

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-004
Address: 10447 Leeward Boulevard (*Approximate Address*)
Location: Lawrence Township, Council District #4
Zoning: D-P
Petitioner: Kelley & Chris Miller
Request: Modification of Commitments and D-P Statement related to 86-Z-96 to allow for an aggregate side setback of sixteen feet (previous petition required a nineteen-foot aggregate side setback).

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ Historic aerial photography indicates that the dwelling on the subject site was built in the late 1980s. The dwelling is one-and-a-half-story with a two-car garage. Dwellings to the north, west and south were constructed in that same time period.
- ◇ The dwelling on the parcel to the east was built in the 1970s. The parcel it sits on is approximately 3.8 acres in size. The two dwellings are roughly 490 feet apart.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology is primarily intended for single-family dwellings.

MODIFICATION OF COMMITMENTS

- ◇ This site was part of a petition that was approved in 1986 (86-ZON-96, DP-7) that rezoned 145 acres from the A-2 district to the D-P district. The D-P district was established to encourage a more creative approach in land and building site planning and to accommodate site treatments not contemplated in other kinds of districts.

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STAFF REPORT 2023-MOD-004 (Continued)

- ◇ Petitions for the D-P district must include a development statement and a preliminary site plan that identifies the locations and types of land uses and proposed layout of streets, open space, parking and other basic elements of the plan.
- ◇ Petition 86-ZON-96, DP-7 provided for a low-density (1.8 units per acre) single-family dwelling neighborhood. That petition continues to govern the lay-out and development standards for the subject site and the neighborhood that it's a part of. The intent of the petition was to provide for house and lot sizes that were the same or larger than the requirements of the D-2 district and for all development standards to meet or exceed the standards of the D-2 district.
- ◇ The development statement provides for minimum front, side and rear setbacks to ensure that there are ample yards. The development statement requires side yard setback lines to be no less than an aggregate of 19 feet, provided, however, that no side yard is less than eight feet. Put another way, the widths of the two sideyards must total at least 19 feet, but no individual sideyard may be less than eight feet in width. If one sideyard is eight feet, the other must be at least eleven feet in order to total 19 feet.
- ◇ This petition would modify the development statement for just this one lot in the development. The modification would provide for a reduced aggregate side setback of 16 feet. The minimum setback would remain at eight feet.
- ◇ The site plan submitted with the petition indicates that the dwelling was originally built with an 8.5-foot west sideyard setback and a 23.5-foot east sideyard setback. The proposed site plan shows the addition of a third parking stall to the garage. The rear corner of the proposed addition would encroach roughly 2.5 feet into the aggregate sideyard, but would remain outside of the required minimum eight-foot sideyard.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

| | | |
|-----|-------|------------------------|
| D-P | Metro | Single-family dwelling |
|-----|-------|------------------------|

SURROUNDING ZONING AND LAND USE

| | | |
|-------|-----|------------------------|
| North | D-P | Single-family dwelling |
| South | D-P | Single-family dwelling |
| East | D-A | Single-family dwelling |
| West | D-P | Single-family dwelling |

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| COMPREHENSIVE LAND USE PLAN | The Lawrence Township Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood. |
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STAFF REPORT 2023-MOD-004 (Continued)

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| THOROUGHFARE PLAN | Leeward Boulevard is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street with an 80-foot existing right of way and a 50-foot proposed right-of-way. |
| FLOODWAY / FLOODWAY FRINGE | This site is not located within a floodway or floodway fringe. |
| WELLFIELD PROTECTION DISTRICT | This site is not located within a wellfield protection district. |

ZONING HISTORY – SITE

86-Z-96, DP-7; 9808 Northwind Drive, requested the rezoning of 145 acres from the A-2 district to the D-P district to provide for single-family dwellings, **approved**.

ZONING HISTORY – VICINITY

87-Z-108, DP-5; 10401 East 96th Street (north of site), requested the rezoning of fifty acres from the A-2 district to the D-P district to provide for 98 single-family dwelling at a density of 1.96 units per acre, **approved**

86-Z-271, DP-16; 10566 Fall Creek Road (north of site), requested the rezoning of fifty acres from the A-2 district to the D-P district to provide for 116 single-family dwelling at a density of 2.32 units per acre, **denied**.

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STAFF REPORT 2023-MOD-004, Location



STAFF REPORT 2023-MOD-004, Aerial photograph (2022)



STAFF REPORT 2023-MOD-004, Proposed commitment

STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

Lot Numbered 21 in the Moorings, Phase One, a Subdivision in Marion County, Indiana, as per plat thereof recorded April 30, 1987 as Instrument No. 87-47594, in the Office of the Recorder of Marion County, Indiana.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. The Commitments and Development Statement associated with rezoning petition 86-Z-96, as recorded as Instrument Number 86-0055824, shall be amended for the above referenced parcel (commonly known as 10447 Leeward Blvd) to amend the required aggregate side setback to sixteen (16) feet.

2.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

STAFF REPORT 2023-MOD-004, Photographs



Looking southwest across the subject site.



Looking south along the site's east property line.



Looking southeast across the subject site to the parcel to the east.



Looking west along Leeward Boulevard.