

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-088
Address: 8815 and 8817 Haverstick Road (*Approximate Address*)
Location: Washington Township, Council District #2
Petitioner: Roman Catholic Archdiocese of Indianapolis, Inc. as trustee for Our Lady of Peace Cemetery, by Paul Carroll
Requests: Rezoning of 2.99 acres from the D-A district to the SU-10 district to provide for cemetery uses.

RECOMMENDATIONS

Staff **recommends approval** of this request, 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. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
3. A 45-foot half right-of-way shall be dedicated along the frontage of Haverstick Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 2.99-acre site, zoned D-A, is developed with single-family dwellings. It is surrounded by a cemetery to the north zoned SU-10; undeveloped land and single-family dwellings to the south zoned D-P and D-2, respectively; undeveloped land to the east, zoned SU-10; and single-family dwellings to the west, across Haverstick Road, zoned D-1.

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REZONING

- ◇ This request would rezone the site from the D-A District to the SU-10 (cemetery) classification.
- ◇ “No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation in accordance with the Ordinance.”
- ◇ The Comprehensive Plan recommends traditional neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 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 lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

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.
- ◇ A special use, such as a cemetery, is not specifically identified as a recommended use in this typology so no recommendation or guidance is provided by The Pattern Book.

Overlays

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

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- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ Much of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.).
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

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Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Haverstick Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

- ◇ Staff believes this proposed use would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology.

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- ◇ The Traditional Neighborhood typology includes neighborhood-serving institutions, businesses, and amenities as appropriate land uses that support the residential uses. Staff believes the proposed use would, in fact, be considered a neighborhood-serving institution and would be a reasonable and acceptable expansion of the cemetery that would have minimal impact on the surrounding land uses.
- ◇ Additionally, the abutting property to the north is recommended for regional special use. “This category provides for public, semi-public, and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as **cemeteries**, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.”

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A Single-family dwellings

SURROUNDING ZONING AND LAND USE

North -	SU-10	Cemetery
South -	D-P / D-2	Undeveloped land / Single-family dwelling
East -	SU-10	Undeveloped land
West -	D-1	Single-family dwellings

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.
Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of Haverstick Road is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 64-foot right-of-way and a proposed 90-foot right-of-way.

This portion of Sinclair Woods is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot and a proposed 50-foot right-of-way.

CONTEXT AREA This site is located within the metro context area.

OVERLAY This site is located within the Environmentally Sensitive Overlay (ES), specifically Forest Alliance Woodlands.

ZONING HISTORY

2022-ZON-023; 2730 East 86th Street, 8755 Haverstick Road, and 2925 Sinclair Woods Drive (south of site), requested rezoning of 16.2 acres from the D-P and D-A districts to the D-P district to provide for a mixed-use development, **approved.**

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2016-ZON-016; 2730 East 86th Street (south of site), requested rezoning of 5.8 acres, from the D-P district to the D-P classification to provide for a two-story, 60,000-square foot commercial/retail building, with MU-3 uses permitted within the Parcel 1 - Phase 1 parcel, and with 2005-ZON-034 / 2005-DP-12 uses permitted within the Parcel 1 – Future Development parcel, as modified by the specific references to said parcel within the development plan, **denied**.

2007-AP1-002; 2730 East 86th Street (south of site), requested an appeal of the Administrator's decision regarding the applicability of commitments for petition 95-Z-85 (95 DP-4), with respect to development permitted by 2005-ZON-034 (2005-DP-012), **denied**.

2005-ZON-163; 8755 Haverstick Road (south of site), requested rezoning of 3.3 acres being in the D-A District to the D-P classification to provide for 16 attached multi-family dwellings, with a density of 4.85 units per acre, **approved**.

2005-ZON-034 / 2005-DP-012; 8693-8745 Haverstick Road (south of site), requested rezoning of 13.37 acres, being in the D-A, D-P, and SU-24 Districts, to the D-P classification to provide for a mixed-use residential and commercial development, **approved**.

99-Z-54; 8603 Haverstick Road (south of site), requested the rezoning of 6.44 acres, being in the D-A and D-P Districts, to the C-S classification to provide for a retail commercial center, **denied**.

95-Z-85/95-DP-4; 8611 Haverstick Road (south of site), requested the rezoning of 2.107 acres, being in the D-A District, to the DP classification to provide for 14 residential units in seven two-family structures (amended), **approved**.

94-Z-74 / 94-CV-9; 8875 Haverstick Road (north of site), requested the rezoning of 39.9 acres, being in the D-A District to the SU-10 classification to provide for a cemetery and a variance of development standards of the Sign Regulations to permit two ground signs totaling 550 square feet (maximum total 300 square feet permitted), a two-sided 900-square foot pole sign (maximum 300 square feet and only one-sided sign permitted) with a 5-foot clearance above ground (minimum 9 feet required), totaling three sign on the property (maximum one sign permitted for a cemetery, **approved**.

91-Z-28A; 8959 Haverstick Road (north of site), requested rezoning of 18.14 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development, **denied**.

91-Z-28B, 91-CV-2; 8959 Haverstick Road (north of site), requested rezoning of 18.14 acres, being in the D-A District, to the D-6II classification to provide for multi-family residential development with a companion variance to permit the multi-family residential community to be developed without public street frontage and to permit 12 of the 18 multi-family structures to be 46 feet in height (35 feet maximum height permitted, **denied**.

90-V1-63; 8817 Haverstick Road (north of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit the construction of a 65 by 15-foot storage building for the personal storage of collectable cars, **granted**.

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87-Z-2; 8565 Haverstick Road (south of site), requested rezoning of 6.39 acres, being in the A-2 District, to the C-S classification to provide for commercial development, **approved**.

86-Z-166; 8707 Haverstick Road, requested the rezoning of 3.28 acres, being in the SU-3 District, to the SU-34 classification to correct a mapping error associated with petition 77-Z-196, **approved**.

80-Z-166; 8603 Haverstick Road (south of site), requested the rezoning of 0.72 acre, being in the A-2 District, to the C-1 classification to provide for office use, **withdrawn**.

77-Z-205; 9111 Haverstick Road (north of site), requested rezoning of 17.78 acres, being in the A-2 District to the SU-1 classification to provide for a church, **approved**.

77-Z-196; 8707 Haverstick Road, requested the rezoning of 3.28 acres, being in the A-2 District, to the SU-34 classification to provide for the construction of a private lodge, **approved**.

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Exhibit A

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking north along Haverstick Road



View looking south along Haverstick Road



View looking west along Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking north across Sinclair Woods Drive



View of site looking south from the adjacent cemetery to the north



View of site looking south from the adjacent cemetery to the north