

## STAFF REPORT

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

**Case Number:** 2023-DV1-025 (Amended)  
**Address:** 5010 East 16<sup>th</sup> Street (approximate address)  
**Location:** Center Township, Council District #12  
**Zoning:** C-4 / D-5  
**Petitioner:** Mart Properties LLC, by William Faber  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 115-foot tall monopole wireless communication facility with a five-foot tall lightning rod, for a total height of 120 feet within 25 feet of a protected district (maximum height of 70 feet permitted within 500 feet of a protected district) with a nine-foot wide perimeter landscape yard (10-foot wide landscape yard around the perimeter of the tower enclosure required) and a six-foot tall fence with one-foot of barbed wire (barbed wire prohibited).

This petition was automatically continued from the July 6, 2023 hearing to the August 1, 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-4 / D-5	Compact	Commercial
-----------	---------	------------

##### **SURROUNDING ZONING AND LAND USE**

North	D-5	Residential (Single-family dwellings)
South	C-3/C-4	Commercial
East	C-4	Commercial
West	D-5	Residential (Single-family dwellings)

##### **LAND USE PLAN**

The Comprehensive Plan recommends community commercial development.

- ◇ The 1.18-acre subject site is developed with a commercial building and associated parking lot.
- ◇ The site is immediately abutting single-family dwellings to the north and west with commercial uses east and south.

(Continued)

## **STAFF REPORT 2023-DV1-025 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The initial request included a variance to not provide the 10-foot-wide perimeter landscaping required around the wireless communication facility, but the petitioner submitted revised plans to have a nine-foot-wide landscape yard proposed.
- ◇ The grant of the amended request would permit a 115-foot-tall monopole tower with a five-foot tall lightning rod, for a total height of 120 feet within 25 feet of a protected district with a nine-foot landscape yard and a six-foot tall fence with one-foot of barbed wire.
- ◇ The monopole tower for a wireless communication facility (WCF) is permitted in the C-4 district per Table 743-301-1 of the Ordinance but is limited to a maximum of five feet higher than the building height permitted in the district when located within 500 feet of a protected district. The maximum building height permitted in the C-4 district is 65 feet so a maximum 70-foot-tall monopole tower would be allowed.
- ◇ The purpose of the wireless communications regulations shall be to: “encourage facilities to be located in areas least disruptive to residential, park and greenway uses and functions, including wildlife habitats, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors that are compatible with the adjacent land uses; retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a place in which to live and work as an attraction to nonresidents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.”
- ◇ The leased area would be 40 feet by 40 feet surrounded by a six-foot tall chain link fence, with three strands of barbed wire and with a nine-foot-wide landscape yard with bollards proposed an additional foot out.
- ◇ The Ordinance requires a 10-foot landscaped yard around the entire perimeter of the tower site to screen the equipment from view. This could be accomplished without the need for a variance since the site could be reconfigured to incorporate an additional foot to the proposed landscape plan.
- ◇ Staff determined that the proximity of the tower to the residential uses to the west and north would be inappropriate because the proposed tower would be substantially taller than any surrounding vegetation or structure, which would impact the adjacent properties more than the property upon which the tower would be located. There was no attempt to camouflage or integrate this tower with the existing built environment to limit the impacts of this WCF.
- ◇ The strict application of the zoning ordinance would not result in practical difficulties in the use of the property because a 70-foot-tall monopole tower could be proposed on site with a ten-foot landscape yard and elimination of the barbed wire without the need for variances. For these reasons, staff is recommending denial of the request.

(Continued)

## **STAFF REPORT 2023-DV1-025 (Continued)**

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	16 <sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 75-foot existing right-of-way and a 78-foot proposed right-of-way.
SITE PLAN	File-dated May 16, 2023.
AMENDED SITE PLAN	File-dated June 21, 2023.
LANDSCAPE PLAN	File-dated June 21, 2023.
ELEVATION	File-dated May 16, 2023.
AMENDED ELEVATION	File-dated June 21, 2023.
PLAN OF OPERATION	File-dated May 16, 2023.
FINDINGS OF FACT	File-dated May 16, 2023.

### **ZONING HISTORY – SITE**

#### EXISTING VIOLATIONS

None.

#### PREVIOUS CASES

None.

