



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 23, 2024

**Case Number:** 2024-CAP-818 and 2024-CVR-818  
**Property Address:** 5231 Claybrooke Commons Drive (Approximate Address)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** J Enterprises Inn of Exit 101, LLC, by John J. Moore  
**Current Zoning:** C-S  
**Request:** Modification of Development Plan related to 2005-ZON-169, to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'-3" (maximum height of 65 feet permitted)  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'3" (original C-S statement provided for building height to meet C-4 standards, or a maximum height of 65 feet permitted)..  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 2.19-acre subject site is an undeveloped lot located in the South Perry neighborhood and is part of a larger planned commercial development project.

The site is bordered by a grocery store to the west, undeveloped land north, and hotels east and south of the site. These properties are zoned C-S and fall within the same planned development.



## MODIFICATION

The request includes a modification of Development Plan related to 2005-ZON-169, to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'-3".

The maximum height permitted is 65 feet per the C-4 height limitation that was originally proposed for this C-S district.

## VARIANCE

The request also includes a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'3".

Again, the original C-S statement provided for building height to meet C-4 standards, which was a maximum of 65 feet.

## Staff Analysis

Due to the C-S statement limitations, the proposal could not be developed as proposed without modifying the C-S statement while also requesting the height variance.

Staff determined that the four-foot height change from the maximum 65 feet permitted is a minor deviation and the remainder of the height request would be for architectural features that would enhance the overall appearance of the proposed building.

There is some practical difficulty with an access easement required along the western property boundary that limited the overall lot size where the developer could not expand the building footprint, thus needing to build up instead. The proposed 100 hotel rooms require one parking space per room that further reduced the developable area.

For these reasons, staff is recommending approval of the requests.

Staff would note that the C-S statement listed a capacity of 264 hotel rooms which could be developed as a result of the traffic study completed when the site was rezoned per 2005-ZON-169. If the 264 rooms were exceeded, then an update of the traffic impact analysis dated February 2006 would need to be submitted to confirm that the road improvements provided are adequate to handle additional development. The petitioner is aware of this and would be required to submit an updated traffic impact study at the time of filing for Administrative Approval. Without this proof, the proposed hotel would not be able to be developed.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-S
<b>Existing Land Use</b>	Undeveloped
<b>Comprehensive Plan</b>	Interchange Area Mixed-Use

<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-S	Undeveloped
South:	C-S	Hotel
East:	C-S	Hotel
West:	C-S	Grocery Store
<b>Thoroughfare Plan</b>		
Claybrooke Commons Drive	Private Street	N/A
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 18, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	April 18, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	April 18, 2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The I-65/County Line Road Strategic Plan (2008)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see I-65/County Line Road Strategic Plan (2008) below.

