

## STAFF REPORT

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

**Case Number:** 2023-ZON-056  
**Address:** 3700 and 3818 South Post Road (*Approximate Address*)  
**Location:** Franklin Township, Council District #18  
**Petitioner:** West Side Tractor Sales, by David A Retherford  
**Requests:** Rezoning of 23.56 acres from the D-A and SU-43 districts to the C-S district to provide for a business headquarters and tractor and equipment sales and service.

The Hearing Examiner continued this petition from the July 13, 2023 hearing to the August 10, 2023 hearing at the request of the petitioner's representative.

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

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

1. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 23.56-acre site, zoned D-A and SU-43 (power transmission lines), is developed with agricultural uses and a single-family dwelling. It is surrounded by residential uses to the north, zoned D-P; self-storage facility to the south, zoned C-5; Interstate 74 right-of-way to the east, zoned SU-43 and D-A; and single-family dwellings to the west, zoned D-4.

(Continued)

**REZONING**

- ◇ This request would rezone the site from the D-A and SU-37 Districts to the C-S classification to provide for a business headquarters and tractor and equipment sales and service. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends suburban neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

*Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- ◇ Because the sale and service of tractors and equipment is not a permitted use in the suburban neighborhood typology, no development standards are provided.

(Continued)

## **STAFF REPORT 2023-ZON-056 (Continued)**

### **Tree Preservation / Heritage Tree Conservation**

- ◇ There are significant amounts of natural vegetation and trees located on the southern portion of the site and along Miller Ditch. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

### **Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

(Continued)

## **STAFF REPORT 2023-ZON-056 (Continued)**

◇ Environmental public nuisance means:

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

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

### **Indiana Fire Code**

- ◇ This site would also be subject to, but not limited to, the following Indiana Fire Code provisions:

Indiana Fire Code 2014

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

(Continued)

## **STAFF REPORT 2023-ZON-056 (Continued)**

### **Site Plan / C-S Statement**

- ◇ Due to the Miller Ditch (legal drain) entering the site at the northwest corner, traversing through the site and leaving the site at the southeast corner, site plan options have been included in the C-S Statement (See Exhibits A and B).
- ◇ Access to the site will be gained from Cindy Lane, whose 75-foot-wide public right-of-way terminates at the southeast corner of the site at which point the site access becomes a gravel private drive.
- ◇ The Statement includes a depiction of a proposed building (See Exhibit C) but no exterior material information has been submitted.
- ◇ Exhibit D provides illustrations of proposed signage, but such signage would be required to comply with the Sign Regulations. Otherwise, the grant of a variance would be required.
- ◇ The Statement also includes an extensive discussion on the proposed landscaping and buffering. Staff, however, believes the tree preservation plan should be conducted prior to the development of landscape plans.

### **Planning Analysis**

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The proposed use would be included in the Ordinance definition of truck or heavy vehicle sales, rental or repair (defined as the storage, display, sale, lease, rental, or repair of new or used self-propelled vehicles, including trailer, truck or bus rental; truck or bus rustproofing; truck or bus maintenance garage; and truck or bus dealer (of any load capacity). This definition does not include any use or activity included in the definition of other or light vehicle sales, rental, or repair. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use).
- ◇ This use is only permitted in the C-7 district (high-intensity commercial district) and the I-3 (medium industrial) and I-4 (heavy industrial) districts. In all these districts, the Ordinance states the permitted uses in these districts should not be adjacent to protected districts and large setbacks are required to provide appropriate buffering from adjacent land uses because of the character and intensity of the uses.
- ◇ Despite the proposed commitments, staff believes the proposed use would not be appropriate for this site and would be impactful to the adjacent land uses, particularly to the neighborhoods to the west and north.

