

## STAFF REPORT

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

**Case Number:** 2022-ZON-051 and 2022-VAR-003 (Amended)  
**Address:** 11811 & 11944 Southeastern Avenue and 7000 & 7400 South Carroll Road  
(Approximate Address)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Becknell Industrial, LLC, by Joseph D. Calderon  
**Request:** Rezoning of 198.92 acres from the D-A (FW) (FF) district to the I-2 (FW) (FF) district to provide for industrial development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial building with loading docks/area located between the front building line and the front lot line along Carroll Road (not permitted).

#### **ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The petitioner's representative has notified staff that the petitioner will be requesting a **continuance from the March 15, 2023 hearing to the June 21, 2023 hearing** to allow additional time to modify the petition.

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

The petitioner's representative requested a continuance from the January 18, 2023 to the March 15, 2023 hearing to allow additional time to work with the remonstrators to modify the petition.

#### **ADDENDUM FOR NOVEMBER 2, 2022, METROPOLITAN DEVELOPMENT COMMISSION**

The remonstrators' representative has notified staff that the remonstrators and petitioners have agreed to request a continuance from the November 2, 2022 hearing to the January 18, 2023 hearing to allow time for more discussion. The petitioners' representative has confirmed this request.

The petitioner requested and was granted a continuance for cause from the September 21, 2022 hearing to the November 2, 2022 hearing to allow for further communication with City-County Councillors and neighbors.

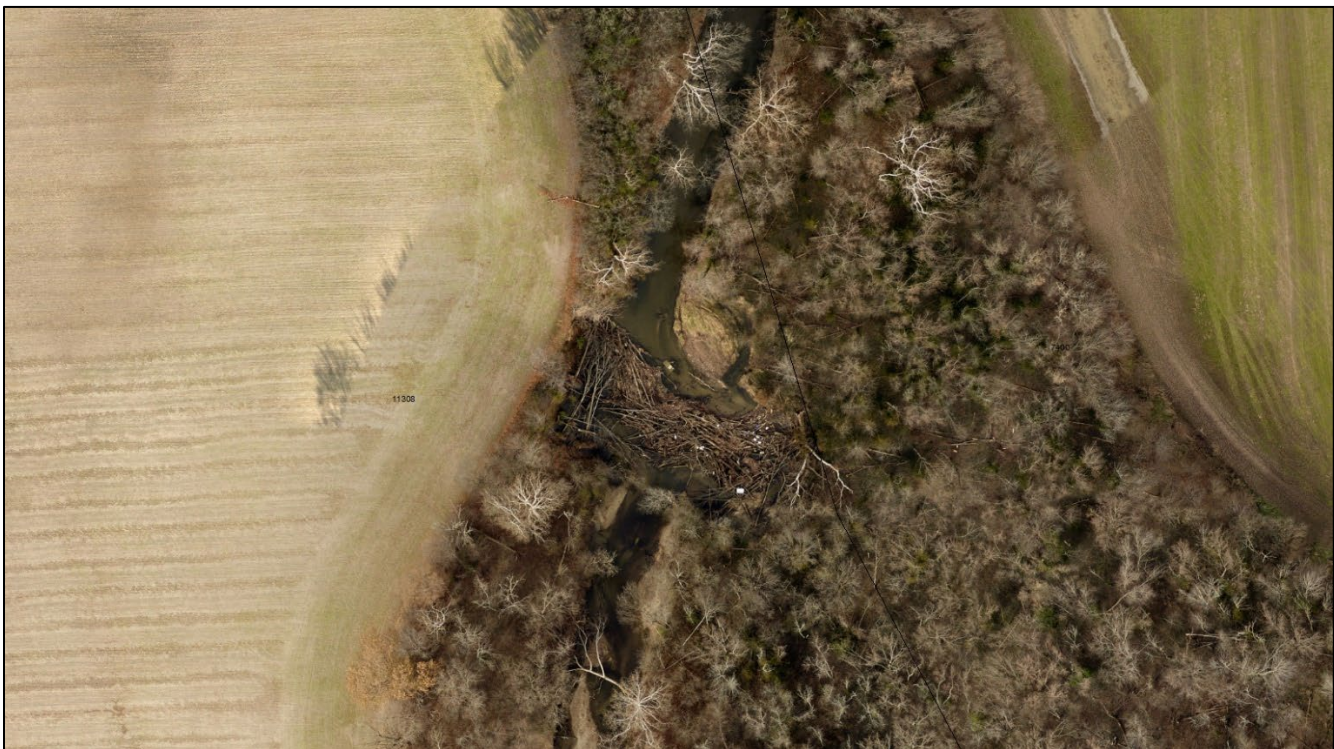
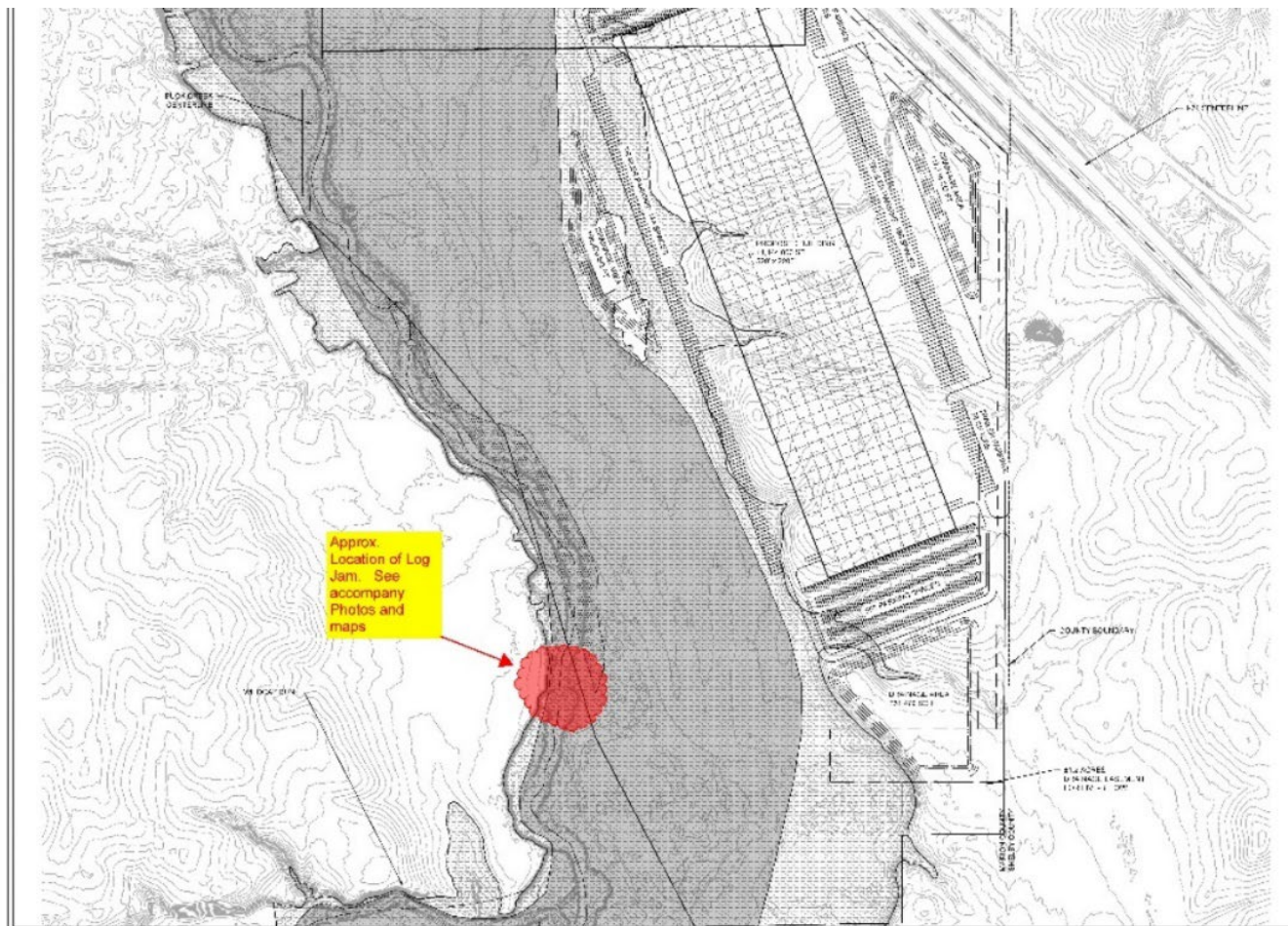
#### **ADDENDUM FOR SEPTEMBER 21, 2022, METROPOLITAN DEVELOPMENT COMMISSION**