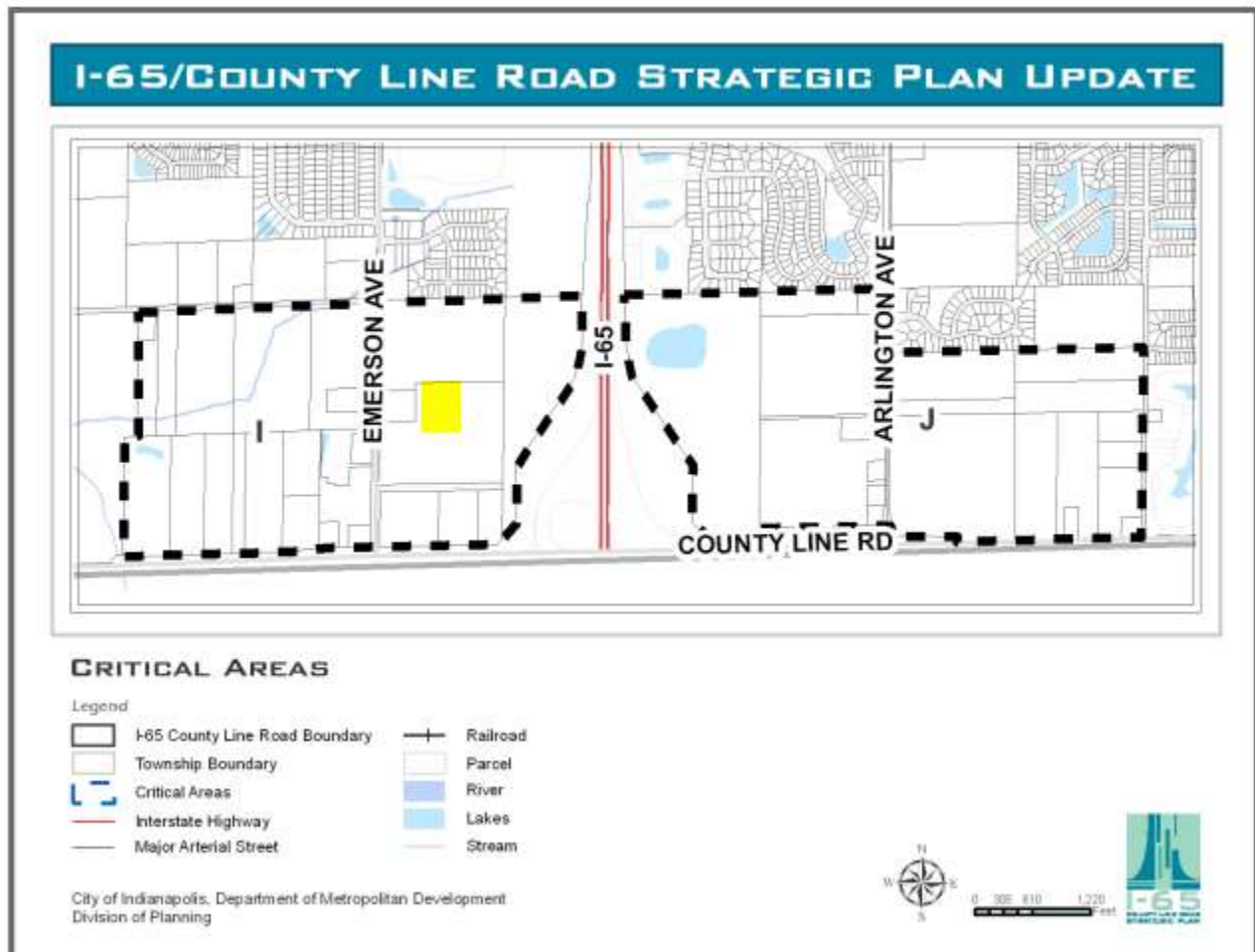
### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The I-65/County Line Road Strategic Plan (2008) recommends Interchange Area Mixed-Use.

- The subject site falls within Critical Area I of the Plan.
- The Interchange Area Mixed-Use designation for this area allows for flexibility in development of industrial, commercial and multi-family residential projects. However the mix of these uses within the Critical Area should not be haphazard or indiscriminate. Traffic generation, truck traffic, compatibility of uses, integration of uses, and building heights and mass should all be evaluated when considering siting of uses within the Critical Area.
- Recommended land use: Large-scale developments are recommended for the interchange area. Large sites in proximity to interchanges are scarce and should be reserved for uses that need the combination of a large site and immediate interstate access. Examples are large industrial uses, large-scale shopping centers or corporate headquarters. Although small-scale outlot development may be appropriate along some streets or at certain intersections, small- to medium-scale uses should not be sited in ways that preclude large-scale development.



Map of Critical Area I with the location of the subject site highlighted.



**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

**2005-ZON-169; 8601 & 8651 South Emerson Avenue** (subject site), Rezoning of 58 acres from the D-A district to the C-S district to provide for commercial uses, hospital and hospital related uses, and multi-family dwellings as permitted by the C-4, HD-1, and D-7 districts, **approved**.

**2003-ZON-153; 8601 South Emerson Avenue** (subject site), Rezoning of 56.5 acres from the D-A district to the C-4 district, **withdrawn**.

### Zoning History- Vicinity

**2023-CAP-850 / 2023-CVR-850; 8545 South Emerson Avenue** (northwest of site), Modification of the approved C-S Statement, related to 2005-ZON-169, to provide for three integrated pylon signs (maximum two integrated pylon signs permitted) and variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a third primary freestanding sign within an integrated center (maximum of two freestanding signs permitted), **approved**.

**2021-CZN-866 / 2021-CPL-866; 5260 Claybrooke Commons Drive** (northeast of site), Rezoning of 4.73 acre from the C-4 to the C-5 district to allow for a vehicle sales, maintenance, and repair facility, approval of a Subdivision Plat to be known as Claybrooke Commons East, Lot 3, dividing 18.44 acres into one lot and one block, **approved**.