(Continued)

## **STAFF REPORT 2023-ZON-056 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING AND LAND USE

D-A / SU-43	Single-family dwelling / agricultural uses
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#### SURROUNDING ZONING AND LAND USE

North -	D-P	Single-family dwellings / retention pond
South -	C-5	Self-storage facility
East -	D-A / SU-43	Interstate 74 right-of-way
West -	D-4	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology. Marion County Land Use Pattern Book (2019).
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THOROUGHFARE PLAN	This portion of South Post Road is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 104-foot right-of-way and a proposed 106-foot right-of-way.
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CONTEXT AREA	This site is located within the metro context area.
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OVERLAY	There is no overlay for this site.
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SITE PLAN	File-dated June 6, 2023
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C-S STATEMENT	File-dated June 6, 2023
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### **ZONING HISTORY**

**2008-ZON-034; 3615 South Franklin Road (west of site)**, requested rezoning of 18.12 acres, from the D-A District, to the D-6II classification to provide for multi-family dwellings and rezoning of 2.48 acres, from the D-A District, to the D-1 classification to provide for a single-family dwelling, **approved**.

**2003-ZON-064; 8250 Southeastern Avenue (west of site)**, rezoning of 24 acres from the D-7 District to the C-4 classification, **approved**.

**98-Z-83 / 98-DP-13; 3401 South Franklin Road (west of site)**, requested rezoning of 41.86 acres from the D-A and SU-43 districts to the D-P classification to provide for a single-family residential development, with 140 unit, **approved**.

**92-Z-146; 3920 South Post Road (south of site)**, rezoning of 6.24 acres from D-A to D-6II, **approved**.

(Continued)

**STAFF REPORT 2023-ZON-056 (Continued)**

**92-Z-145; 3920 South Post Road (southeast of site),** rezoning of 3.93 acres from D-A to C-5, approved.

**77-Z-23; 8520 Sierra Ridge Drive (south of site),** rezoning of 20.58 acres from A-2 to D-6II, approved.

**77-Z-24; 3878 South Post Road and 3730 Cindy Lane (south of site),** rezoning of 17 acres from A-2 to C-5, approved.

**72-Z-25; 3112 South Arlington Avenue (west of site),** requested rezoning of 53.55 acres, being in the A-2 District, to the D03 classification to provide for single-family residential development, approved.

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## EXHIBIT A

### Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

<b>Table 744-503-3: Replacement Trees</b>		
<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



## C-S STATEMENT

June 6, 2023

### CS- Preliminary Plan

Petition Number - 2023-ZON-\_\_\_\_

Petitioner: West Side Tractor Sales

3700 and 3818 S. Post Road (Approx. address)

Franklin Township, Indianapolis, Indiana

Attached are two conceptual C-S development site plans for the subject Real Estate. Plan A (identified as Exhibit A hereto) is the preferred plan, but it is contingent on the relocation of the existing legal drain identified as Miller Ditch from its existing location through the center of the site, to run along the I-74 right of way as indicated on Plan A. If the relocation of Miller Ditch turns out to not be feasible, then an alternate site plan (Plan B) is attached hereto as Exhibit B. Because the site plan is only conceptual at this point, the final Site Plan is subject to Administrator's Approval. In the review of the submitted final Site Plan, the choice between Plan A or Plan B, and even major changes to the conceptual layout due primarily to engineering or permitting issues shall be within the Administrator's authority to approve.

The site is proposed to be developed as the Indianapolis headquarters for West Side Tractor Sales. The only approved primary use shall be heavy equipment sales, leasing and repair. Accessory uses are permitted, including but not limited to (a) outdoor display of equipment for sale in the designated outdoor display area(s) shown on the Site Plan; and (b) the outdoor storage, minor assembly/ manufacturing, loading, unloading, and related indoor and outdoor operations in the designated outdoor storage area shown on the Site Plan. The type of equipment stored or displayed outdoors in the site is limited to equipment which is owned by or consigned through the Petitioner or its customers; and the tallest pieces of equipment on the site shall be limited to the type of equipment referred to as Excavators.

In the absence of specific standards and commitments as set forth in this C-S plan, the development standards of the I-3 District shall be utilized.

Access. Access to the site shall be obtained solely via the existing 50' wide public right of way currently improved with an existing public street identified as Cindy Lane, which connects at the Southeast corner of the site.

