

## STAFF REPORT

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

**Case Number:** 2022-ZON-092  
**Address:** 3301 North Raceway Road (*Approximate Address*)  
**Location:** Wayne Township, Council District #6  
**Petitioner:** Sammy and Annie Dotlich, by Joseph D. Calderon  
**Request:** Rezoning of 3.75 acres from the D-4 district to the C-S district to legally establish a commercial/building contractor and to provide for any of the following uses: Artisan Manufacturing; Light Manufacturing; Research and Development; Motorsports Industry; Mini-warehouses; Animal Care Boarding; Veterinarian Services; Artisan Food/Beverage; Farmers Market; Medical or Dental Office, Center or Clinic; Day Care Center; Club or Lodge; Community Center; Vocational, Technical or Industrial School; Religious Use; Greenway; Hair and Body Care Salon Services; Consumer Services or Repair of Consumer Goods; Eating Establishment/Food Preparation; Office Use; and Accessory Uses permitted in the I-1 District.

This petition should be **continued from the December 1, 2022 hearing to the December 15, 2022 hearing** to provide time for new notice to be given.

This petition was continued from the September 29, 2022 hearing to the December 1, 2022 hearing at the request of the petitioner to allow time to amend the petition and send updated notice.

An Automatic Continuance was filed by the petitioner, continuing the petition from the August 25, 2022 hearing to the September 29, 2022 hearing.

### **RECOMMENDATION**

Staff **recommends denial** of this request. However, should the Hearing Examiner recommend approval of this petition, staff asks that the approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 75-foot half right-of-way shall be dedicated along the frontage of Raceway Road, as per the request of the Hendricks County Engineer. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

2. A site plan shall be submitted for Administrator's Approval prior to the issuance of any Improvement Location Permit for the site. The site plan shall meet the development standards of the Ordinance, including transitional yards. No vehicular gates shall be provided to the abutting parcel to the south.

(Continued)

## **STAFF REPORT 2022-ZON-092 (Continued)**

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ The subject site is the north parcel of two residentially-zoned parcels owned and used by a contracting business.
- ◇ The site is within the historic town of Clermont, which is an included town of Indianapolis/Marion County under UniGov. It abuts the CSX Railroad to the north and sits north of the Westwood Park subdivision, which was platted in 1925. Historic aerial photography indicates that the site was in use in 1937, but by the mid-1950s began to become grown-over. In 2000 it was a woodland, but by 2005 the site had been cleared and appears to have been used to stockpile materials since that time.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.
- ◇ Small scale offices, retailing, and personal or professional services are permitted in the traditional neighborhood typology under the following circumstances:
  1. 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.
  2. Should be located at intersections and limited to an aggregate of one acre per intersection.
  3. Should be limited to areas and parcels with adequate space for required screening and buffering.
  4. Should not include outdoor display of merchandise.
- ◇ The proposed development does not meet the locational criteria in item 2 above.

## **ZONING**

- ◇ This site and the abutting parcel to the south were the subject of a petition (2021-UV1-029) for a variance of use to provide for a construction services company in a D-4 district. This petition was withdrawn.

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### **STAFF REPORT 2022-ZON-092 (Continued)**

- ◇ This petition would rezone the subject site from D-4 to C-S. The current zoning district provides for low to medium intensity single-family and two-family development. The established residential neighborhoods to the northwest and south are also zoned D-4.
- ◇ The proposed zoning district, C-S requires the petitioner to submit a customized list of land uses and a proposed site and development plan. Future development must then honor both the list of permitted uses and the approved site plan.
- ◇ This petitioner has submitted a long list of permitted land uses that are generally light industrial, institutional, or office-oriented, although some are more commercial-oriented such as animal boarding and restaurants. The submitted site plan is for a commercial building contractor.
- ◇ The site plan indicates a security fence along the south and northeast property lines and paralleling the west property line roughly 150 feet from the Raceway Road right-of-way line. The plan indicates two gates in the south leg of the fence that would permit access to an abutting residentially-zoned parcel. No transitional yard is indicated between the subject site and the parcel to the south. As no commercial or industrial uses should be taking place on the residentially-zoned property to the south, staff recommends that these gates be moved from the site plan and a transitional yard provided.
- ◇ The driveway to the site is nearly four times wider at its connection point to Raceway Road than the City's standards for commercial driveways. It is also unpaved in violation of City Ordinance. The entrance drive should be reduced to 36 feet in width and paved.
- ◇ The site plan does not clearly provide for the use of the site for any of the proposed uses other than a commercial building contractor. Any future development would likely require the filing of a land use petition, either a rezoning or a modification of the site plan.
- ◇ The site is currently the subject of four zoning violations. These violations are for the operation of a construction contractor in a dwelling district, outdoor storage, parking of commercial vehicles, outdoor storage of junk, trash and debris, and failure to obtain an Improvement Location Permit.
- ◇ The proposed uses do not meet the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan. Due to the site's location abutting a well-used railroad

track, staff is amenable to light industrial use of the site. However, the request far exceeds those uses permitted in a light industrial district. It includes uses that would draw activity, traffic, and noise in excess of the reasonable expectations of the surrounding residential property-owners.

