

## **STAFF REPORT**

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

**Case Number:** 2022-ZON-078 (Amended)  
**Address:** 8965 Rockville Road (Approximate Addresses)  
**Location:** Wayne Township, Council District #15  
**Petitioner:** Vu Tran, by Pat Rooney  
**Request:** Rezoning of 0.57 acre from the D-2 district to the C-1 district to provide for retail uses.

#### **ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER**

The petitioner's representative sent an e-mail on February 16, 2023, **withdrawing** this petition. This will require acknowledgement from the Hearing Examiner.

#### **ADDENDUM FOR JANUARY 26, 2023, HEARING EXAMINER**

The Hearing Examiner continued this petition from the December 1, 2022 hearing, to the January 26, 2023 hearing, at the request of the petitioner's representative.

Unsuccessful attempts have been made to contact adjacent property owner to determine whether they would agree to a cross access easement should the adjoining properties become commercial. Consequently, if approved, staff would request that, a 30-foot-wide access easement be granted along the Rockville Road frontage.

#### **ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the October 13, 2022 hearing, to the December 1, 2022 hearing, at the request of the petitioner's representative.

#### **ADDENDUM, FOR OCTOBER 13, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the September 29, 2022 hearing, to the October 13, 2022 hearing, at the request of the petitioner's representative.

#### **ADDENDUM FOR SEPTEMBER 29, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the August 25, 2022 hearing, to the September 29, 2022 hearing, at the request of the City-County Councilor for this district.

(Continued)

## **STAFF REPORT 2022-ZON-078 (Continued)**

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

The Hearing Examiner continued this petition from the July 28, 2022 hearing, to the August 25, 2022 hearing, at the request of the petitioner's representative.

**July 28, 2022**

### **RECOMMENDATIONS**

Staff **recommends denial** of the request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.57-acre site, zoned D-2, is developed with a single-family dwelling. It is surrounded by undeveloped land to the north, across Rockville Road, zoned C-4; single-family dwellings to south and east, zoned D-2; and a single-family dwelling to the west, zoned C-3.

#### **REZONING**

- ◇ This request would rezone the site from D-2 District to the C-3 classification (neighborhood commercial district) to provide for retail uses. "The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions."

(Continued)

## **STAFF REPORT 2022-ZON-078 (Continued)**

- ◇ The Comprehensive Plan recommends Suburban Neighborhood typology. “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.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

### *Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

### *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
- Should not include outdoor display of merchandise.

(Continued)

**STAFF REPORT 2022-ZON-078 (Continued)**

**Planning Analysis**

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood. However, based on the guidelines provided by The Pattern Book the proposed commercial use would not be an appropriate use for this site.
- ◇ This site is not located at an intersection of arterial streets and would be the ninth parcel of commercial zoning along the south side of Rockville Road, totaling approximately 11 acres when The Pattern Book recommends 3.5 acres per intersection.
- ◇ Additionally, commercial use on this residentially developed parcel would not be supportable because it is unlikely that appropriate buffering and screening from the commercial operations could be provided due to the limited space of the parcel and the likely need for variances. Therefore, staff would not support any variances from the development standards.
- ◇ Furthermore, this would be commercial encroachment into a residentially developed area that would negatively impact the surrounding land uses because development guidelines cannot be met that would minimize impact of expansion of commercial uses along this area of Rockville Road.
- ◇ Finally, staff would also note that no information has been provided related to parking that would include the number of required paved parking spaces (15 paved spaces would be required) and the location of those parking spaces. Consequently, if this request would be approved staff would request the following commitment:

A site plan shall be submitted within 30 days of approval for Administrator Approval depicting the number of required paved parking spaces and the location of the parking lot.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-2	Single-family dwelling
-----	------------------------

**SURROUNDING ZONING AND LAND USE**

North -	C-4	Undeveloped land
South -	D-2	Single-family dwellings
East -	D-2	Single-family dwelling
West -	C-4	Single-family dwelling

**COMPREHENSIVE LAND USE PLAN**

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.

