

STAFF REPORT

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

Case Number: 2023-UV3-024
Address: 2745 and 2815 Curry Road (approximate address)
Location: Warren Township, Council District #14
Zoning: D-A
Petitioner: David Palacios, by Joseph D. Calderon
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a landscaping contractor, including the indoor and outdoor storage of commercial vehicles, equipment, and materials (not permitted).

This petition was automatically continued at the request of a registered neighborhood organization, from the January 16, 2024, hearing, to the February 20, 2024, hearing.

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

D-A Single-family dwelling, commercial contractor

SURROUNDING ZONING AND LAND USE

North - D-A Single-family dwellings
South - SU-2 Middle School
East - SU-2 Agricultural uses
West - D-A Single-family dwellings

COMPREHENSIVE PLAN

The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site.

VARIANCE OF USE

- ◇ The Comprehensive Plan recommends rural, or estate neighborhood uses for the subject site. The proposed use would be permitted in the C-7, High Intensity Commercial Zoning District. The C-7 district is designed to provide for specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses such as major outdoor storage or display of sizeable merchandise and/or the outdoor parking and maintenance of trucks or equipment essential to the operation of these uses. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares where the gradual and reasonable transition from lesser commercial uses exist. Due to the intensity of the uses, the location of this district adjacent to protected districts should be avoided.

(Continued)

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- ◇ The purpose of the D-A district is to provide for a variety of agricultural enterprises, with a secondary intent for the development of large estate or rural single-family dwellings. Because no agricultural enterprise exists on the subject site, development of the site would be considered a large estate or rural single-family dwelling
- ◇ Given the increase in intensity between the existing zoning and the proposed use, including the number of commercial vehicles as outdoor storage, approval of this request would over-develop the site and facilitate the intrusion of heavy commercial uses into an established residential rural neighborhood. The request would encourage additional encroachment, in a manner violating the development norms and residential aesthetics of the street, and squarely deviating from the recommendations of the Comprehensive Plan.
- ◇ The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since the site is zoned D-A and could be used by any number of uses permitted, by right, in the D-A zoning classification. Any practical difficulty is self-imposed by the desire to use the site for the operation of a landscaping contractor, including the indoor and outdoor storage of commercial vehicles, equipment, and materials associated with the use.
- ◇ The subject site is similar in size to other nearby properties, that are able to follow the comprehensive plan and zoning ordinance without the need for variances. Therefore, the Comprehensive Plan recommendation should not be disregarded, nor of the clearly residential nature of the surrounding area. For these reasons, staff recommends its denial.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Curry Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 25-foot existing right-of-way and a 50-foot proposed right-of-way.
SITE PLAN	File-dated November 15, 2023
PLAN OF OPERATION	File-dated November 15, 2023
FINDINGS OF FACT	File-dated November 15, 2023

ZONING HISTORY

2019-SE3-002; 11149 Stoneybrook Drive (south of site), requested a special exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot monopole tower, with a 10-foot antenna, **granted**.

2000-DV2-015; 2910 Curry Road (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family dwelling and detached garage on a 1.1-acre lot, **granted**.

