

BOARD OF ZONING APPEALS DIVISION III

February 20, 2024

Case Number: 2023-SE3-006
Property Address: 1140 Dr. Martin Luther King, Jr Street
Location: Center Township, Council District #11
Petitioner: SMJ International o/b/o ATC, by Aaron Adelman
Current Zoning: SU-2 (RC)

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communications facility with a 120-foot-tall monopole tower and a four-foot lightning rod.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a wireless communication facility without the required perimeter landscape screening (minimum 10-foot landscape yard required)

Current Land Use: Public high school

Staff

Recommendations: Approval

Staff Reviewer: Jeffrey York, Principal Planner I

PETITION HISTORY

This petition was originally scheduled for hearing on November 28, 2023. It has been continued one time at the request of staff, one time as an Automatic Continuance from a neighborhood organization and one time at the request of the petitioner.

STAFF RECOMMENDATION

Staff recommends **approval** with a commitment that a revised site plan shall be filed with 2023-REG-089, which shall note the proposed location of the Wireless Communication Facility at the southern end of the site.

PETITION OVERVIEW

- This petition seeks to install a new 120-foot-tall wireless communications monopole tower, with a four-foot lightning rod, at a public school, Crispus Attucks. An existing wireless communication facility (WCF) is located at the southwestern edge of the existing athletic stadium. This WCF was established by 2009-SE2-001 and 2009-DV2-003 and is 129 feet in height, including a nine-foot lightning rod. This tower also includes lighting for the stadium.

- Along with the Special Exception request, a variance of development standards is also requested for no perimeter landscape screening surrounding the base of the WCF.
- The school plans to replace the existing athletic stadium and construct a new athletic stadium. The proposed stadium would be oriented east-west, rather than the existing north-south configuration. A Regional Center Approval petition is pending for this work, via 2023-REG-027. The new stadium necessitates the need for a new location for a WCF.
- Staff understands the need for the WCF and is not opposed to a newly relocated WCF in an appropriate location on the school's grounds. It should be noted, however, that the Crispus Attucks is listed on the *National Register of Historic Places*. The neighborhood that the school serves to the north, Flanner House Homes, is also listed on the *National Register of Historic Places*. The area is significant in the history of African Americans in the mid-20th Century as an area of Indianapolis where many African Americans settled. Most of the dwellings in this area were constructed in the 1940s and 1950s. In many cases, the owners assisted in the construction of the dwellings. It is common that original owners or their descendants still reside in these homes today. This type of structure should not be near or adjacent to these notable historic structures.
- Originally, the proposed location of the WCF would be west of the existing location, near Brooks Street and within 50 feet of the historic neighborhood. Through discussions with staff and neighbors, the revised location of the WCF would be at the far southern end of the school grounds, adjacent to Oscar Robertson Boulevard and the former Clarian People Mover structure, which is within the public right-of-way. This revised location would place the WCF far away from any of the existing single-family dwellings within Flanner House Homes. In addition, the revised location of the WCF would be in a location further away from the historic school building on the grounds of this site.
- The request also includes a lack of perimeter landscaping surrounding the base of the WCF. The proposed location would be internal to the campus, away from residential, commercial uses and rights-of-way. This scenario mitigates the impact of little to no landscaping surrounding this structure.
- The petitioner submitted a Regional Center Approval petition for the proposed wireless communications facility, which is 2023-REG-089 and is pending the outcome of this petition. Per the discussions with the petitioner, Staff would require a revised site plan noting the revised location of the structure, as indicated in the Staff recommendation above. Staff is supportive of the proposed revised location of the WCF, as discussed with the petitioner.

GENERAL INFORMATION

Existing Zoning	SU-2 (RC)
Existing Land Use	Public high school
Comprehensive Plan	Regional Special Use

Surrounding Context	Zoning	Surrounding Context
North:	D-8 (RC)	Single-family dwellings
South:	D-8 / C-5 (RC)	Multi-family dwellings / commercial
East:	D-8 (RC)	Multi-family dwellings
West:	D-8 (RC)	Single-family dwellings
Thoroughfare Plan		
Dr. Martin Luther King, Jr. Street	Primary arterial	88-foot right-of-way existing and proposed
12 th Street	Local Street	48-foot right-of-way existing and proposed
Brooks Street	Local Street	48-foot right-of-way existing and proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Regional Center. Design of new construction would require the submittal and approval of a Regional Center Approval petition	
Wellfield Protection Area	No	
Site Plan	October 10, 2023	
Site Plan (Amended)	November 30, 2023	
Elevations	October 10, 2023	
Elevations (Amended)	November 30, 2023	
Landscape Plan	N/A	
Findings of Fact	October 10, 2023	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Center Township Land Use Plan.
- Regional Center Urban Design Guidelines

