



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

April 25, 2024

**Case Number:** 2024-CAP-807 / 2024-CVR-807 (Amended)  
**Property Address:** 8235 Crawfordsville Road (approximate address)  
**Location:** Wayne Township, Council District #11  
**Petitioner:** Elcan and Associates, Inc., by Donna Jo Smithers  
**Current Zoning:** C-4

**Request:** Modification of Commitments related to 94-Z-39 and 94-CV-11 (Amended) to modify Commitment #3 to allow for a single-use site (current commitment requires development as an integrated center).  
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a loading area partially within the front yard along Country Club Road (not permitted). (Amended)

**Current Land Use:** Undeveloped

**Staff Recommendations:** Staff recommends **approval** of the modification request and the variance request subject to the commitment below.

**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization to continue this request from the March 28, 2024 hearing to the April 25, 2024 hearing. During the intervening period, the scope of the request was altered from a dumpster and loading area fully within the western front yard to just a loading area partially within the western front yard.

**STAFF RECOMMENDATION**

Staff recommends **approval** of the modification request and the variance request 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 landscape plan and a tree preservation plan, prepared by a certified arborist, shall be submitted and subject to Administrator's Approval prior to the issuance of an Improvement Location Permit.

## PETITION OVERVIEW

- The subject site is currently undeveloped. The southern half of the parcel is subject to a severe reduction in grade and contains environmentally sensitive areas at the southern edge, and power lines cross the property near the western property line. The area is surrounded by commercial zoning and uses to the north and west, and a country club to the south.
- In 1994, the petition 94-Z-39 was approved to rezone this site and the neighboring parcel to the east to the C-4 designation to allow for commercial development. One of the commitments associated with approval of that rezone was that the property “shall be developed and considered an integrated center”, meaning that development of a stand-alone business at this site would require a modification of the previous commitments establishing this property as C-4 for community-regional uses.
- In late 2023, applications were made for permits to construct a stand-alone Dollar Tree at the site with service areas (dumpster and loading zone) to be in the front yard between the proposed building and Country Club Road. The violation case VIO19-007894 was opened in 2019 for regrading of land without the required drainage permit. The applicant is seeking both a modification of the commitments of 94-Z-39 as well as a variance to allow for a layout with a service area partially within a front yard.
- The Comprehensive Plan recommends this site for the Office Commercial working typology. This typology allows for commercial development ranging from small freestanding offices to major employment centers and is often a buffer between higher and lower intensity land uses; the Pattern Book makes no specific comment on placement of service areas. The site is also bordered on the west by an area set aside for future expansion of the Eagle Creek Trail.
- Additionally, the southern portion of the parcel is partially within the Environmentally Sensitive overlay designated by the Pattern Book due to its proximity to a tributary of Mario Creek. The portion of the property to be developed does not fall within the stream protection corridor, and the proposed development would likely not result in less than 20% of the subject site being comprised of tree canopy or naturalized areas per Pattern Book recommendations. However, provided plans indicate placement of a large detention area within the heavily wooded area to the south that could potentially contain heritage trees that would be removed by development.
- The origin of the commitment for the site to be developed as an integrated center is unclear; archived documents indicate the request did not originate with a neighborhood group. Staff has no objection to removal of the language from 94-Z-39 preventing development of each parcel as a stand-alone site and would recommend approval of the modification request.
- 744-508 of the Indianapolis Zoning Ordinance provides regulation on the required placement and screening of service areas (including but not limited to garbage dumpsters and loading zones). These rules are in place to maintain orderly and attractive development patterns that present minimal risk to patrons and pedestrians that may utilize front yards.