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**STAFF REPORT 2022-ZON-092 (Continued)**

- ◇ Staff would not want any further expansion of industrial or other non-residential uses beyond this site. The large residentially-zoned site to the south abuts an established neighborhood and the site’s development as anything other than residential uses would negatively affect the neighboring properties. Staff considers the south site a viable residential site easily integrated into the existing Westwood Park subdivision via Mabel and Elizabeth streets.

**Summary**

The request does not meet the recommendation of the Comprehensive Land Use Plan and would negatively impact nearby residential areas. The site plan does not meet the development standards of the Ordinance and accommodates the use of the abutting residentially-zoned property for non-residential use. For these reasons, staff recommends denial of the petition.

**GENERAL INFORMATION**

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

D-4	Metro	Commercial/building contractor
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**SURROUNDING ZONING AND LAND USE**

Northeast	D-4	Railroad track, contractor, single-family dwellings
South	D-4	Commercial/building contractor
West	Hendricks County	Mobile home park, industrial uses

COMPREHENSIVE LAND USE PLAN	The Wayne Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
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THOROUGHFARE PLAN	Raceway Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 20-foot existing half right-of-way and a 95-foot proposed right-of-way. The Hendricks County Thoroughfare Plan classifies Raceway Road as a Minor Arterial and proposes a 150-foot right-of-way.
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FLOODWAY / FLOODWAY FRINGE      This site is not located within a floodway or floodway fringe.

STREAM PROTECTION CORRIDOR      This site is not located within a stream protection corridor.

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**STAFF REPORT 2022-ZON-092 (Continued)**

WELLFIELD PROTECTION DISTRICT      This site is not located within a wellfield protection district.

**ZONING HISTORY – SITE**

**2021-UV1-029; 3301 North Raceway Road**, requested a variance of use to provide for a construction services company in a D-4 district, **withdrawn**.

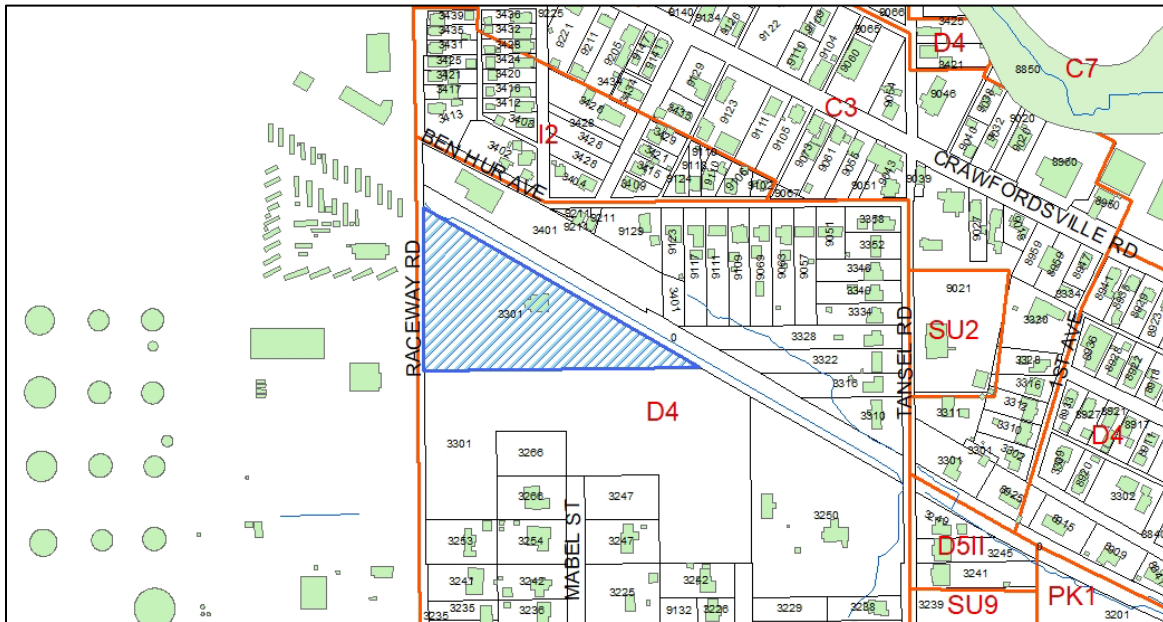
**ZONING HISTORY – VICINITY**

**2004-UV2-020; 3250 Tansel Road (southeast of site)**, requested a variance of use to provide for a bed-and-breakfast in a D-4 district, **approved**.

