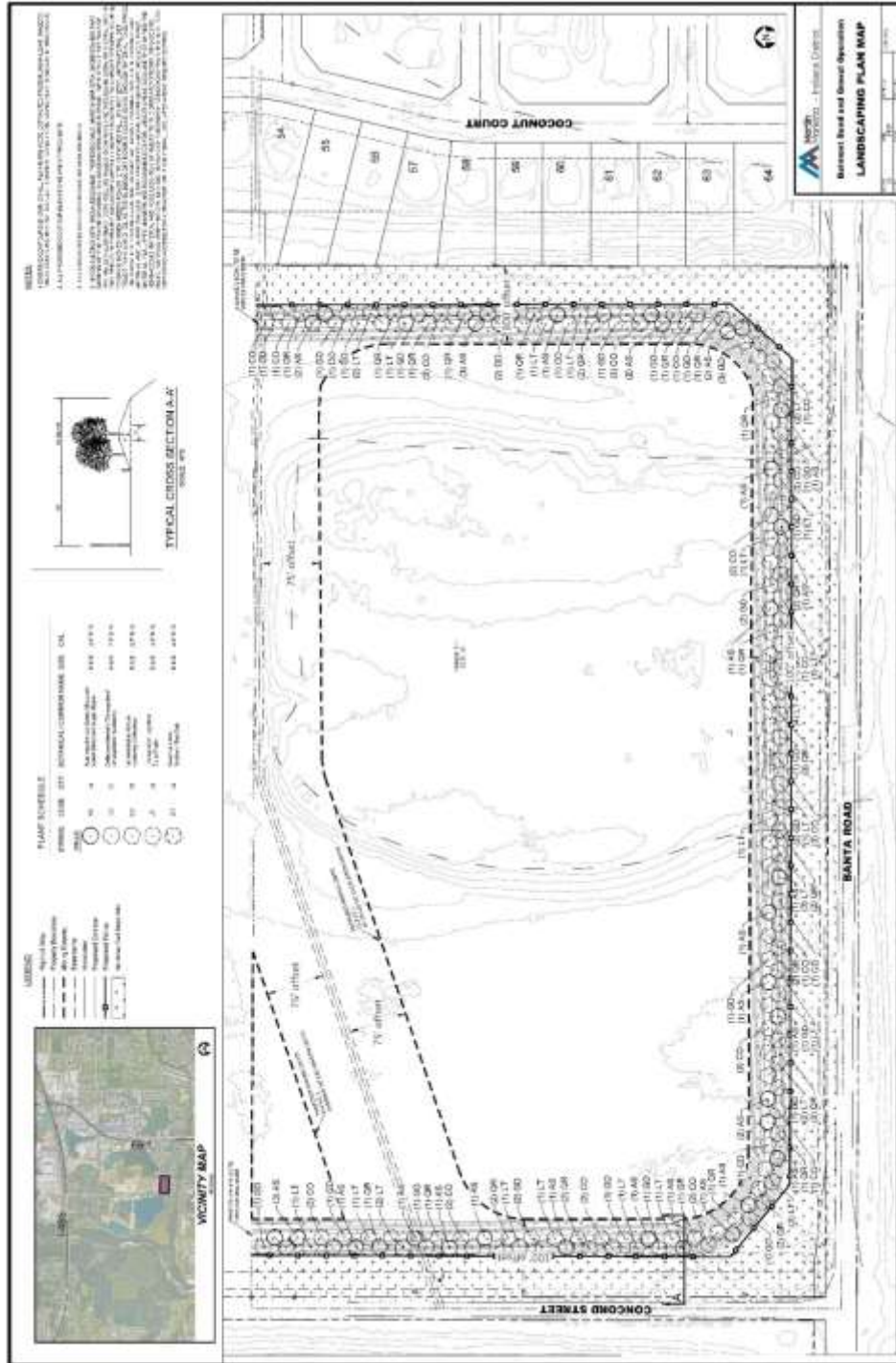
94-UV3-121; 5950 South Belmont Avenue; requests variance of use and development standards of the Industrial Zoning Ordinance and Special Use Districts Zoning Ordinance to provide for the construction of an office/equipment maintenance facility for contractors use (not permitted), outside storage of materials without screening (storage within 500 feet of a residential boundary required to be enclosed and screened) and storage of some materials to exceed the height of the fence (maximum six feet permitted), with total outside operations exceeding 25% of the enclosed buildings (maximum 25% permitted), without screening or landscaping in the required yards and without off-street loading berths; **granted.**

90-UV1-61; 2103 West Epler Avenue; requests variance of use and development standards of the Special Use Zoning Ordinance to permit the temporary placement of asphalt processing plant without the required paved driveway and parking areas for a period of two years; **granted.**

87-Z-91; 2121 West Epler Avenue; requests rezoning of 25 acres being in the I-3-S (GSB) district, to the SU-23 (GSB) classification, to provide for permanent aggregate processing plans; **approved.**

72-Z-233; 5855 Concord Street; requests rezoning of 281 acres, being in the A-2, I-2-S and I-3-S districts to the GSB classification to permit gravel and sand excavation; **approved.**

EXHIBITS



Dredge Noise Level Study
Martin Marietta Belmont Sand & Gravel
April 26, 2024

Under the current ordinance of 175' offset on the east property line, the closest the dredge motor, the major noise source associated with the dredge, will be from the east property line will be 305'. This distance will be reduced to 230' under the requested variance. Using these distances, the reference dredge noise levels, the measured noise attenuation of the berm at elevation 674, and the proposed berm elevation of 677, the maximum noise levels resulting from the operation of the dredge at the east property line were determined. The maximum dBA and dBC noise levels are provided in Table 3.

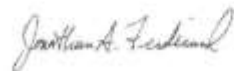
Table 3. Maximum dredge noise levels at east property line of Belmont Sand and Gravel under current offset ordinance and 75' variance request.

Condition	Offset to East PL (ft.)	Distance Dredge Motor to PL (ft.)	L _{Max} dBA	L _{Max} dBC
Current Ordinance	175	305	51	61
Variance Request	100	230	53	63

CONCLUSIONS

Based on the results of the noise measurement and analysis for the dredge operation at Martin Marietta Belmont Sand and Gravel, the expected noise levels resulting from the requested 75' variance to the 175' offset ordinance will be in compliance to the City of Indianapolis Noise Ordinance of 60 dBA and 70 dBC.

Respectfully submitted,
Vibra-Tech Engineers, Inc.



Jonathan A. Ferdinand
Vibration and Sound Specialist



Photo One: Banta Road facing West



Photo Two: Banta Road Facing West



Photo Two: South Across Banta Road



Photo Three: North, Toward Interior of Site