

## STAFF REPORT

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

**Case Number:** 2022-SE1-001  
**Address:** 4330 Michigan Road (approximate address)  
**Location:** Washington Township, Council District #8  
**Zoning:** SU-2 (FW) (FF)  
**Petitioner:** Veracity Land Use Development Services, by Michael Clust  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 200-foot-tall monopole tower and a four-foot lightening rod.

#### **ADDENDUM FOR MARCH 7, 2023**

This petition was continued from the January 3, 2023, hearing, to the March 7, 2023 hearing of Division I, at the request of the petitioner, in order to engage in further discussion with interested parties. No new information has been provided. Staff continues to **recommend approval** of the request.

#### **ADDENDUM FOR JANUARY 3, 2023**

This petition was continued from the December 6, 2022 hearing to the January 3, 2023 hearing of Division I, at the request of the petitioner in order to engage in further discussion with interested parties. No new information has been provided. Staff continues to **recommend approval** of the requests.

#### **ADDENDUM FOR DECEMBER 6, 2022**

The petitioner will be requesting a continuance for cause from the December 6, 2022, hearing of Division I to the January 3, 2022, hearing of Division I, for more time to discuss the petition with the neighborhood. This would require a vote by the Board.

#### **ADDENDUM FOR SEPTEMBER 6, 2022**

The petitioner requested a three-month continuance for cause from the September 6, 2022, hearing of Division I to the December 6, 2022, hearing of Division I. Staff is not opposed to the request, however, would suggest new Legal Notices be sent to all surrounding property owners. This would require a vote by the Board.

#### **ADDENDUM FOR AUGUST 2, 2022**

Due to an error related to publication of notice, this petition was continued by Staff from the August 2, 2022, hearing of Division I to the September 6, 2022, hearing of Division I, with additional notice.

(Continued)

## **STAFF REPORT 2022-SE1-001 (Continued)**

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

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

SU-2	Metro	International School
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##### **SURROUNDING ZONING AND LAND USE**

North	D-5 / D-A	Single-family dwellings / Vacant lot
South	SU-7	Charitable / Non-profit institution
East	C-S	Linden House
West	D-P	Single-family dwellings

##### **LAND USE PLAN**

The Marion County Land Use Plan (2019) recommends Regional Special Uses.

- ◇ The subject site is 63.7 acres located in Washington Township. The current use of the subject site is a school. It is surrounded by residential to the north and west, a charitable organization to the south, and the well-known, Linden House to the east. The subject site is zoned SU-2. The SU-2 district is designated for schools.
- ◇ The subject site is also located within the Floodway Fringe, Zone AE. Zone AE: The floodway fringe (FF) zoning district boundary is determined by applying the base flood elevations from the flood insurance study base flood profiles to the specific topography of a site/parcel/property. The floodway (FW) district boundary is determined from the flood insurance rate map. The base flood elevation shall be determined from the flood insurance study base flood profile and is rounded up to the nearest ½ foot elevation. See below map.