(Continued)

## **STAFF REPORT 2022-ZON-078 (Continued)**

THOROUGHFARE PLAN	This portion of Rockville Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 155-foot right-of-way and a proposed 102-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site.

### **ZONING HISTORY**

**2017-MOD-020; 9003, 9055, 9057, 9073 and 9129 Rockville Road (west of site)**, requested modification of commitments to modify Commitment Two of 2012-ZON-014 and 2015-ZON-073 to eliminate the prohibition on fast-food restaurants within 100 feet of a protected district, **approved**.

**2015-ZON-073; 9003 Rockville Road (west of site)**, requested rezoning of 0.57 acre from the D-2 district to the C-4 classification, **approved**.

**2012-ZON-014; 9055-9149 Rockville Road (west of site)**, requested rezoning of 5.12 acres, from the D-2 District, to the C-4 classification to provide for commercial uses, **approved**.

**2011-UV2-027; 9003 Rockville Road (west of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an insurance office, **denied**.

**2011-DV2-020; 91 16 Rockville Road (north of site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a 1,277 square feet outdoor seating area, **granted**.

**2008-ZON-056; 9000, 9030, 9054 and 9100 Rockville Road (north of site)**, requested rezoning of 14.92 acres from the C-S District to the C-4 classification to provide for community-regional commercial uses, **approved**.

**2006-ZON-057; 9201 Rockville Road (west of site)**, requested rezoning of 0.63 acre from the D-2 District to the C-1 classification to provide for commercial uses, **approved**.

**2005-ZON-168; 55 and 105 South Raceway Road (west of site)**, requested rezoning of 5.46 acres being in the C-3 and C-1 Districts to the C-3 classification to provide for neighborhood commercial uses, **approved**.

**2005-ZON/VAR-809; 9201 Rockville Road (west of site)**, requested a rezoning of 0.568 acres, being in the D-2 district to the C-1 classification to provide for a computer sales and service store; and a variance of use and development standards of the Commercial Zoning Ordinance to provide for a computer sales and service store in an existing 2,216-square foot building (not permitted), with a ten-foot wide interior access drive (minimum 24-foot wide interior access drive required); **denied**.

(Continued)

**STAFF REPORT 2022-ZON-078 (Continued)**

**2003-ZON-146; 55 South Raceway Road (west of site)**; requested rezoning of 0.2 acre, being in the C-1 district to the C-3 classification to provide for neighborhood commercial uses; **approved**.

**2002-ZON-039; 9215, 9249, 9229, and 9251 Rockville Road and 59, 75, 85, and 153 South Raceway Road (west of site)**, requested rezoning of 5.46 acres from D-2 and C-3 to the C-1 and C-3 classifications to provide for office and neighborhood commercial uses; **approved**.

**2002-UV1-020; 6603 Rockville Road (east of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an insurance office in a dwelling, and a three-foot tall ground sign, **denied**.

**2000-ZON-182; 9215, 9220 and 9240 Rockville Road and 75, 85, 121, and 153 South Raceway Road (west of site)**, requested rezoning of 5 acres from the D-2 district to the C-3 classification to provide for neighborhood commercial development; **withdrawn**.

**2000-ZON-020; 9220-9260 Rockville Road (west of site)**, requested rezoning of 9.854 acres from the D-A District to the C-4 classification for commercial development, **approved**.