Pattern Book / Land Use Plan

The Center Township Land Use Plan recommends Regional Special-Use development for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The site is within the Neighborhood Residential typology of the Regional Center Urban Design Guidelines.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2023-REG-089; Regional Center Approval for the installation of a Wireless Communication Facility on the grounds of the athletic field of Crispus Attucks school, **pending.**

2023-REG-027; Regional Center Approval for demolition of an existing athletic stadium and construction of a proposed athletic stadium, new lighting, and bus parking area, at Crispus Attucks school, **pending.**

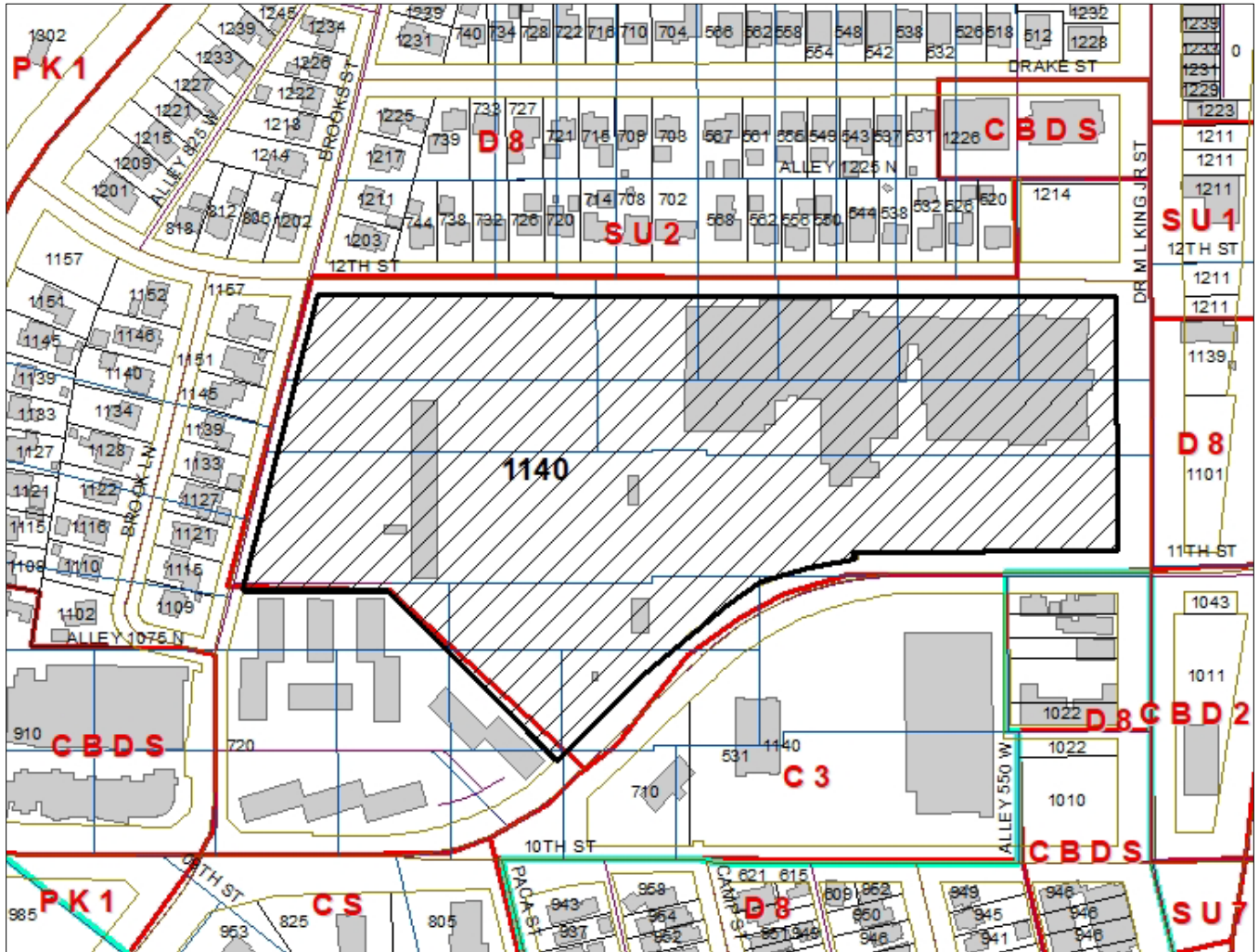
2009-SE2-001 / 2009-DV2-003; requested a Special Exception and a variance of development standards of the Wireless Communications Zoning Ordinance to provide for a 129-foot monopole tower, including a nine-foot lightening rod, and a 345-square-foot equipment shelter, **granted.**