After a full public hearing on August 25, 2022, this petition was recommended for approval by the Hearing Examiner. A memorandum of the Hearing Examiner's decision is included below. The Hearing Examiner's decision was subsequently appealed to the Metropolitan Development Commission by a remonstrator.

Flooding of Buck Creek was an issue raised in testimony before the Hearing Examiner. The petitioner has supplied evidence that flooding is likely occurring due to a log jam that has developed in Buck Creek. The following images show the location of the log jam in relation to the subject site and an aerial view of the jam.

(Continued)

**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended) (Continued)**



(Continued)

## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended) (Continued)**

### **ADDENDUM FOR AUGUST 25, 2022, HEARING EXAMINER**

This petition was continued from the July 28, 2022 hearing to the August 25, 2022 hearing at the request of the City-County Councillor to provide time for further negotiations between the petitioner and the neighbors.

### **ADDENDUM FOR JULY 28, 2022, HEARING EXAMINER**

This petition was continued from the June 23, 2022 hearing to the July 28, 2022 hearing at the request of the remonstrators.

Staff continues to **recommend approval** of this request, subject to the petitioner's proposed commitments included below in the addendum for June 23, 2022.

### **ADDENDUM FOR JUNE 23, 2022, HEARING EXAMINER**

This petition was continued from the June 9, 2002 hearing to the June 23, 2022 hearing to provide time for the submission of finalized commitments.

Staff continues to **recommend approval** of this request, subject to the petitioner's proposed commitments included below.