### **ZONING HISTORY – VICINITY**

**2015-UV1-015; 5015 East 16<sup>th</sup> Street** (south of site), Variance of use of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility, with a 150-foot-tall monopole tower (not permitted), with a 10-foot antenna, and accessory equipment cabinets, **denied**.

**2003-UV3-010; 5041 East 16<sup>th</sup> Street** (south of site), Variance of use of the Commercial Zoning Ordinance to provide for religious uses, **granted**.

**99-UV2-122; 5041 East 16<sup>th</sup> Street** (south of site), Variance of use of the Commercial Zoning Ordinance to provide for a rental, leasing and repair facility for automobiles and light trucks, **granted**.

**96-V2-99; 5102 East 16<sup>th</sup> Street** (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the placement of a 40 by 10-foot storage container to accommodate inventory associated with a retail discount store on-site (not permitted) for a temporary period of one year, **granted**.

(Continued)

**STAFF REPORT 2023-DV1-025 (Continued)**

**96-V3-30; 5013 East 16<sup>th</sup> Street** (south of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a fast-food restaurant, with a drive-through with off-street parking within the front yard along Bancroft Street, **granted**.

**87-UV1-119; 1534 North Emerson** (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the outside display and sale of automobiles without the required perimeter landscaping, **denied**.

**87-UV3-77; 5041 East 16<sup>th</sup> Street** (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the construction of an automobile parts store with major repair service and parts installation, **granted**.

**86-UV1-94; 1510 North Emerson Avenue** (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the operation of a motorcycle repair shop in a portion of an existing commercial building, **denied**.

**83-UV1-149; 1534 North Emerson Avenue** (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the retail sales of cars with four wall signs, also request a variance of the required setback for outdoor display of vehicles, minimum parking and the required six-foot landscaping strip, **granted for a temporary period of three years, expiring December 6, 1986**.

**82-UV3-19; 5102 East 16<sup>th</sup> Street** (east of site), Variance of use and development standards to permit the construction and operation of a drive-through window on an existing restaurant located within one-hundred feet of a residential zoning district, **denied**.

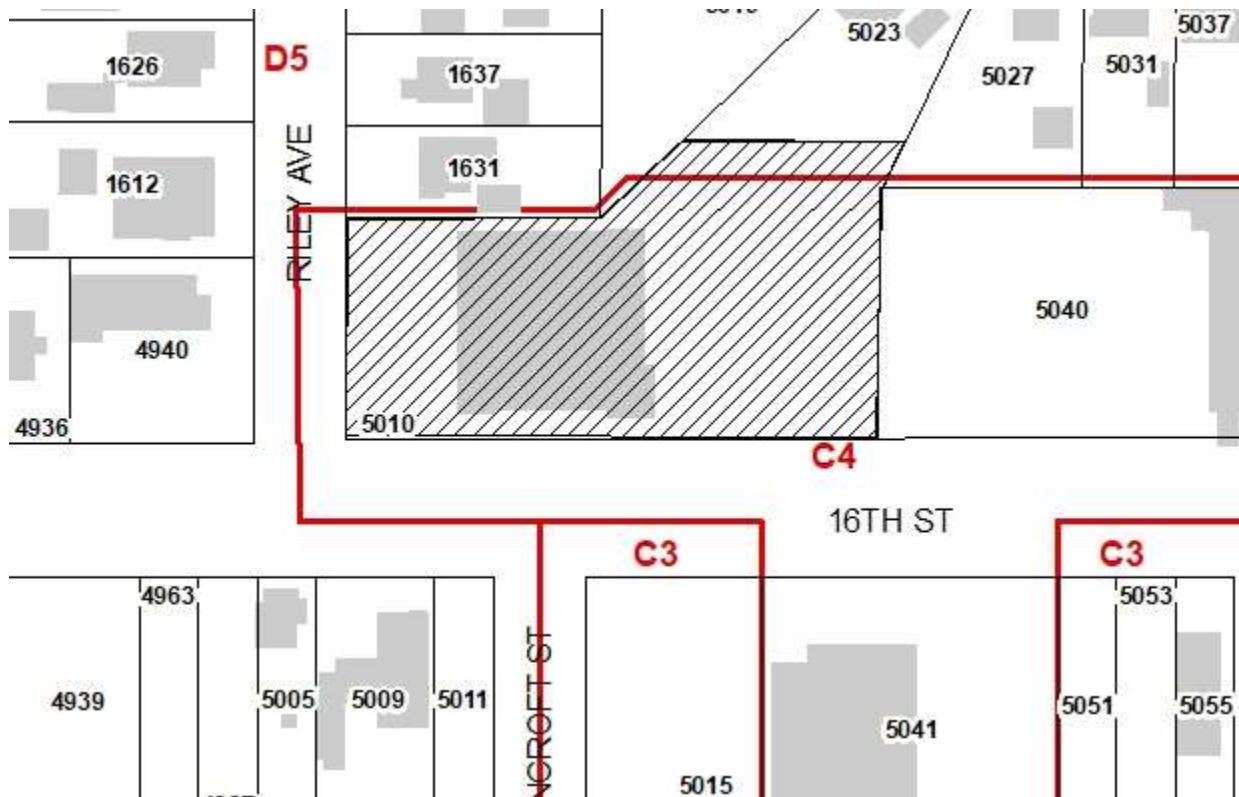
**76-UV2-80; 1534 North Emerson Avenue;** (southeast of site), Variance of use and development standards to provide for the outdoor display and sale of automobiles without the required display setbacks, perimeter landscaping or parking spaces, **granted for a temporary period of three years, expiring August 17, 1979**.

