

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

July 25, 2024

Case Number: Property Address: Location: Petitioner:	2024-MOD-013 6904 and 6908 North Tacoma Avenue (Approximate Addresses) Washington Township, Council District #3 Patrick Sullivan, LLC, by Brian J. Tuohy	
Current Zoning:	C-S	
Request:	Modification of the Development Statement and Site Plan related to 2015- CZN-800 (6908) to provide for a greenhouse, and a Modification of Development Statement, Site Plan and Commitments related to petition 2018- ZON-029 (6904), to provide for a greenhouse and to terminate Commitment #2, which required development of the site to be in substantial compliance with the site plan, file-dated April 28, 2018, and to modify Commitment #3, which required accessory structures at 6904 North Tacoma Avenue to not be demolished.	
Current Land Use:	Commercial and Residential	
Staff Recommendations:	Approval with commitment.	
Staff Reviewer:	Marleny Iraheta, Senior Planner	

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** 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:

Development of the site shall be subject to the C-S Statement, file-dated June 19, 2024, and in substantial compliance with the site plan and building elevations, file-dated June 20, 2024.

PETITION OVERVIEW

LAND USE

The two sites in question are 6904 and 6908 North Tacoma Avenue, more specifically Lots 11 and 12 of the Creekwood Homes subdivision. They are currently developed with single-family dwellings, residential accessory structures, and commercial accessory structures. There is an existing privacy fence that divides the residential portions of the site to the east from the commercial portions to the west.



They are bordered to the north and south by single-family dwellings and a commercial use, zoned C-S, single-family dwellings to the east, zoned D-3, and a commercial use to the west, zoned C-S.

6908 Tacoma Avenue was part of a rezone petition in 2015, 2015-CZN-800, that had the development subject to a site plan file-dated January 27, 2015, and a revised C-S Statement file-dated March 6, 2015.

6904 Tacoma Avenue was part of a rezone petition in 2018, 2018-ZON-029, that was subject to commitments that had the development subject to a C-S Statement file-dated April 28, 2019, had to be substantially compliant with the site plan file-dated April 28, 2018, and that prevented the demolition of the single-family dwelling and accessory structure on site in addition to other commitments that would not be addressed with this request.

MODIFICATION

The request would modify the Development Statement and Site Plan related to 2015-CZN-800 (6908) to provide for a greenhouse, modify the Development Statement, Site Plan and Commitments related to petition 2018-ZON-029 (6904), to provide for a greenhouse and to terminate Commitment #2, which required development of the site to be in substantial compliance with the site plan, file-dated April 28, 2018, and would modify Commitment #3, which required accessory structures at 6904 North Tacoma Avenue to not be demolished.

The site plan modification and commitment #2 termination would allow for the development of the greenhouse proposed in the June 20, 2024, file-dated site plan. The Development Statement modifications would allow for the greenhouse to be constructed across both sites, which would not have been permitted per the previous development statements. Lastly, the modification of commitment #3 would allow for the demolition of the existing detached garage at 6904 North Tacoma Avenue so that the proposed greenhouse could be partially located in its place.

STAFF ANALYSIS

The subject sites are currently developed residentially to the east of the fence and commercially to the west of the fence. This would not change with the approval of this request.

The existing privacy fence would remain intact and the commercial use would not encroach further east of the fence into the residential neighborhood.

Instead, an existing garage at 6904 would be demolished so that a greenhouse to be partially constructed in its place. The removal of this accessory structure would not create more of an impact to the residents than currently exists. Per the elevations submitted, the proposed greenhouse would be similar to the existing greenhouses west of the site and the appearance of it would not be different than what is currently visible behind the existing fence.

The existing single-family dwellings would continue to remain on both sites to protect and buffer the rest of the residetial neighborhood east of North Tacoma Avenue from the commercial use west of the privacy fence.



For these reasons, staff is recommending approval of the requests with the commitment that the development be substantially compliant with the site plan and building elevations, file-dated June 20, 2024, and subject to the C-S statement, file-dated June 19, 2024.

GENERAL INFORMATION

Existing Zoning	C-S		
Existing Land Use	Residential and Commercial		
Comprehensive Plan	Suburban Neighborhood Development		
Surrounding Context	Zoning	Land Use	
North:	<u></u>	Commercial and Residential (Single- family dwelling)	
South:		Commercial and Residential (Single- family dwelling)	
East:	D-3	Residential (Single-family dwellings)	
West:	C-3 / C-S	Commercial	
Thoroughfare Plan			
Tacoma Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	June 20, 2024		
Site Plan (Amended)	N/A		
Elevations	June 20, 2024		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	June 19, 2024		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

• Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan



- The Comprehensive Plan recommends suburban neighborhood development of the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

• Not Applicable to the Site.

