

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-843 / 2022-CVR-843 / 2022-CPL-843
Address: 10505 Indian Creek Road South (*Approximate Address*)
Location: Franklin Township, Council District #25
Petitioner: Six Brothers, Inc., by Pat Rooney
Requests: Rezoning of 23.665 acres from the D-A (FF) district to the D-S (FF) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for six single-family detached lots with frontage on a private drive (public street frontage required).

Approval of a Subdivision Plat to be known as Six Brothers Subdivision, dividing 23.665 acres into six lots.

October 13, 2022

This petition was continued for cause at the request of the petitioner from the September 15, 2022 hearing to the October 13, 2022 hearing to allow time for potential revisions to the plans submitted to address staff concerns. Staff continues to **recommend denial** of these companion petitions; however, if approved, some of the commitments proposed by staff are addressed below:

Revised site plans and a revised plat were received that show that the private drive proposed will align with the driveway on the north side of Indian Creek Road South, that the drive will be paved, and it includes a five-foot-wide pedestrian pathway. The cul-de-sac with a landscape island will provide for a 28-foot-wide drive for adequate maneuvering of trucks or emergency vehicles. Refer to revised plans at the end of this report.

September 15, 2022

This petition was continued for cause at the request of the petitioner from the August 11, 2022 hearing to the September 15, 2022 hearing to allow time for potential revisions to the plans submitted to address staff concerns. No new information has been received at the time of publishing this report. Staff continues to **recommend denial** of these companion petitions.

August 11, 2022

RECOMMENDATIONS

Staff **recommends denial** of the rezoning petition.

If approved against staff's recommendation, staff requests a commitment that any development on site shall connect to public water and sewer utilities.

Staff **recommends denial** of the variance petition.

If approved against staff's recommendation, staff requests the following commitments:

1. The private drive must be paved.
2. The private drive shall align with the access drive on the north side of Indian Creek Road South.

(Continued)

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3. The private drive must include sidewalks or an equivalent paved pedestrian path.
4. A maintenance agreement for the private drive must be established among the residents of the subdivision.
5. The private drive cul-de-sac must provide the minimum turning radius for emergency vehicles, including fire trucks.

Staff **recommends denial** of the plat petition.

If approved against staff's recommendation, staff requests that the plat, file-dated October 4, 2022, be approved within the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. 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 subject site is zoned D-A and is undeveloped. The land use plan recommendation for this site is Rural or Estate Neighborhood and Suburban Neighborhood.
- ◇ This petition would rezone the property to the D-S district, which has a minimum lot size of one acre. The D-S district is not required to connect to public utilities.
- ◇ This petition would subdivide the property into six lots for development of a small residential subdivision of single-family dwellings.

(Continued)

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REZONING

- ◇ This request would rezone this property from the D-A district to the D-S district. The D-A district permits single-family and agricultural uses, and it has a minimum lot area of three acres. The proposed D-S district similarly is intended for single-family uses on lots with a minimum of one acre, with large front yard setbacks—determined by average setback.
- ◇ The comprehensive plan recommendation for this location is rural or estate neighborhood. The D-S district would be consistent with this recommendation; however, staff would suggest that this site is appropriate for denser development, similar to the properties northeast and northwest of site. Staff is recommending denial of the rezoning because the site has the development potential for greater density.
- ◇ Staff would also note that the D-S district is not required to connect to public utilities, but public utilities exist along Indian Creek Road South. Generally, subdivision developments are compelled to provide connections to public utilities by developing denser districts. Public utilities, such as water and sewer, reduce the impact of environmental harm to the community; therefore, where these utilities exist nearby, connections to them result in a more desirable use of land. Staff would also suggest a denser district, such as the D-2 district, would not prevent larger lots as the ordinance does not have a lot area maximum, but would require development to provide utilities.
- ◇ If the rezoning to D-S is approved against staff's recommendation, staff requests a commitment that any development on site shall connect to public water and sewer utilities.