**2021-CVR-866; 5260 Claybrooke Commons Drive** (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a 20-foot monument sign (maximum ten-foot permitted), **withdrawn**.

**2021-DV2-006; 5310 Claybrooke Commons Drive** (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 80-foot tall, 528-square foot pole sign, **approved**.

**2021-DV2-028; 8651 South Emerson Avenue** (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 38 parking spaces (maximum 28 parking spaces permitted), **approved**.

**2020-CZN-814 / 2020-CPL-814, 5310 Claybrooke Commons Drive** (northeast of site), Rezoning from the C-4 district to the C-5 district, a plat dividing 27.1 acres into two lots, **approved**.

**2020-CVR-814; 5310 Claybrooke Commons Drive** (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient green factor, interior landscaping, and front yard landscaping, **withdrawn**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**2020-DV3-058; 8651 South Emerson** (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 31 parking spaces for a fast-food restaurant (maximum 25 parking spaces permitted), **approved.**

**2019-DV1-009; 8825 South Emerson Avenue** (southwest of site), Variance of development standards to provide for a drive-through window along a front façade, **approved.**

**2017-DV3-034; 5235 Noggle Way** (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a fast-food, drive-through restaurant, with 50 parking spaces (maximum 35 parking spaces permitted), **approved.**

**2016-DV1-042; 8855 South Emerson Avenue** (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15.3-foot-tall freestanding integrated center sign, within 112 feet of an existing integrated center sign (300-foot separation required), **approved.**

**2015-HOV-023; 8825 South Emerson Avenue** (west of site), variance to provide for a pick-up area for online shopping and reduced number of parking spaces, **approved.**

**2013-HOV-067; 8825 South Emerson Avenue** (west of site), Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for 496 parking spaces (824 parking spaces provided) and to provide for a 45.5-square foot price canopy sign, being 28.1% of the canopy area, **approved.**

**2007-DV3-012; 8921 South Emerson Avenue** (south of site), Variance of development standards to provide for a 77-foot-tall hotel, **approved.**

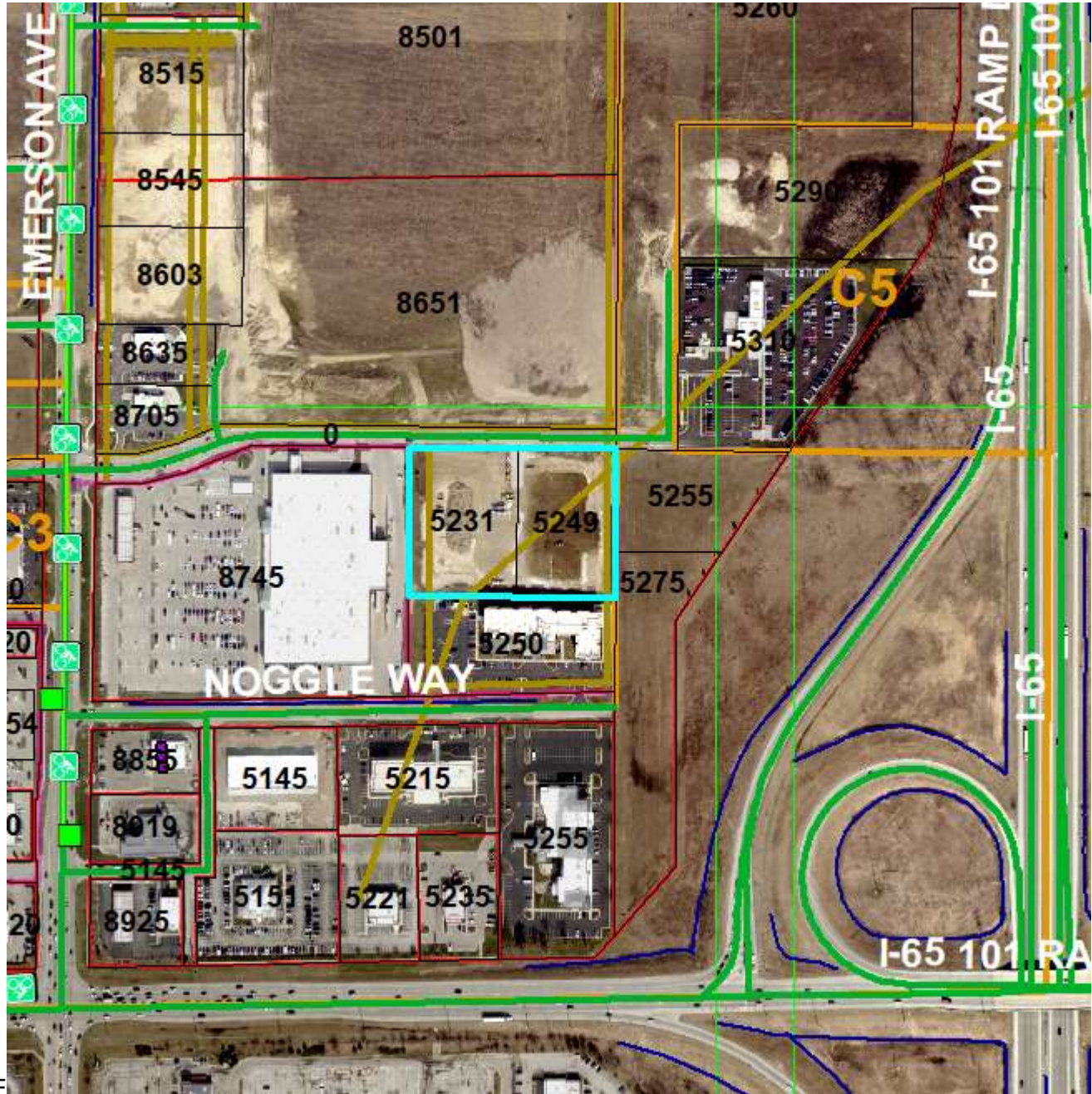
**2002-DV3-043; 5250 East County Line Road** (northeast of site), Variance of development standards for provide for two advertising signs, **denied.**