- The narrowness of the existing lot and grade reduction on the southern half of this parcel create constraints on site design. Maneuverability diagrams provided by the applicant indicate the path that would be taken by trucks utilizing the front yard for loading and trash pickup if the proposed layout were to be approved.
- The severe drop in grading to the south and narrow width of the site presents material challenges to developing the site with alternate layouts. Potential options discussed by staff with the applicant (i.e. placing the building in the southwest corner of the lot instead of the southeast) would create substantial maneuverability issues for delivery trucks at the site and might require them to pull into the proposed porkchop intersection proposed along Crawfordsville Road when backing in for deliveries (see alternate layout maneuverability in Exhibits below).
- The applicant has also reduced the intensity of their request from a full loading dock and dumpster within the front yard to solely a portion of the loading area within the front yard and has indicated their willingness to submit a landscaping plan for administrative approval to ensure an adequate buffer between the Country Club frontage and portions of the service areas that might be visible from right-of-way.
- Given the legitimate practical difficulty caused by the geographic layout of this property and the maneuverability issues that might be caused by utilizing an alternate site plan, staff feels this request for relief would be appropriate and that the findings of fact would be met. Staff would recommend approval of the variance request on the condition that both a landscape plan and tree preservation plan are granted administrative approval prior to the issuance of permits to ensure appropriate buffering of the western yard and to protect any heritage trees that might exist within the southern portion of the property.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-1	Office Commercial
South:	SU-34	Regional Special Use
East:	C-4	Office Commercial
West:	C-4	Linear Park
<b>Thoroughfare Plan</b>		
Crawfordsville Road	Primary Arterial	97-foot right-of-way existing and 119-foot right-of-way proposed
Country Club Road	Secondary Arterial	137-foot right-of-way existing and 90-foot right-of-way proposed
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	02/13/2024	
<b>Site Plan (Amended)</b>	04/16/2024	
<b>Elevations</b>	02/13/2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	04/16/2024	
<b>Findings of Fact</b>	02/13/2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Enter all comprehensive plans applicable to this proposal.

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book indicates that this site would fall within the Office Commercial working typology. This typology allows for commercial development ranging from small freestanding offices to major employment centers and is often a buffer between higher and lower intensity land uses.
- The southern portion of the property is located within an Environmentally Sensitive Overlay which is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The comprehensive plan recommends that that any development affecting these areas should include a one-for-one replacement of such features and that 20% or more of the full parcel should be comprised of tree canopy or naturalized areas.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

**94-Z-39**, rezoning of 2.78 acres to the C-4 zoning designation, **approved**.

**94-CV-11**, variance of development standards of the Commercial Zoning Ordinance to permit construction of a drive-through service unit 37 feet from a protected district (100 feet required), **approved**.

### ZONING HISTORY – VICINITY

**2016UV1030 ; 8135 Crawfordsville Road (east of site)**, variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the rental and storage of party/carnival equipment and the fabrication, repair, assembly and storage of race cars (approved) and to legally establish zero-foot side setbacks and a 30-foot rear setback (30-foot side and 75-foot aggregate side and 75-foot rear setback required), **approved**.

**2015UV2028 ; 8155 Crawfordsville Road (east of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for a race car assembly business (50 by 60-foot building approved by 70-V3-51), **approved**.

**2002UV2053 ; 3150 Dandy Trail (northwest of site)**, variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a parking lot expansions for an adjacent commercial use (not permitted), **approved**.

**97-AP-138 ; 8330 Crawfordsville Road (northwest of site)**, modify commitments #2, 3, 4 and 5 of 95-Z-74 pertaining to: the development of the property in accordance with a modified site plan which includes a drive-through; using finished facades with similar materials and colors on all sides of the building except the front entrance would be per the elevation submitted; the initial use of the property only for a Revco or CVS Drug Store for a time period of 10 years, currently limited to a Revco Drug Store for a time period of 15 years; and, the elimination of interior landscape islands in the parking lot, **approved**.

**97-AP2-3 ; 8311 Crawfordsville Road (west of site)**, modify site plan related to petition 96-V2-104 to provide for a reduction in the landscape strip from 10 feet to 5 feet along Crawfordsville Road, **approved**.