VARIANCE

- ◇ This petition would provide for six single-family detached lots with frontage on a private drive. The ordinance requires that all residential lots must have frontage on a public street- only alleys may be private. The requirement for public streets ensures that each lot has access via a public right-of-way that is constructed in compliance with engineering standards adopted by the Department of Public Works.
- ◇ A compliant right-of-way ensures that streets are built to suit the type of traffic expected for the land use, and that these streets provide adequate size, width, and turning radii for emergency vehicles, such as firetrucks, and service vehicles, such as trash pick-up trucks.
- ◇ Dedicated public streets are maintained by the Department of Public Works, removing the burden of repair and maintenance from individual property owners and/or homeowners associations.
- ◇ Subdivisions often attempt to dedicate private streets to the city after they are built so that they will be maintained by the Department of Public Works. However, since private streets are not required to meet engineering standards, the department often will not accept a private street. This may lead to issues among subdivision residents with maintenance, which would be avoided by constructing a public street. Therefore, staff is recommending denial of the variance.
- ◇ Staff would note that the proposed private drive does not align with the access drive on the north side of Indian Creek Road. It is best practice to have these drives directly across from one another rather than offset. This would create a safer traffic pattern for vehicles turning on and off Indian Creek Road.

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- ◇ Staff would also note that a gate is proposed on the private drive. A private drive is not prohibited from installing a gate, but staff would note that this could be an issue for emergency services. Staff would suggest that a gate should not be installed.
- ◇ If approved against staff's recommendation, staff requests the following commitments:
 1. The private drive must be paved.
 2. The private drive should align with the access drive on the north side of Indian Creek Road South.
 3. The private drive must include sidewalks or an equivalent paved pedestrian path.
 4. A maintenance agreement for the private drive must be established among the residents of the subdivision.
 5. The private drive cul-de-sac must provide the minimum turning radius for emergency vehicles, including fire trucks.

PLAT

- ◇ The plat would subdivide the subject site into six lots to provide for six single-family dwellings, as well as common areas. Each lot would be approximately 2.5 acres.
- ◇ This plat would meet the standards of the D-S district and zoning variances, if approved. This plat does not meet the standards for the current D-A zoning.

SIDEWALKS

- ◇ Sidewalks are required along the Indian Creek Road South frontage.

TRAFFIC / STREETS

- ◇ Lots One through Six would be accessed via a private drive. This access is proposed to be 75-feet wide. The private drive would be approximately 1,300 feet long and end in a cul-de-sac.
- ◇ If the variance for a private drive is denied, a waiver for the cul-de-sac length is required.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	D-A / SU-2	Residential / School
South	D-A	Residential / Agriculture
East	D-A	Residential
West	D-A	Residential

COMPREHENSIVE LAND USE PLAN Suburban Neighborhood & Rural or Estate Neighborhood

(Continued)

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THOROUGHFARE PLAN	Indian Creek Road South is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 40-foot existing right-of-way and an 80-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	Floodway and 100-Year Floodplain on southeast corner surrounding mapped stream Wildcat Brook
WELLFIELD PROTECTION DISTRICT	Not Applicable
PRELIMINARY PLAT	File-dated July 1, 2022
REVISED PRELIMINARY PLAT	File-dated October 4, 2022
FINDINGS OF FACT	File-dated July 1, 2022
SITE PLAN	File-dated July 1, 2022
REVISED SITE PLAN	File-dated October 4, 2022

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2005-ZON-174, 10505 East Edgewood Avenue, rezoning from the D-A district to the SU-2 classification to provide for construction of a middle school, **approved**.

2020-ZON-045, 10000 Indian Creek Road South, rezoning from the D-A district to the D-4 classification, **approved**.

2021-PLT-011, 7713 Gold Rush Drive, Approval of a Subdivision Plat to be known as Harvard Green at Camby Village, dividing 4.32 acres into 29 single-family dwelling lots.

