

## STAFF REPORT

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

**Case Number:** 2023-ZON-073  
**Address:** 8300 Camby Road (*Approximate Addresses*)  
**Location:** Decatur Township, Council District #20  
**Petitioner:** Second Circle Investments, LLC, by Michael Rabinowitch  
**Request:** Rezoning of 2.67 acres from the C-1 district to the C-3 district to provide for neighborhood commercial uses.

### **ADDENDUM FOR OCTOBER 18, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on September 28, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

### **September 28, 2023**

The Hearing Examiner acknowledged a timely automatic continuance from a neighborhood organization that continued this petition from the August 24, 2023 hearing, to the September 28, 2023 hearing.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. 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 / receptacles provided for the proper disposal of trash and other waste.
2. A 40-foot half right-of-way shall be dedicated along the frontage of Camby Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

(Continued)

## **STAFF REPORT 2023-ZON-073 (Continued)**

### **LAND USE**

- ◇ This 2.67-acre site, zoned C-1, is undeveloped and surrounded by commercial uses to the north, across Camby Road, zoned C-5; single-family dwellings to the south and east, zoned D-A; and commercial uses to the west, across Camby Crossing Drive (private drive) zoned C-5.
- ◇ Petition 2021-ZON-139 requested rezoning from the C-1 District to the C-7 classification to provide for a self-storage facility, which was withdrawn by the petitioner. Petition 2006-ZON-059 rezoned this site from the D-A District to the C-1 classification to provide for office buffer commercial uses.

### **REZONING**

- ◇ This request would rezone the site from the C-1 District to the C-3 classification. “The C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

- ◇ 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 Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

(Continued)

## **STAFF REPORT 2023-ZON-073 (Continued)**

- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

### *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.

- ◇ 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.

### *Large-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet).*

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
- Should not include outdoor display of merchandise.

(Continued)

## **STAFF REPORT 2023-ZON-073 (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.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Camby Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Planning Analysis**

- ◇ The request would be generally consistent with the Comprehensive Plan recommendation of suburban neighborhood typology and The Pattern Book guidelines identified for large-scale retailing.
- ◇ Pursuant to the Ordinance, a sidewalk shall be installed along Camby Road with sidewalk connections to the site. Connections to the sidewalk along Camby Crossing Drive should also be installed as this site is developed.

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## **STAFF REPORT 2023-ZON-073 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING AND LAND USE

C-1	Undeveloped
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#### SURROUNDING ZONING AND LAND USE

North -	C-5	Commercial uses
South -	D-A	Undeveloped
East -	D-A	Single-family dwellings
West -	C-5	Commercial uses

#### COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.

#### THOROUGHFARE PLAN

This portion of Camby Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 30-foot right-of-way and proposed 80-foot right-of-way.

Camby Crossing Drive is a private street with a 70-foot existing right-of-way.

#### CONTEXT AREA

This site is located within the metro context area.

#### OVERLAY

There is no overlay for this site.

#### SITE PLAN

File-dated July 21, 2023.

### **ZONING HISTORY**

**2021-ZON-139; 8300 Camby Road**, requested rezoning of 2.77 acres from the C-1 district to the C-7 classification to provide for a self-storage facility, **withdrawn**.

**2006-ZON-059; 8300 and 8301 Camby Road**, requested rezoning of 2.95 acres, from the D-A District to the C-1 classification to provide for office-buffer commercial uses, **approved**.

#### VICINITY

**2005-ZON-186, 6600 and 6833 Kentucky Avenue and 8032 and 8210 Camby Road (east of site)**, requested rezoning of 43.5 acres, being in the D-A district to the C-5 classification to provide for general commercial uses; **withdrawn**.

**88-Z-229, 7109 Kentucky Avenue (west of site)**, requested rezoning of 5.25 acres from the C-5 and A-2 districts to the C-5 classification; **approved**.

## **MEMORANDUM OF EXAMINER'S DECISION**

**2023-ZON-073**

**8300 Camby Road**

The petition requests a rezoning of 2.67 acres from the C-1 district to the C-3 district to provide for neighborhood commercial uses.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted the commercial development along Kentucky Avenue, west and north of the site. Single family residences were noted east and southeast of the site.

The petitioner's representative described the intent to construct a Dollar General on the west half of the site, with future development on the east half of the site. The representative presented an extensive list of commitments agreed to as part of meetings with the Decatur Township Civic Council, including a plethora of excluded uses, building height limit, and details about fencing, lighting, security, and access.