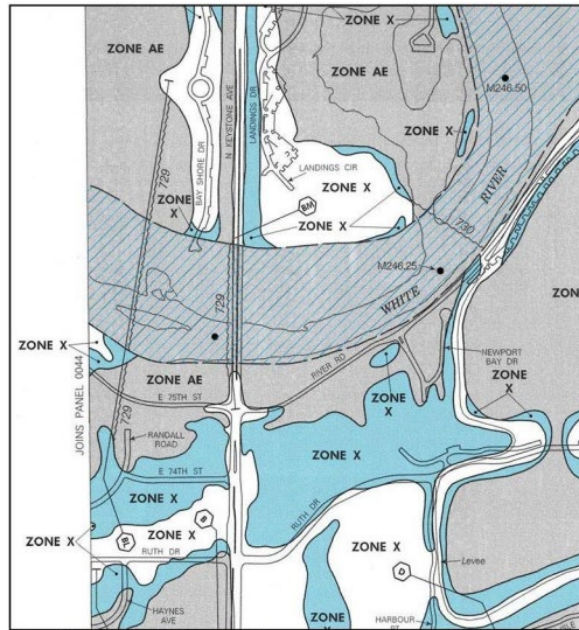


Diagram NN Example of a fIRM map illustrating zones

## SPECIAL EXCEPTION

- ◇ The request would provide for a wireless communications facility (WCF) with a 200-foot-tall monopole tower and a four-foot lightning rod. Table 743-305-1 states Wireless Communications Facilities are permitted in the SU-2 district only by Special Exception.
- ◇ The subject site consists of a 63.7-acre school, with multiple buildings, athletic fields, and parking lots. The surrounding neighborhood includes a recently zoned commercial use to the east, residential to the north and west and a charitable organization to the south of the subject site. The monopole tower with the four-foot lightning rod would be located to the southwest of the subject site (as shown in the site plan), abutting the SU -7 district (charitable organization) zoned property. The WCF would be separated and buffered by the White River and is heavily forested by trees.
- ◇ There are seven Findings of Fact that need to be met for a Special Exception to be approved. The first Finding of Fact is “The proposed use meets the definition of that use in Chapter 740, Article II.” The proposed monopole tower and four-foot lightning rod meet the definition for Wireless Communications Facility. *Wireless Communication Facility* is defined as any facility used by a licensed commercial wireless telecommunications provider to provide service, such as cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and other similar services that are marketed to the public. Additionally, the tower would be designed to have at least four carriers.
- ◇ The second Finding of Fact is “The proposed use will not injure or adversely affect the adjacent area or property values in that area.” The proposed monopole tower would be replacing an existing monopole tower, located along Michigan Road. The proposed tower would be screened by trees and separated from use to the south with the White River as a buffer.

(Continued)

## **STAFF REPORT 2022-SE1-001 (Continued)**

- ◇ The third Finding of Fact is “The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.” The use of the subject property is a school. The monopole tower would be separated from the school and located in a heavily forested area. The land in this area is not used currently by the school.
- ◇ The fourth Finding of Fact is “The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County.” The Comprehensive Plan recommendation is Regional Special uses. Monopole towers are usually located on school properties. The use of the land would not otherwise be used, since it is heavily forested and abuts the White River, suggesting that the monopole would also be heavily screened for compatibility with the character of the district.
- ◇ The fifth Finding of Fact is “The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located.” There are no variances needed for the tower to be located on the site, suggesting it conforms with the development standards of Chapter 744.
- ◇ The sixth Finding of Fact is “The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located.” The use of a Wireless Communication Facility at the subject site is permitted only through Special Exception. Staff finds the use to be supportable at the subject site.
- ◇ The seventh Finding of Fact is “The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use.” Again, the proposed tower would be compliant with all standards of the Ordinance.
- ◇ The proposed Wireless Communications Facility would meet all Findings of Fact where Staff would not find the proposed location detrimental to the surrounding area and would find the request supportable.

## **GENERAL INFORMATION**

### THOROUGHFARE PLAN

Michigan Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 132-foot existing right-of-way and a 112-foot proposed right-of-way.

### SITE PLAN

File-dated July 13, 2022.

### ELEVATIONS

File-dated July 13, 2022.

### FINDINGS OF FACT

File-dated June 15, 2022.

(Continued)



## **STAFF REPORT 2022-SE1-001 (Continued)**

### **ZONING HISTORY – SITE**

EXISTING VIOLATIONS: **VIO22-000947; Building Code Violations.**

PREVIOUS CASES:

**2022-DV1-023; 4330 Michigan Road (subject site)**, requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall ornamental and chain link fence in the front yard along Michigan Road, **approved.**

**2003-DV3-033; 4330 Michigan Road (subject site)**, requested a Variance of development standards of the Sign Regulations to provide for a two-sided, 15.66 foot tall, 188 square foot pylon sign, with the angle between the sign faces being greater than fifteen degrees, and separated by more than 3.5 feet, being located 80 feet from a protected district, with a 24.66 square foot electronic variable message display, **approved.**

### **ZONING HISTORY – VICINITY**

**2001-ZON-162; 4615 North Michigan Road (adjacent to east)**, requests a rezoning of 177.74 acres from D-S (FF) and SU-2 (FF) (FW) to D-P (FW)(FF) to provide for 15 single-family residential lots, or 0.08 units per acre, **approved.**

**2000-APP-136; 4615 North Michigan Street (adjacent to east)**, requests a modification of commitments, related to petition 96-Z-60, modifying commitment #2, to provide for a 20-foot height extension to an existing 100-foot monopole tower (maximum 100-foot monopole tower permitted by previous commitment), **approved.**