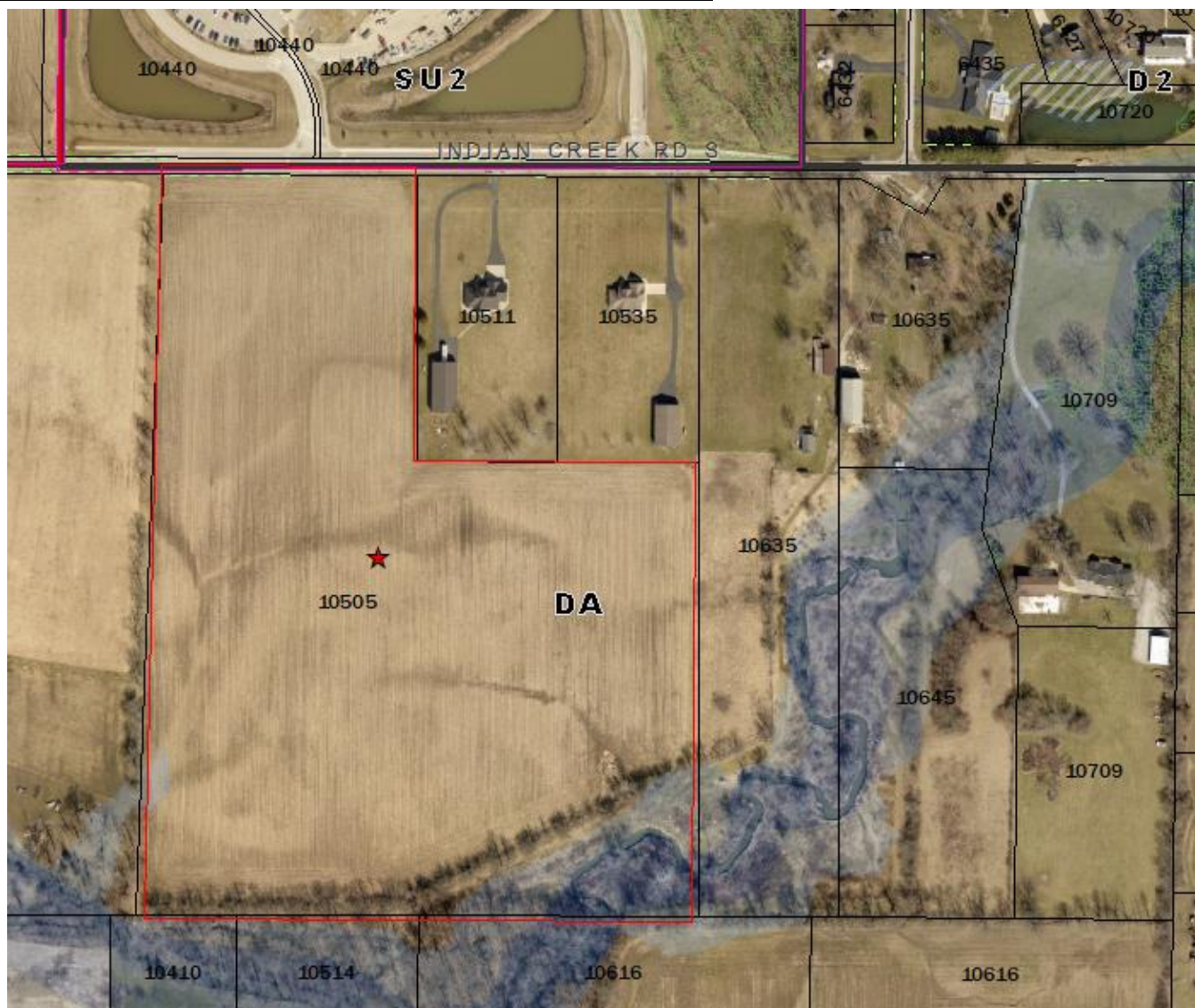
2020-ADM-093, 10440 Indian Creek Road South, additions to Junior High School in the SU-2 district, **approved**.