1. Carroll Road shall be completely rebuilt (including new road bed) to "local street" standards per City of Indianapolis Department of Public Works Indianapolis Section Standards Manual along the frontage of the Subject Property within the right-of-way of Carroll Road following the ROW Dedication (as hereinafter defined), or as close to local street standards as is acceptable to DPW (as hereinafter defined) given the available right-of-way of Carroll Road. Owner shall dedicate so much of the Subject Property's existing frontage on Carroll Road so as to create a twenty-five foot (25') one-half right-of-way dedication (the "ROW Dedication"), measured from the existing centerline. The ROW Dedication shall be granted by the owner of the Subject Property within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council and in no event later than application for an Improvement Location Permit. Except for an easement in favor of Citizens Energy Group for installation of a sanitary sewer line and water line to be located in the right-of-way contemplated to be granted, no additional easements shall be granted to third parties prior to the acceptance of grant of right-of-way by the City of Indianapolis Department of Public Works ("DPW"). The rebuild of Carroll Road shall be completed no later than six (6) months following completion of any proposed industrial building on the Subject Property.
2. All healthy, non-invasive trees located in the floodway on the Subject property shall be preserved, except for those needed to be removed for utility infrastructure, and those removed by DPW, following dedication as described in Commitment #4 below.
3. Owner will dedicate a fifty-foot (50') right-of-way along the top of bank of Buck Creek to DPW, and where the top of bank is not located within the boundaries of the Subject Property, then the right-of-way shall be measured along the west property line. The grant of right-of-way may limit the use of the right-of-way to a multi-use trail for pedestrians and bicycle use, and prohibit motorized vehicles except for DPW maintenance vehicles and emergency vehicles. No additional easement shall be granted to third parties prior to acceptance of the grant of right-of-way by DPW, except for stormwater drainage outlets from the Subject Property into Buck

(Continued)



## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended) (Continued)**

Creek. Owner will grant the right-of-way within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council and in no event later than application for an Improvement Location Permit. Nothing contained in this Commitment shall preclude Owner from granting a conservation easement for portions of the Subject Property located in the floodway/floodplain and outside of the right -of-way.

4. The following I-2 primary uses, as set forth in Ch. 743, Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, shall not be permitted on the Subject Property;
  - a. Auctioneering and Liquidating Services
  - b. Automobile and Vehicle Storage Auction
  - c. Automobile Fueling Station
  - d. Heliport/Helistop
  - e. Transit Center
  - f. Truck Stop
  - g. Waste or Recycling Transfer Facility
  - h. Heavy Outdoor Storage (accessory outdoor storage shall be permitted)
5. To the extent that truck docks/loading areas are located in front of the front building line of any building facing I-74 and/or Carroll Road, then a suitable landscaped area providing suitable screening, and located between the truck docks/loading area and the adjoining roadways shall be provided. The plan for the landscaped screen shall be submitted for Administrator's Approval prior to obtaining an Improvement Location Permit.

### **June 9, 2022 Staff Report**

This petition was continued from the May 12, 2022 hearing to the June 9, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

### **RECOMMENDATION**

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

1. A 25-foot half right-of-way shall be dedicated along the frontage of Carroll 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).
2. A 50-foot right-of-way shall be dedicated along the top of the east bank of Buck Creek and, where the creek is not within the subject site, along the west property line of the site, as per the request of the Department of Public Works (DPW), Greenway Manager. 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).

(Continued)

## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended) (Continued)**

3. Carroll Road shall be reconstructed to meet DPW's Local Street standards from the northern limit of the Five Below Driveway to the northern limit of the proposed site driveway. North of the proposed site driveway, Carroll Road shall be reconstructed to taper down to match the existing roadway.
4. Substantial landscaping shall be installed on a six- to eight-foot high berm along the north and east edges of the site. Landscaping shall be mostly evergreen.
5. A tree preservation plan shall be submitted for Administrator's Approval prior to the issuance of an ILP for the site. The preservation plan shall include a tree inventory and show significant tree preservation on the southern portion of the site.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ The subject site is a mix of agricultural land and woodlands. It is located on the Marion/Shelby County line immediately south of I-74. The western edge of the site roughly follows Buck Creek and a significant portion of the site is within the Buck Creek floodway and floodway fringe. Please see the map below. A floodway is the area where floodwaters flow during a one-hundred-year flood event and is unbuildable. The floodway fringe is the area where floodwaters pool during a one-hundred-year flood event and is buildable under certain conditions.
- ◇ Access to the site is primarily from the east via Shelby County roads and the I-74 Pleasant View Road interchange. The area between the interchange and the subject site is in transition from agriculture and single-family dwellings to industrial uses such as warehousing.
- ◇ Various portions of the site have their own recommendations in the 2018 Comprehensive Land Use Plan. Please see the map below. The portion of the site in the floodway is designated in the Plan as Floodway. A linear park is proposed along Buck Creek. A portion of the south part of the site is recommended for Rural or Estate Neighborhood. This typology is intended for estate-style dwellings on large lots. The remainder of the site is recommended for Light Industrial uses. This typology is intended for production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations.
- ◇ This site is accessed from Carroll Road. As it abuts the southeast corner of the site, Carroll Road is paved and roughly twelve feet in width. It dwindles in width and level of surfacing as it goes north until it is a six-foot wide set of tracks. The intersection of Carroll Road and McGregor Road is currently being upgraded to meet the needs of industrial traffic. To provide adequate access to the subject site, these upgrades need to be continued north to the proposed site access point.
- ◇ In response to the linear park recommendation of the Comprehensive Land Use Plan, the Department of Public Works has requested a 50-foot wide right-of way along the east bank of Buck Creek. Where the creek leaves the subject property, 50-foot right-of-way is requested along the west property line of the subject site.

