

## **STAFF REPORT**

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

**Case Number:** 2022-MOD-021  
**Address:** 3125 North German Church Road (*Approximate Address*)  
**Location:** Warren Township, Council District #14  
**Zoning:** D-5II  
**Petitioner:** Davis Building Group, LLC, by Paul J. Carroll  
**Request:** Modification of Commitments related to 2022-ZON-021 to modify Commitment #15 to allow the HOA governing documents to permit rented or leased dwellings (previous commitment required dwellings to be owner-occupied for a period of one year before they could be rented or leased) and to remove the requirement for trash receptacle enclosure provisions in the HOA governing documents.

The petitioner requested and was granted a continuance for cause from the January 12, 2023 hearing to the February 23, 2023 hearing.

A registered neighborhood organization, the Warren Township Development Association, requested and was granted a continuance for cause from the December 1, 2022 hearing to the January 12, 2023 hearing.

### **RECOMMENDATION**

Staff **has no recommendation** for this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is an undeveloped agricultural site. Nearby residential development is a mix of residential plots along 30<sup>th</sup> Street dating back to the 1950s, single-family residential developments dating from the mid-1980s to the present, and multi-family development dating back to the late 1980s to early 1990s. A commercial node on the southeast corner of German Church Road and 30<sup>th</sup> Street was begun in the mid-2000s and continues to develop today. The Grassy Creek Regional Park is nearby to the west.

(Continued)

## **STAFF REPORT 2022-MOD-021 (Continued)**

- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology envisions primarily single-family dwellings with multi-family dwellings and commercial areas as appropriate. Natural areas such as stream corridors are recommended as focal points or organizing systems for development. Housing density is recommended at one to five dwelling units per acre.

## **MODIFICATION OF COMMITMENTS**

- ◇ This site was rezoned in 2021 from the D-3 district to the D-5II district. The petition was approved subject to 17 commitments, two of which were requested by Staff.
- ◇ This petition would modify Commitment #15. The other commitments would remain as originally approved.
- ◇ Commitment #15 states that “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, trash receptacle enclosure provisions, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year before the units can be rented or leased.”
- ◇ The modification would amend Commitment #15 to state “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year or rented or leased for a minimum of a one-year period.” This removes the requirement for trash receptacle enclosures and the prohibition on renting or leasing units in their first year of occupation.
- ◇ Commitment #15 was the product of negotiations between the petitioner and neighboring organizations without staff’s involvement. As such, staff has no recommendation on the commitment’s modification. However, staff would note that the neighbors’ recommendation in the original petition was based on all the commitments that were submitted and on the reasonable assumption that the site would be developed in accordance with those commitments.
- ◇ Staff further notes that the Ordinance does not regulate whether a dwelling unit is occupied by an owner or renter.

## **GENERAL INFORMATION**

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

D-3

Metro

Undeveloped land

**(Continued)**

## **STAFF REPORT 2022-MOD-021 (Continued)**

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

North	SU-1	Religious use
South	D-3, D-P	Undeveloped agricultural land, Single-family dwellings, neighborhood commercial center
East	D-4	Single-family dwellings
West	C-3, D-A, D-3	Undeveloped woodland, single-family dwelling, undeveloped agricultural land,

COMPREHENSIVE LAND USE PLAN    The Warren Township Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood.

THOROUGHFARE PLAN    German Church Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial with a 90-foot existing right-of-way and a 119-foot proposed right-of-way.

30<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector with a 115-foot existing right of way and an eighty-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**

**2022-ZON-021; 3125 North German Church Road;** requested the rezoning of 18 acres from the D-3 district to the D-5II district, **approved.**

**95-Z-100; 11550 East 30<sup>th</sup> Street,** requested the rezoning of 119 acres from the D-A district to the D-3 district, **approved.**

### **ZONING HISTORY – VICINITY**

**2019-CZN-812 / 2019-CPL-812; 3130 German Church Road (southwest of site),** requested the rezoning of two acres from the D-3 district to the C-S district to provide for C-1, MU-1 and C-3 uses and a convenience store/gas station and approval of a plat of twenty acres into two lots, **withdrawn.**

**(Continued)**

**STAFF REPORT 2022-MOD-021 (Continued)**

**2009-ZON-081; 2800 German Church Road (southwest of site)**, requested the rezoning of 24 acres from the SU-3 district to the SU-1 district, **withdrawn**.

**2007-ZON-027; 2825 German Church Road (south of site)**, requested the rezoning of 27 acres from the D-P district to the D-P district to provide for 60 units in four-unit buildings and 40 single-family dwellings for a density of 3.7 units per acre, **approved**.

**2003-ZON-164; 2825 German Church Road (south of site)**, requested the rezoning of 32 acres from the D-A district to the D-P district to provide for five acres of commercial development and 27 acres of multi-family dwellings for a density of four units per acre, **approved**.