Neighborhood / Area Specific Plan

• Not Applicable to the Site.

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

2018-ZON-029; 6902 and 6904 North Tacoma Avenue, 2430 Butterfield Drive and 6955 North Keystone Avenue (subject site), Rezoning of 1.6 acres, from the C-S, C-3 and D-3 districts to the C-S district to provide for residential uses, a greenhouse expansion, the indoor and outdoor storage and display of plant material and other related garden items, covered pergola, with outdoor storage, an eight-foot tall privacy fence, a six-foot tall privacy fence, a six-foot tall wrought iron fence, a gift shop expansion, meeting and conference space, the North Pole / Santa experience, and the outdoor storage of nursery stock, as outlined in the C-S statement and site plan filed with this petition, **approved.**

2018-VAR-002; 6902 and 6904 North Tacoma Avenue, 2430 Butterfield Drive and 6955 North Keystone Avenue (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot tall wood fence (maximum six-foot tall fence permitted in the C-S district), a six-foot tall wrought iron type fence and a six-foot tall wood fence in the front yard of Butterfield Drive (maximum 3.5-foot tall fence permitted), and a covered pergola, with outdoor storage, with a five-foot front setback (20-foot front transitional setback required), granted.

2015-CZN-800 / 2015-CVR-800; 6908, 6912, 6916, 7034, 7044 and 7052 North Tacoma Avenue; 6893, 6897 and 6955 (Part) Keystone Avenue (subject site) Rezoning of 2.17 acres from the D-3 and C-1 district to the C-S classification to provide for outdoor display and storage, parking areas, and eight-foot tall screening fence, a building addition for a gift shop, a building for meetings, conferences and other uses related to the garden center, and to maintain the existing residential dwelling units on the remaining portions of 6908-7052 North Tacoma Avenue; and a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor display and storage 60 feet from the centerline of Keystone Avenue, granted and approved.

Zoning History – Vicinity

2021-CAP-845 / 2021-CVR-845; 7034, 7044 and 7052 North Tacoma Avenue (north of the site), Modification of the Development Statement and Site Plan related to 2015-CZN-800 / 2015-CVR-800 to provide for the demolition of the existing dwelling structures and the expansion of a parking lot and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking lot with a five-foot front transitional yard along Tacoma Avenue, 4.5-foot north side and north side transitional setbacks and a six-foot tall masonry wall and in the front yard of Tacoma Avenue and a six-foot tall wooden fence along the south lot line and within the front yard of Tacoma Avenue (10-foot front transitional, 10-foot side and side transitional yards and maximum 42-inch fence permitted in the front yard), **approved and granted.**

2004-ZON-811A / 2004-ZON-811B / 2004-VAR-811; 6901-7021 North Keystone Avenue (west of site), Rezoning of 2.55 acres, being in the C-3 and D-3 Districts, to the C-3 and C-1 classification to provide for a retail store and a greenhouse, with outdoor display and a variance of development standards of the Commercial Zoning Ordinance and a Variance of development standards of the Sign Regulations to provide for a 6,000-square greenhouse and a 10,960-square foot outdoor sales and display area



associated with a proposed 13,397-square foot hardware store and a 22-foot tall, 63-square foot pylon sign with a nine-square foot electronic variable message display component, **approved.**

98-UV3-52, 6917 North Keystone Avenue (west of site), Variance of use of the C-3 and D-3 Districts to provide for a hardware store, medical or dental office, and single-family residence with outdoor storage and display of garden materials with a 0-foot front yard setback for a display area, **approved.**

88-UV2-32; 6893 North Keystone Avenue (southwest of site), Variance of use to provide for a dentist's office, **dismissed**.



