

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CAP-826 / 2023-CVR-826
Address: 4195 Millersville Road (*Approximate Address*)
Location: Washington Township, Council District #9
Petitioner: Garvey Properties, LLC, by Joseph D. Calderon
Request: Modification of Development Statement and Site Plan related to 2013-ZON-037 to remove the requirement for landscaping and buffering along Millersville Road and Meadows Parkway, and to provide for storage buildings as shown on the site plan submitted with this petition.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building located ten feet from Meadows Parkway with zero transparency (40% transparency required for buildings within 50 feet of a local street).

RECOMMENDATION

Staff **recommends approval of these requests**, provided that the following commitments be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Prior to the issuance of any Improvement Location Permit for this site, all barbed wire and razor shall be removed from the perimeter fence.
2. A landscape plan shall be submitted for Administrator's Approval prior to the issuance of any Improvement Location Permit for this site. The landscaping shall be in excess of that required by the Ordinance in order to screen the view of the remaining existing fence and the material storage behind it.
3. Building elevations for the Meadows Parkway façade of the proposed building shall be submitted for Administrator's Approval prior to the issuance of any Improvement Location Permit for the building. The façade shall be in substantial compliance with the Building Façade Illustration submitted on May 30, 2023.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The site is part of the former, long-time home of the William Roberts & Sons Dairy, which operated at the site from circa 1925 to late in the century.
- ◇ The site is located at the intersection of Millersville Road and Meadows Parkway. Millersville Road functions as a dividing line between a single-family neighborhood to the northwest and a mix of institutional, commercial and industrial uses to the southeast. The site abuts a school property, is caddy-corner from another school property and is across the street from a Bureau of Motor Vehicles branch office.
- ◇ As can be seen in one of the photographs below, much of the site is surrounded by a rusty chain-link fence with barbed wire wrapped in razor wire and grown up with weedy vegetation. According to the Ordinance, with the construction of the proposed buildings, much of this fence will have to be removed. However, portions of it along both frontages would be permitted to remain. This fence is not pedestrian-friendly. The barbed and razor wire should be removed and the weedy vegetation along both frontages should be replaced with heavy and appropriate landscaping.
- ◇ The Comprehensive Land Use Plan (2018) recommends Village Mixed-Use for the site. This typology envisions a pedestrian-friendly, mixed-use village core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development surrounded by varying densities of residential development.

MODIFICATION OF COMMITMENTS

- ◇ The site was rezoned from the C-S district to the C-S district through petition 2013-ZON-037. This petition provided for a variety of land uses including a landscape design and installation business, a plant nursery with material and equipment storage, a sculpture garden, retail sales area, urban farming, fabrication and warehouse space; general office and flex space, and I-2-S uses. The petition was approved subject to compliance with a development statement and a conceptual site plan.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826 (Continued)

- ◇ The development statement says that the Millersville Road frontage “will contain a combination of lawn/turf farm and plantings to provide partial screening of material and vehicle storage.” It goes on to say that “the Meadows Drive frontage will include a nursery where landscape materials will screen operations in the storage yard area.”
- ◇ This petition would provide for contractor storage units in the area previously approved for the lawn/turf farm and nursery.
- ◇ Storage units are permitted by the previous petition as they were permitted in the I-2-S district. If storage units were not already permitted on this site, staff would be unlikely to recommend their approval now, given the Comprehensive Land Use Plan recommendation of Village Mixed-Use and the changed character of the area.
- ◇ The storage units would provide “partial screening of material and vehicle storage” on site, as well as screening “operations in the storage yard area” as sought after in the previous petition. The proposed buildings would be required to be landscaped to the standards of the Ordinance.

VARIANCE

- ◇ This petition requests a variance to provide for zero transparency on the front of a building located within ten feet from Meadows Parkway. Transparency is required for building facades within 50 feet of a local street. The standard for transparency is that 40% of the portion of a wall between the heights of three and eight feet above grade must be glass or other transparent material. This provides for visual contact between the street or sidewalk and the inside of the building. This is a security measure aimed at providing surveillance between the street and the interior of a business.
- ◇ The transparency requirement also makes for a more pedestrian-friendly streetscape, in part by reducing the extent of long stretches of blank walls along a sidewalk. As proposed the building would place a blank wall, 240 feet in length, along the frontage of Meadows Drive.
- ◇ Currently no sidewalks run along the Meadows Parkway or Millersville Road frontages of the site, however construction of the proposed buildings would trigger a requirement to construct them. Given the mix of land uses in the area, pedestrian usage of these sidewalks is likely to be considerable. Persons using the sidewalk along Meadows Parkway would be roughly ten to twelve feet from a long, blank wall. This is not a pedestrian friendly streetscape.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826 (Continued)

- ◇ Given the nature of the proposed use, storage units for contractors, windows in the building would not add to their safety or security. The petitioner has offered to break up the bleak appearance of the long blank wall with a combination of landscaping, murals and trellis as shown in the illustration below.