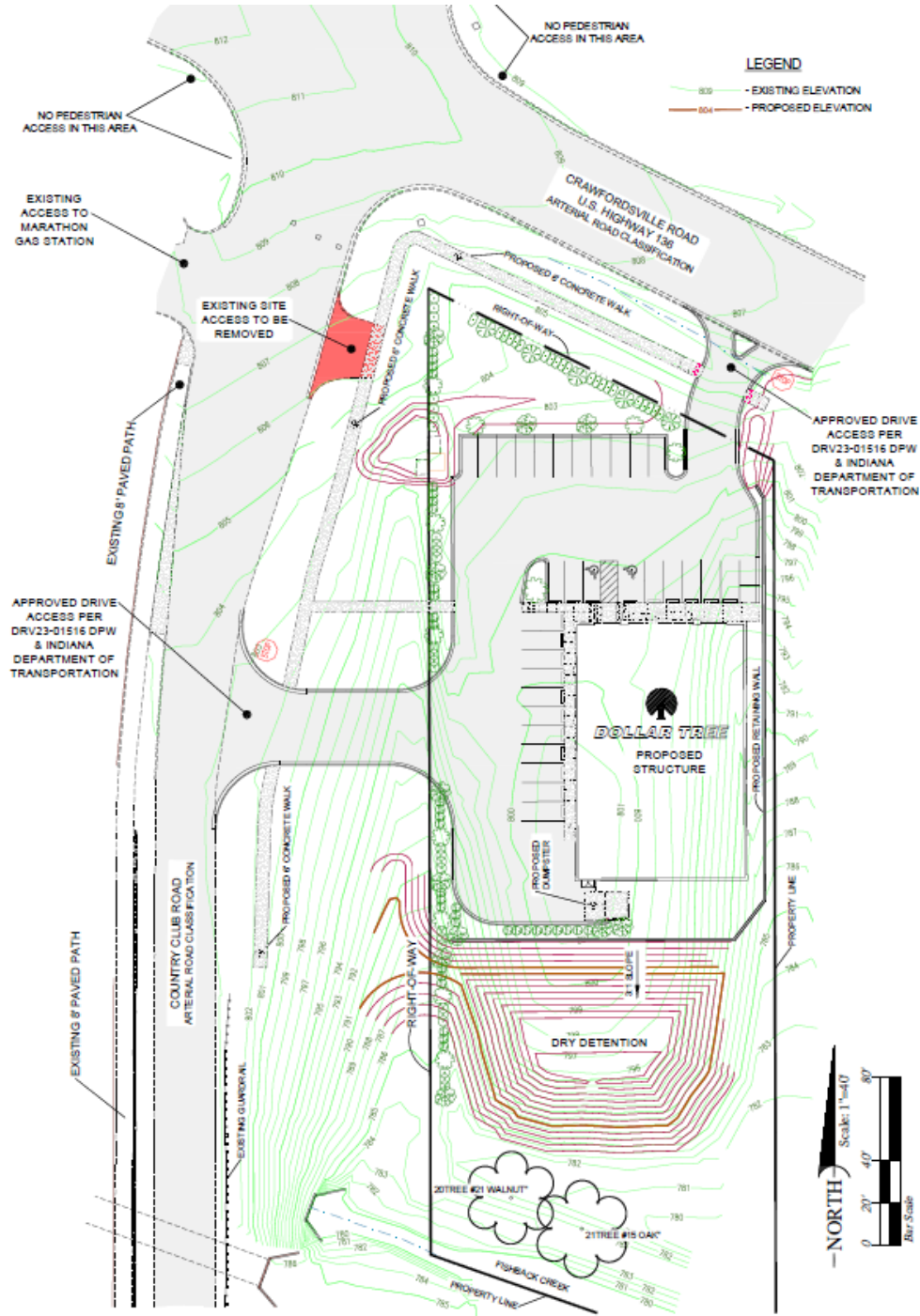
**96-V2-104 ; 8311 Crawfordsville Road (west of site)**, variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for the reconfiguration of the gasoline pump with a) front yard setback of 30 feet from Crawfordsville Road and 20 feet from Country Club Road (minimum 50 or 10 feet from the proposed right-of-way of Crawfordsville Road required); b) a 5 foot landscape strip along Crawfordsville Road and a zero foot landscape strip along Country Club Road (minimum 10 foot landscape strip for each required); and c) the placement of a pole sign with a zero foot setback for the corner-cut intersection of Crawfordsville and Country Clube Road (minimum 15 feet required), **approved**.