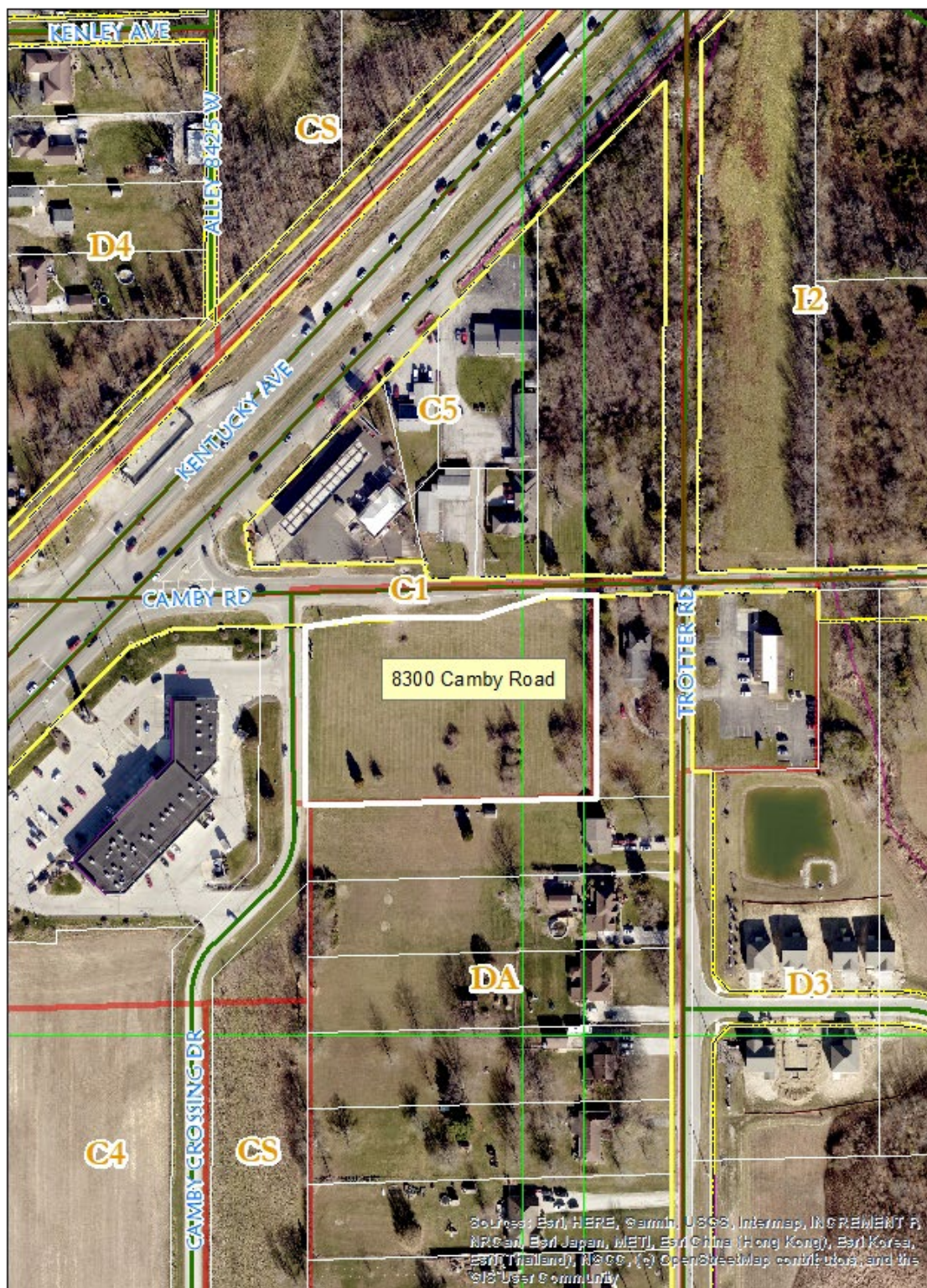
Decatur Township Civic Council remonstrated. It reiterated its requirement that the petitioner commit to be part of the IMPD B-Link and to provide a second access to the site. The Decatur Township Trustee submitted a letter stating that the Decatur Township Fire Department preferred the second access point be on Camby Crossing Drive.

Staff opined that neighborhood commercial uses permitted in C-3 conform with the Comp Plan recommendation of suburban neighborhood typology, and it emphasized the importance of pedestrian connectivity provided by sidewalks. Staff had not received a request from DPW for a second access to this site.

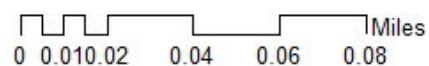
In your Hearing Examiner's opinion, the requested C-3 district is consistent with the area and conforms with the Comp Plan, and the extensive list of commitments adequately addresses concerns of the neighborhood group. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on October 18, 2023





8300 Camby Road











View looking southeast along Camby Road



View from site looking northwest at intersection of Camby Road and Kentucky Avenue





View looking north along Camby Crossing Drive



View of site looking east across Camby Crossing Drive





View of site looking east across Camby Crossing Drive



View of site looking northeast across Camby Crossing Drive





View of site looking south across Camby Road



View of site looking southeast across Camby Road





View from site looking northeast along Camby Road



View from site looking west across Camby Crossing Drive