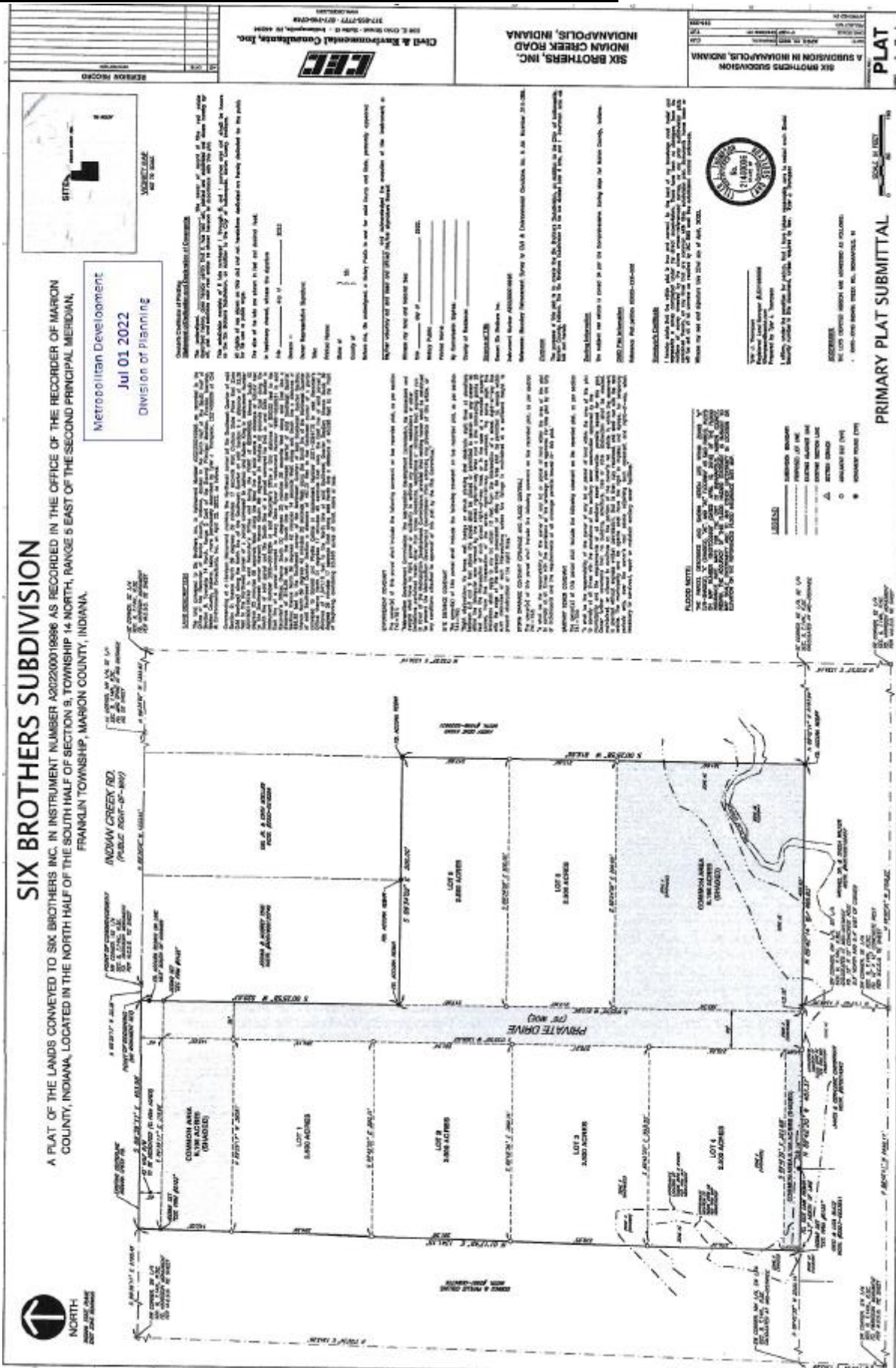
2016-HOV-013, 6620 Acton Road, Variance to provide for a detached garage, with a 15-foot side setback, **approved**.