**2000-ZON-844 / 200-VAR-844; 10990 East 30<sup>th</sup> Street (southwest of site)**, requested the rezoning of 0.448 acre from the D-A district to the C-3 district and variances of development standards to provide for a sign with a deficient setback and within the clear sight triangle, vehicle maneuvering in the right-of-way of 30<sup>th</sup> Street, parking in the front transitional yard and to legally establish a building in the proposed right-of-way, **approved**.

**94-Z-186; 10870 East 30<sup>th</sup> Street (southwest of site)**, requested the rezoning of 12 acres from the D-A district to the C-3 district, **denied**.

**92-Z-128; 2702 German Church Road (southeast of site)**, requested the rezoning of 24.26 acres from the D-A and SU-1 districts to the SU-3 district, **approved**.

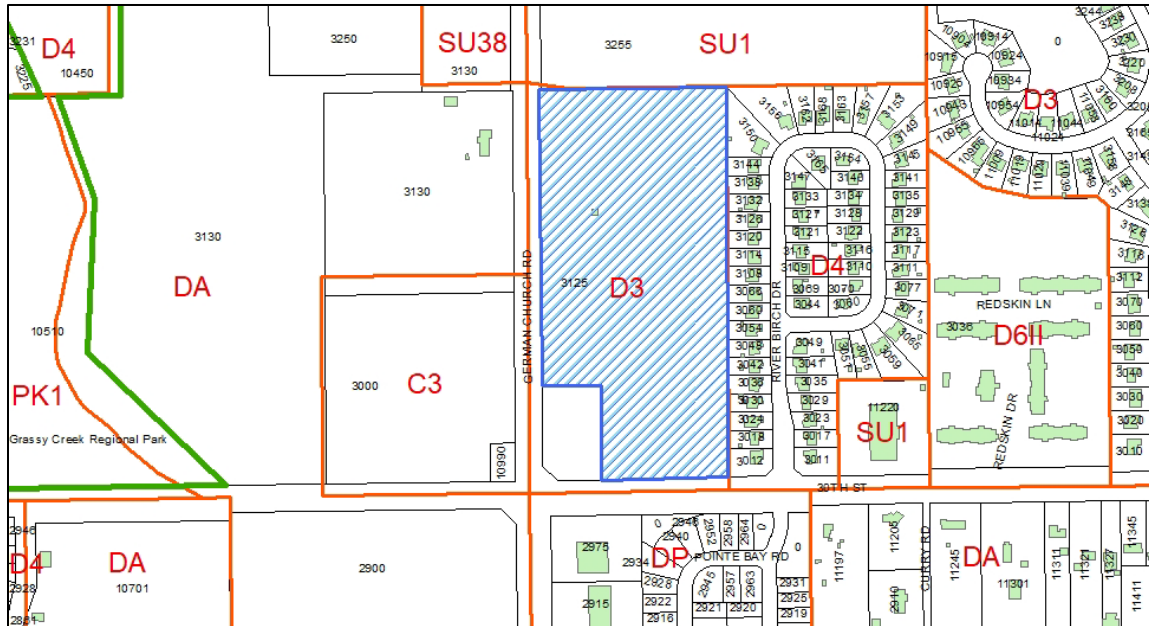
**88-Z-124; 11128 East 30<sup>th</sup> Street (east of site)**, requested the rezoning of 17.5 acres from the A-2 district to the D-4 district, **approved**.

**72-Z-310; 10920 East 30<sup>th</sup> Street (west of site)**, requested the rezoning of 9.79 acres from the A-2 district to the C-3- district, **approved**.

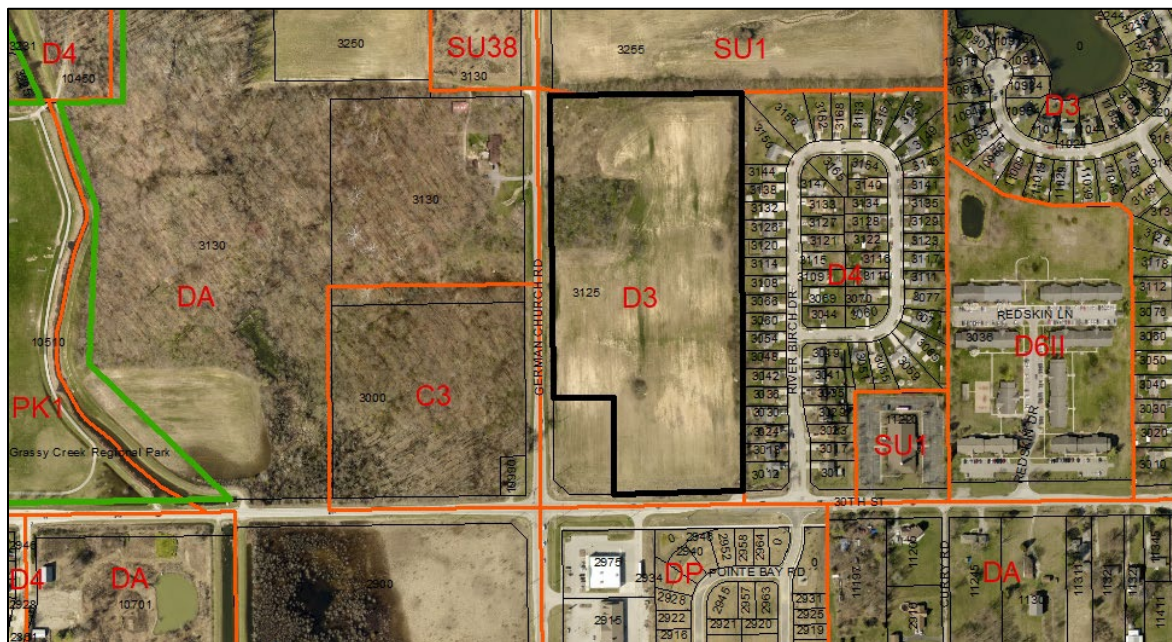
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## STAFF REPORT 2022-MOD-021, Location