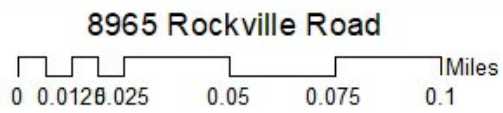
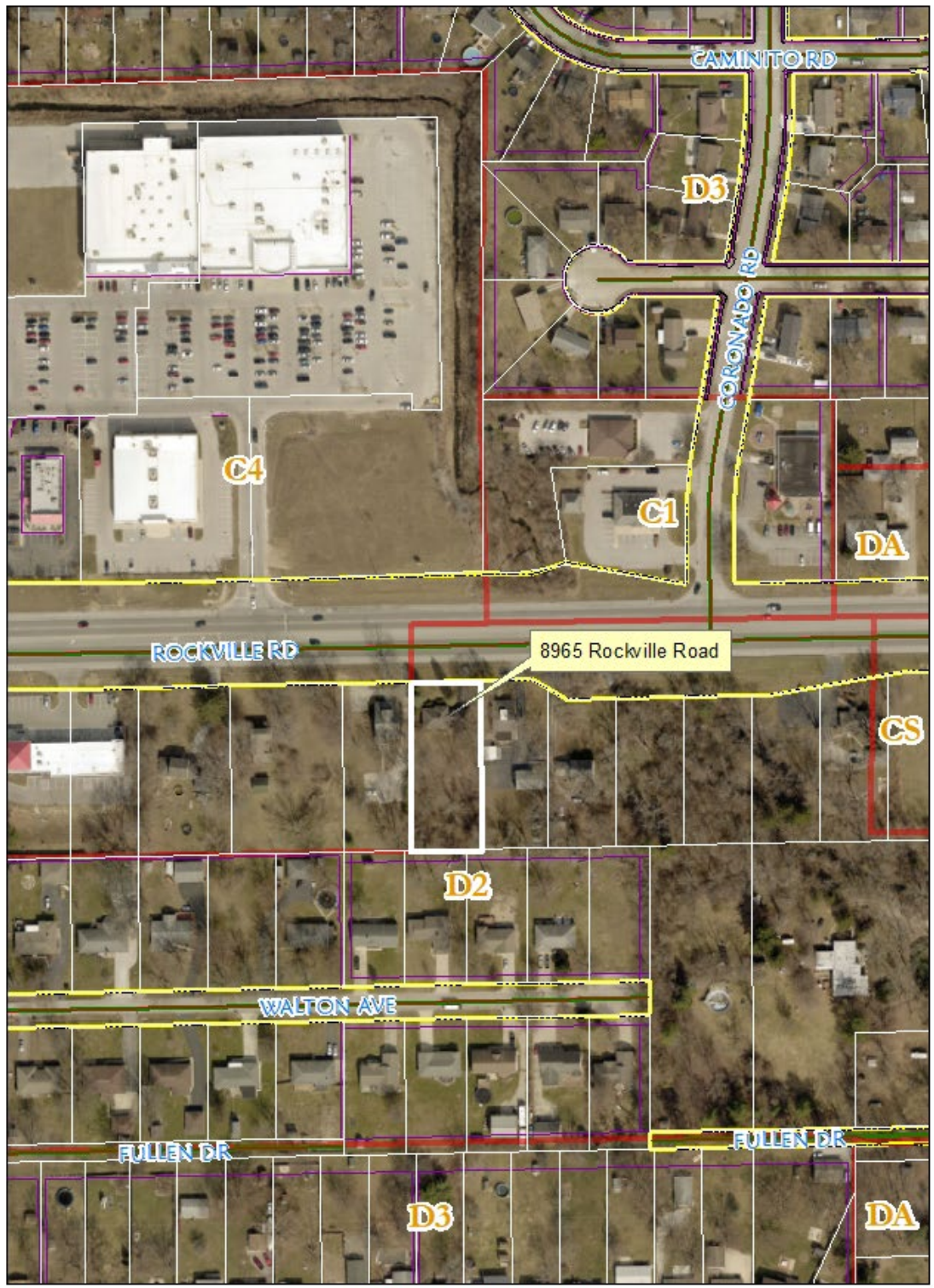
**2000-ZON-019; 9150 Rockville Road (west of site)**, requested rezoning of 5.971 acres from the D-A District to the C-4 classification to provide for commercial development, **withdrawn**.

**95-UV1-42; 6502 Rockville Road (east of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a dental office use with 5 parking spaces (not permitted), **granted for a temporary period expiring June 6, 1998**.

**94-Z-46; 9186 Rockville Road (north of site)**, requested rezoning of 14.92 acres from the D-A District to the C-5 classification to provide for a family entertainment complex, **approved**.  
C-1 classification to provide for one-story office building, **denied**.

kb

\*\*\*\*\*







View looking east along Rockville Road



View of site looking southeast across Rockville Road





View of site looking south across Rockville Road



View of site looking south across Rockville Road