2014-DV1-043, 10262 East Southport Road, variance to provide for the construction of 832-square foot attached garage addition, with a 10.7-foot side setback (minimum 15-foot side setback required) and a 1,440-square foot horse barn, a) creating an accessory building area of 3,001 square feet or 232.4% of the main floor area of the primary dwelling and accessory use area of 3,961.3 square feet or 306.7% of the total floor area of the primary dwelling, and b) to legally establish a shed with a 3.8-foot west side setback, **approved**.

98-UV2-63, 6620 Acton Road, variance to provide for a pallet repair business in the D-A district, **approved**.

2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 Area Map





**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 private drive will be built to specifications adequate for IFD's trucks and all other emergency
vehicles to use the private drive, and there will be a no knock box installed on the gate to provide
access to IFD and any other emergency responders.

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:

If the variance is granted the neighborhood will be developed pursuant to the site plans with six
homes each costing over \$500,000 so that the value of the subject property and adjoiners will increase
significantly.

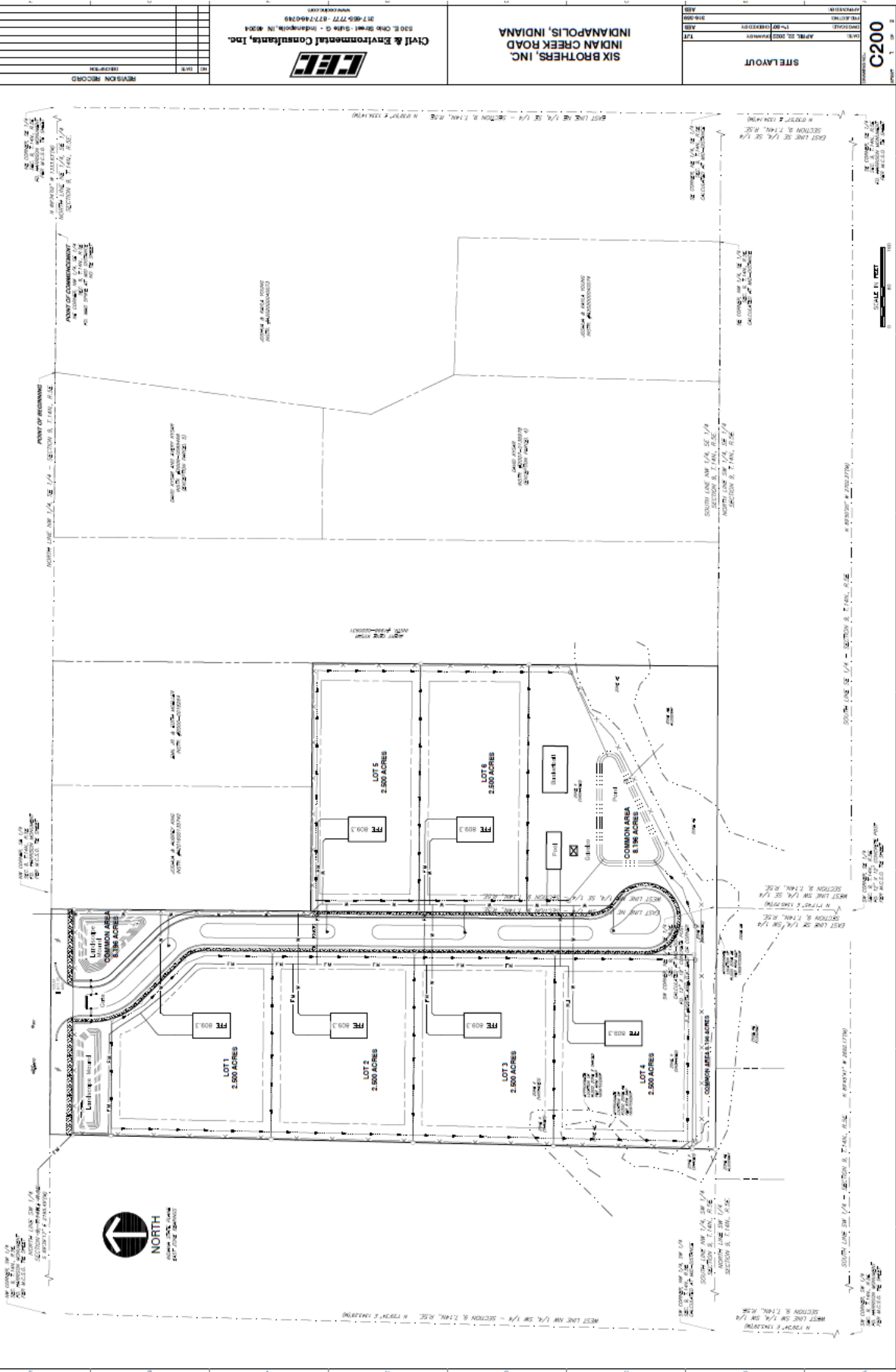
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