Wellfield Protection Secondary Zoning District

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. The subject site is within the Fall Creek W-5 wellfield protection area.
- ◇ All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S	Compact	Undeveloped land, landscape nursery
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SURROUNDING ZONING AND LAND USE

Northwest	D-5	Single-family dwellings
Southeast	C-S, D-P	Vacant industrial building, Avondale Meadows Middle School
Northeast	C-S	Commercial/industrial complex
Southwest	C-4, C-S	Event center, Bureau of Motor Vehicles branch

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826(Continued)

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Land Use Plan (2018) recommends Village Mixed-Use.
THOROUGHFARE PLAN	<p>Millersville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 72-foot existing right-of-way and a 56-foot proposed right-of-way.</p> <p>Meadows Parkway 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.</p>
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This this site is located within the Fall Creek W-5 wellfield protection district.
STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.

ZONING HISTORY – SITE

2013-ZON-037; 4201 Millersville Road, requested the rezoning of 13.4 acres from the C-S district to the C-S district to provide for a landscape design and installation business, including offices, nursery, material and equipment storage, sculpture garden, retail sales area; offices and production space for the design and fabrication of landscape feature, fencing and artwork for hardscape installation; urban farming and associated uses, aquaponics and related operations; fabrication and warehouse space; general office and flex space; schools and ancillary facilities; other compatible uses and I-2-S uses, **approved**.

89-Z-7; 4201 Millersville Road, requested the rezoning of 14.3 acres from the D-5 district to the C-S district to provide for offices, general storage facilities, manufacturing, processing and packaging of food products, and high-tech research, development and manufacturing, **approved**.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826(Continued)

ZONING HISTORY – VICINITY

2014-ZON-029; 4201 Millersville Road (northeast of site), requested the rezoning of 6.3 acres from the C-S district to the C-S district to add automobile and motorcycle restoration and storage, lawn care, tree service, contracting offices and operations to the list of permitted uses, **approved**.

2013-ZON-071; 4175 Millersville Road (southwest of site), requested the rezoning of 1.3 acre from the C-1 district to the C-S district to provide for C-3 uses and a banquet hall, **approved**.

2012-ZON-042; 3801 - 4005 Meadows Drive, 3805 – 3806 North Dearborn Street (southeast of site), requested the rezoning of 102 acres from the D-8, D-9, SU-2, C-4 and C-S district to the D-P district to provide for single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 districts, special and institutional uses permitted within the SU-1, SU-2, SU-3, SU-6, SU-7, SU-9, SU-37, SU-38 and SU-39 districts, light manufacturing and assembly, agricultural uses, community garden and sales of products produced therein, **approved**.

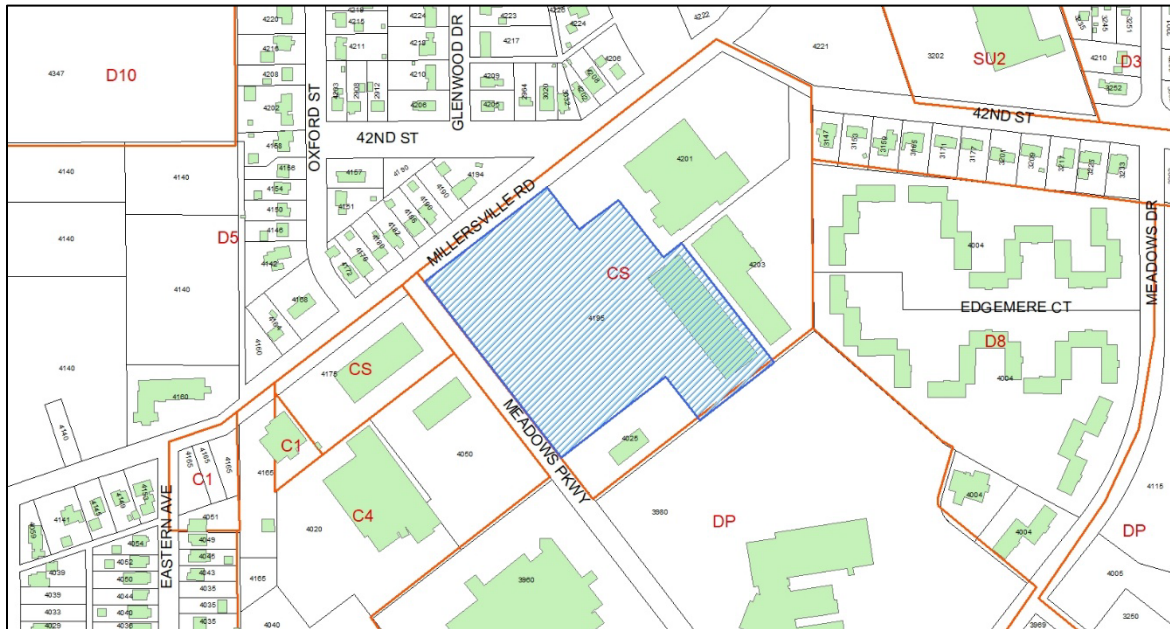
2006-ZON-008; 3980 Meadows Drive (southeast of site), requested the rezoning of 14 acres from the C-1, C-4 and D-8 districts to the SU-2 district, **approved**.