(Continued)

## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended) (Continued)**

- ◇ Woodlands can be found along Buck Creek and in the southernmost part of the site. To preserve these trees to the extent possible, a tree preservation plan should be submitted for Administrator's Approval.

### **ZONING**

- ◇ This petition would rezone the subject site to the I-2 district. This district is a light industrial district intended for uses that typically don't create noise, glare, heat or odor that would disturb the neighbors. Outdoor operations are limited and must be screened.
- ◇ The site plan submitted with this petition shows a single industrial/distribution building of approximately 1,144,000 square feet or roughly 26.26 acres. It would be oriented northwest to southeast to maximize the size of the building on the buildable portion of the site. It would have loading docks along each of the long sides. The docks on the northeast side of the building would be visible from I-74 and Carroll Road. The siting keeps the building out of the floodplain, but it would encroach on the floodway fringe in several locations.

### **Traffic Impact Study**

- ◇ The petitioner has conducted a traffic impact study for this site. The TIS has been reviewed by the Department of Public Works. The purpose of the study is to determine the impact that the traffic generated by the proposed development would have on the existing roadway system. The study concentrated on four nearby intersections, plus the intersection between the proposed driveway and Carroll Road. The four existing intersections studied were Carroll Road and McGregor Road, McGregor Road and Walnut Street, Walnut Street and the I-74 eastbound ramps, and Walnut Street and the I-74 westbound ramps.
- ◇ The TIS estimates that the proposed development would add 161 vehicles to the road system during the morning peak hour and 164 vehicles during the evening peak hour. Of the morning peak hour vehicles, 21 would be trucks. Of the evening peak hour vehicles, 25 would be trucks.
- ◇ The TIS looks at how the traffic to and from the site would be distributed through the street network. It is estimated that 75% of the auto traffic leaving the site will go east on McGregor Road and 25% will go south on Carroll Road from the Carroll Road/McGregor Street intersection. It is also estimated that 85% of the truck traffic leaving the site will go east on McGregor Road and 15% will go south on Carroll Road.
- ◇ Among the findings of the study is that the addition of site's traffic to the roadway system would not substantially affect the functioning of the intersection of Walnut Street and the eastbound I-74 lanes. The functioning of the other three intersections would see some degradation, but would still operate at an acceptable level. The additional traffic will obviously be noticeable, but would not hamper the functionality of the intersections.
- ◇ The study also looked to see if provisions should be made for safe turning maneuvers at the site's access drives. The study finds that additional turn lanes are not warranted.

(Continued)

## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended) (Continued)**

### **VARIANCE**

- ◇ This petition includes a variance to provide for loading docks/area located between the front building line and the front lot line along Carroll Road. The Ordinance bans loading areas in the fronts of buildings in an effort to maintain the aesthetic quality of the City's streets.
- ◇ Carroll Road deadends at I-74 on the northeast corner of the subject property. As such, it sees little traffic that is not going directly to either the subject site or the sites on the east side of Carroll Road, which are a single-family dwelling/outdoor furniture contractor and a warehouse. However, the loading docks are also oriented to I-74 and would be one of the first sights visitors would see upon entering Marion County and Indianapolis.
- ◇ To screen the loading docks, substantial evergreen landscaping should be installed along I-74 and Carroll Road. Where the roadbed is elevated above the surface of the subject site, a berm of six to eight feet should be installed as part of the landscaping.

### **GENERAL INFORMATION**

#### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-A	Metro	Agricultural land, woodlands
-----	-------	------------------------------

#### **SURROUNDING ZONING AND LAND USE**

North	D-A	Interstate 74, single-family dwellings, winery, bed and breakfast
South	D-A	Single-family dwellings,
East	Shelby County	Agricultural land, single-family dwelling, outdoor furniture contractor, warehouse.
West	D-A	Single-family dwellings, agricultural land

COMPREHENSIVE LAND USE PLAN	The Franklin Township Comprehensive Plan (2018) recommends Light Industrial, Linear Park, Floodway, and Rural or Estate Neighborhood.
-----------------------------	---

THOROUGHFARE PLAN	Carroll Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 30-foot existing right-of-way and a 50-foot proposed right-of-way.  Interstate 74 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Freeway. The Thoroughfare Plan does not propose a right-of-way for interstate highways.
-------------------	---

FLOODWAY / FLOODWAY FRINGE	Portions of the site are located within a floodway and floodway fringe of Buck Creek.
----------------------------	---

STREAM PROTECTION CORRIDOR	Portions of this site are located within the stream protection corridor of Buck Creek.
----------------------------	--

WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
-------------------------------	--

(Continued)

## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended) (Continued)**

### **ZONING HISTORY – SITE**

**2021-ZON-082; 11811 Southeastern Avenue**, requested the rezoning of four acres from the D-A district to the SU-41 district to provide for a wastewater treatment plant, **withdrawn**.

**2005-ZON-050; 11812 Southeastern Avenue**, requested the rezoning of 196 acres from the D-A district to the D-3 district, **denied**.

**94-Z-60; 6950 South County Line Road**, requested the rezoning of 23 acres from the D-A district to the D-A (GSB) district, **withdrawn**.

**93-Z-65; 6950 South County Line Road**, requested the rezoning of 23 acres from the D-A district to the D-A (GSB) district, **withdrawn**.