## STAFF REPORT 2022-MOD-021, Aerial photograph (2020)



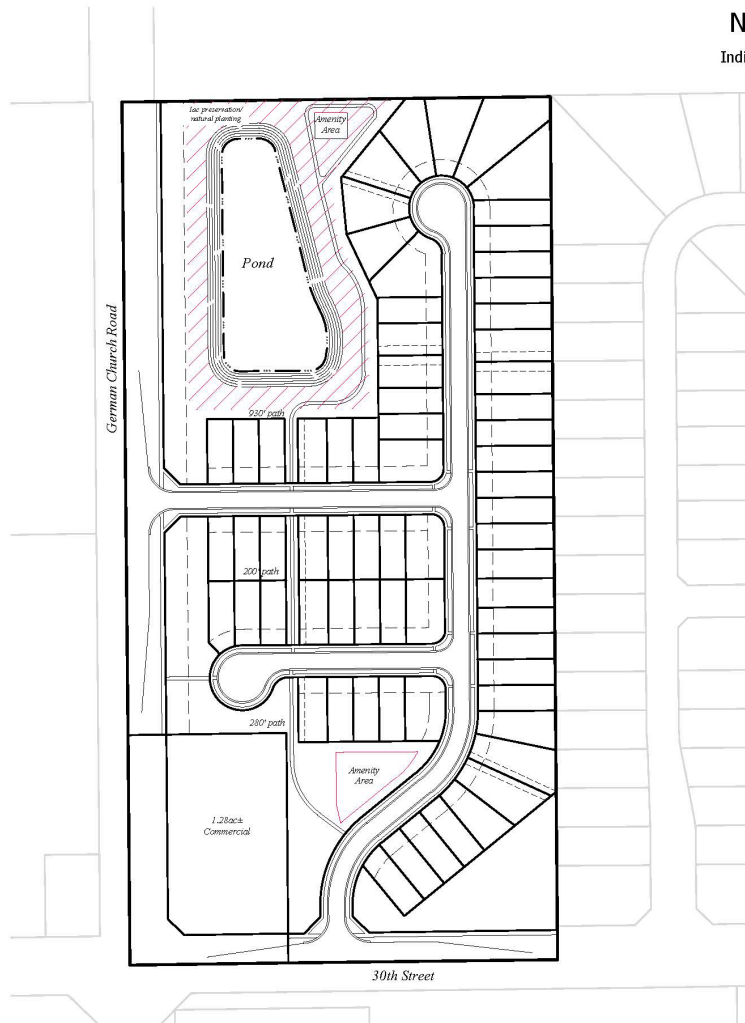
# STAFF REPORT 2022-MOD-021, 2002-ZON-132 Site Plan

CONCEPT PLAN

May 25, 2021

## 30th & German Church

NE Corner  
Indianapolis, Indiana



Single Family  
Option F

Site: 18ac±  
68 Lots  
Density: 3.78±  
Typ. Lot Size: 40 x 100  
Street Length: 2,095



STOEPPELWERTH

off: 317.845.5025 7305 East 3500th Street  
Fax: 317.845.5042 Fishers, Indiana 46038-3005  
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**STAFF REPORT 2022-MOD-021, Findings of Fact**

Petition Number 2018-CAP-

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

**PETITION FOR MODIFICATION OF COMMITMENTS**

**FINDINGS OF FACT**

THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL Rezoning in a Planned Development District FOR WHICH THE COMMITMENTS WERE MADE.

The proposed use of the subject property has not changed. The request provides additional clarity based on what is enforceable.

**DECISION**

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

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

_____	_____
_____	_____
_____	_____



**STAFF REPORT 2022-MOD-021, Photographs**



Looking north across 30<sup>th</sup> Street to the subject site.



Looking northwest at the intersection of 30<sup>th</sup> Street and German Church Road.





Looking south on Pointe Harbour Drive from 30<sup>th</sup> Street.



Looking north on River Birch Drive from 30<sup>th</sup> Street.