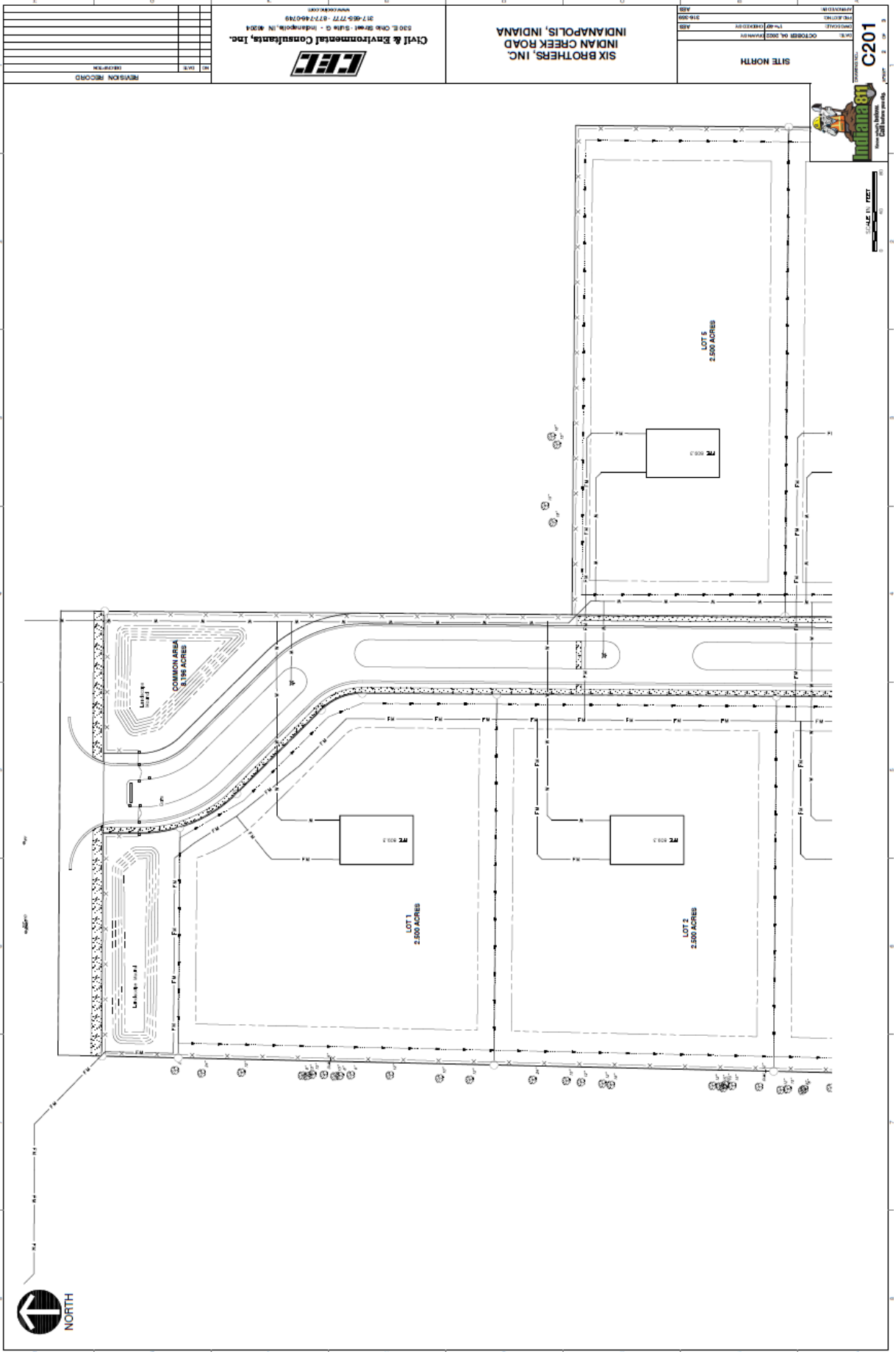
If the street was open to the public then students the school on the north side of Indian Creek Rd
wich is directly across from the subject property would be constantly walking, driving, and loitering in
the subdivision.