**62-V-335; 1534 North Emerson Avenue;** (southeast of site), Variance of development standards to provide for the expansion of a gasoline service station, **granted**.

MI

\*\*\*\*\*

## 2023-DV1-025; Location Map

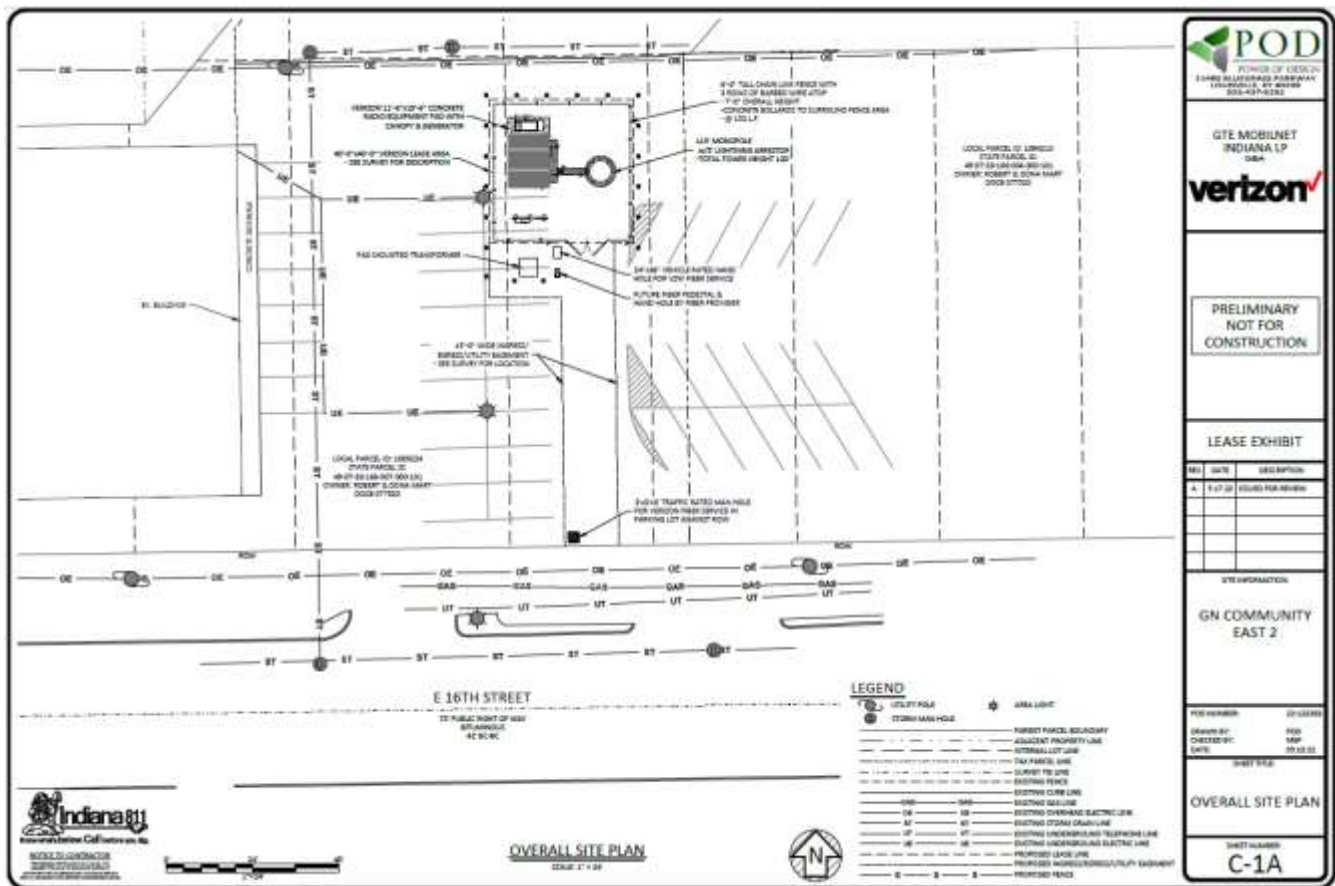
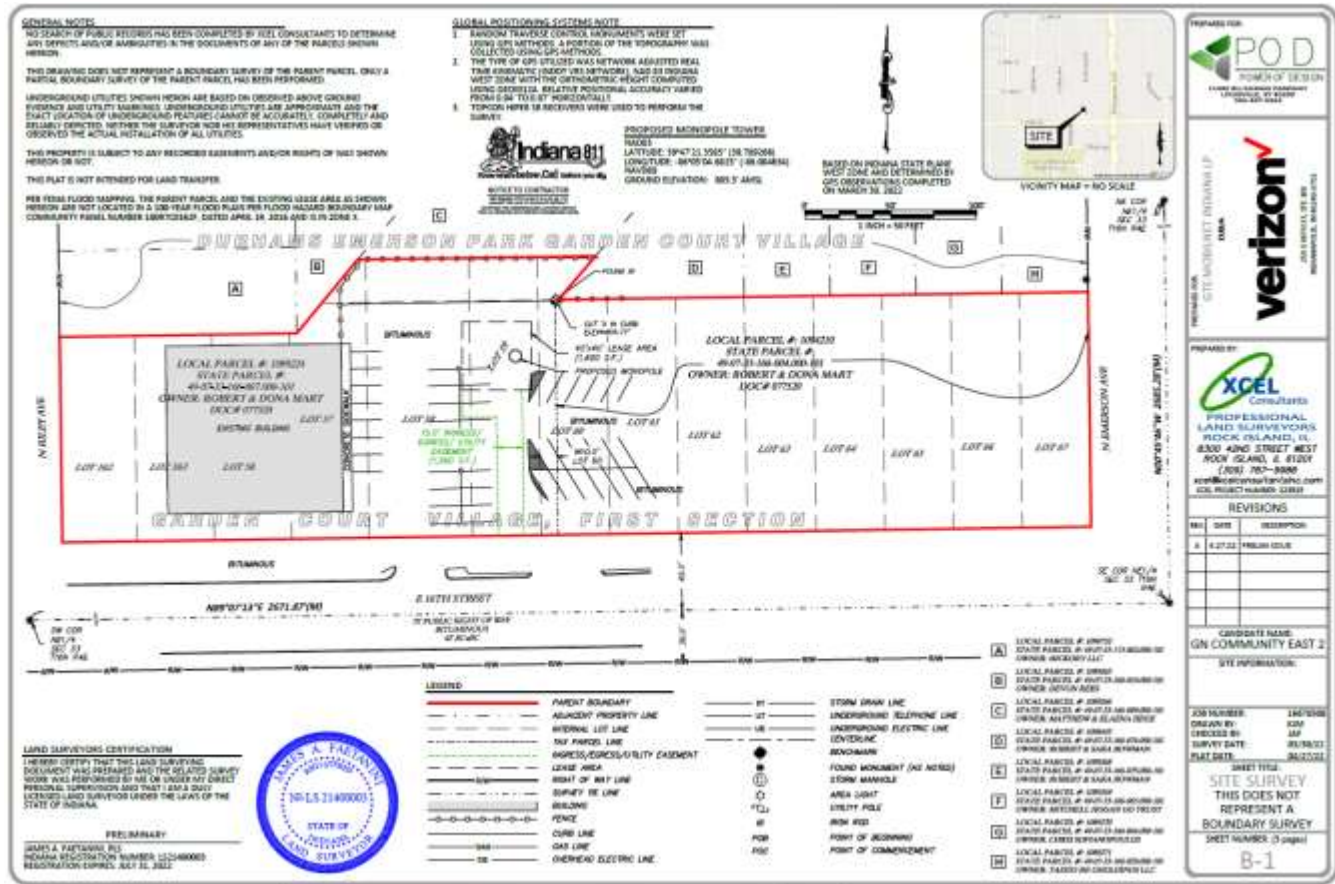