ZONING HISTORY – VICINITY

None

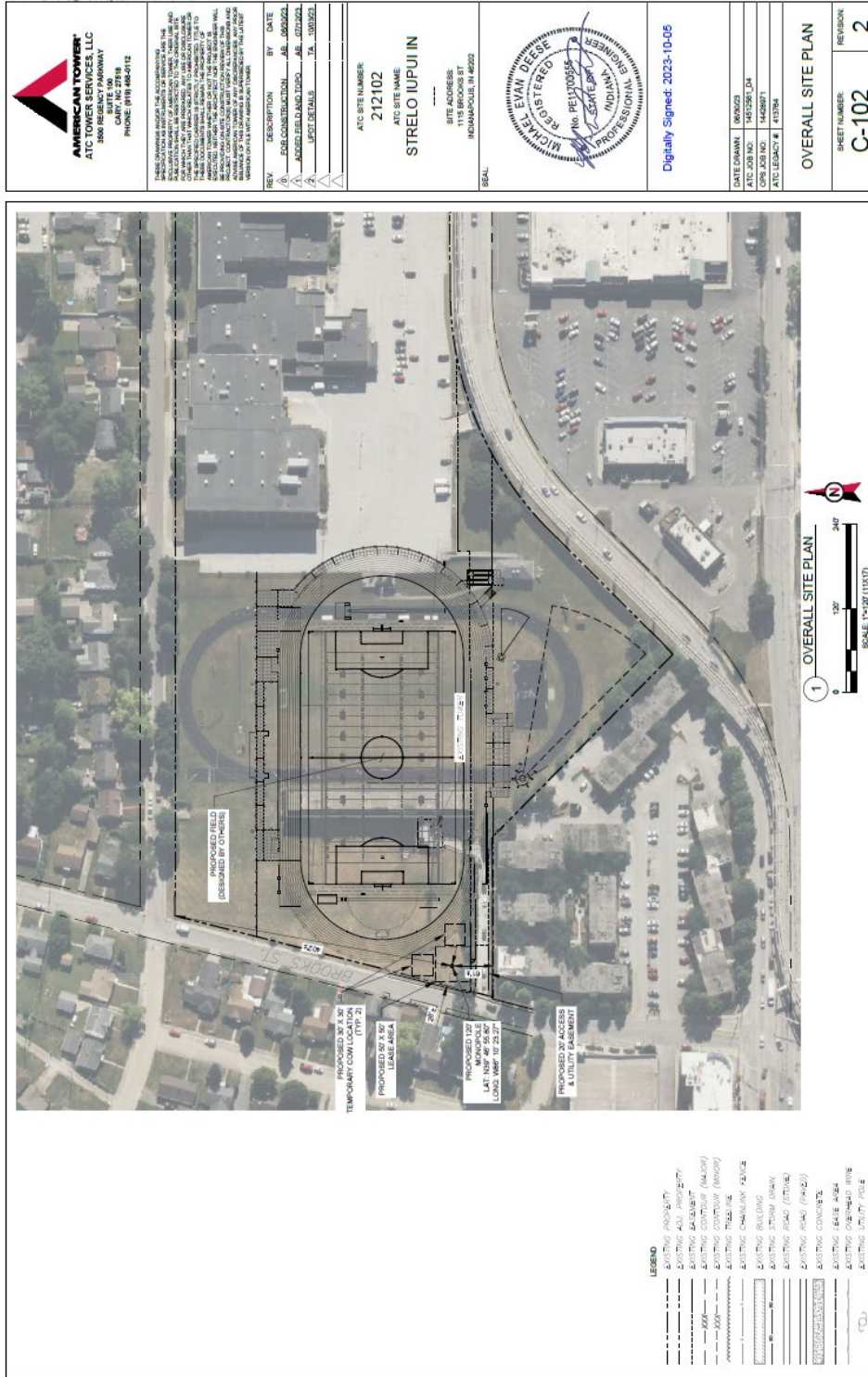
EXHIBITS

2023-SE3-006 Map and Aerial

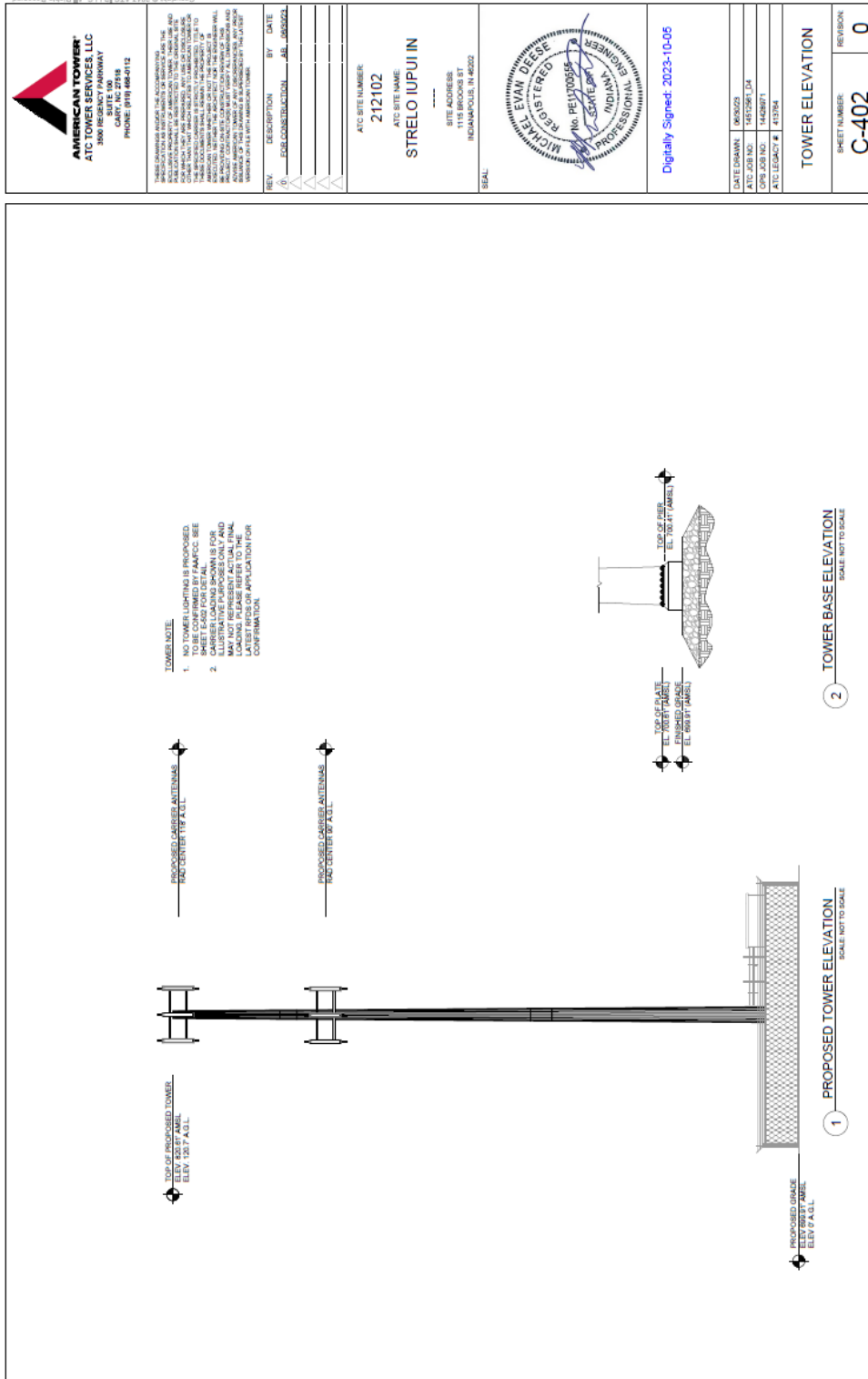




2023-SE3-006; Site plan



2023-SE3-006; Elevations





2023-SE3-006; Findings of Fact

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT

1. The proposed use meets the definition of that use in Chapter 740, Article II because
the proposed scope-of-work calls for the relocation of the tower and equipment on the property to accommodate expansion by the school.
The height of the tower and the impact will remain the same, but in a different location on the property.
Please see enclosed drawings for details and specifications.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that
area because
the impacts from the facility are already in existence. The change in location on the property will not have any effect on the adjacent area
or property.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of
adjoining property because
the facility is already in existence. The proposed scope will not materially alter the current state of the site.

4. The proposed use will be compatible with the character of the district, land use authorized therein
and the Comprehensive Plan for Marion County because
the facility is in existence. The proposed scope will not have any impact on the land use authorized or the Comprehensive Plan.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the
zoning district in which it is located because
it is an existing use and will not be materially altered by the proposed scope under this application.



2023-SE3-006; Findings of Fact, continued

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

It is an existing approved use. The change in location will not affect that use.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

It is an existing approved use. The change in location will not affect that use.

DECISION

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

Adopted this _____ day of _____, 20__

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2023-SE3-006; Photos



Existing wireless communications facility, from Brooks Street



Existing wireless communications facility and stadium structure, from Brooks Street



Existing wireless communications facility from vacated 11th Street (private access to site)



Approximate location of proposed wireless communication facility along Oscar Robertson Boulevard