### Commitments.

- A. The primary building shall be similar in exterior design and materials mix as the conceptual picture attached hereto as Exhibit C.
- B. Signage shall be similar in design, location and size as contained in whichever one of the two attached signage plans (Exhibits D, E and F) which is applicable to the final site plan, depending on whether or not the existing legal drain is

relocated.

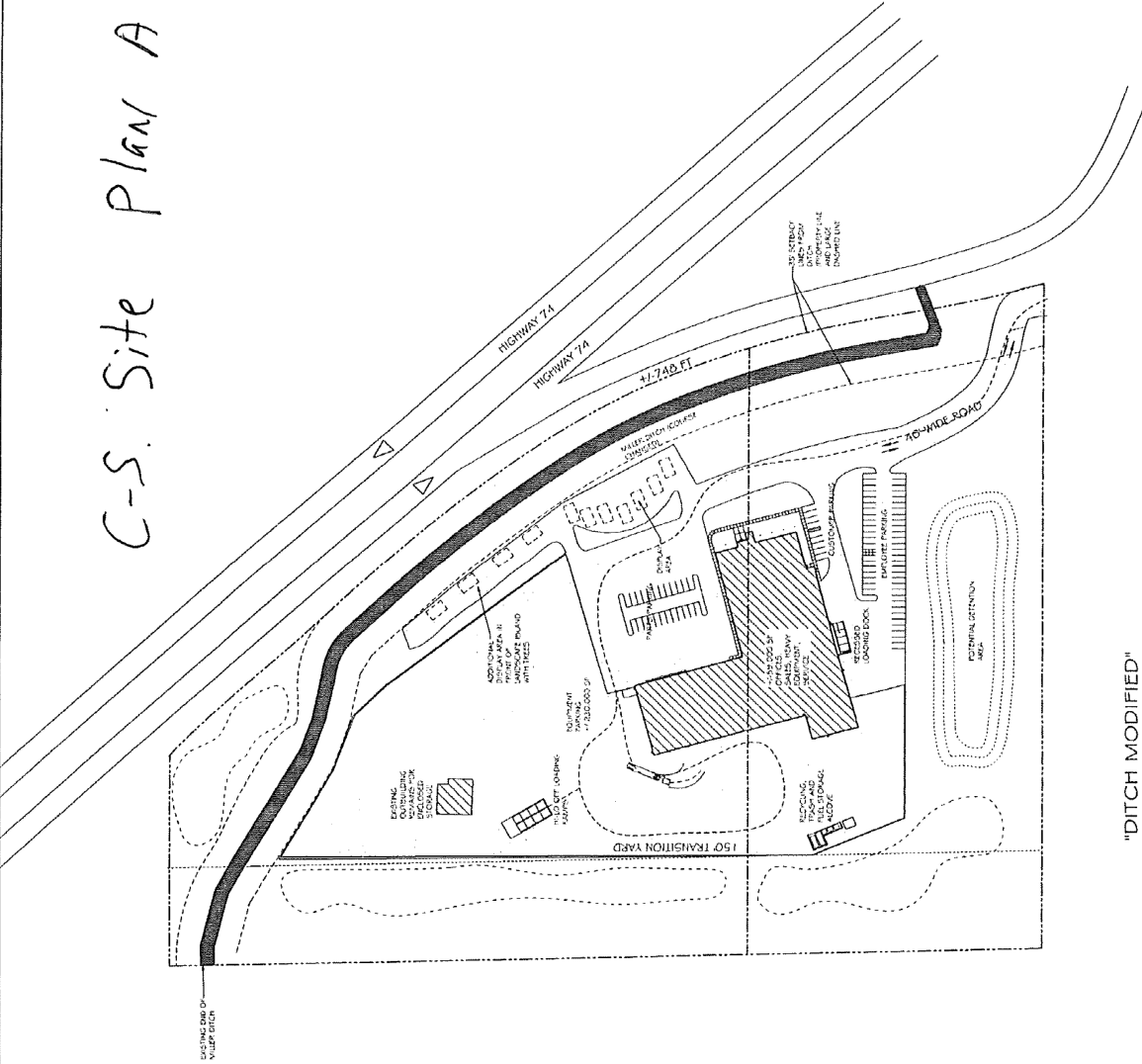
- C. A lighted business identification sign panel shall be permitted to be installed on the Integrated Center sign located at the intersection of Post Road and Atlantis Drive, per the provisions of the Variance granted in Case No. 2021-DV1-002.
- D. Existing trees within 20 feet of the North and West property lines of the site shall be preserved to the greatest extent possible, with consideration given for the installation of utilities if no alternate location can feasibly be found.
- E. A new tree buffer area not less than 30 feet in width shall be created which abuts the above-described tree preservation area, within which a combination of evergreen and deciduous trees shall be planted, with the density and sizes of such trees being not less than what would be required if the area was treated as street frontage. Existing trees within this new area which are being preserved shall be considered as providing the anticipated benefit for purposes a calculating the credit due for same.
- F. Immediately behind the above referenced “new tree buffer area”, undulating mounding not less than six (6) foot tall (with gaps between the mounds as reasonably necessary for drainage purposes) shall be installed along the entire portions of the North and West sides of the site which abut existing residences, unless prohibited by the presence of the final easement for the legal drain.
- G. The area in the northeast corner of the site which is West of the right of way for I-74, and is also North of the relocated legal ditch easement as shown on Plan A (or the point where the existing legal ditch starts to turns to the south on Plan B) will be improved so as to generally screen the view of the abutting portion of the outdoor storage yard from I-74 via one of two alternate plans: (i) if there is sufficient dirt generated in the development of the site, then undulating mounding not less than six (6) foot tall (with gaps between the mounds as reasonably necessary for drainage purposes) shall be installed along said frontage, along with a row of evergreens spaced not more than 30’ apart between the mound and the interstate right of way; or (ii), three staggered rows of evergreens spaced not more than 30’ apart, shall be installed along said frontage.
- H. The outdoor storage yard shall be fully fenced around its entire perimeter, within said fence not being less than 8’ in height. The portions of said fence which faces I-74 of Post Road shall include slats (if chain link) or similar to provide a visual screen. In addition, with the exception of the Northeast portion of the outdoor storage yard which is screened pursuant to Commitment G, and the portions of said fence which abut the paved parking areas along the East and South sides of the primary building as shown on the Site Plan, a row of evergreen trees shall be installed just outside of said fence, spaced not more than 30’ apart.
- I. All trees planted pursuant to the above Commitments shall be well maintained and dead trees replaced not less than annually.