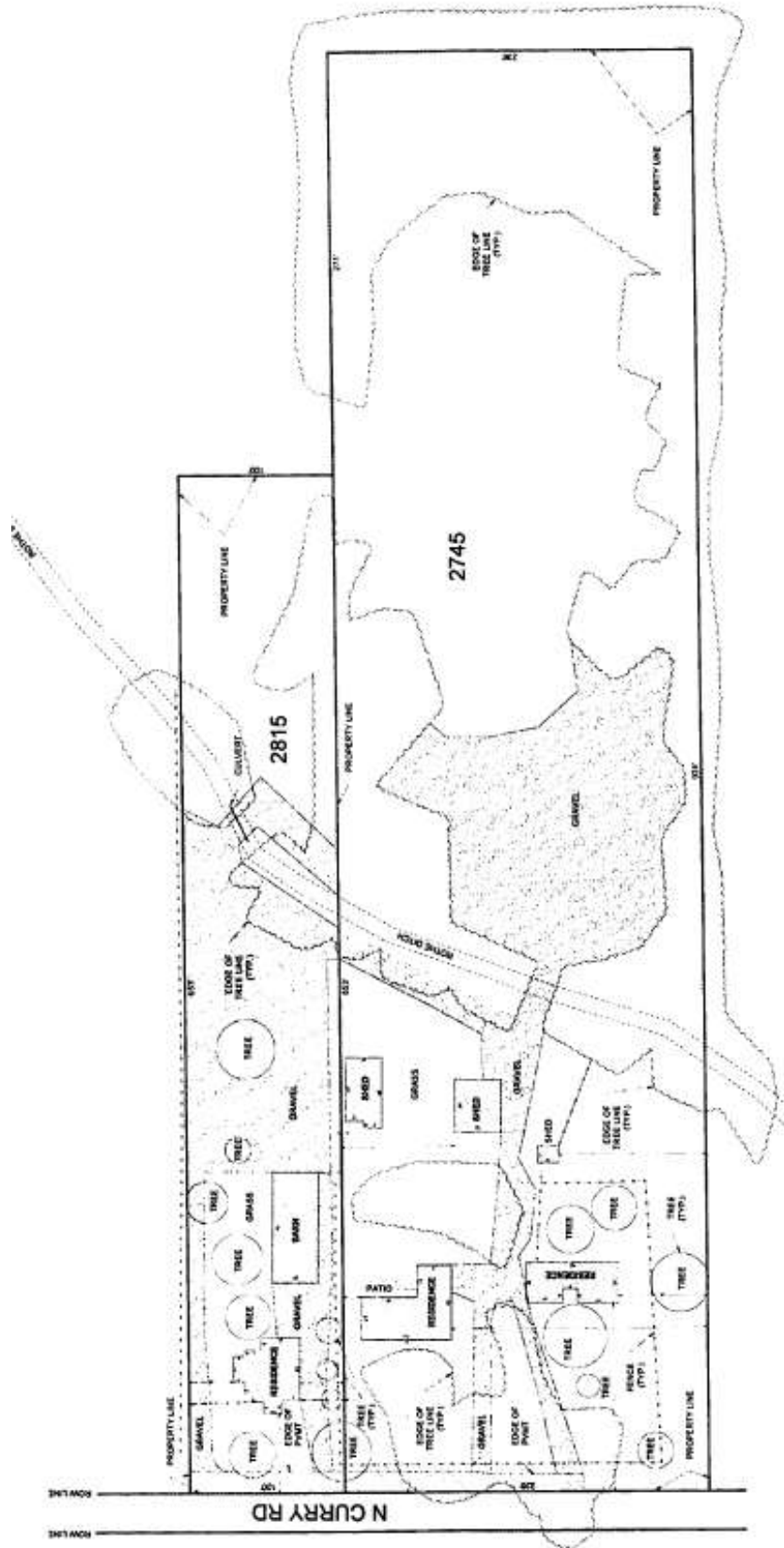
95-V2-60; 11205 East 30th Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family residence with a lot area of 1.1 acres, **granted**.

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2023-UV3-024; Location Map



2023-UV3-024; Site Plan



DAVID PALACIOS | THE RANCHES LANDSCAPING LLC

PLAN OF OPERATION
2745 and 2815 Curry Road

THE BUSINESS

David Palacios d/b/a The Ranches Landscaping LLC, performs certain activities associated with the landscaping business on property commonly known as 2745 and 2815 Curry Road (the "Subject Property"). The Subject Property has two (2) existing residential structures and multiple accessory structures, including garages, barns and sheds. Petitioner proposes to continue to use the property, using the existing accessory structures, for storing landscaping equipment, including mowers, trimmers, weed whackers, shovels, rakes, wheel barrels and ladders, a skid steer and mini track loader in the existing barn on 2745 Curry. There is a shed between both 2745 and 2815 Curry where mowers and tools are stored. Mowers, trucks and trailers will be maintained in the existing garage on 2815 Curry. Trucks and trailers, which are deployed to job sites during the day, are stored overnight at the rear of 2745 Curry. Landscaping materials are intended to be used at the job site, but occasionally there will be landscaping materials on-site for temporary periods of time.

ZONING

Existing zoning is D-A, which permits residential use and agri-business uses.

HOURS OF OPERATION

Petitioner is planning to operate the facility between 8:00 a.m. to 6:00 p.m.

NUMBER OF EMPLOYEES

Approximately four (4) employees are expected to be working for the Company. Employees meet at the Subject Property in the morning, go to the job site and return thereafter.

EXISTING STRUCTURES

Petitioner intends to use the existing accessory structures located on the Subject Property, generally as shown on the site plan submitted with this plan of operation.

SALES | CUSTOMERS

There will be no sales activity occurring on the Subject Property.

2023-UV3-024; Photographs



Subject site 2745 Curry Road existing dwelling, looking east.



Subject site 2815 Curry Road existing dwelling, looking east.



Subject site barns and storage for trucks, to the rear of dwelling looking west.



Subject site parking area and storage area for trucks,
to the rear of dwelling looking south.



On-site outdoor storage area to the rear of existing barn, looking east.



Adjacent single-family dwelling to the north, looking east.



Adjacent single-family dwelling to the west.



Adjacent middle school to the south.