**96-Z-60; 4615 North Michigan Road (adjacent to east)**, requests a rezoning of 0.036 acre, from SU-2, to the SU-35 classification, to provide for a 100-foot tall telecommunications antenna and accessory equipment structures, **approved.**

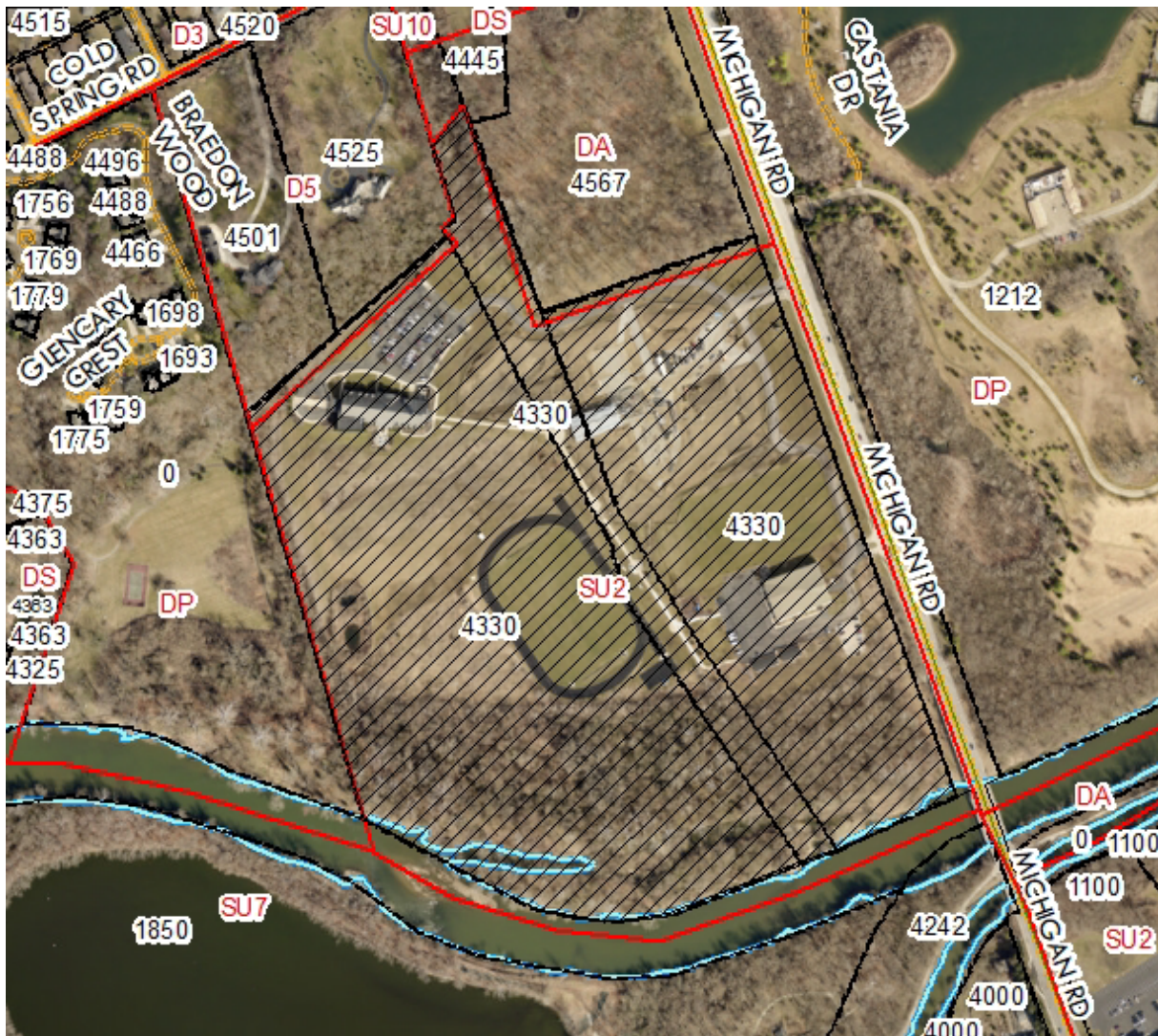
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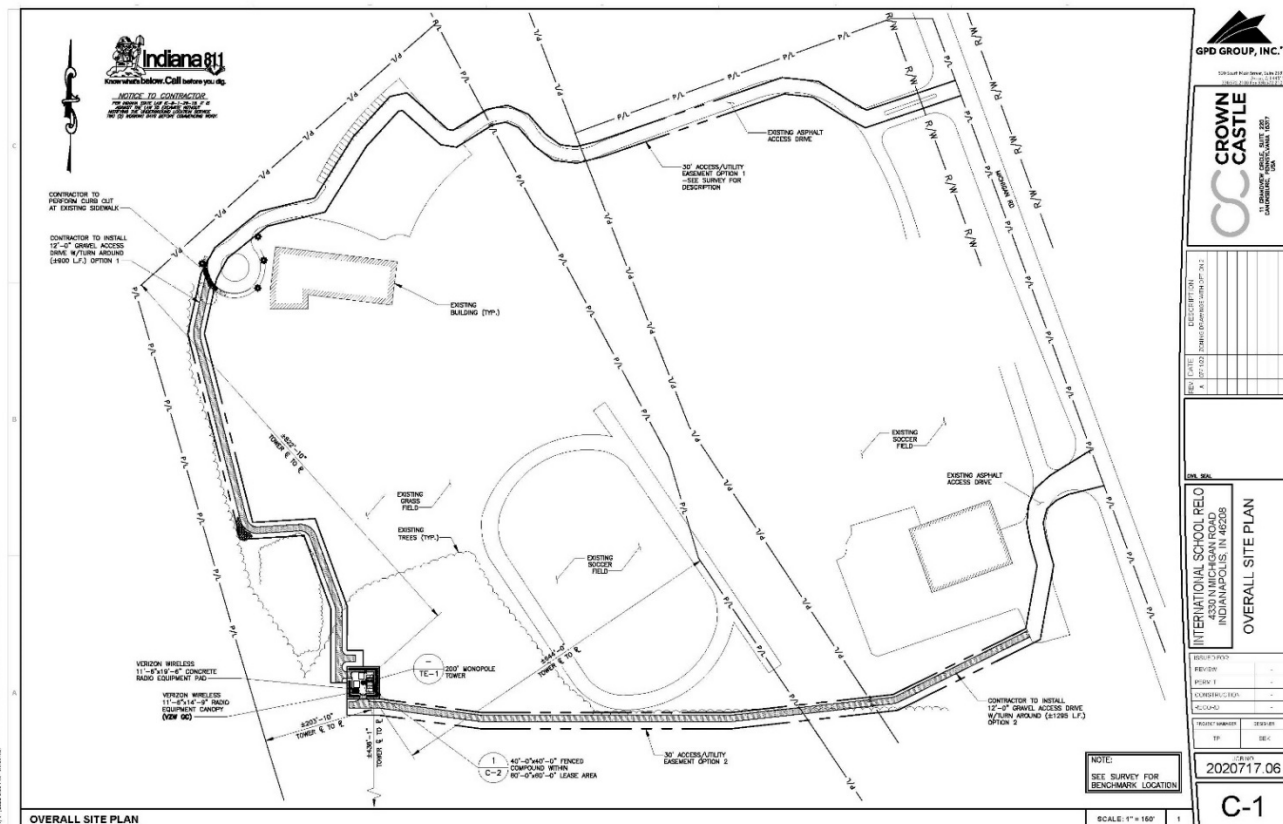
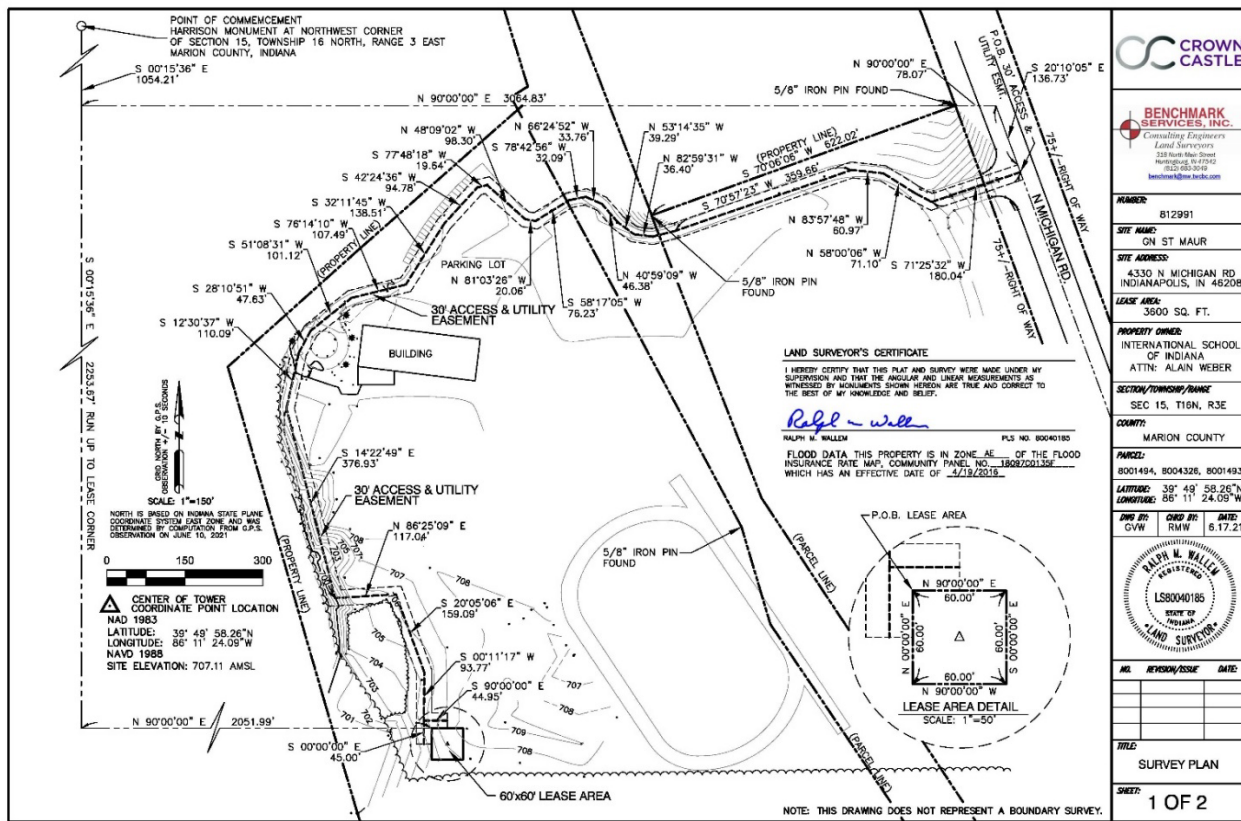
**STAFF REPORT 2022-SE1-001 (Continued)**