08675 ARCHITECTS LTD  
300 WEST LAKE DRIVE  
LAWRENCEVILLE GA 30046

WEST SIDE TRACTOR SALES  
NEW CONSTRUCTION

SP2

Barney's behavior, that seems the strongest by far, is the example set through by the project's original supporters in Germany. Since 1995, these individuals provided for German academics, 114 in all, an opportunity of service and research the property of Germany's universities. The German academics' list includes all members of the faculty, and other researchers, including non-graduate students. Some are members of the German nation and are listed by their state; others are professionals, foreign-born academics, but I cannot be sure about all the exceptions.



"DITCH MODIFIED"  
PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"

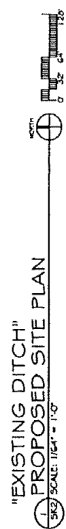


GARYS ARCHITCTS, LTD.  
300 A WEST LAKE DRIVE  
EAST ARLINGTON, ILLINOIS 60126  
TEL. 630-314-7213

NEW CONSTRUCTION FOR:  
WEST SIDE TRACTOR SALES  
1700 AND 1817 1/2 AVENUE

SP-1

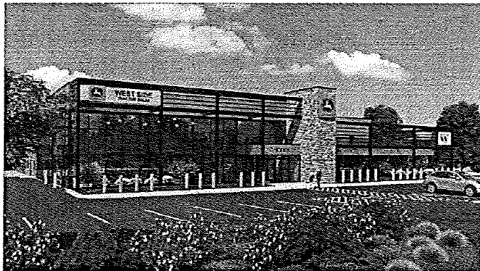
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"EXISTING DITCH"  
PROPOSED SITE PLAN

