

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV1-021
Address: 1931 Lake of the Pines Drive, 8535 & 8515 West 21st Street
(approximate address)
Location: Wayne Township, Council District #6
Zoning: D-11
Petitioner: Lake of the Pines LLC, by Joseph D. Calderon
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 52 lots with mobile homes, without an underground safe room or the installation of walkways (1,040 square foot safe room required for 52 lots and installation of walkways required) with 22-foot-wide pavement (24 feet required).

This petition was automatically continued from the July 6, 2023 hearing to the August 1, 2023 hearing at the request of a City-County Councillor.

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

D-11	Metro	Residential
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SURROUNDING ZONING AND LAND USE

North	D-A/D-4	Residential (Single-family dwellings)
South	D-4/D-P	Residential (Single-family dwellings) / Nursing Home
East	D-A/D-5/D-4	Residential (Single-family dwellings)
West	SU-10/D-5/D-3	Cemetery / Residential (Single-family dwellings)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends suburban neighborhood development.

(Continued)

STAFF REPORT 2023-DV1-021 (Continued)

- ◇ The subject site, zoned D-11, is comprised of four parcels. Three of the parcels are contiguous, developed with single-family dwellings and located along the eastern boundary of the existing mobile dwelling project development. The fourth parcel is an internal parcel currently used for outdoor storage for the residents. The site is surrounded by undeveloped land to the north, zoned SU-10 and single-family dwellings to the north, across West 21st Street, zoned D-A; single-family dwellings and mobile dwelling project development to the south, zoned D-5 and D-11, respectively; a single-family dwelling and a mobile dwelling project development to the east, zoned D-A and D-11, respectively; and a mobile dwelling project development and undeveloped land to the west, zoned, zoned D-11 and SU-10, respectively.
- ◇ The D-11 district allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 district is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district fulfills a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 district is 6 units per gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, similar to site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares is necessary for the location of this district.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the expansion of a mobile home park development with 52 new lots without the required underground safe room, with deficient street widths and without walkways.
- ◇ The D-11 district has other standards specific to mobile home developments which require an underground safe room for all new developments with at least 20 square feet of space for each mobile home site for protection from tornados.
- ◇ The 52 new lots would require an underground safe room totaling 1,040 square feet. Seeing that there would be two sites on opposite ends of the existing mobile home park, staff would advise that an underground safe room be provided at each expansion site for the corresponding new lots for ease of access.
- ◇ Staff found no reason to support a variance from the underground saferoom standard since this would prevent a safety precaution that was determined important enough to be included in the 2016 adoption of Ordinance changes to save lives. If there is a concern with financing, then staff would recommend reducing the number of lots to ensure this safety measure is included.

Streets and Walkways

- ◇ The D-11 district requires that private interior streets that have two-way traffic with no parking shall have a minimum pavement width of 24 feet, exclusive of curb or gutters, and that walkways be installed on both sides of a roadway with an improved width of greater than 20 feet. Walkways are required on one side of interior streets if improved with an improved width of 20 feet or less.

(Continued)

STAFF REPORT 2023-DV1-021 (Continued)

- ◇ As proposed, the interior streets would measure 22 feet wide without the required walkways.
- ◇ The request to reduce the street width and not propose the walkways is bad practice and would show that pedestrian safety is not a priority. Staff understands that the existing mobile home development does not have walkways, but that is because it was not required at the time those sections were constructed. Continuing this pattern would not be beneficial to the new residents that could live in a community that is required to be developed with pedestrian safety in mind.
- ◇ Staff determined that the strict application of the terms of the zoning ordinance would not result in practical difficulties in the use of the property because the subject sites could still be developed as expansions to the mobile home park while meeting the standards of the Ordinance.
- ◇ Furthermore, the approval of the variance would be injurious to the public safety of the new residents since the Ordinance was updated with new safety measures which the petitioner is requesting to eliminate through the proposed layout of the expansions.
- ◇ For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION

THOROUGHFARE PLAN	21 st Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 31.5-foot existing right-of-way and a 80-foot proposed right-of-way.
SITE PLAN	File-dated May 25, 2023.
FINDINGS OF FACT	File-dated April 6, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

1. **VIO23-004738:** 1931 Lake of the Pines Drive (subject site) The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance;(744-903.G.9. - Commercial off-premise signs are prohibited).