**EXHIBITS**

**2024CAP807 / 2024CVR807 ; Aerial Map**

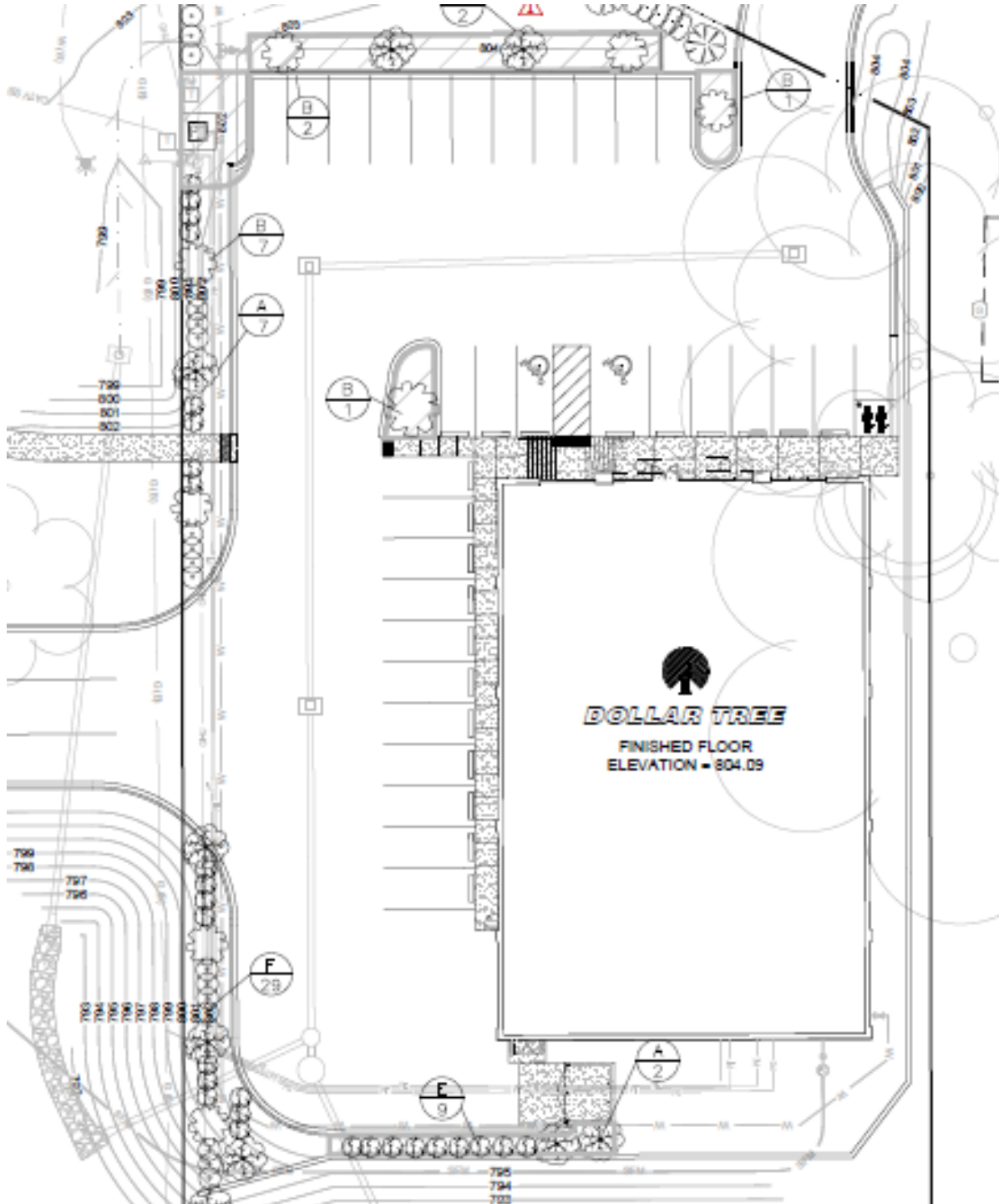


**2024CAP807 / 2024CVR807 ; Site Plan**

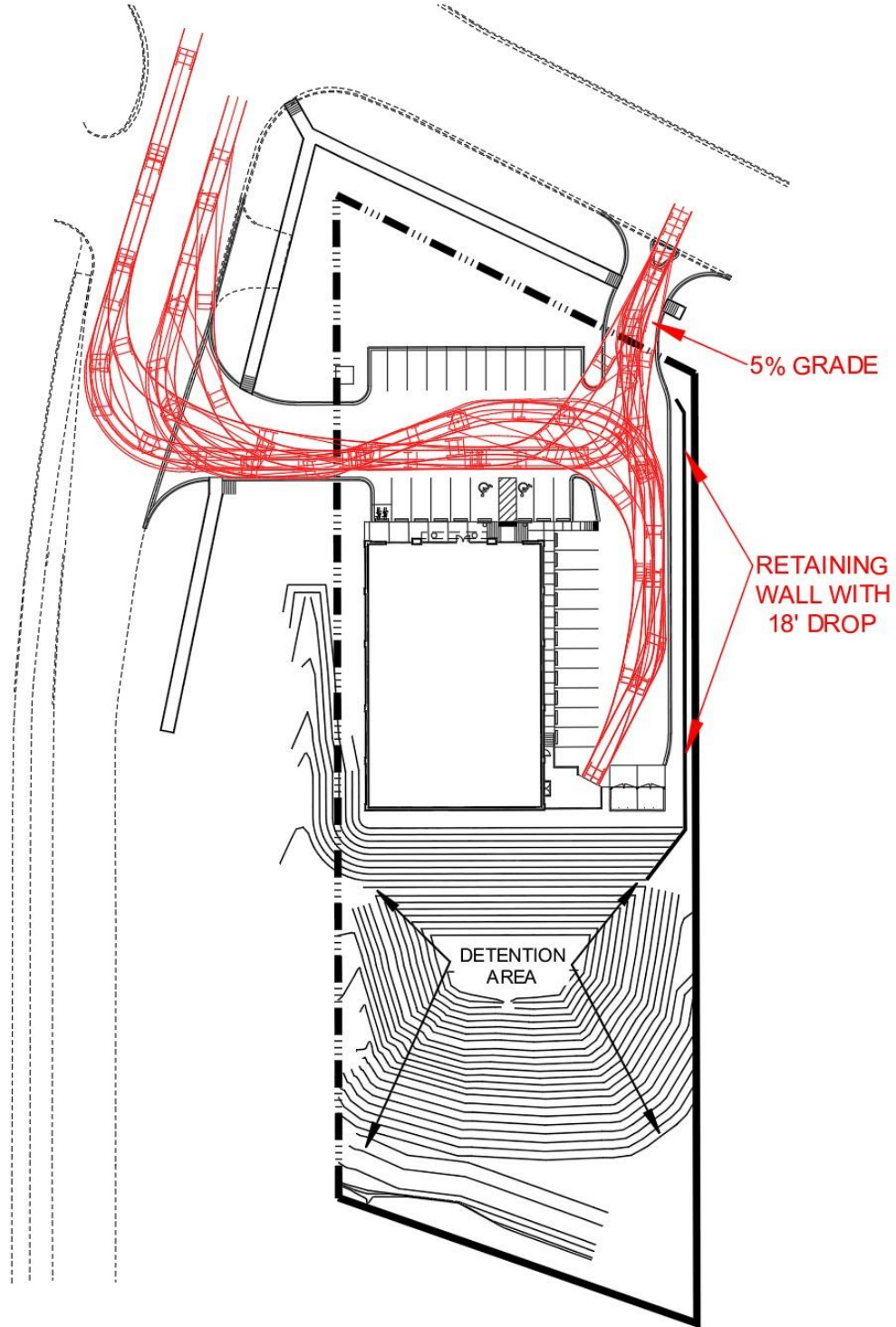




**2024CAP807 / 2024CVR807 ; Landscape Plan (partial)**



**2024CAP807 / 2024CVR807 ; Alternate Layout Maneuverability**



**2024CAP807 / 2024CVR807 ; Findings of Fact**

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

The dumpster will be located 114' east of the east edge of the pavement of Country Club Road, with the dock lying 142' east of the east edge of the pavement. Landscaping will buffer the west and south sides of these areas. The site is pushed back from Country Club Road, with the east side of the Dollar Tree building lying parallel and 12.9' west of the east property line. The east edge of the building will provide a buffer from the average 13-foot drop from the east building edge to the east property line. The proposed site layout and design provide safe access for the public and utilize the best design to provide maneuverability for the site's semi and trash truck access. This request, if granted, would not be injurious to the community's public health, safety, morals, and general welfare.

**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:**

The Dollar Tree development will be beneficial to the area. The grant of this variance will not affect the adjacent properties but will enhance the area.

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