### **ZONING HISTORY – VICINITY**

**2017-DV3-018; 6715 Mimosa Lane (west of site)**, requested a variance of development standards to provide for an accessory structure taller and larger than the primary structure and in the front yard of the primary structure and with deficient frontage, **approved**.

**2009-UV1-018; 11747 Indian Creek Road South (north of site)**, requested a variance of use to provide for a winery and retail sales of wine in a D-A district, **approved**.

**2009-UV3-001; 11944 Southeastern Avenue (north of site)**, requested a variance of use to provide for two dwellings on one parcel, one dwelling with deficient living area, a gift shop, animal grooming services and boarding of horses in a D-A district, **approved**.

**2008-UV1-009; 11812 Southeastern Avenue (north of site)**, requested a variance of use to provide for the outdoor storage of two commercial vehicles in a D-A district, **approved**.

**2006-DV2-018; 11747 Indian Creek Road South (north of site)**, requested a variance of development standards to provide for a six-foot tall, two-sided pylon sign and a 16-foot tall, 128 square-foot, two-sided pole sign, **approved**.

**99-UV3-76; 7548 South Carroll Road (south of site)**, requested a variance of use to provide for two dwellings on one parcel, **approved**.

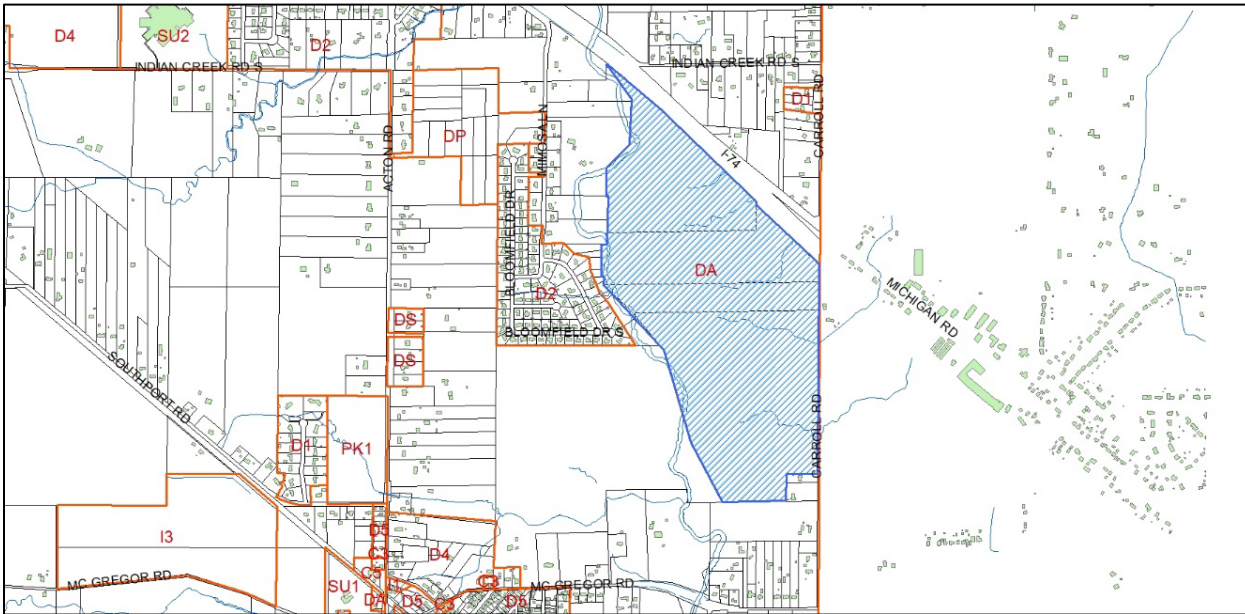
**75-V3-117; 6867 Bloomfield Drive (west of site)**, requested a variance of development standards to provide for deficient street frontage, **approved**.