PREVIOUS CASES

2022-CZN / CVR-802; 8515 and 8535 West 21st Street and 1931 Lake of the Pines Drive (subject site) Rezoning of 8.851 acres from the D-A District to the D-11 classification and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 20-foot perimeter yard along the north and west lot lines (50-foot perimeter yard required), **approved and granted.**

(Continued)

STAFF REPORT 2023-DV1-021 (Continued)

98-AP-63; 8625 and 8647 West 21st Street (subject site), requested a modification of commitments, related to petition 94-Z-136 to delete Commitment Number 3 requiring landscaping along the east property line of the site; alternative landscaping would be provided along the east property of the adjacent site, **withdrawn**.

97-Z-229; 8605 West 21st Street (subject site), Rezoning of 10 acres, to the D-11 classification to provide for the expansion of a mobile home park, **approved**.

94-Z-136; 8625 and 8647 West 21st Street (subject site), requested rezoning of seven acres from the D-3 and D-A Districts to the D-11 classification to permit the expansion of a mobile home project, **approved**.

86-V2-17; 8701 West 21st Street (north or subject site?), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a mobile home park without the required side yards and with an open storage area for recreational vehicles, **granted**.

70-Z-242; 8801 West 21st Street (subject site), requested rezoning of 100 acres, being in the A-1 District, to the D-11 classification to provide for mobile home development, **approved**.

ZONING HISTORY – VICINITY

2023-DV1-003; 8838 West 21st Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 3,450 square foot detached accessory structure to be used as a hobby shop, being larger than the primary dwelling (not permitted), **granted**.

2018-ZON-116; 8845 West 21st Street (west of site), Rezoning of 7.00 acres from the D-11 district to the SU-10 classification, **approved**.

2014-UV2-013; 8434 West 21st Street (northeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the erection of a 1,500-square foot pole barn to house horses, cows and/or maintenance equipment, prior to the erection of a single-family dwelling, **granted**.

2007-UV1-004; 8434 West 21st Street (northeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a twenty-foot tall, 2,048-square foot pole barn without a primary structure on the lot, **granted (subject to the construction of a primary dwelling within 18 months of approval-not completed)**

2005-DV1-044; 8410 West 21st Street (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 2,120-square foot accessory building resulting in 2,648 square feet of accessory building area, or 262 percent of the main floor area of the primary structure, **withdrawn**.

2002-ZON-168; 1745 North Raceway Road (west of site), Rezoning 33.495 acres from the SU-10 (FW) (FF) to D-5 (FW) (FF), to provide for single-family residential development, **approved**.

(Continued)

STAFF REPORT 2023-DV1-021 (Continued)

94-Z-185 / 94-CV-29; 1948 North Country Club Road (east of site), Rezone 13.67 acres from D-12 to D-5 and a variance of development standards to permit construction of a single-family residential development including two-story dwelling structures with a main floor area of the primary building of 585 square feet (minimum 660 square feet required), **approved and granted.**

93-Z-78; 8738 West 21st Street (north of site), Rezoning of 43 acres, being in the D-A District, to the D-4 classification to provide for the development of a single-family residential subdivision by platting, **approved.**