## 2023-DV1-025; Aerial Map

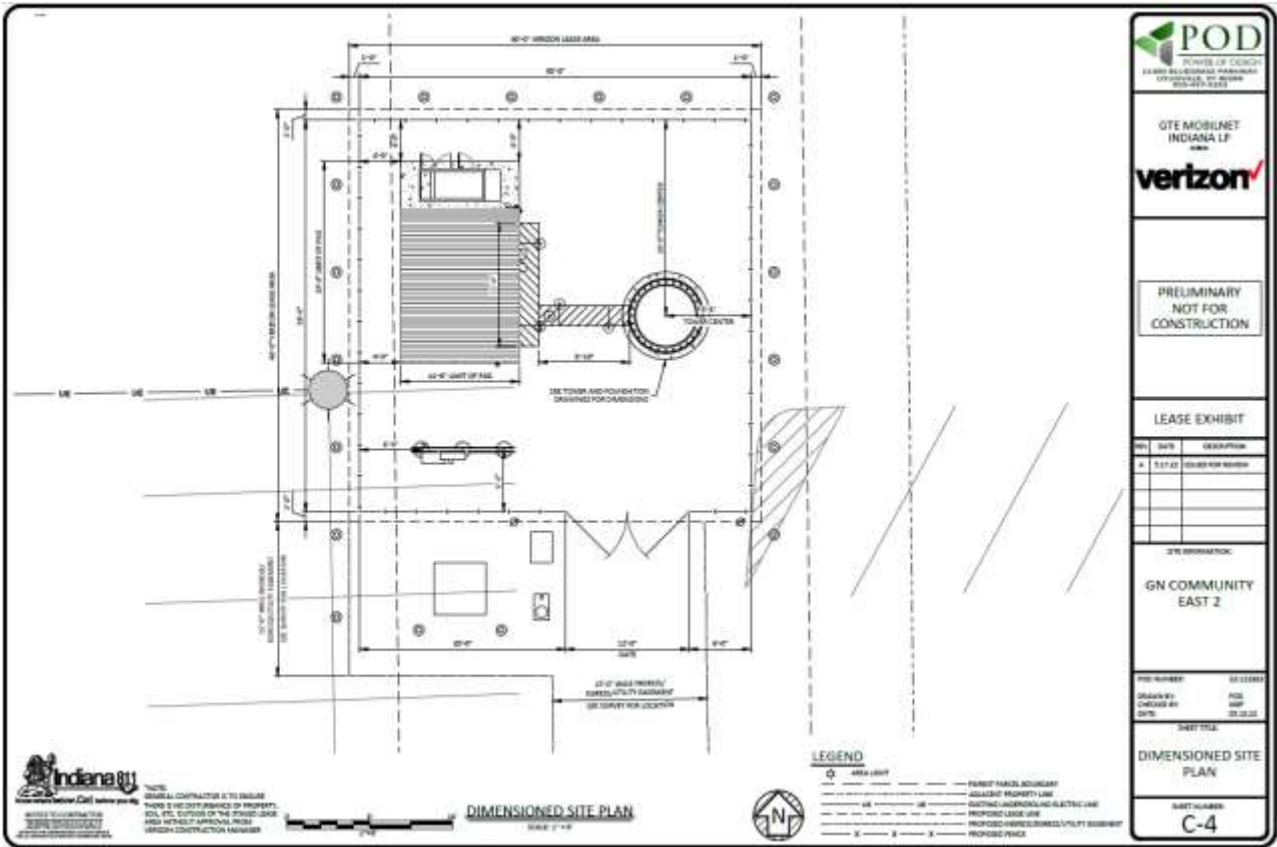