87-UV1-45; 4201 Millersville Road (northeast of site), requested a variance of use to provide for a loading dock, **approved**.

62-Z-172; 3939 Meadows Drive (southwest of site), requested the rezoning of two acres from the U1-H1-A2 district to the U3-H1-A4 district to provide for the sales of office equipment, **approved**.

klh

STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Location



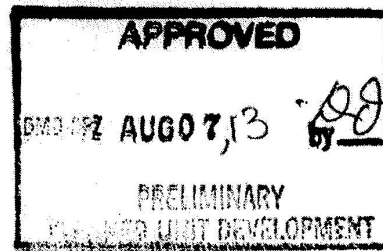
STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Aerial photograph (2023)



STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Commitments for petition 2013-ZON-037

4201 Millersville Road
Development Statement

Rezoning Petition - 2013-ZON-037



Introduction/History

The subject property has been utilized for industrial manufacturing, processing and distribution since the initial construction in the early 1900's. The site was the headquarters of a major dairy operation until the mid 1980's, and subsequently for smaller storage and manufacturing/construction companies.

Permitted Uses

Principal use of the subject property will be for the headquarters for a landscape/design and installation firm. Facilities include office, nursery, material and equipment storage, as well as a sculpture garden and retail sales area.

Other permitted uses will include:

- Offices and production space for companies involved in design and fabrication of landscape features, fencing, and art work to be utilized in hardscape installations.
- Urban farming and associated uses
- Aquaponics and related operations
- Fabrication and Warehouse space
- General Office and Flex space
- Schools and ancillary facilities
- Other compatible uses and those permitted within the I-2-S zoning district

Building Demolition/Site work

Due to the age and obsolescence of the existing buildings, all or certain portions of the structures may be demolished. The remaining facilities will be upgraded and utilized for those uses identified. Building additions or new structures will be permitted within the development standards outlined on the Site Plan.

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MAY 24 2013

METROPOLITAN DEVELOPMENT

Site Plan

A preliminary site plan is included with this petition (*See Exhibit*). However, further amendments which meet the development standards are contemplated as specific uses occupancy the site. Such amendments shall be submitted to the Administrator of the Department of Metropolitan Development for review and approval.

Building Setback

Any new structures or additions will confirm with the Commercial Zoning Ordinance.

Screening/ Buffering

Additional landscaping and screening is proposed along the Millersville Road frontage as noted on the Site Plan. This area will contain a combination of lawn/turf farm and plantings to provide partial screening of material and vehicle storage. Similarly, the Meadows Drive frontage will include a nursery where landscape materials will screen operations in the storage yard area.

Perimeter buffering on the south and east property lines will generally remain in place, with general maintenance as may be required.

The west portion of the south property line is currently fenced, and will remain. Additional fencing material, if installed shall be chain link and will be six (6) feet in height.

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MAY 24 2013

METROPOLITAN DEVELOPMENT

Signage

The signage plan for the property includes the following elements:

Main Identification Sign (Northeast Corner):

Millersville Road Entry Sign

Building Tenant Signs

Directional Signs

These signs will comply with ordinance requirements or a variance would be requested.

Site Lighting

Overhead and building mounted security lighting will be permitted on the property. Such lighting shall not adversely impact the adjoining properties.