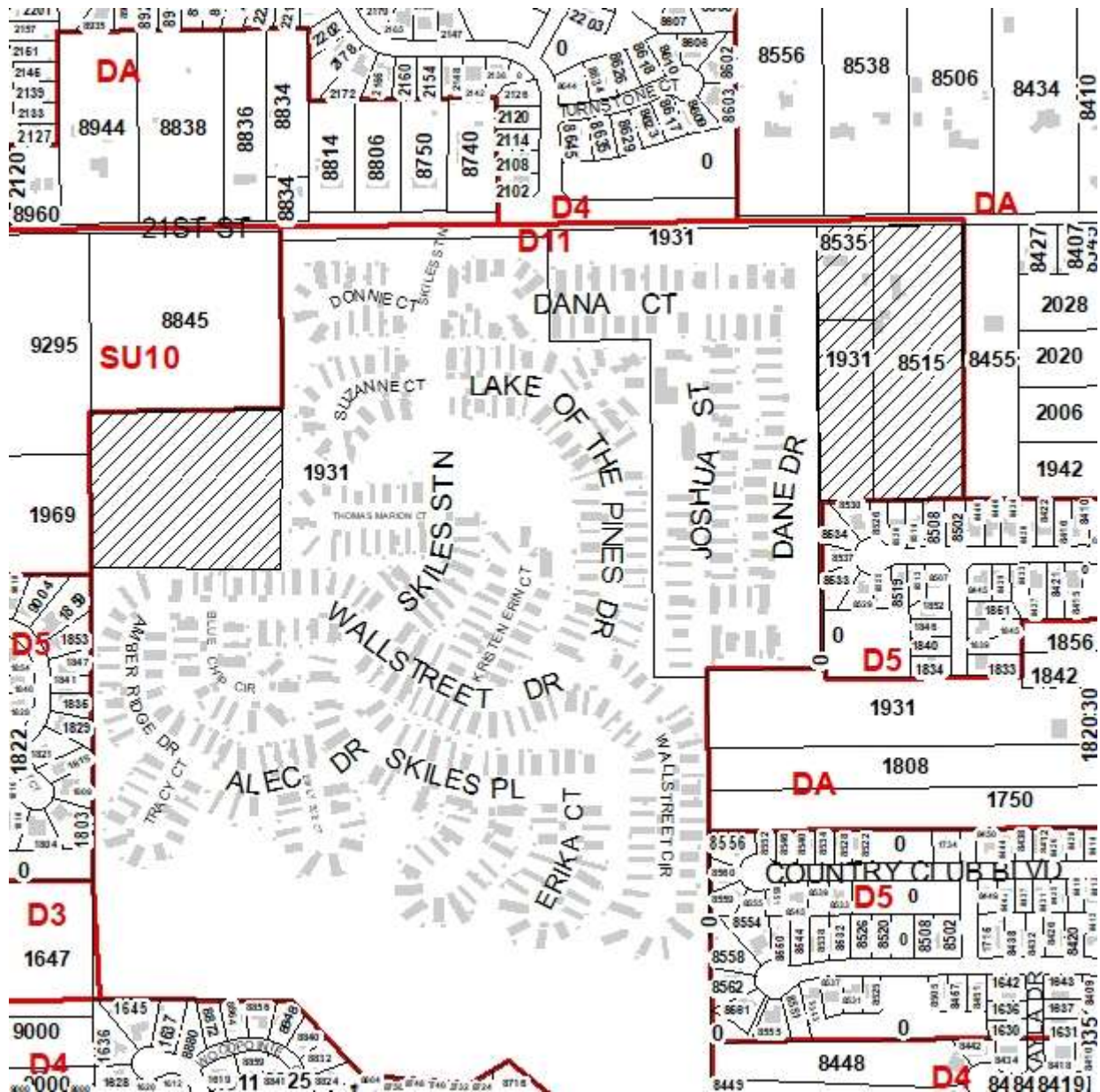
89-Z-33; 1602 Woodpointe Drive (south of site), Rezoning of 9.00 acres, being in the D-1 District, to the D-4 classification to provide for residential development, **approved.**

89-Z-227; 1926 Country Club Road (east of site), Rezoning of 12.94 acres, being in the A-2 District, to the D-12 classification to provide for two-family residences, **approved.**

