

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV3-005 (Amended)
Address: 7548 East Washington Street (approximate address)
Location: Warren Township, Council District #19
Zoning: C-5 (TOD)
Petitioner: Ray Skillman Realty LLC, by Michael Kalberg
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a car dealership with:

- a) A surface parking lot with a six-foot front yard setback from Washington Street and Mitchner Avenue (25-foot setback required along Connector Frontages), improvements not permitted within the front setback);
- b) A zero-foot transitional yard along the northern lot line (15-foot transitional yard required); and
- c) Deficient landscaping; and
- d) 29 and 30-foot wide driveway widths (24 feet maximum width permitted).

This petition was automatically continued from the February 21, 2023 hearing to the March 21, 2023 hearing, at the request of a registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-5	Compact	Vacant Lot
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SURROUNDING ZONING AND LAND USE

North	D-3	Parking Lot
South	C-5	Commercial (Vacant Building)
East	C-5	Commercial (Auto Dealership)
West	C-5	Commercial (Vacant Building)

COMPREHENSIVE PLAN	The Comprehensive Plan recommends heavy commercial development.
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STAFF REPORT 2023-DV3-005 (Continued)

- ◇ The 0.36-acre subject site is a vacant lot that was previously used as a car dealership. It is surrounded to by vacant commercial buildings to the west and south with commercial uses to the north and east although the property to the north is zoned residentially and does not have history of a variance of use for the existing use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The initial request include several variances associated with a proposed building on site for a surface parking lot maintaining a 56% width of the lot at the front building line along Washington Street and 64% width of the lot along Mitchner Avenue, three single-loaded rows of parking in front of the building along Washington Street, a building with a 125' front setback from Washington Street and a 30-foot front setback from Mitchner Avenue, a 46% width along Washington Street and 13% along Mitchner Avenue. Since the building was removed per an amended site plan submitted, these variances would no longer apply.
- ◇ The grant of the amended request would allow for a car dealership surface parking lot to have deficient front setbacks with encroachments, no transitional yard along the northern property boundary with deficient landscaping on site, and driveway widths that exceed the maximum permitted.
- ◇ Chapter 744, Article IV, Section 04.D.1 states that "...parking lots and parking garages shall be subject to all use and development standards of the applicable zoning district in addition to the requirements contained in this article." Therefore, the site requires 25-foot front yard setbacks from Mitchner Avenue and Washington Street.
- ◇ As proposed, the parking lot would have six-foot front setbacks from both street frontages and would encroach within the required front setback, which is not permitted.
- ◇ The request would also provide for a zero-foot separation from a protected district where a 15-foot transitional yard is required to the north. Staff cannot support this request because the site could be developed to meet this requirement to ensure any potential development of the D-3 district to the north would be protected.
- ◇ Driveway widths along Connector Frontages are limited to 24 feet where the site has 29 and 30-foot existing driveway widths. Perhaps, if the site were to be proposed to not require any additional variances other than continuing the use of the existing driveways, then maybe it could have been supportable by staff. However, with the number of variances requested staff finds that the driveway widths could be reduced to increase the amount of proposed landscaping on site seeing that it would be deficient in landscaping as proposed.
- ◇ Interior landscaping is required for the new parking area expansion that was previously composed of the building location and where parking spaces were not previously present. This new parking area should also meet the green factor standards since it would not be exempt.
- ◇ Staff determined that the proposed car dealership surface parking lot would not be the highest and best use of the site since it is valuable land located within a heavily trafficked future Bus Rapid Transit Corridor and within ½ mile from a proposed station at Sadler Drive and Washington Street.

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STAFF REPORT 2023-DV3-005 (Continued)

- ◇ The Blue Line Transit-Oriented Development Strategic Plan (2018) categorizes the area for a community center around the proposed transit station, which would promote a dense mixed-use neighborhood center with a minimum of 2 story buildings with no front or side setbacks at the core. Furthermore, projects that help increase activity levels through density and/or urban amenities such as parks, plazas, and public buildings would be appropriate.
- ◇ Unfortunately, the site is not categorized as a Pedestrian/Urban Frontage that would have prohibited automobile, motorcycle, and light vehicle sales or rental uses if the site were within 600 feet of a transit station.
- ◇ Although the use is permitted since it would be less than ½ acre in lot area, the standards of the Ordinance could be met without the need for variances. If the standards limit the use of a surface parking lot, then that proves why it should not be supported.
- ◇ Lastly, staff would recommend the installation of a sidewalk along Mitcher Avenue to provide connectivity between Washington Street and the single-family dwellings to the north. This would ensure that residents could safely access the local bus system.