EXHIBITS





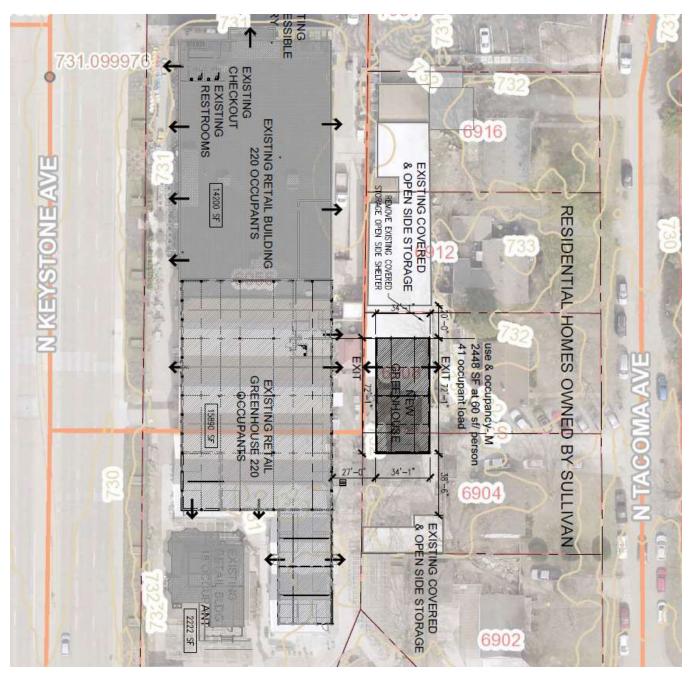


Proposed Site Plan

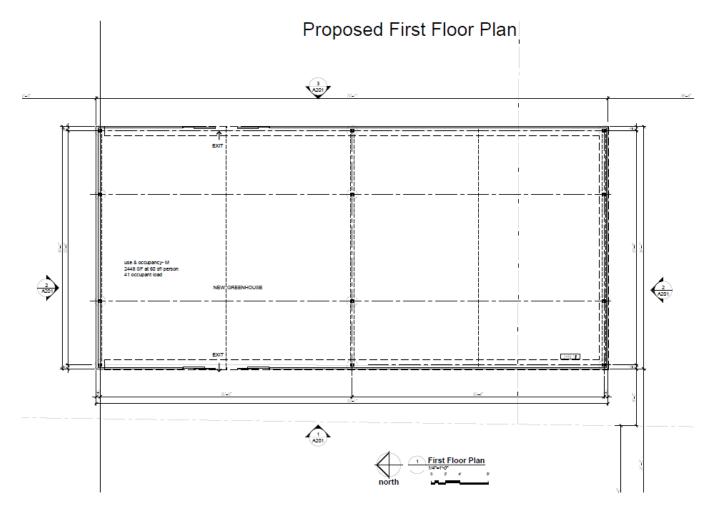




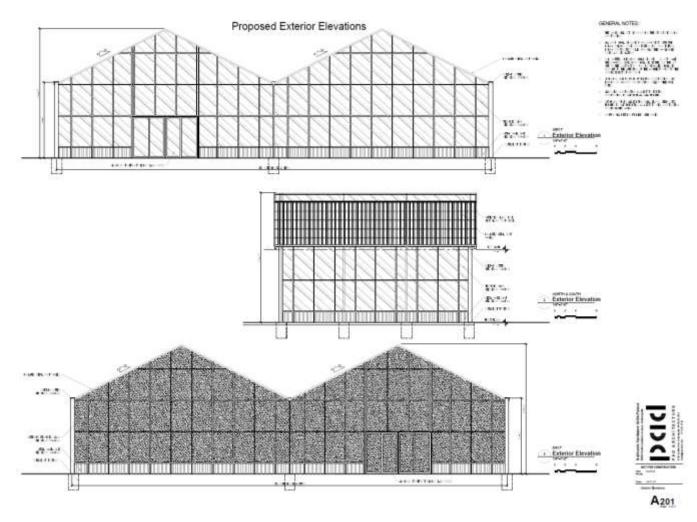














PROPOSED STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

Lots 11 & 12 in Creekwood Homes, First Section, a subdivision in Marion County, Indiana, the plat of which is recorded in Plat Book 28, page 335 in the Office of the Recorder of Marion County, Indiana (the "Site")

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

 As to the Site, Commitment Number 2 of the Commitments recorded as Instrument No. 2018-70513 and made in connection with Petition No. 2018-ZON-029 shall be terminated.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition

MDC's Exhibit C - - page 1 of 3



2024 C-S Statement 6904 & 6908 N. Tacoma Ave

Petitioner proposes the above referenced sites be utilized for residential uses and accessory uses connected with the adjacent hardware store and garden center. The proposed operation and improvements of the of the above referenced sites are depicted on the proposed Site Plan filed herewith.