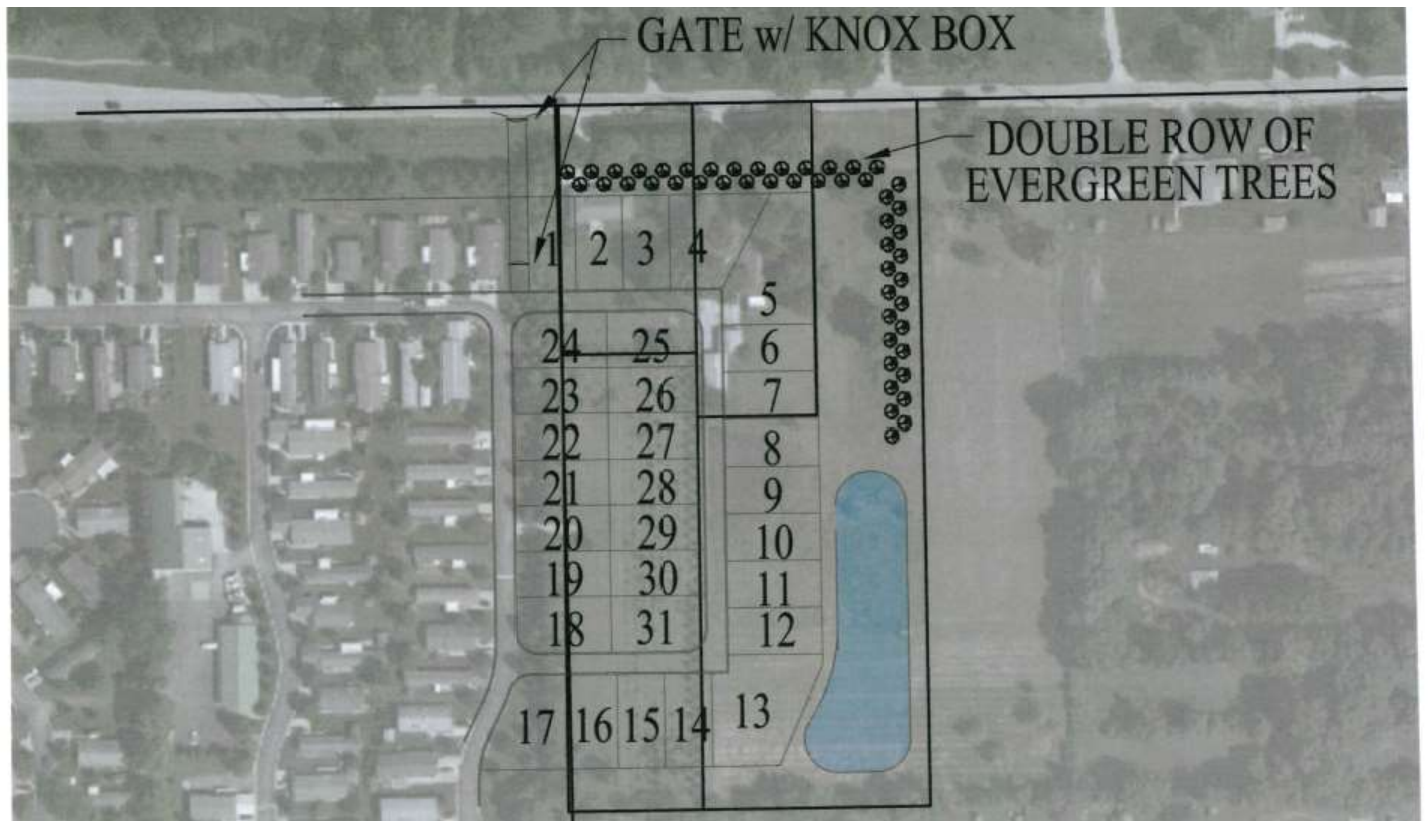
87-HOV-62; 2006 Country Club Road (east of site), Variance of development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for the construction of a barn at eight feet from the side property line (15-feet required), **granted.**