**2022-SE1-001; Aerial Map**



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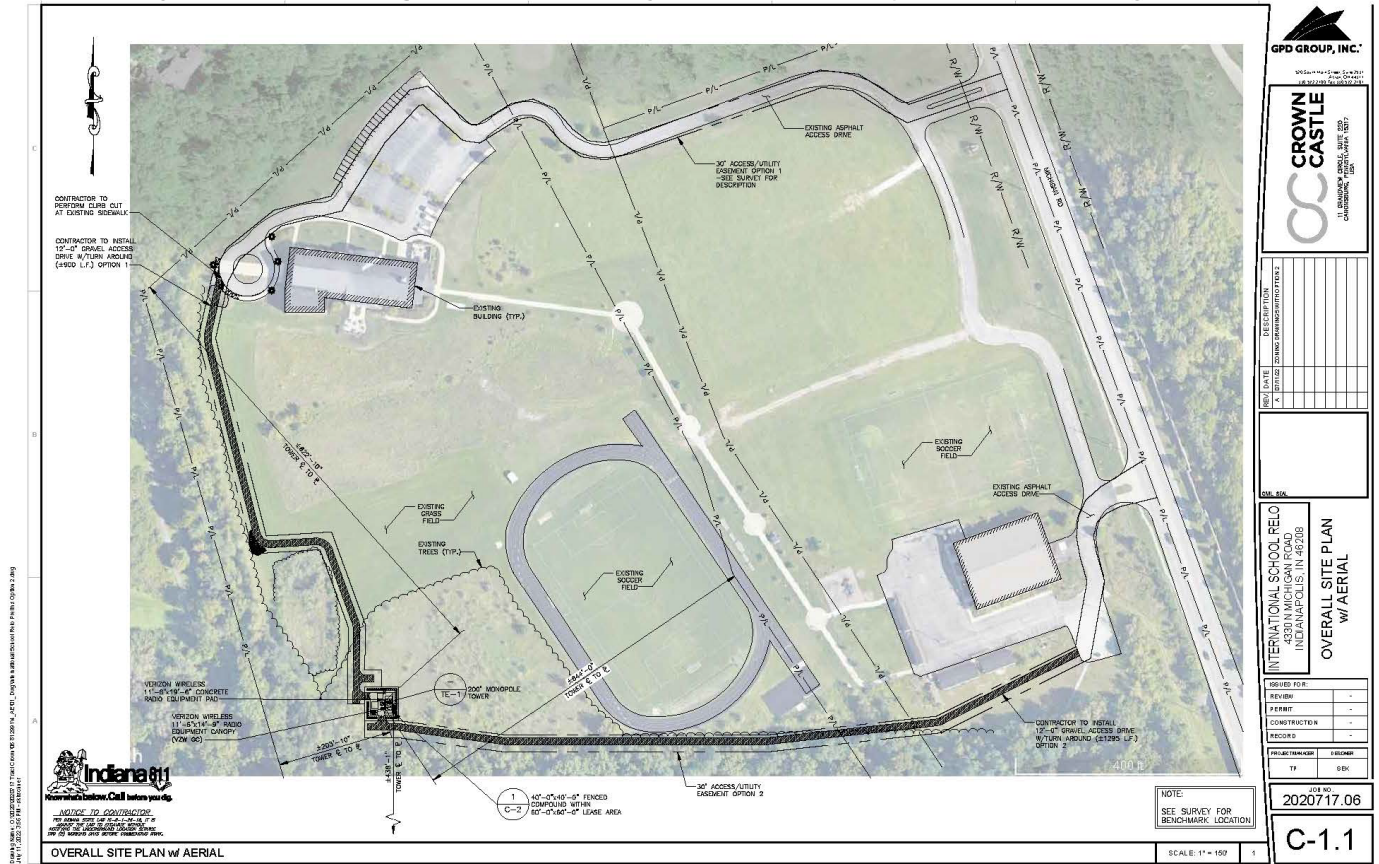
