

## STAFF REPORT

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

**Case Number:** 2022-ZON-111  
**Address:** 9602 Fall Creek Road (*Approximate Address*)  
**Location:** Lawrence Township, Council District #4  
**Petitioner:** Jerome Mason, by Brian J. Tuohy  
**Request:** Rezoning of 1.21 acres from the D-P district to the D-1 district to provide for a single-family dwelling.

This petition was continued from the September 29, 2022 hearing to the November 10, 2022 hearing at the request of a remonstrator.

### **RECOMMENDATION**

Staff **recommends approval** of this request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Fall Creek 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**

- ◇ Historic aerial photography shows a single-family dwelling on the subject site in 1937. This dwelling had a footprint of approximately 1100 to 1200 square feet and was demolished in 2000/2001. Since that time the site has been vacant.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the subject site. This typology is intended to be predominately single-family dwellings.

(Continued)

## **STAFF REPORT 2022-ZON-111 (Continued)**

### **ZONING**

- ◇ This petition requests a rezoning from the D-P district to the D-1 district. The D-P district was established to encourage a more creative approach in land and building site planning that permits special consideration of properties with outstanding features, such as unusual topography. Petitions for the D-P district must include a preliminary site plan that identifies the locations and types of land uses and proposed layout of streets, open space, parking and other basic elements of the plan.
- ◇ The D-1 district is a residential district intended for suburban areas. It has a typical density of 0.9 units per acre. One unit on the subject site would be 0.8 units per acre.
- ◇ The subject site was included in the rezoning of 304 acres in 1995. The development statement for that rezoning acknowledges the existence of a dwelling on the subject site as well as a nearby dwelling and cabin. The development statement says that this “acreage of approximately 40 acres shall have no more homes built on it other than the two homes and the summer cottage or their replacements.” Tree preservation and protection of the steeply sloped portions of the overall site were particularly important aspects of the development statement.
- ◇ The site plan filed with the 1995 rezoning shows the subject site as part of a nature preserve and shows no houselot or dwelling on the site.
- ◇ The subject site became detached from the rest of the development when property taxes were not paid on this particular parcel and it was sold in the tax sale.
- ◇ The site plan submitted with this petition shows a proposed dwelling of 3780 square feet. As submitted, the proposed structure would not meet all the standards of the Ordinance. The petitioner may want to either modify the site plan or seek variances. A dwelling that meets the standards of the Ordinance could be constructed on this site.
- ◇ The previous dwelling on the site was cleared twenty years ago and was significantly smaller than the proposed dwelling. As such, it is difficult to consider the proposed dwelling as a replacement to the original one as permitted in the 1995 development statement. This situation, combined with the site plan approved in 1995, leads to the necessity for this petition if the proposed dwelling is to be built on this site.
- ◇ Staff recommends approval of this petition as the request is responsive to the Comprehensive Land Use Plan, it is a former house site, and the proposed dwelling does not disturb either the steep slopes or existing woodland.

(Continued)

**STAFF REPORT 2022-ZON-111 (Continued)**

**GENERAL INFORMATION**

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-P	Metro	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North	D-P	Undeveloped land
South	SU-10	Undeveloped land
East	D-P	Undeveloped land
West	D-P	Undeveloped land

COMPREHENSIVE LAND USE PLAN      The Lawrence Township Comprehensive Plan (2018) recommends Suburban Neighborhood.

THOROUGHFARE PLAN      Fall Creek Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 62-foot existing right-of-way and an 80-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE      This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT      This site is located within both the Geist W-1 and W-5 wellfield protection districts.

STREAM PROTECTION CORRIDOR      The City’s Geographic Information System shows that a tributary of Fall Creek runs across the southern end of the site. A Stream Protection Corridor 50 feet in width as measured from the top of each bank is required.

**ZONING HISTORY – SITE**

**95-Z-42, DP-2; 9602-9902 Fall Creek Road**, requested the rezoning of 304 acres from the D-S and D-1 districts to the D-P district to provide for 421 single-family dwellings, **approved**.

**ZONING HISTORY – VICINITY**

**88-Z-17; 9651 Fall Creek Road (east of site)**, requested the rezoning of 5.9 acres from the D-S district to the C-1 district, **approved**.

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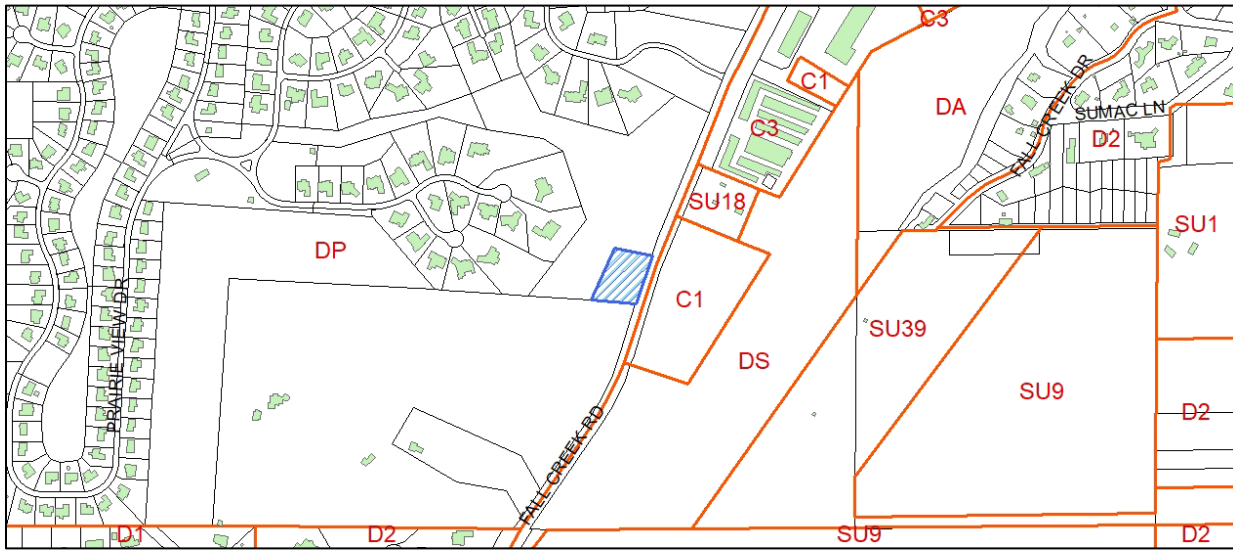
**STAFF REPORT 2022-ZON-111 (Continued)**