With the narrow site and steep elevations, the east side of the Dollar Tree building lying parallel and 12.9' west of the east property line provides a buffer from the average 13-foot drop from the east building edge to the east property line. INDOT requires the Crawfordsville Road access to be a right-in and right-out only, with a concrete porkchop feature to ensure this entry and exit from the site. Open and clear access is provided onto Country Club Road, along with the wider drive isles along the north side and west side of the structure, providing safe access for the public and utilizing the best design to provide maneuverability for the site's semi and trash truck access. Open and clear access is provided onto Country Club Road. The position of the building and overall layout provide the benefits listed above, along with providing stormwater detention and water quality to the south. A change in the overall layout would prohibit the development to proceed and meet all other State and City Ordinances.

**2024CAP807 / 2024CVR807 ; Photographs**



Photo 1: View of Subject Site Looking South from Crawfordsville



Photo 2: View of Subject Site and Power Lines Looking Northeast from Country Club

**2024CAP807 / 2024CVR807 ; Photographs (continued)**



Photo 3: Adjacent Property to North of Subject Site



Photo 4: Adjacent Property to West of Northern Portion of Subject Site

**2024CAP807 / 2024CVR807 ; Photographs (continued)**



Photo 5: Adjacent Property to West of Southern Portion of Subject Site



Photo 6: Southern Detention Area Portion of Property

**2024CAP807 / 2024CVR807 ; Photographs (continued)**



Photo 7: Adjacent Property to East of Subject Site



Photo 8: View of Subject Site from Neighboring Properties to East