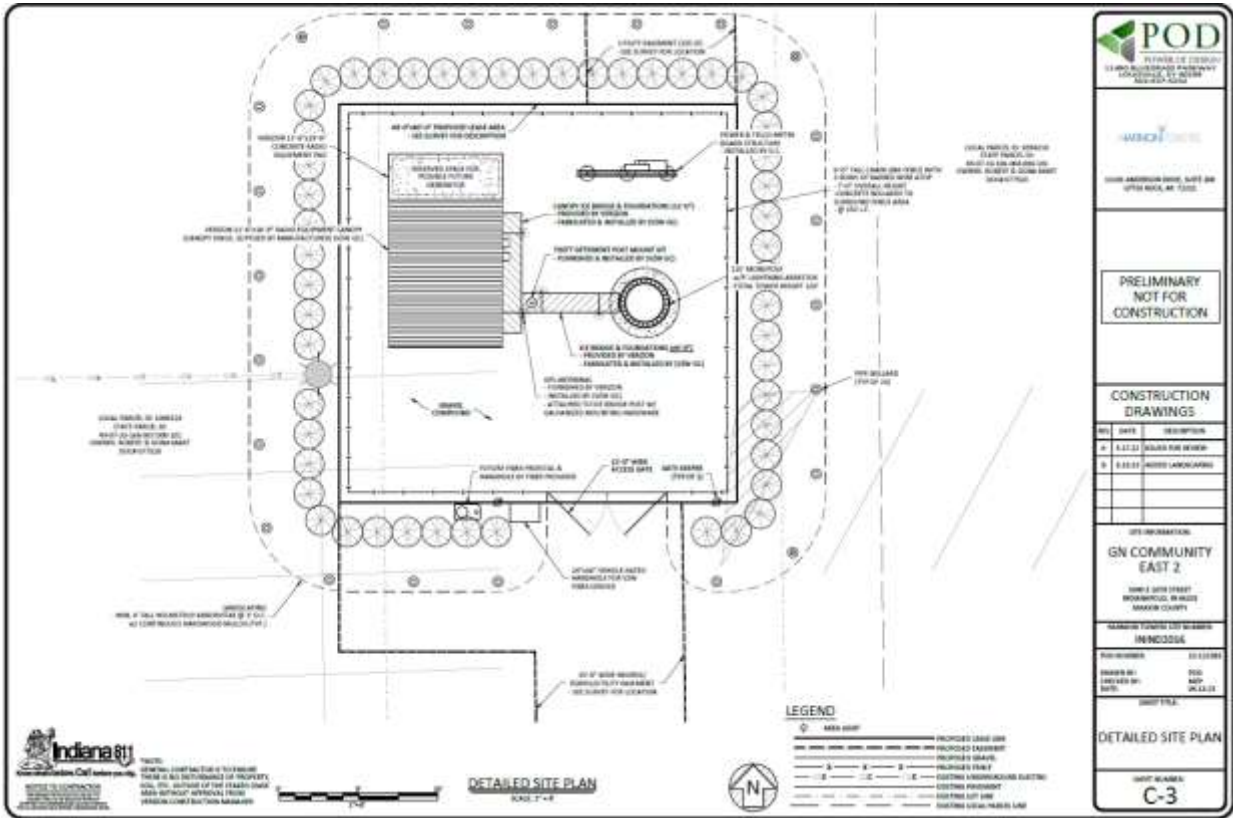
## **2023-DV1-025; Site Plan**



2023-DV1-025; Site Plan (Continued)