**85-Z-77; 9651 Fall Creek Road (northeast of site)**, requested the rezoning of 1.7 acres from the D-5 district to the SU-18 district to provide for an electric substation, **approved**.

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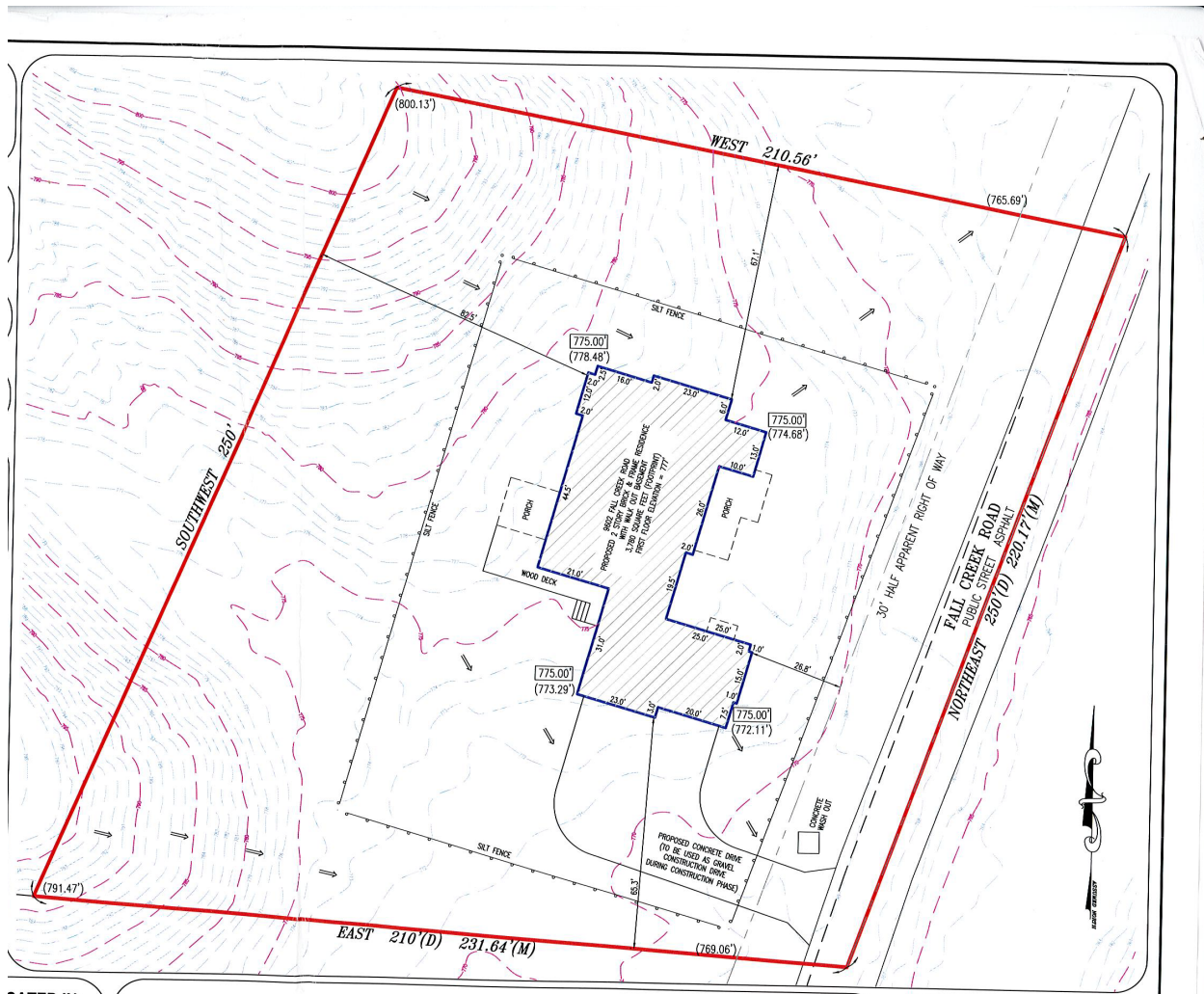
**STAFF REPORT 2022-ZON-111, Location**



**STAFF REPORT 2022-ZON-111, Aerial photograph (2021)**



# STAFF REPORT 2022-ZON-111, Site Plan



**STAFF REPORT 2022-ZON-111, Photographs**



Looking southwest across the subject site from Combs Road.



Looking northwest along the subject site.



Looking northeast along Fall Creek Road. The subject site is to the left.



Looking east across Fall Creek Road from the subject site.