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## STAFF REPORT 2022-ZON-092, Location



## STAFF REPORT 2022-ZON-092, Aerial photograph (2021)





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## **STAFF REPORT 2022-ZON-092, Development Statement**

### **C-S Development Statement**

Introduction: Petitioner and Owner, Sammy and Annie Dotlich, seek to rezone approximately 3.75 acres of property commonly known as 3301 North Raceway Road (the “Subject Property”) as shown on the Concept Plan in order to legally establish the existing use of the Subject Property as a contractor’s operation, and to provide for potential future use of the Subject Property.

Zoning: The Subject Property is currently zoned D-4, as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance (“Zoning Ordinance”), although neither the Subject Property nor the adjoining property to the south, and commonly addressed as 3301 North Raceway Road are improved with any residential structures.

Proposed Permitted Primary Uses of the Subject Property as described and defined in Chapter 743, Art II, Table 743-1 in the Zoning Ordinance shall be as follows:

- 1) Commercial/Building Contractor
- 2) The following I-1 uses:
  - a) Artisan Manufacturing
  - b) Light Manufacturing
  - c) All uses under Research and Development
  - d) Mini-warehouses
- 3) The following uses regardless of zoning district:
  - a) Medical or Dental Office, Center or Clinic
  - b) Day Care Center
  - c) Community Center
  - d) Religious Use
  - e) Greenway
  - f) Hair and Body Care Salon or Service
  - g) Financial/Insurance Services
  - h) Consumer Services or Repair of Consumer Goods
  - i) Eating Establishment/Food Preparation
  - j) Office Use: Any Type

Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the I-1 zoning district, for any I-1 primary use of the Subject Property; otherwise, accessory uses shall be limited to those permitted for C-3 primary uses..



Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building or project phase shall be consistent with the Concept Plan tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Signs:

The following sign types shall be permitted on the Subject Property:

- 1) One (1) Monument Sign, at the entrance to the Subject Property
- 2) Wall Signs, Awning, Canopy and Window Signs
- 3) Incidental, Temporary, and Other Signs as would otherwise be permitted in a commercial zoning district

All signs shall meet the requirements for signs otherwise located in an Industrial zoning district.

Phasing of Development:

The Subject Property may be used as generally shown on the site plan submitted with the C-S Rezoning Petition and this C-S Development Statement (the "Existing Plan"); provided, however, prior to applying for an Improvement Location Permit required in conjunction with any redevelopment of the Subject Property, a final site and development plan, consistent with the standards contained in this C-S Statement, shall be tendered for Administrator's Approval.

## **STAFF REPORT 2022-ZON-092, Proposed Commitments**

### **STATEMENT OF COMMITMENTS**

#### **COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

**Legal Description:** See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

#### **Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Outdoor storage of vehicles and equipment shall be limited to the areas shown on the site plan attached as Exhibit "B" ("Site Plan")
3. Storage of materials used in connection with off-site projects shall be limited to the areas shown on the Site Plan.
4. Existing areas consisting of dirt and/or debris piles shall be removed promptly following issuance of any required excavation/drainage permits.
5. Owner will apply for a drainage permit for all existing improvement and comply with all terms and conditions of same. Owner will provide a copy of the drainage permit and associated plans to The Town of Clermont.

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6. Owner will pave the existing stone entry drive with asphalt or other hard surface material permitted by the City of Indianapolis Consolidated Zoning/Subdivision Ordinance. The width of the driveway entrance shall be reduced to match the existing driveway on the west side of Raceway Road, but not less than thirty-six feet (36'), and shall be subject to the approval of Hendricks County.
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These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference.

These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2022-ZON-092 by the City-County Council changing the zoning classification of the real estate from a D-4 zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

- 1. The Metropolitan Development Commission;
  - 2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
  - 3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
  - 4. Town of Clermont, Indiana.
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**STAFF REPORT 2022-ZON-092, Photographs**



Looking east at the building on the subject site.



Looking south from the site.





Looking north along the Raceway Road frontage of the site.



Looking west across Raceway Road at the neighbor to the west.



Looking west across Raceway Road at the neighbor to the west.



Looking south along the Raceway Road frontage from the northwest corner of the site.





Looking southeast along the CSX railroad tracks. The subject site is to the right.



Looking east at the neighbor to the north.