## 2022-SE1-001; Site Plan



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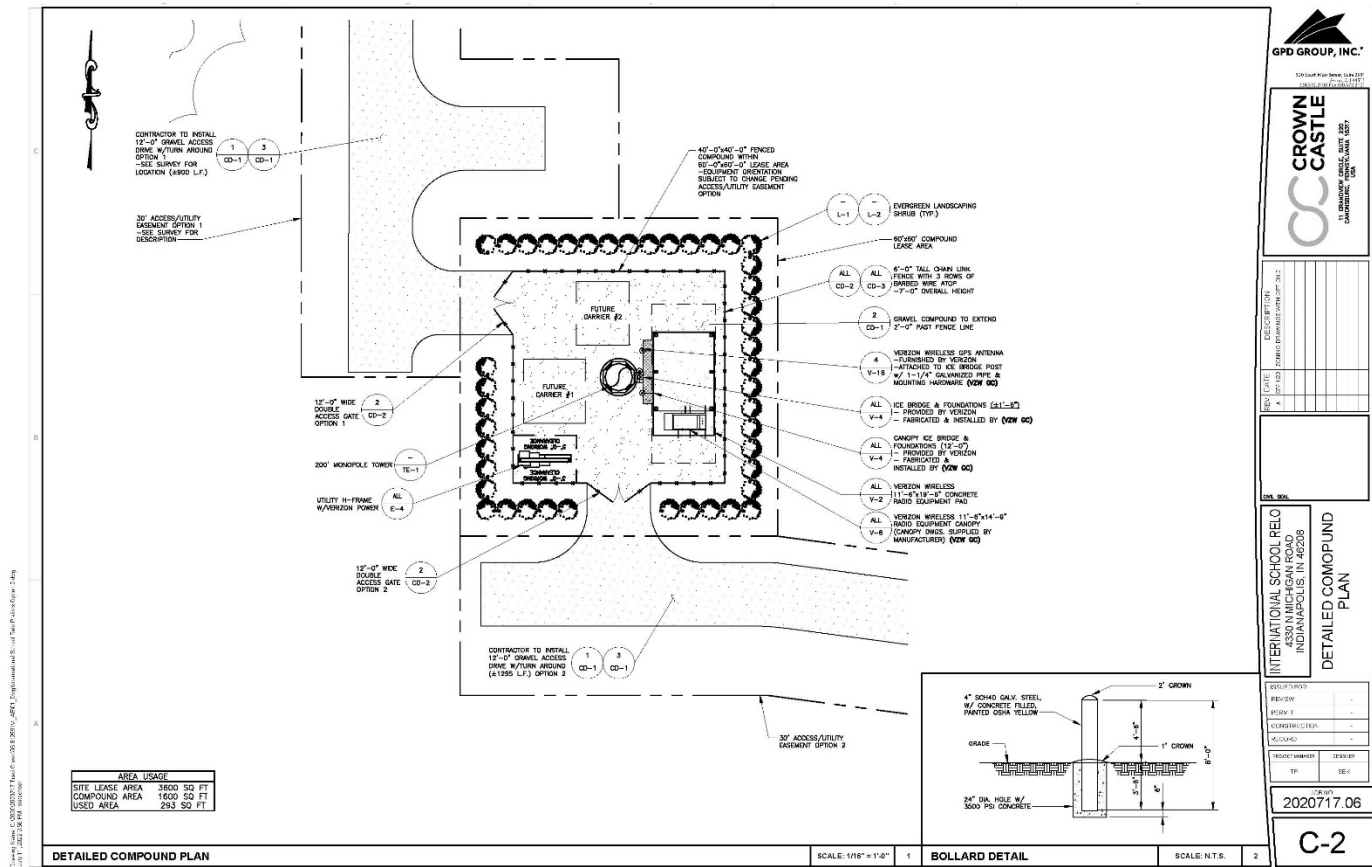


