

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-868 / 2023-CPL-868
Address: 9024 West Mooresville Road (Approximate Addresses)
Location: Decatur Township, Council District #20 (#21 Beginning 2024)
Petitioner: Dean Ehr Gott & Greg Gass, by David Gilman
Requests: Rezoning of 2.88 acres from the D-A district to the D-1 district to provide for two residential lots.

Approval of a Subdivision Plat to be known as Camby Hosta Estates, dividing 2.88 acres into two lots.

This petition was continued from the January 25, 2024 hearing to the February 15, 2024 hearing at the request of the petitioner.

RECOMMENDATIONS

Staff recommends **approval of the rezoning** petition 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:

A 35-foot half right-of-way shall be dedicated along the frontage of Mooresville 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).

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated December 14, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.

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7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The 2.88-acre subject site is zoned D-A and developed with a single-family dwelling and accessory structures.
- ◇ This petition would rezone the property to the D-1 district to allow for a smaller lot size and width and would subdivide the property into two individual lots.

REZONING

- ◇ This petition would rezone this site from the D-A district to the D-1 district.
- ◇ The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

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- ◇ The D-1 district is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 District provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife. Use of the cluster option when subdividing would maximize site advantages.
- ◇ The Comprehensive Plan recommends suburban neighborhood development. 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

PLAT

- ◇ The plat would subdivide the subject site into two lots. The proposed plat meets the standards of the D-1 zoning classifications as proposed in the companion rezoning.

TRAFFIC / STREETS

- ◇ The proposed lots would front on Mooresville Road and would not have alley access. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are required on Mooresville Road.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 35-foot half right-of-way along Mooresville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

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Staff Analysis

- ◇ The rezoning of the site to the D-1 district would be appropriate at this location since it would allow for additional residential development and aligns with the suburban neighborhood recommendation of the Comprehensive Plan.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Residential (Single-family dwellings)
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SURROUNDING ZONING AND LAND USE

North	D-4	Residential (Single-family dwellings)
South	D-A	Residential (Single-family dwelling)
East	D-4	Residential (Single-family dwellings)
West	D-4	Residential (Single-family dwellings)

COMPREHENSIVE LAND USE PLAN The Comprehensive Plan recommends suburban neighborhood development.

THOROUGHFARE PLAN Mooresville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 50-foot existing and an 80-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.

PRELIMINARY PLAT File-dated December 14, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

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ZONING HISTORY – VICINITY

2023-ZON-119; 7725 Kentucky Avenue (north of site), Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development, **pending**.

2022-ZON-057; 8849 and 9047 West Mooresville Road (south of site), Rezoning of 139.4 acres from the D-A and D-4 districts to the D-3 district to provide for residential development, **withdrawn**.

2019-ZON-036; 8900 Mooresville Road (north of site), Rezoning of 121.1 acres from the C-4 and C-S Districts to the C-S classification to provide for all Manufacturing, Research and Development, Utilities, Wholesale Distribution uses permitted by the I-1 District; all Group Living, Community, cultural and Educational Facilities, and Office Uses permitted in the C-1 district; Vocational, Technical or Industrial Training School or Training Facility; Hospital; Animal Care, Boarding and Veterinary Services; Farmer's Market; Artisan Food and Beverage; Business, Home and Personal Services or Repair; Bar or Tavern; Eating Establishment or Food Preparation; Indoor Recreation and Entertainment; Indoor Spectator Venue; Hotel or Motel; Department Store; Grocery Store; Liquor Store; Light and Heavy General Retail; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Commercial Parking Lot; Transit Center; and Recycling Station and the following accessory uses: wireless communications facility; game courts; outdoor storage; temporary outdoor display and sales; outdoor seating and patio; recycling collection point; renewable energy facility, solar, geothermal or wind; satellite dish antenna; signs; temporary construction yard, office or equipment storage; temporary outdoor event; and outside vending machines/self-serve kiosk, **denied**.

2005-PLT-071; 8900 Mooresville Road (east of site), Approval of a subdivision plat to be known as The Groves at Camby Village, Section One, dividing 16.412 acres into 64 lots, **approved**.

2005-PLT-022; 8900 West Mooresville Road (east of site), Subdivision approval dividing 32.87 acres into 125 lots, **approved**.

2004-PLT-013; 8900 Mooresville Road (east of site), Approval of a subdivision plat to be known as Camby Village, Section Two, dividing 18.21 acres into 68 lots, **approved**.

2002-PLT-056; 9000 West Mooresville Road (surrounding the site), Approval of Section One of Camby Village, subdividing 23.76 acres into 83 lots, **approved**.

96-Z-76A; 7401 Kentucky Avenue (north of site), Rezoning of 10.99 acres, being in the D-3 and C-4 Districts, to the D-7 classification to provide for multi-family development, **approved**.

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96-Z-76B; 7401 Kentucky Avenue (north of site), Rezoning of 82.04 acres, being the D-3 and D-7 Districts, to the C-4 classification to provide a community-regional commercial district characterized by major retail business groupings and regional shopping centers, **approved.**

96-Z-76C; 8201 Camby Road (north of site), Rezoning of 9.39 acres, being in the D-3 and D-7 Districts, to the C-S classification to provide for the construction of a self-storage facility, with ancillary uses, including an office and resident manager, **approved.**

96-Z-76D; 8302 Trotter Road (southeast of site), Rezoning of 120 acres, being in the D-A District, to the D-3 classification to provide for the construction of single-family residential development with a typical density of 2.6 residential units per acre, **approved.**

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2023-CZN-868 / 2023-CPL-868; Photographs



Photo of the Subject Property: 9024 West Mooresville Road



Photo of one an existing detached garge and carport on site.



Photo of existng accessory structures on site looking northeast on the site.



Photo of the eastern property boundary.



Photo of the existing sidewalk west of the subject site along Mooresville Road.



Photo of the subdivision west of the subject site.



Photo of the single-family dwelling south of the site.