klh

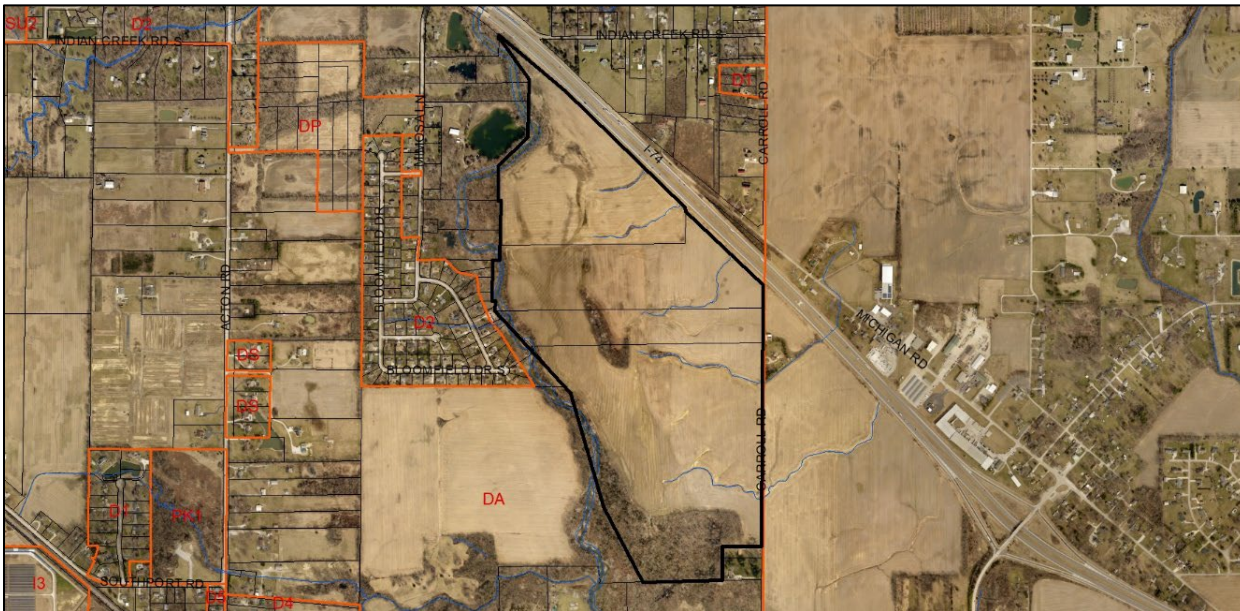
\*\*\*\*\*



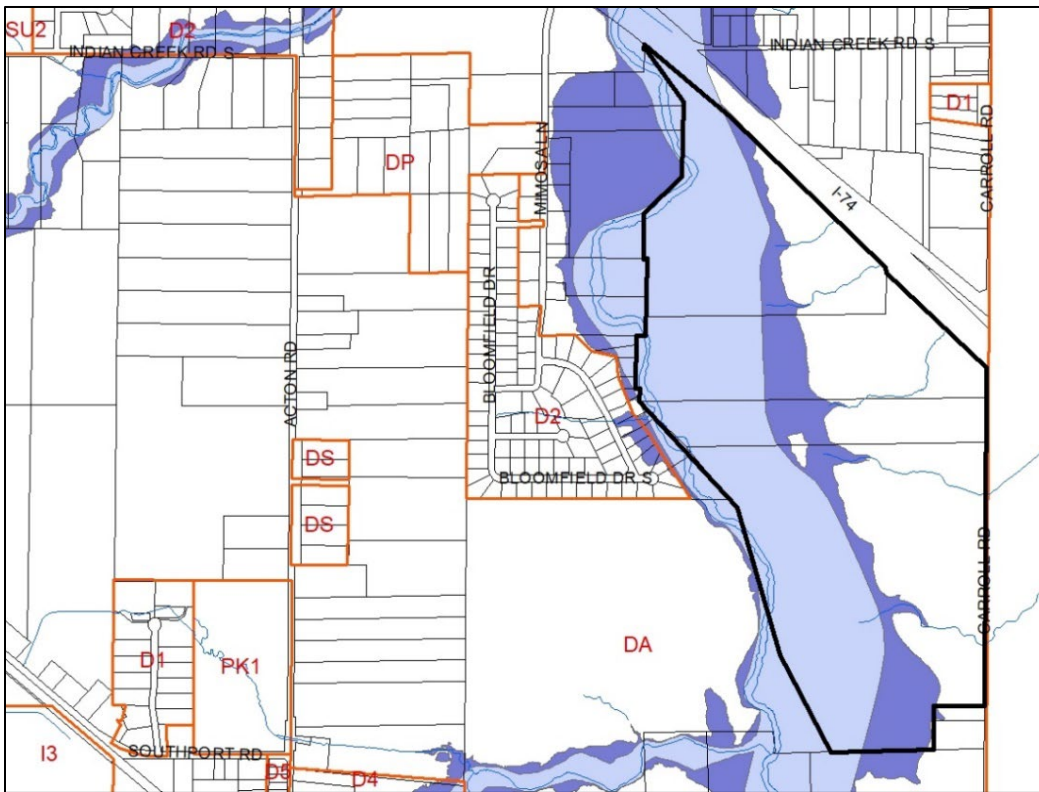
## STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Location



## STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Aerial photograph (2021)

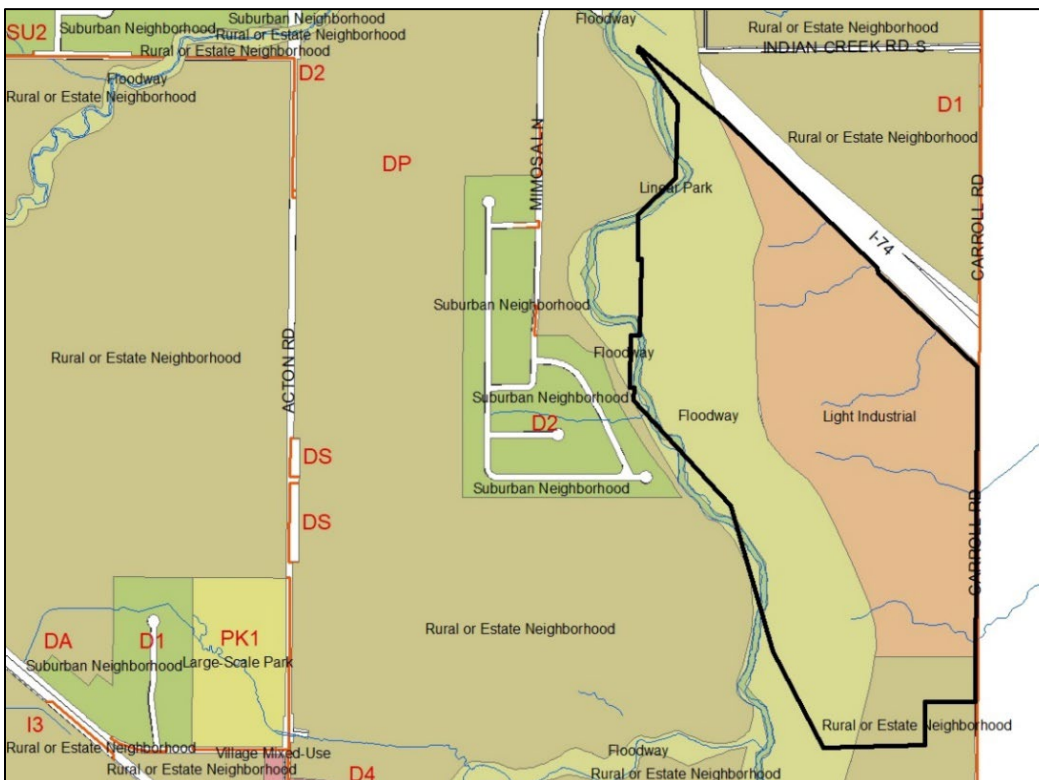


## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Floodway and Floodway Fringe**



The floodway is shown in light blue and the floodway fringe in medium blue.

## **STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Comprehensive Land Use Plan**



**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Hearing Examiner's Memorandum**

Memorandum of Examiner's Decision

**Case Number:** 2022-ZON-051 and 2022-VAR-003 (Amended)  
**Address:** 11811 & 11944 Southeastern Avenue and 7000 & 7400 South Carroll Road  
(Approximate Address)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Becknell Industrial, LLC, by Joseph D. Calderon  
**Request:** Rezoning of 198.92 acres from the D-A (FW) (FF) district to the I-2 (FW) (FF) district to provide for industrial development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial building with loading docks/area located between the front building line and the front lot line along Carroll Road (not permitted).

**Summary**

This was a very close case. Staff recommended approval. Remonstrators flooded the MDC with +/- 100 letters and emails in opposition based on environmental concerns with Buck Creek watershed – flooding and habitat destruction – and traffic. At the hearing, Petitioner presented revised comprehensive commitments (referred to below), which, in my opinion, sufficiently addressed Remonstrators' concerns. Remonstrators' counsel had only received the revised commitments early on the morning of the hearing but the parties had previously discussed the bulk of the commitments. The commitments also addressed issues other than mentioned above, and are attached.

**Public Officials stating a position**

In favor

Franklin Township Community School Corporation

It should be noted that the support was based on the anticipation of increased property taxes, estimated by Petitioner as \$2,052,145.20. However, in answer to my question, Petitioner did state it may seek abatement in the future.

Opposed

Hon. John Barth, City County Councilor, District 7  
Hon. Aaron Freeman, State Senator, District 32  
Hon. Kristen Jones, City County Councilor, District 16

Unclear

Hon. Brian Mowery, City County Councilor, District 25 and Minority Leader originally opposed the project. On the day of the hearing, he emailed staff stating: "I would like to pull my opposition letter or this proposal. What do I need to do to get that done? Thank you!"

He did not testify at the hearing so it is unclear whether he supports the project or is neutral.

**Environment – flooding**



Remonstrators contended that the FEMA flood maps in general are inaccurate; however, they did not prove the maps in issue were inaccurate. Remonstrators showed pictures of Buck Creek flooding but there was evidence the flooding was exacerbated by a downstream log jam.

Petitioner's civil engineer testified that site development would include extensive detention/retention areas. The development of course would require a drainage permit which would mandate the project not increase the runoff rate. Petitioner committed:

7. A master drainage plan shall be designed for the development, in accordance with the Marion County Stormwater Management Ordinance, and submitted for the review and approval of the drainage division of DPW. Following submittal of the drainage plan and review and comments by DPW, a copy of said plan shall be provided to the Franklin Township Civic League Land Use Committee for their review. Upon the request of the Franklin Township Civic League Land Use Committee, the Developer and its engineer shall appear at a monthly meeting of the Franklin Township Civic League Land Use Committee to explain and discuss the drainage plan to nearby property owners who choose to attend the Land Use Committee meeting. Developer will not obtain a drainage permit for at least 14 days following submittal of the drainage plan to the Land Use Committee.
12. Petitioner, Becknell Industrial LLC, if it acquires the Subject Property and develops it for industrial use, shall match funds raised by others for the purpose of satisfying the Department of Natural Resources requirement of twenty percent (20%) of total funds required for removal of an obstruction in a jurisdictional waterway, in this case a logjam in Buck Creek located downstream from the Subject Property.