DEVELOPMENT STANDARDS FINDINGS OF FACT

- ◇ The strict application of the terms of the zoning ordinance would not result in practical difficulties in the use of the property because another use could be proposed on site that would allow for a building to be located within zero to 25 feet from Washington Street and Mitchner Avenue without the need for a variance.

GENERAL INFORMATION

THOROUGHFARE PLAN

Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 90-foot existing right-of-way and a 102-foot proposed right-of-way.

Mitchner Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

SECONDARY DISTRICT

This site is located within the Transit Oriented Development Secondary Zoning District (TOD).

OVERLAY

This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line.

SITE PLAN

File-dated January 17, 2023.

LANDSCAPE PLAN

File-dated January 17, 2023.

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AMENDED LANDSCAPE PLAN	File-dated March 3, 2023.
PLAN OF OPERATION	File-dated January 17, 2023.
FINDINGS OF FACT	File-dated January 17, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

97-Z-178; 7548 East Washington Street (subject site), Rezoning of 0.25 acre, to the C-5 classification to provide for the continued operation of a used automobile dealership, **approved**.

ZONING HISTORY – VICINITY

2016-AP3-002; 7410 and 7424 East Washington Street (west of site), Waiver of the Refiling Rule related to 2015-UV3-031, to permit the refiling of a variance of use petition, prior to the expiration of the one-year waiting period, **granted**.

2016-CZN-837 / 2016-CVR-837; 7410 and 7424 East Washington Street (west of site), Rezoning of 1.19 acres from the C-3 district to the C-4 classification and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a canopy with a six-foot front setback from the proposed (existing) right-of-way (10-foot setback required), and to provide for a carwash and accessory uses, within approximately 28 feet of a protected district (100-foot separation required), **approved and granted**.

2015-UV3-031; 7410 and 7424 East Washington Street (west of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a carwash, with additional vending, change and storage structures and 16 vacuum stations (not permitted), with a five-foot north side transitional yard (20-foot transitional yard required), with said facilities being within 100 feet of a protected district, **denied**.

2014-DV2-031; 7550 East Washington Street (east of site), Variance of development standards of the Sign Regulations to provide for a 35-foot tall, 375-square foot freestanding sign, with a 150-square foot electronic variable message sign, located approximately 300 feet from a D-5 protected district to the north (600 feet separation required), **withdrawn**.

2011-DV1-019; 7410 East Washington Street (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 312-square foot outdoor seating area, **granted**.

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2005-DV2-017; 7520 East Washington Street (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a 7.2-foot landscaped front yard (minimum ten-foot landscaped front yard required), to legally establish parking within the required front yard along East Washington Street (not permitted), to legally establish a 4.6-foot north side yard setback without landscaping abutting 39 Burbank Road and a zero-foot north side yard setback without landscaping abutting 7548 East Washington Street (minimum twenty-foot side transitional yard with landscaping required), and to provide for a zero-foot front transitional yard along Burbank Road (minimum twenty-foot front transitional yard required), **granted**.

2001-DV1-082; 7525 East Washington Street (southeast of site), Variance of development standards of the sign Regulations to provide for the placement of an advertising sign within a one-mile portion of I-465 and in a protected area adjacent to an entrance-exit roadway, **denied**.

88-UV2-12; 7520 East Washington Street (west of site), Variance of use and development standards to provide for an existing restaurant, with drive-through and carry-out service within 100 feet of a dwelling district, a patio, and a playground, and a pole sign containing 257.29 square feet of sign area, **granted**.

86-UV2-92; 7470 East Washington Street (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a drive-through car wash without the required transitional yard and without the required landscaping along Burbank Road, in C-3, **granted**.

85-HOV-145; 7520 East Washington Street (west of site), Variance of development standards of the Commercial zoning Ordinance to provide for a patio and playground in the front yard of an existing restaurant, **granted**.

85-V1-38; 7508 East Washington Street (west of site), Variance of Variance of Development Standards of the Commercial Zoning Ordinance to provide for the addition of a 10 x 30-foot solarium to an existing restaurant within the required building setback, **withdrawn**.

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2023-DV3-005; Location Map



2023-DV3-005; Aerial Map



2023-DV3-005; Site Plan



2023-DV3-005; Landscape Plan



2023-DV3-005; Amended Landscape Plan



2023-DV3-005; Photographs



Photo of the subject site looking northeast.



Photo of the lack of a transitional yard along the northern property boundary.



Photo of the existing northern driveway along Mitchner Avenue.



Photo of the existing southern driveway along Mitchner Avenue.



Photo of an existing bus stop along Washington street and the southern property boundary.



Photo of western property boundary looking south.