Specifically, for both 6904 & 6908 N. Tacoma Avenue, the existing residences shall remain and be utilized for residential purposes. Additionally, any existing fencing will remain. The areas west of the existing residences will be utilized for indoor and outdoor storage/display of goods and items related to the adjacent hardware store and garden center and for other uses related to the Sullivan Express train during the Christmas season. The new greenhouse will be located in the area as approximately depicted on the proposed Site Plan.



Staff Exhibits



2018 Aerial Map



2015 Aerial Map





Staff Exhibits (Continued)

2018 Site Plan



Staff Exhibits (Continued)

Metropolitan Development

APR 2 5 2018

Division of Planning

6902 & 6904 N. Tacoma Ave; 2430 Butterfield Drive Portion of 6955 N. Keystone Ave

Petitioner proposes the above referenced sites be rezoned to CS to allow for residential uses and accessory uses connected with the adjacent hardware store and garden center. The proposed operation of the above referenced sites is depicted on the proposed Zoning Site Plan Exhibit (the "Proposed Site Plan"). Specific information relating to each site is set forth below:

6904 N. Tacoma (Lot 11): The existing residence shall remain on the site and such residence shall be utilized for residential purposes. The existing garage on Lot 11 shall be used for the storage of plant material and related garden items in connection with the adjacent hardware store and garden center. The areas west of the existing residence shall be utilized for storage/display of plant material and related garden items in connection with the hardware store and garden center. Any existing fence located on the property line between Lot 11 and Lot 5 shall be removed, and a new 8' tall privacy fence will be installed (as an extension of the existing 8' tall fence on Lot 12) to screen the proposed outdoor storage area from the residential use on the site.

6902 N. Tacoma (Lot 10): The existing residence shall remain on the site and such residence shall be utilized for residential purposes. The existing garage on Lot 10 shall be used in connection with the residence. The area west of the existing residence shall be utilized for storage/display of plant material and related garden items in connection with the hardware store and garden center. Any existing fence located on the property line between Lot 10 and Lot 6 shall be removed, and a new 8' tall privacy fence will be installed to screen the proposed outdoor storage area from the residential use on the site.

2430 Butterfield (Lot 9): The existing residence and garage shall be used for the storage of plant material and other related garden items in connection with the adjacent hardware store and garden center. Outdoor storage and display of plant material and related garden items for the hardware/garden center shall also be located on the site. Additionally, the North Pole / Santa experience shall be expanded onto Lot 9. A new fence will be installed between the existing residence and Butterfield Drive and along a portion of the property line between Lot 9 & 10. Any other existing fencing on the Lot shall be removed.

<u>Portion of 6955 Keystone (Lot 5)</u>: Petitioner proposes to expand the existing greenhouse on Lot 5 southward. Outdoor storage and display of plant material and related garden items for the hardware/garden center shall also be located on the site.

Portion of 6955 Keystone (Lot 6): Petitioner proposes to construct a building addition to the south of the existing building on the site. Both the proposed addition and the existing building will continue to be used as a gift shop. The existing greenhouse on Lot 5 will be extended southward onto the site. Outdoor storage and display of plant material and related garden items for the hardware/garden center shall also be located on the site.

Portion of 6955 Keystone (Lot 7): The lot shall continue to be utilized for the outdoor storage and display of plant material and related garden items for the hardware/garden center and for uses related to the North Pole / Santa experience.

Portion of 6955 Keystone (Lot 8): Petitioner proposes to continue to utilize the lot and existing building on the site for meeting and conference space, including the North Pole / Santa experience and related uses. Petitioner also proposes to utilize the lot for the outdoor storage and display of nursery stock only, which includes the use of a covered pergola located at the east side of Lot 8 to store and display such nursery stock. The 6' tall wrought iron type fence installed near the western border of the site, which continues around the corner shall remain on the Lot and be expanded to meet the new 6' tall wooden fence to be installed on Lot 9.

2018 C-S Statement



Staff Exhibits (Continued)

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

Lots 5, 6, 7, 8, 9, 10, 11 in Creekwood Homes, First Section, a subdivision in Marion County, Indiana, the plat of which is recorded in Plat Book 28, page 335, in the Office of the Recorder of Marion County, Indiana.