## Environment – Habitat

Much of the remonstrance was based, especially from those not directly affected by the development, on fear of loss or damage to the old growth forest and wildlife. However, none of the proposed development would encroach on that area. Staff determined that the development complied with the comprehensive plan in general and greenway plan in particular. Petitioner will be required to mitigate less than ½ acre of wetland. Petitioner committed:

3. All healthy, non-invasive trees located in the floodway on the Subject Property shall be preserved, except for those needed to be removed for utility infrastructure, and those removed by DPW, following dedication as described in Commitment #4 below.
4. Owner will dedicate a fifty foot (50') right-of-way along the top of bank of Grassy Creek to DPW, and where the top of the creek is not located within the boundaries of the Subject Property, then the right-of-way shall be measured along the west property line. The grant of right-of-way may limit the use of the right-of-way to a multi-use trail for pedestrians and bicycle use, and prohibit motorized vehicles except for DPW maintenance vehicles and emergency vehicles. No additional easements shall be granted to third parties prior to acceptance of the grant of right-of-way by DPW, except for stormwater drainage outlets from the Subject Property into Grassy Creek. Owner will grant the right-of-way within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council, and in no event later than application for an Improvement Location Permit. Nothing contained in this Commitment shall preclude Owner from granting a conservation easement for portions of the Subject Property located in the floodway/floodplain and outside of the right-of-way, conveying said portions of the Subject Property to the Central Indiana Land Trust or similar organization, or creating a wetland mitigation bank.

The Indiana Department of Natural Resources conducted a Natural Resources Assessment of the property including review of endangered, threatened, and rare species and high quality Natural communities (ETR). Some ETR was identified in the eastern side of the property and the current plan will avoid the area.

## Environment – General

Petitioner provide the following list of governmental agencies that will have review and approval of various components of the development:

U.S. Army Corp of Engineers  
FEMA (Federal Emergency Management Agency)  
United States EPA (Environmental Protection Agency)  
State of Indiana (DHS) Department of Homeland Security  
State of Indiana DNR (Department of Natural Resources)  
State of IDEM (Indiana Department of Environmental Management)  
City of Indianapolis DMD (Department of Metropolitan Developmen  
City of Indianapolis DNS (Department of Neighborhood Services)  
City of Indianapolis DPW (Department of Public Works)  
City of Indianapolis FD (Fire Department)  
Marion County Soil and Water Conservation District

## Traffic

Remonstrators voiced concerns about increased traffic. Petitioners commissioned a traffic study, which included study of these four existing intersections: Carroll Road and McGregor Road, McGregor Road and Walnut Street, Walnut Street and the 1-74 eastbound ramps, and Walnut Street and the 1-74 westbound ramps.

- ◇ Among the findings of the study is that the addition of site's traffic to the roadway system would not substantially affect the functioning of the intersection of Walnut Street and the eastbound I-74 lanes. The functioning of the other three intersections would see some degradation, but would still operate at an acceptable level. The additional traffic will obviously be noticeable, but would not hamper the functionality of the intersections.

IDOT has granted Shelby County \$1.6 million to establish a roundabout at McGregor Road, Walnut Street and the Frontage Road.

Petitioner stated the traffic study did take into account the impact of the recently opened Five Below facility, a similar operation to the subject, immediate across Carroll road to the east in Shelby County.

Petitioner has also comitted to rebuild a portion Carroll Road:

2. Carroll Road shall be completely rebuilt (including new road bed) to "local street" standards per City of Indianapolis Department of Public Works Indianapolis Transportation Section Standards Manual along the frontage of the Subject Property, within the right-of-way of Carroll Road following the ROW Dedication (as hereinafter defied), or as close to local street standards as is acceptable to DPW (as hereinafter defined) given the available right-of-way of Carroll Road. Owner shall dedicate so much of the Subject Property's existing frontage on Carroll Road so as to create a twenty-five foot (25') one-half right-of-way dedication (the "ROW Dedication"), measured from the existing centerline. The ROW Dedication shall be granted by the owner of the Subject Property within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council and in no event later than application for an Improvement Location Permit. Except for an easement in favor of Citizens Energy Group for installation of a sanitary sewer line and water line to be located in the right-of-way contemplated to be granted, no additional easements shall be granted to third parties prior to the acceptance of grant of right-of-way by the City of Indianapolis Department of Public Works ("DPW"). The rebuild of Carroll Road shall be completed no later than six (6) months following completion of any proposed industrial building on the Subject Property.

## Conclusion

Public comments, including Franklin Township Civic League, Inc and an enviromental consulting firm, overwhelmingly oppose the project. At the hearing, +/- 50 people appeared in person to object. Hopefully, the parties can continue to discuss the project and reach an accomodation.

As mentioned above, this is a very close case. I remain troubled by uncertainty of whether or not Franklin Township will at least benefit from property taxes. Take away the Franklin Township Schools support, and the only support from a public offical *may* be from Mr. Mowery.

A handwritten signature in black ink, appearing to read "James G. Holland". The signature is fluid and cursive, with a large initial "J" and "H".

---

James G. Holland, Alternate Hearing Examiner



[illegible]

**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Findings of Fact**

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

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the fact that there are proposed truck docks in maneuvering areas in front of the established building line will not result in any negative impact to traffic on Carroll Road, as it is a dead end street.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

there is adequate separation between the proposed building and other structures along Carroll Road, and the docks will be angled away from Carroll Road and towards I-74, near where one residence exists on the east side of Carroll Road.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the shape of the property and presence of flood plain dictate the placement of the building, resulting in the length of the building largely being in a east/west direction, although angled slightly north/south, which triggers the variance requested.

**DECISION**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Photographs**



Looking northwest across the northern portion of the subject site. I-74 is in the background.



Looking southwest across the subject site from the northeast corner of the site.



Looking north on Carroll Road. The site is to the left.



Looking south on Carroll Road. The site is to the right.





Looking west across the southern edge of the site.



Neighbor to the south.