**2022-SE1-001; Site Plan (Continued)**



(Continued)





Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR SPECIAL EXCEPTION  
FINDINGS OF FACT**

**1. The proposed use meets the definition of that use in Chapter 740, Article II because**

The proposed use is a Wireless Communication Facility (WCF). The tower structure and associated equipment will be utilized primarily to provide cellular services to the general public.

**2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because**

WCF are common in urban settings. The proposed WCF would be replacing an existing WCF approximately 2,300 feet away to the northeast. The tower is sited on the property to be setback from the road a great distance, while the existing tower is right upon Michigan Road. Wireless network integrity requires 'cells' located within certain proximity to one another to function, therefore the new tower must be in close proximity to the existing to achieve comparable coverage. Surrounding land uses are institutional or residential, some with high network demands. The site will largely be screened by a mature treeline to the south and west, and a far distance from adjacent properties to the north and east.

**3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because**

WCF are common in urban settings. The tower will be a monopole structure, the most discreet of the common tower types. The WCF will be partially screened or far enough away from adjacent uses to substantially mitigate issues related to lawful use and enjoyment of surrounding properties.

**4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because**

WCF are commonly located on school properties. The WCF is sited on an underutilized area on the property so as to provide minimal impacts. The proposed compound area will be heavily landscaped, and appropriately screened.

**5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because**

The SU-2 district specifically does not provide for many development standards per the Ordinance, any required development standards will be adhered to per the plans filed. The WCF is thoughtfully sited on a large parcel, with ample setbacks from adjoining property and robust landscaping.

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Jun 15 2022  
Division of Planning

## **2022-SE1-001; Findings of Fact**

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

All applicable development standards will be met per the plans filed. Most performance standards from Chapter 740 would not be applicable to the proposed WCF. Any noise generated will be nominal. Carriers may provide generators but only for emergency power purposes.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

All standards from 743-305.00 will be adhered to. The single existing tower within 0.5-mile will be decommissioned following the erection of the proposed tower.

### **DECISION**

IT IS THEREFORE the decision of this body that this SPECIAL EXCEPTION petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Metropolitan Development Jun 15 2022 Division of Planning
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**2022-SE1-001; Photographs**



Photo of school looking north east on subject site.  
(Continued)



**2022-SE1-001; Photographs**



Photo of subject site, looking northwest of the school.



Photo of subject site, looking northeast of the subject site.  
(Continued)



**2022-SE1-001; Photographs**



Photo of subject site, location of proposed monopole (southwest).  
(Continued)



**2022-SE1-001; Photographs**



Photo of location of proposed monopole tower.  
(Continued)



**2022-SE1-001; Photographs**



Photo of the Subject Property: 4330 Michigan Road