Operations

The Landscape company will utilize the property for various activities including office, limited retail sales, storage of materials, vehicles and equipment. Currently the company has ten (10) full time and 25 seasonal employees. Subject to ability to grow the business, this number could increase to fifteen (15) full time and thirty-five (35) seasonal employees. The balance of the property will be used for compatible permitted uses and will include parking and storage for ancillary business operations. Outside storage shall be screened from any residential use.

Hours of Operation

Typical hours of operation will be from 6 am to 6 pm. However, extended hours will occur certain winter months for commencement of snow removal activity. Operator shall make efforts to minimize impact on adjacent residential uses during these times

Security

Security for the operations will be accomplished through the installation of the fencing as described above along with electrically operated gates. In addition, appropriate security lighting will illuminate the site, but will be compatible with adjoining residential uses.

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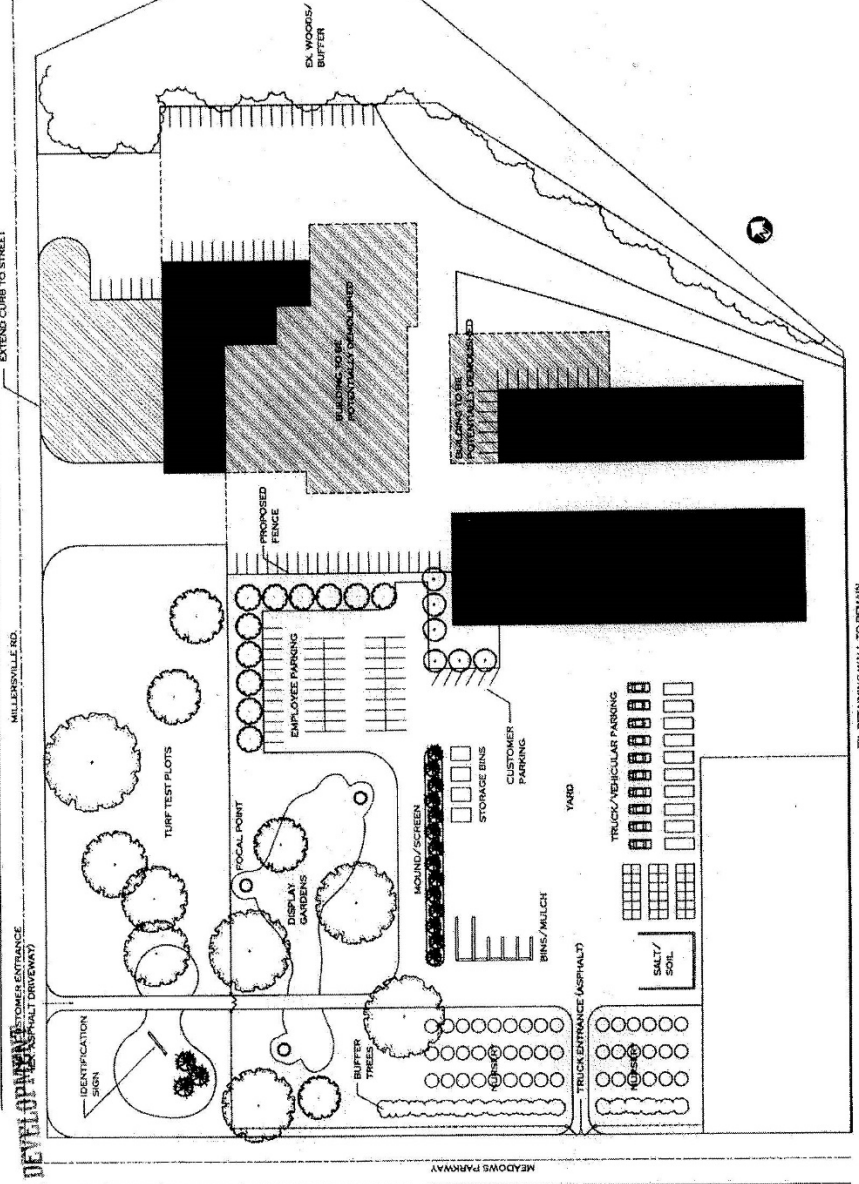
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METROPOLITAN DEVELOPMENT

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MAY 24 2013

METROPOLITAN DEVELOPMENT



GOG MILLERSVILLE PROPERTY
CONCEPTUAL LAYOUT PLAN • SCALE: 1"=40'
DESIGNED BY: GARDENS OF GROWTH, INC. CALL @ 317.251.4769