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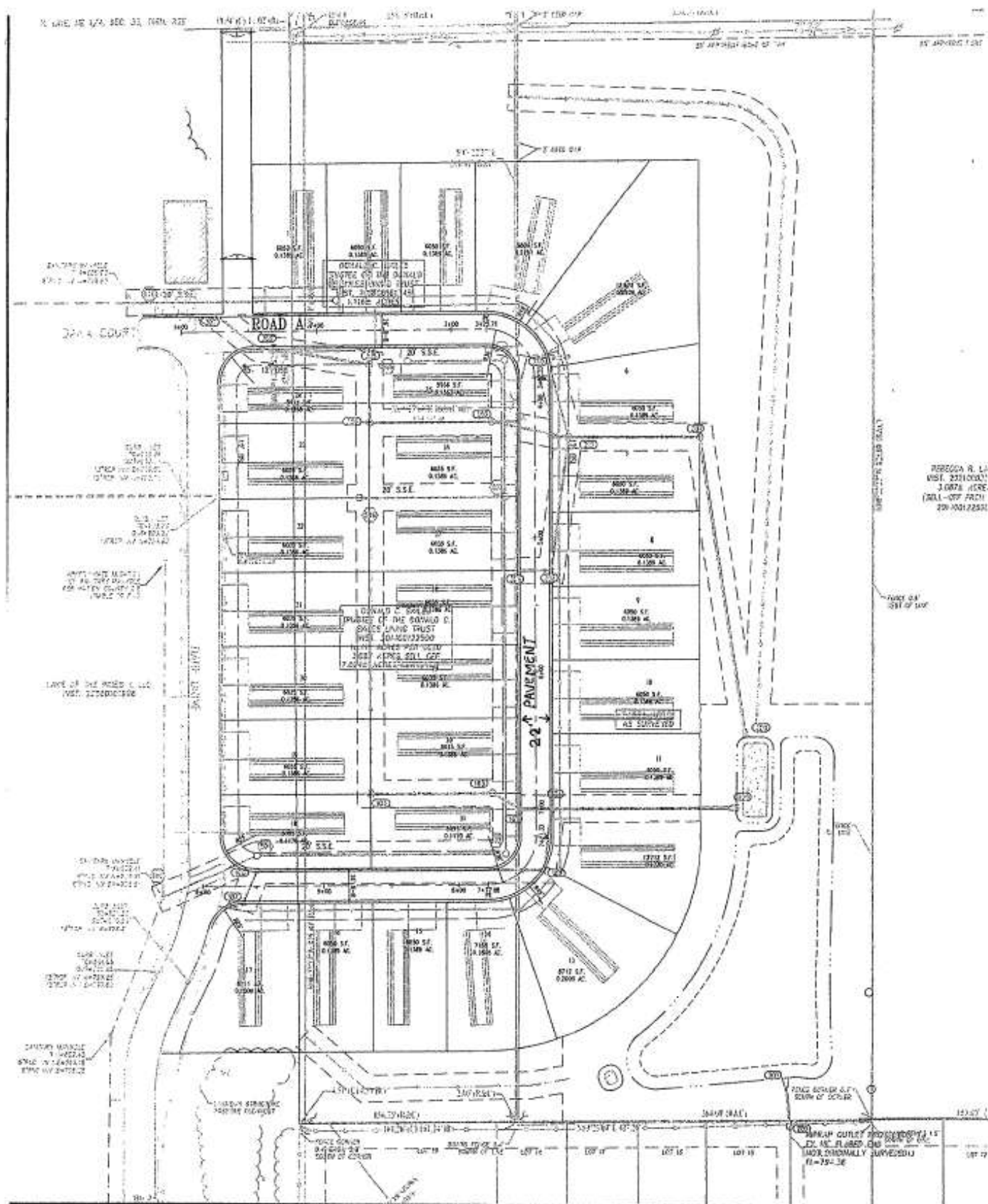
2023-DV1-021; Location Map