**99-Z-133; 8921 South Emerson Avenue** (south of site), Rezoning of 17 acres from the D-A district to the C-4 classification, **approved.**

**96-Z-232; 8821 South Emerson Avenue** (east of site), Rezoning of 29.8 acres from the D-A district to the C-4 classification, **approved.**



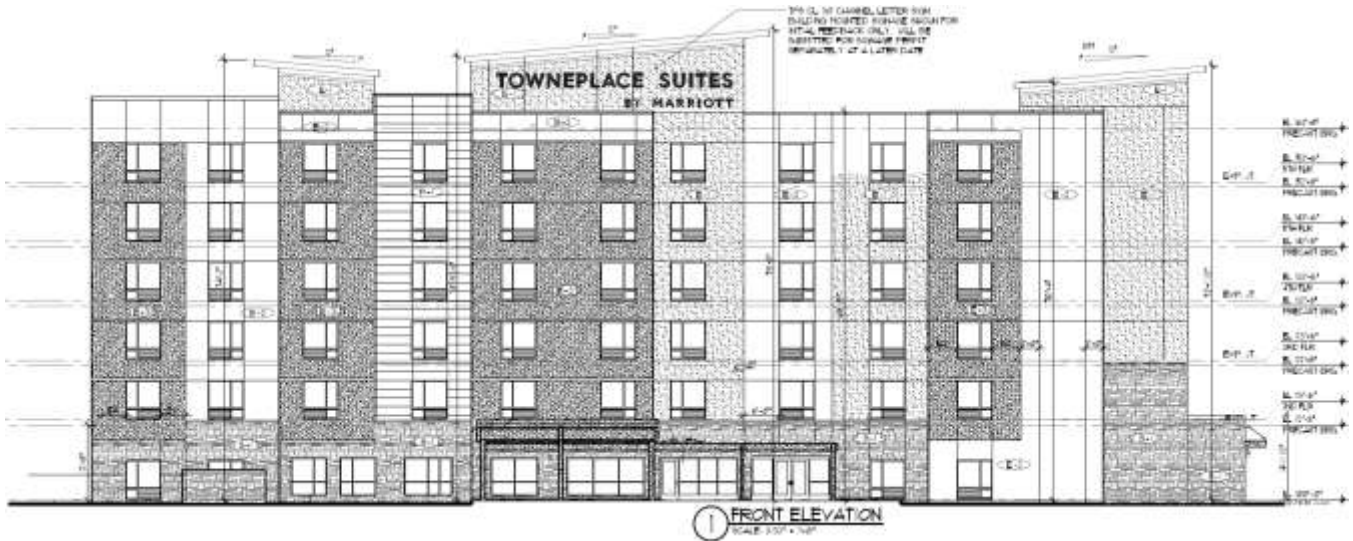
EXHIBITS





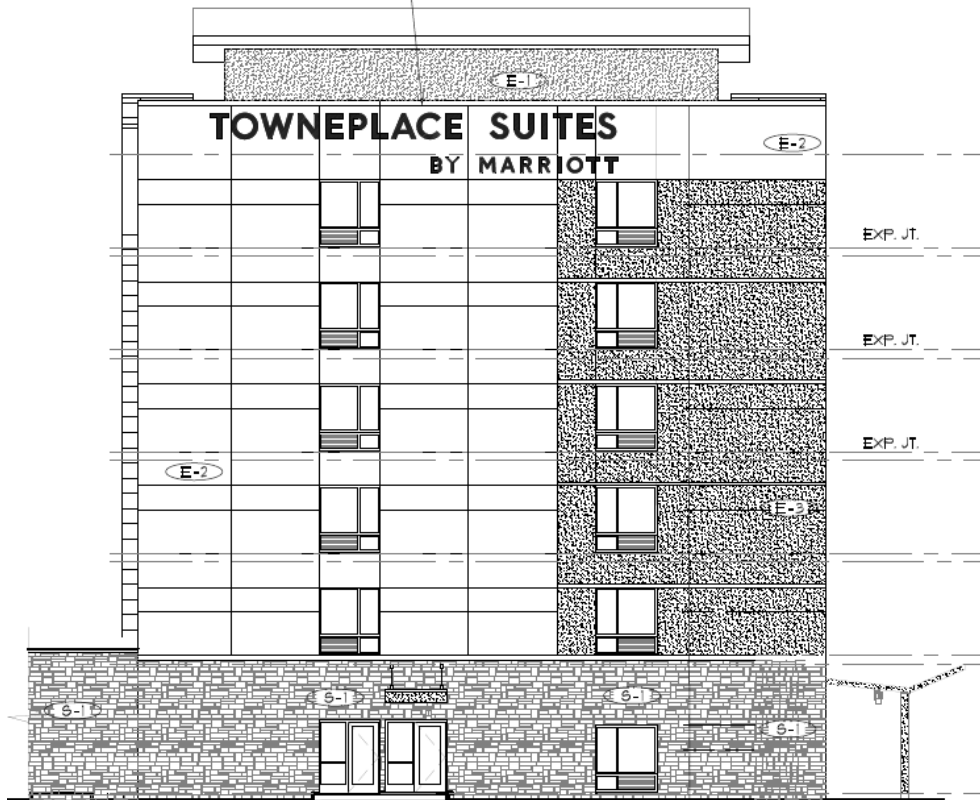


PRELIMINARY RENDERING OF  
 THE PROPOSED TOWNEPLACE SUITES MARRIOTT





TPS CL 30 CHANNEL LETTER SIGN - BUILDING MOUNTED SIGNAGE SHOWN FOR INITIAL FEEDBACK ONLY. WILL BE SUBMITTED FOR SIGNAGE PERMIT SEPARATELY AT A LATER DATE



**3** SIDE ELEVATION  
 SCALE: 3/32" = 1'-0"

TFS CL 24 CHANNEL LETTER SIGN  
 BUILDING MOUNTED SIGNAGE SHOWN FOR INITIAL  
 FEEDBACK ONLY. WILL BE SUBMITTED FOR  
 SIGNAGE PERMIT SEPARATELY AT A LATER DATE



- EL. 61'-0" PRECAST BRG.
- EL. 57'-0" 5TH FLR.
- EL. 53'-0" PRECAST BRG.
- EL. 49'-0" 5TH FLR.
- EL. 45'-0" PRECAST BRG.
- EL. 41'-0" 4TH FLR.
- EL. 37'-0" PRECAST BRG.
- EL. 33'-0" 3RD FLR.
- EL. 29'-0" PRECAST BRG.
- EL. 25'-0" 2ND FLR.
- EL. 21'-0" BRG.
- EL. 17'-0" BRG.
- EL. 13'-0" 1ST FLR.
- EL. 9'-0" BRG.
- EL. 5'-0" BRG.
- EL. 1'-0" BRG.
- EL. 0'-0" BRG.