GOG OFFICE, 4201 ERSVILLE RD., INDIANAPOLIS, IN 46205
5/22/13

GENERAL NOTES

1. SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING UTILITIES AND CONDITIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) PRIOR TO CONSTRUCTION.
2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE AND SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE OR 24" OF POLYETHYLENE GLASS FIBER REINFORCED PLASTIC (FRP) PIPE.
3. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE AND SHALL BE PROTECTED BY A MINIMUM OF 18" OF CONCRETE OR 24" OF POLYETHYLENE GLASS FIBER REINFORCED PLASTIC (FRP) PIPE.
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LEGEND

- EXISTING SANITARY SEWER & SANITARY
- EXISTING STORM SEWER, 18" & 24"
- EXISTING GAS LINE
- EXISTING WATER LINE
- EXISTING ELECTRIC TELEPHONE LINE (CABLED)
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING UNDERGROUND TELEPHONE LINE
- NUMBER OF PROPOSED PARKING SPACES
- EXISTING NEW GRAVEL PAVEMENT
- EXISTING PLANTING AREA (EXISTING PLANTING)
- PROPOSED CONCRETE WALLS AND PAVEMENT
- PROPOSED ASPHALT PAVEMENT WITHIN THE PARKING LOT (2" & 4" THICK)

KEY NOTES

1. PROPOSED 18" DIA. SANITARY SEWER SECTION 100'
2. EXISTING 18" DIA. SANITARY SEWER SECTION 100'
3. PROPOSED 24" DIA. SANITARY SEWER SECTION 100'
4. EXISTING 24" DIA. SANITARY SEWER SECTION 100'
5. PROPOSED 18" DIA. SANITARY SEWER SECTION 100'
6. EXISTING 18" DIA. SANITARY SEWER SECTION 100'
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18. EXISTING 18" DIA. SANITARY SEWER SECTION 100'
19. PROPOSED 24" DIA. SANITARY SEWER SECTION 100'
20. EXISTING 24" DIA. SANITARY SEWER SECTION 100'

ASSUMED NORTH
SCALE: 1"=40'

REVISIONS

NO.	DATE	BY	REVISION
1	10/31/2022	DRN	Comments
2	11/13/2022	ADOL	DRN Comments
3	12/07/2022	ADOL	DRN Comments
4	1/15/2023	CSG	Comments