2023-DV1-025; Amended Site Plan

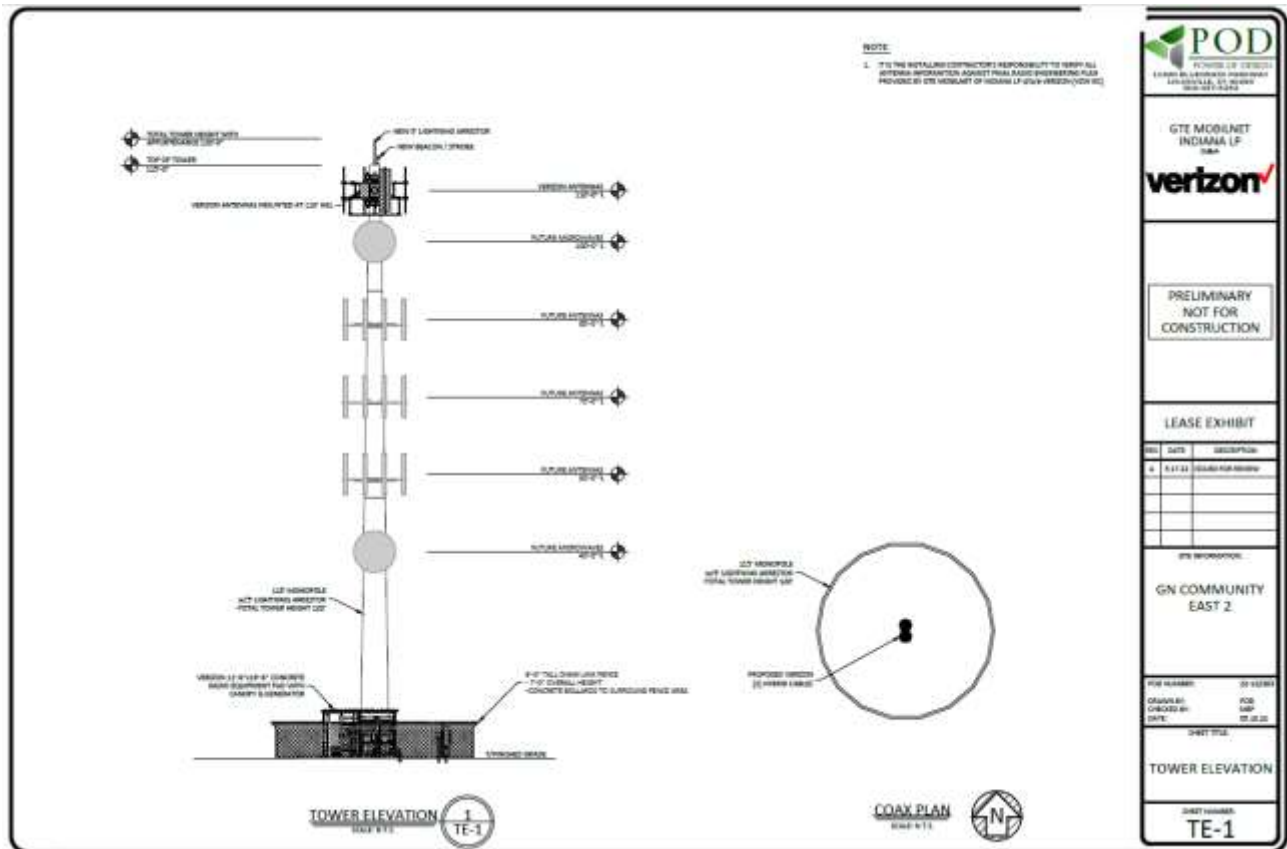


SHRUB PLANTING	2
QUEST	1-3

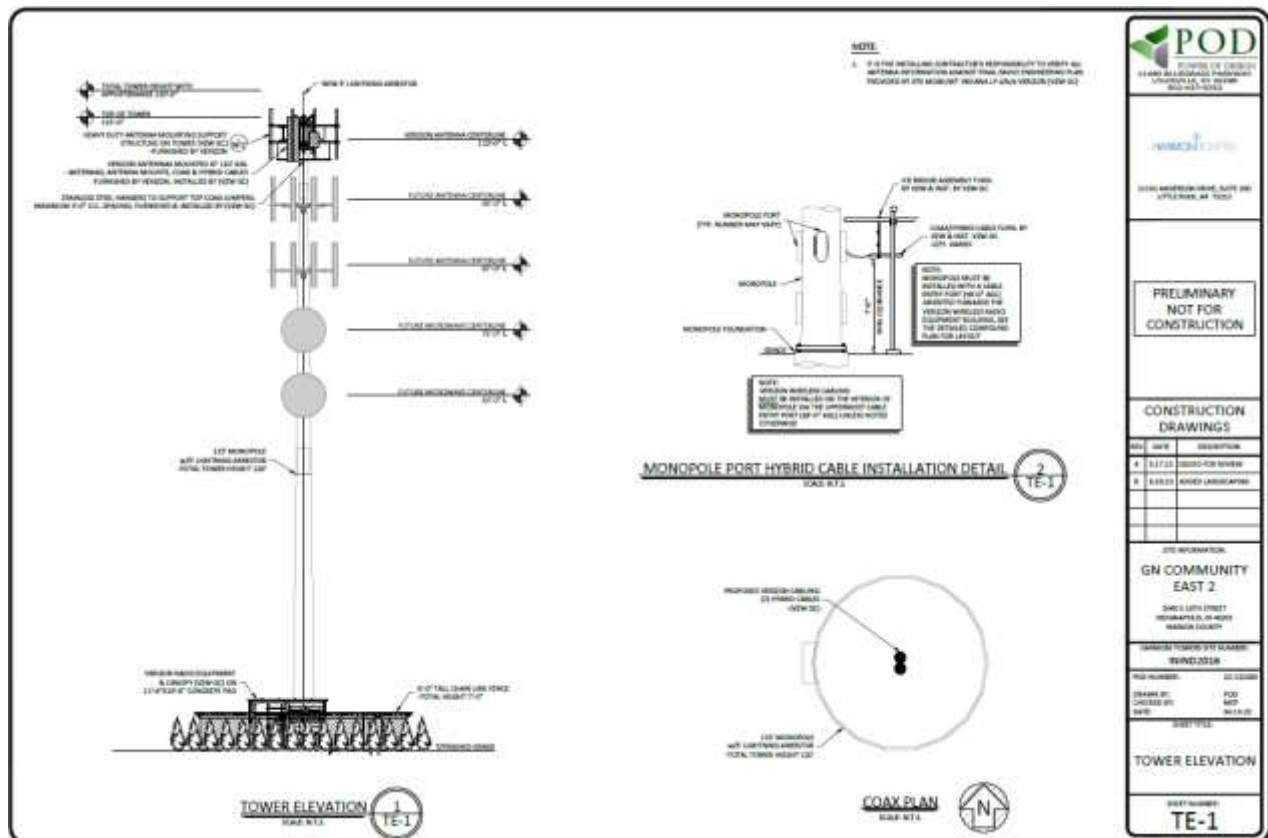




## 2023-DV1-025; Elevation



## 2023-DV1-025; Amended Elevation



## **2023-DV1-025; Plan of Operation**

### **Plan of operation – 115' communications tower, 5040 E 16TH STREET, Indianapolis, IN**

1. **Workforce:** This is an unmanned facility. Once the tower is operational, ongoing maintenance and upgrades are necessary to ensure that it continues to provide reliable service. This involves seasonal inspections and maintenance, as well as upgrades to equipment and software as needed to keep up with advances in technology and changes in network requirements.
2. **Clients & Customers:** This is an unmanned facility and will not be accessible to the general public.
3. **Processes conducted on Site:** The tower will support antennas and base station equipment for the Verizon Wireless network.
4. **Materials Used:** The tower is constructed of steel and sits inside of a fenced compound topped with barbed wire and surrounded by concrete bollards. It will be locked and accessible only by Verizon personnel. The facility is unmanned and will not be lit.
5. **Shipping & Receiving:** There will be no shipping or receiving taking place at this location.
6. **Waste:** There will be no waste generated at this facility. Any equipment that is removed or no longer in service will be removed from the site.

A communications tower, also known as a cell tower, is an essential infrastructure component in modern society. It is used to transmit and receive cellular signals, enabling people to communicate with each other over long distances. Here are some reasons why a cellular tower is a necessary and justifiable investment:

1. **Improved Communication:** Cell towers improve communication by providing a more reliable and clearer connection for people to make phone calls, send text messages, and access the internet.
2. **Increased Access:** Cell towers allow more people to have access to cellular service.
3. **Public Safety:** In emergency situations, cellular towers are a crucial tool for emergency responders to communicate with each other and with the public.
4. **Economic Development:** The availability of cellular service can attract new businesses and industries to an area. This can lead to increased employment opportunities, increased tax revenues, and an overall improvement in the local economy.
5. **Infrastructure Investment:** Building a cellular tower is a significant investment in the local infrastructure. This investment can benefit the community in the long term by increasing property values, improving access to services, and making the area more attractive to new residents and businesses.

**2023-DV1-025; Photographs**



Photo of the proposed location of the monopole tower at 5010 East 16<sup>th</sup> Street.



Photo of the rear yard setback.





Photo of 16<sup>th</sup> Street looking west.



Photo of the the commercial properties south of the site.





Photo of 16<sup>th</sup> Street lookng east.