**4** SIDE ELEVATION  
 SCALE: 3/32" = 1'-0"



**Proposal Description**  
(the “Site”)

The approximately 2.19 acre Site was rezoned to C-S in 2006, under Petition No. 2005-ZON-169 (the “2006 Rezoning”). See the 2006 Preliminary Development Plan filed herewith (“2006 Preliminary Development Plan”). The 2006 Preliminary Development Plan requires development on the Site to comply with the development standards of the C-4 zoning district, which provide for buildings and structures to be a maximum height of 65’ tall.

Petitioner proposes to develop the Site with a Townplace Suites by Marriott hotel (“Hotel”). A preliminary elevation and rendering of the proposed Hotel are filed herewith. Petitioner proposes the Hotel to be 6-stories tall with a height ranging between approximately 65.5’ and 69’ tall.

In order to provide for the development of the Hotel, Petitioner respectfully requests the following:

- A modification the 2006 Preliminary Development Plan to allow for the Hotel to be greater than 65’ tall and;
- A variance of Table 744-201-3 to allow for the Hotel to be greater than 45’ tall (which is the maximum height for buildings and structures in the C-S District) and 65’ tall (which is the maximum height for buildings and structures in the C-4 District).





2024 Amended Preliminary Development Plan  
5231 Claybrooke Commons Drive (the "Site")

The 2005 Preliminary Development Plan ("Preliminary Development Plan") filed in connection with Case No. 2005-ZON-169 (attached hereto as Exhibit 1), and the 2006 approval letter (attached hereto as Exhibit 2) shall remain in full force and effect, except as modified as follows:

Subsection (b) under the Project Permitted Uses/Permitted Standards section of the Preliminary Development Plan shall be revised to state as follows:

b. Commercial / Retail Center. Except as otherwise provided herein, only the following uses shall be permitted: C-4 zoning classification uses (which includes C-1 and C-3 classification uses), as set forth in the Commercial Districts Zoning Ordinance. In addition, all development of the commercial portion of the site shall comply with the development standards of the C-4 zoning district, as set forth in the commercial districts zoning ordinance, provided that the development of a hotel with a height of approximately 65' 5" to 69' tall which height is above the 65-foot C-4 Zoning District's height limitation shall be permitted. All other terms and standards in the Preliminary Development Plan shall remain as originally approved in Case No. 2005-ZON-169.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division I  
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 subject site is approximately 2.19 acres located in a commercial development adjacent to I-65. Such commercial development includes other multi-storied buildings. The preliminary plan approved when the site was zoned CS provides that the site be developed in accordance with C4 standards, which allow buildings to be 65' tall. As such, the variance requested by petitioner is for a minimal height variance of 4 feet from what was contemplated on the site when rezoned to CS in 2006. A small height variance of less than 4 feet in a commercial area with other multi-storied buildings will not be injurious to the public health, safety, morals, and general welfare of the community.

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 new hotel site is surrounded by commercial buildings and will not have an adverse affect on the use or value of the adjacent area. Nearby parcels include Kroger Marketplace (1 parcel West), Hampton Inn & Suites (1 parcel East), Residence Inn by Marriott Indianapolis (1 parcel South), CarMax (2 parcels North East), and an undeveloped parcel (1 parcel North). The height variance for the new hotel will be slightly higher than the development standard, but will be virtually undetectable to the naked eye.

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

The parcel where the hotel is being developed is adjacent to an access road where parking is not permitted. A 50' ingress-egress easement ("50' Easement") runs along the western boundary of the site. Such access road and the 50' Easement shrink the developable area of the site. Marriott's site approval requires 100 rooms and at least 100 parking spaces. Because of the small size of the site and because of the limited developable area within the site, the 50' Easement, and the necessity for 100 surface parking spaces, Petitioner is unable to build the approved hotel and provide the parking required by the zoning ordinance and Marriott unless a slight height variance is approved for the proposed hotel.



Photo of the subject site looking east along Claybrooke Commons Drive.



Photo of adjacent hotels east and southeast of the site.





Photo of the subject site looking southeast.



Photo of the subject site looking south.



Photo looking west along Claybrooke Commons Drive.at the grocery store.



Photo of an existing hotel southeast of the site.