PROJECT NUMBER
22-101

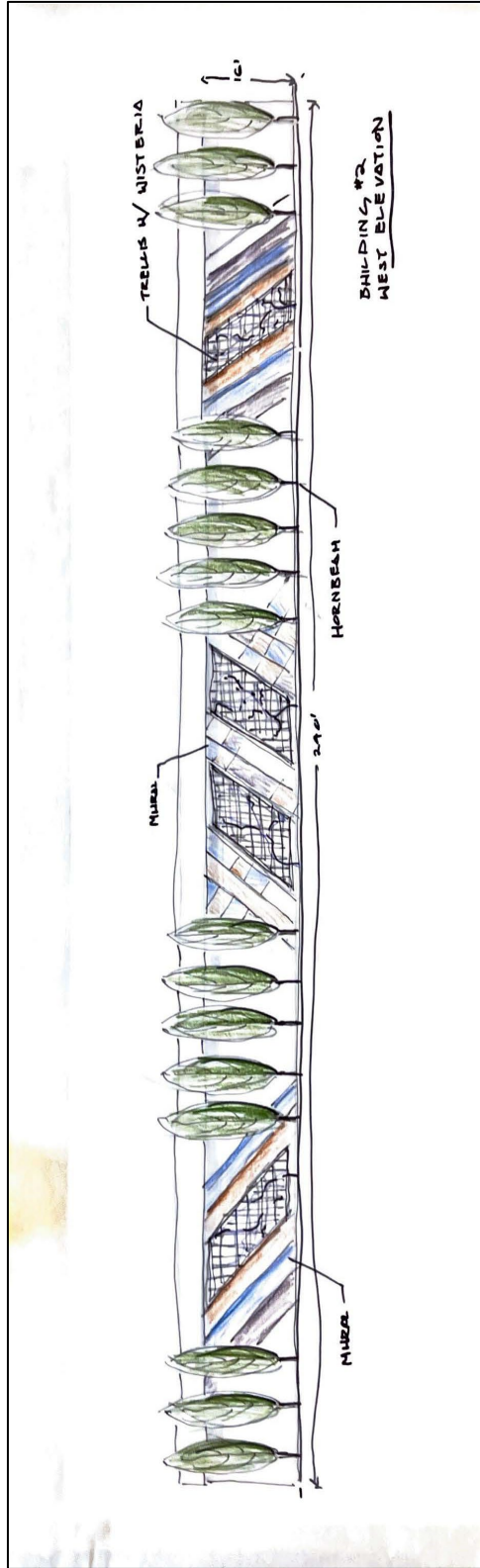
DRAWING NUMBER
C101

SHEET
OF 13

ARTISAN LANDSCAPE, LLC
525 E. MORRIS STREET
INDIANAPOLIS, IN 46205
Ph: (317) 590-0858

SOLOMON CONSULTING
525 E. MORRIS STREET
INDIANAPOLIS, IN 46205
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STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Building façade illustration



STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
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 buildings are designed for storing contractors items, and by not featuring transparent surface walls, they actually promote the public health, safety and welfare by enhancing security of the contents in the buildings.

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:

there is no adjacent user which would need transparency on a wall surface on the Subject Property in order to safely use its property.

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

the C-S development standards contemplate a one size fits all approach to wall surface area transparency, although C-S allows for a variety of uses as applied to the subject property, including industrial uses, where the transparency standard is either impractical or a detriment to redevelopment of the subject property, as the C-S uses were approved prior to the transparency requirement

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Proposed Development Plan.

Zoning: The Subject Property is currently zoned C-S, as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance (“Zoning Ordinance”), pursuant to a rezoning in 2013 under Case Number 2013-ZON-037 (the “2013 Rezoning”). The 2013 Rezoning allowed for the establishment of a headquarters for a landscape/design and installation firm, including an office nursery, material and equipment storage as well as a sculpture garden and retail sales area (the “Primary 2013 Use”).

Proposed Permitted Primary Uses of the Subject Property as described and defined in Chapter 743, Art II, Table 743-1 in the Zoning Ordinance shall be as follows:

- 1) The Primary 2013 Use.
- 2) Offices and production space for companies involved in design and fabrication of landscape features, fencing and art work to be utilized in landscape installations.
- 3) Urban Farming and associated uses.
- 4) Aquaponics and related operations.
- 5) Fabrication and Warehouse space.
- 6) General Office and Flex (industrial) space.
- 7) Schools and ancillary facilities.
- 8) Other compatible uses and those permitted in the I-2-S zoning district.

For purposes of this development statement, the intent being to not add a new permitted use, the current proposed use of the Subject Property is to allow for contractor storage units, along with material and equipment storage (the “Primary 2023 Use”), generally shown on the site plan submitted with the Approval Petition (“2023 Site Plan”). Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the zoning district most closely identified with a particular use; provided, however, the Primary 2013 Use and Primary 2023 Use may have outdoor storage of materials and equipment as shown on the 2013 Site Plan and 2023 Site Plan, respectively.

Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance, except as shown on: (i) the 2013 Site Plan with respect to the Primary 2013 Use; and (ii) the 2023 Site Plan, with respect to the Primary 2023 Use.

A final Site Plan and landscaping plan shall be tendered for Administrative Approval prior to obtaining an Improvement Location Permit, for the Primary 2023 Use and other permitted uses, but not the Primary 2013 Use.

Signs:

The following sign types shall be permitted on the Subject Property:

- 1) One (1) Monument Sign, at the entrance to the Subject Property
- 2) Wall Signs, Awning, Canopy and Window Signs
- 3) Incidental, Temporary, and Other Signs as would otherwise be permitted in a industrial zoning district

All signs shall meet the requirements for signs otherwise located in an Industrial zoning district.

STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Photographs



Looking east across the subject site from the intersection of Millersville Road & Meadows Parkway.



Looking southeast along Meadows Parkway. The subject site is to the left.



Looking east into the site from Meadows Parkway.



Looking southwest from the site at the neighbor to the southwest.



Looking west across Meadows Parkway at the neighbor to the southwest, the Bureau of Motor Vehicles.



Looking south across Meadows Parkway from the site at the Tinley Genesis Academy.



Looking southeast the site's Millersville Road front.



Looking southeast along the site's access drive from Millersville Road.



Looking east across the north corner of the site at the neighbor to the northeast.



Looking west at the neighbors across Millersville Road.



Looking across Millersville Road from the site at the neighbors to the northwest.



Looking north at the neighbors across Millersville Road.