NEW CONSTRUCTION FOR:  
**WEST SIDE TRACTOR SALES**  
 3700 AND 3818 SOUTH POST ROAD  
 INDIANAPOLIS, INDIANA 46239

**EXHIBIT**  
**C**

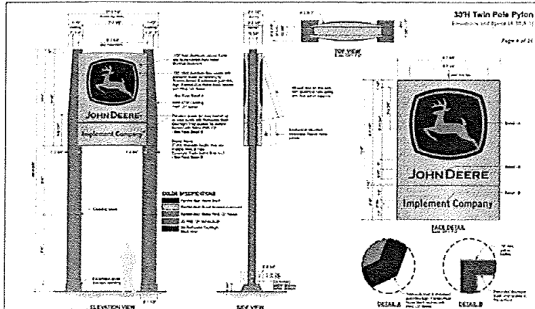


ARTIST RENDERINGS OF FRONT OF BUILDING FOR DESIGN CONCEPT ONLY

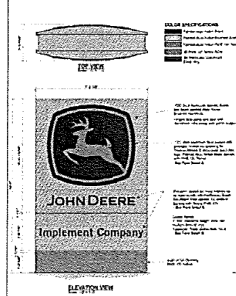
WEST SIDE TRACTOR SALES  
 3700 AND 3818 SOUTH POST ROAD  
 INDIANAPOLIS, INDIANA 46239

WEST SIDE TRACTOR SALES  
 3700 AND 3818 SOUTH POST ROAD  
 INDIANAPOLIS, INDIANA 46239

T1



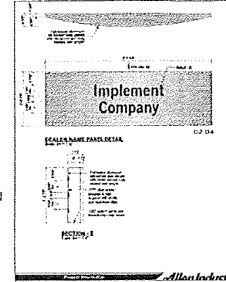
SIGN "B"  
99.7 SF TWO ONE SIDED SIGN  
NOTE: DEALER NAME IS 40X70 PIXELS



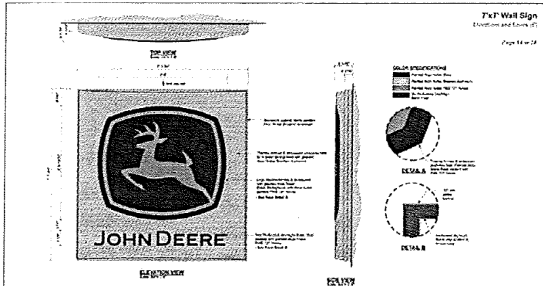
SIGNS "E" AND "F", 50.13 SF TWO SIDED SIGN



SIGN "T"  
8.5' LONG X 7.5' HIGH  
63.75 SF ONE SIDED SIGN



DETAIL B ON SIGN "B"  
15.75 SF ONE ONE SIDED SIGN



SIGN "V"  
49 SF ONE ONE SIDED SIGN

NOTHING RUNS LIKE A DEERE  
SIGN "U"  
1" HIGH X 4" LONG LETTERING  
HAS SIGNING SPACE  
10X10 ILLUMINATED IN ALL MOUNTS  
63 SF ONE SIDED SIGN



Front View - Graphic Layout

SIGN "W"  
72 SF ONE ONE SIDED SIGN

EXHIBIT  
P

WEST SIDE TRACTOR SALES

P51



SP2

NEW CONSTRUCTION FOR  
WEST SIDE TRACTOR SALES

DARNES ARCHITECTS, LTD  
300A WEST 14TH STREET  
EAST RUMFORD, ME 04015-0076  
TEL 203-558-7213  
OFFICE DARNESDARNES@SBC.COM.LIT







View looking east at the intersection of Cindy Lane and Atlantis Drive



View looking southeast along Cindy Lane





View looking north at the termination of Cindy Lane



View of site looking west from gravel drive





View of site looking west from gravel drive



View of site looking west from gravel drive





View of rear of single-family dwelling looking east



View from site looking east



View looking south along gravel drive and Interstate 74