2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 Site Plan



2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 Revised Site Plan





C201



1" = 100' 0"

SITE NORTH

SIX BROTHERS, INC.
INDIAN CREEK ROAD
INDIANAPOLIS, INDIANA

Civil & Environmental Consultants, Inc.
230 E. Ohio Street, Suite G - Indianapolis, IN 46204
317.465.7777 - 317.460.7419
www.cetinc.com





C-202

SITESOUTH

DATE	OCTOBER 4, 2022
PROJECT	INDIAN CREEK ROAD
CLIENT	SIX BROTHERS, INC.
SCALE	1" = 40'
BY	ASD
DATE	10/10/2022

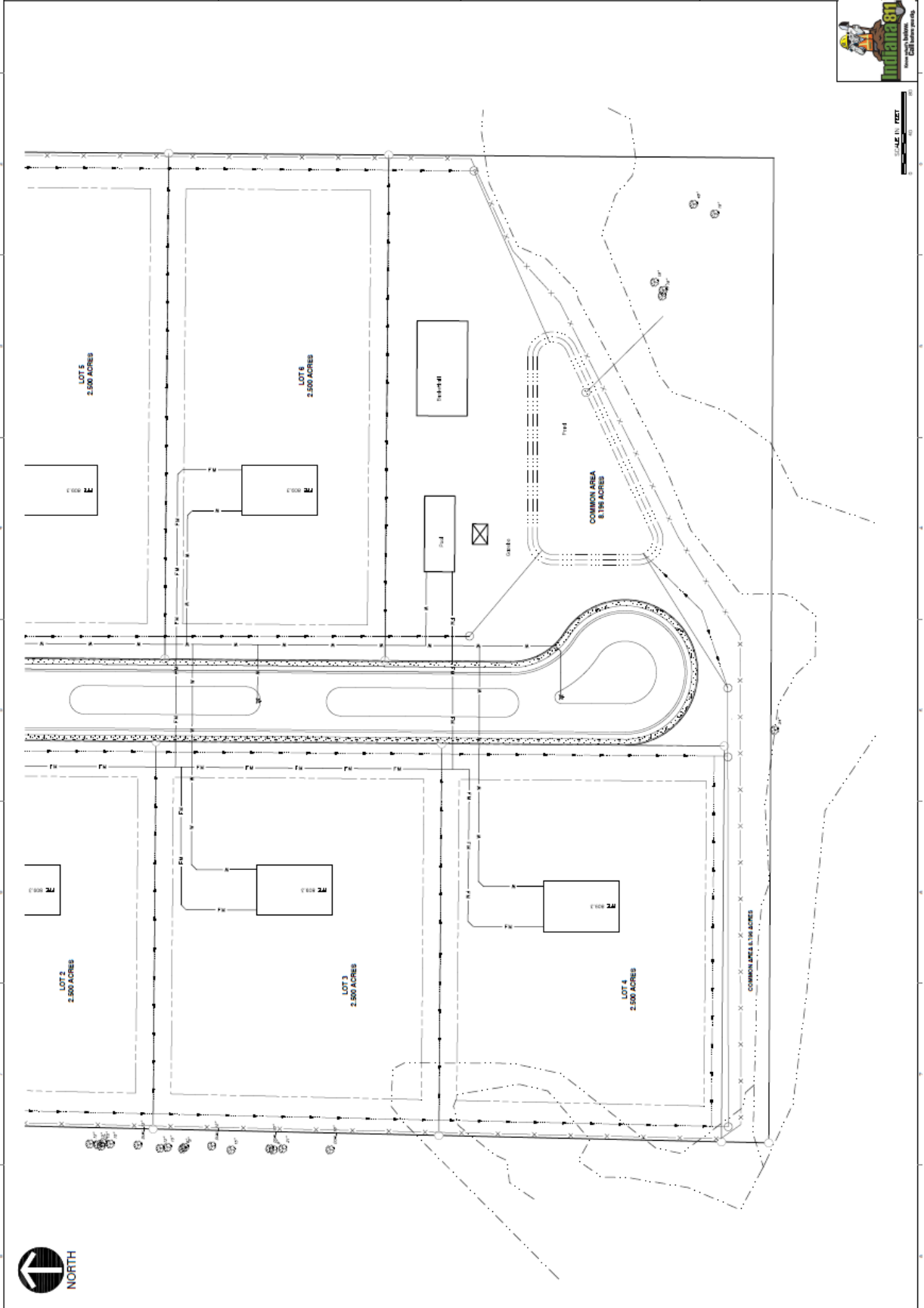
SIX BROTHERS, INC.
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INDIANAPOLIS, INDIANA

Civil & Environmental Consultants, Inc.
830 E. Ohio Street, Suite G - Indianapolis, IN 46204
317.465.7777 - 877.449.0785
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REVISION RECORD

NO.	DATE	DESCRIPTION
1	10/10/2022	ISSUED FOR PERMIT



DEVELOPMENT PLAN

Six Brothers Inc (“**Petitioner**”) own the real property commonly known as 10505 Indian Creek Rd S, Indianapolis, IN (the “**Subject Property**”). This rezoning petition is being filed as a simultaneous petition with a Plat Petition which provides for the subdivision of the lot into the six lots and the “Common Areas.” Petitioner plans to redevelop Subject Property with six residential houses on six separate lots. The remainder of the Subject Property shall be Common Areas, which shall contain: the private drive, pool, basketball court, gazebo, and retention pond/drainage facilities, all as further depicted in the Site Plan and the Plat. CEC has completed the survey and engineering work through the date hereof and CEC will provide all engineering work necessary to ensure proper drainage along with the hookup to and/or extension of the main sewer line as necessary to serve the Subject Property.

Given the proximity to Franklin Township Middle School, Petitioner would like to have a gate at the end of the private drive. Since there are many similar gated communities nearby, Petitioner feels that this is a reasonable request. The gate would be constructed pursuant to the exhibit submitted simultaneously herewith. Petitioner has already discussed this with IFD and shall continue to work with IFD to have a “No Knock Box” installed on the gate, and the private drive has been designed to provide adequate turning radius for IFD’s trucks as well any other vehicles.

2022-CZN-828 / 2022-CPL-828 Photographs



Subject site viewed from neighbor's driveway east of site



Subject Site viewed from Indian Creek Road South



School north of site