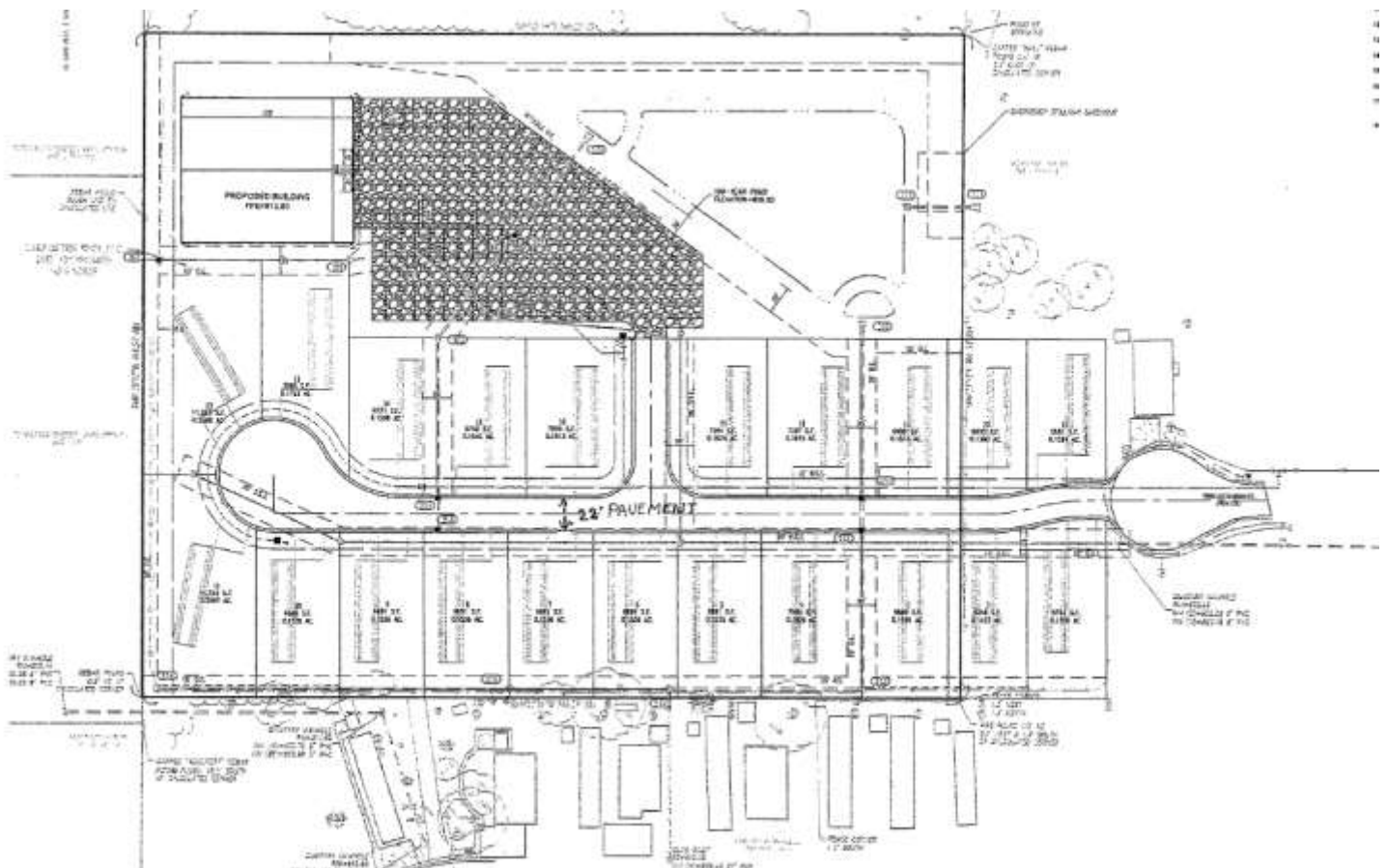
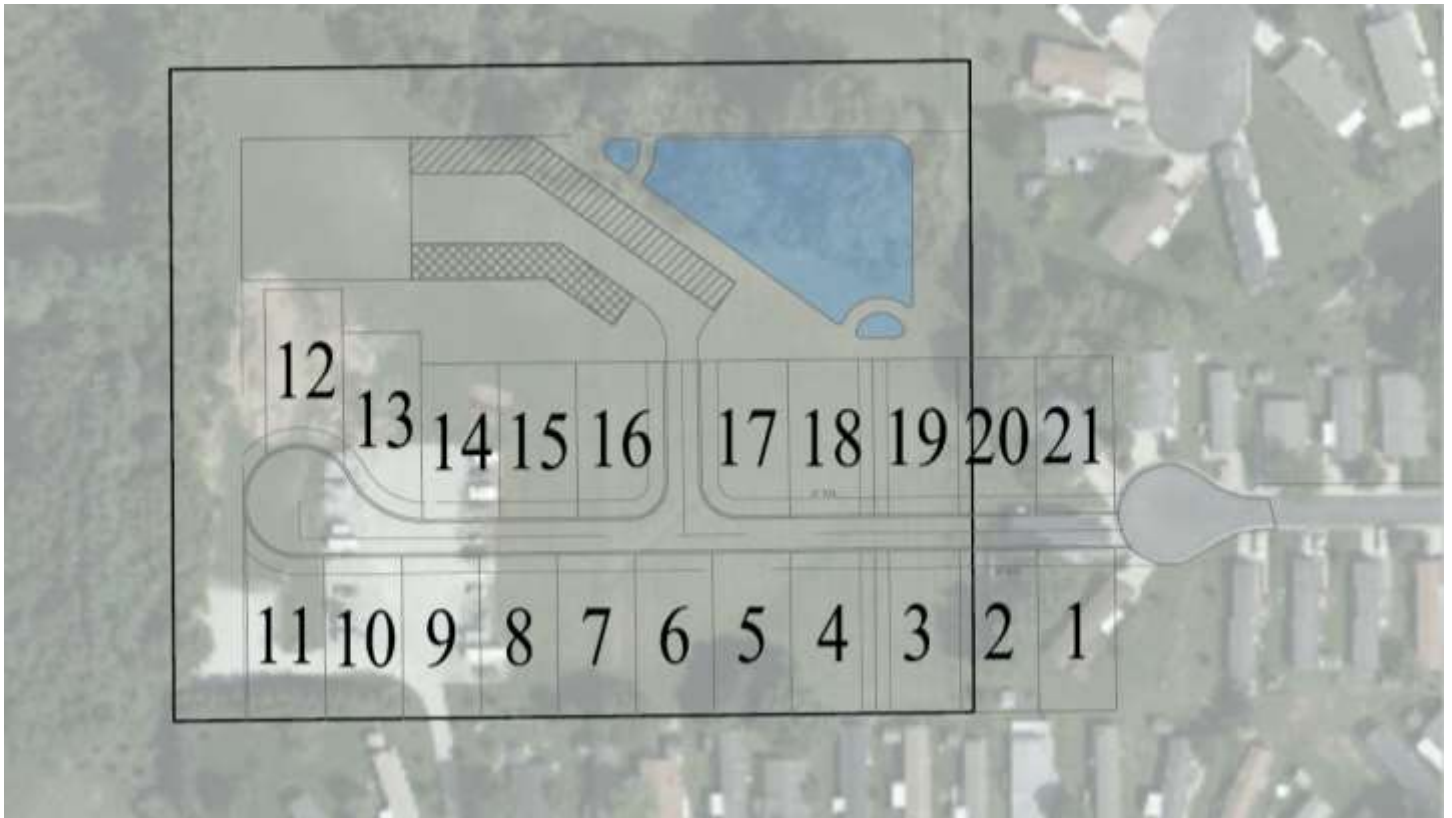
2023-DV1-021; Site Plan



2023-DV1-021; Site Plan (Continued)



2023-DV1-021; Site Plan (Continued)



2023-DV1-021; Photographs



Looking west at the internal site to the norhtwest.



Looking west at the internal site proposed entrance.



Photo looking west at the internal northwest site.



Photo looking north at the internal northwest site.



Photo looking northeast at the internal northwest site.



Photo of the existing entrance to the northwest site.



Photo of the existing entrance to the eastern site.



Photo of the existing east perimeter landscaping.



Photo looking east at the 1931 Lake of the Pines Drive parcel to the east.



Photo looking northeast at the 8515 West 21st Street parcel.



Photo looking south from 21st Street at the emergency exit to remain.



Photo looking south at the 8535 West 21st Street parcel.



Photo looking south at the 8515 West 21st Street parcel.