Statement of COMMITMENTS:

- <u>The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments</u> required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
- Development of the site shall be subject to the C-S Statement, file-dated April 28, 2018, in substantial compliance with the site plan, file-dated April 28, 2018.
- The dwellings and accessory structures located at 2430 Butterfield Drive, 6902 North Tacoma Avenue and 6904 North Tacoma Drive shall not be demolished.
- Year around landscaping in front of the proposed wrought iron type fencing and wooden fencing shall be installed by October 31, 2018, and maintained thereafter.
- An Improvement Location Permit shall be obtained for the L-shaped structure (covered pergola) located along Butterfield Drive (addressed as 6955 North Keystone Avenue), within 30 days from the date of approval of the rezoning request.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments)

MDC's Exhibit B - - page 1 of 5

Metropolitan Development

JUN 1 5 2018

2018 Commitments



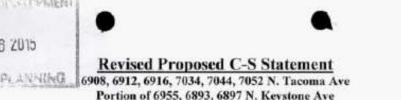


2015 Site Plan



METROPOLITAN DESCOPMENT MAR 0 6 2015 DWINSIOM OF PLANNING 6908

Staff Exhibits (Continued)



Petitioner proposes the above referenced sites be rezoned to CS to allow for residential uses and accessory uses connected with the adjacent hardware store. The proposed operation of the above referenced sites is depicted on the proposed revised Zoning Site Plan Exhibit dated January 27, 2015 (the "Revised Proposed Site Plan"). Specific information relating to each site is set forth below:

6908, 6912, 6916, 7034 Tacoma (Lots 12, 13, 14, 15): The existing residences shall remain on the respective sites and such residences shall be utilized for residential purposes. The existing garages on Lots 14 & 15 shall be used in connection with the residences. The existing sheds on Lots 12 & 14 shall be used for the storage of goods in connection with the adjacent hardware store. The areas west of the existing residences shall be utilized for storage/display of goods, as depicted on the Revised Proposed Site Plan. The existing fences will be removed and a new 8' tall privacy fence will be installed (east of where the existing fences are now located) to screen the proposed outdoor storage areas from the residential uses on the site.

7044, 7052 Tacoma (Lot 16, 17): A portion of the attached garage connected to the existing residence on 7052 Tacoma (Lot 16) will be demolished. The remaining existing residence, along with the residence on 7052 Tacoma (Lot 17) shall be utilized for residential purposes. The existing garage on Lots 17 shall be used in connection with the residence. The area west of the existing residences shall be used for storage/display of goods, and for 12 new parking spaces as depicted on the Revised Proposed Site Plan. A new 8' tall privacy fence will be installed to screen the outdoor storage / parking areas from the residential uses on the sites.

Portion of 6955 Keystone (Lot 6): Petitioner proposes to construct a building addition to the west of the existing building on the site. Both the proposed addition and the existing building will continue to be used as a gift shop. Outdoor storage and display for the hardware/garden center shall also be located on the site. The existing fence shall remain on the eastern border of site to screen the outdoor storage area and building from the residential uses to the east and the existing fence shall remain on the western border of the site.

6897 Keystone (Lot 7): Petitioner proposes to remove the existing residence and garage on the site, and utilize the site for outdoor storage and display for goods. A new 8' tall privacy fence is to be installed 15' from the eastern border of the site to screen the outdoor storage area from the residential use to the east of the site. Additionally, a new 6' tall wrought iron fence is to be installed on the western border of the site.

6893 Keystone (Lot 8): Petitioner proposes to utilize the existing building on the site for meeting and conference space. Petitioner also proposes to utilize the site for the outdoor storage and display of nursery stock only, as depicted on the Revised Proposed Site Plan. A new 8' tall privacy fence is to be installed 15' from the eastern border of the site to screen the area from the residential uses to the east. Additionally, a new 6' tall wrought iron fence is to be installed near the western border of the site, which will continue around the corner and be installed 20' from the southern border of the site as depicted on the Revised Proposed Site Plan.

2015 C-S Statement





Photo of the subject site at 6904 North Tacoma Avenue looking west.



Photo of the subject site at 6908 North Tacoma Avenue looking west.





Photo of both subject sites looking west.



Photo of the rear yard at 6904 North Tacoma Avenue and existing fence line.





Photo of the rear yard at 6904 North Tacoma Avenue and existing fence line.



Photo of the rear yard at 6908 North Tacoma Avenue and existing fence line.





Photo of the existing detached garage to be demolished on the west side of the existing fence line.



Photo of the proposed location of the greenhouse looking northwest from the existing fence line.





Photo of the existing detached garage to be demolished looking northeast towards the fence line.



Full view of the proposed greenhouse location and garage to be demolished.





Photo of the proposed location of the greenhouse looking south.



Photo of some existing greenhouses that staff believes would be like the proposal.





Photo of the single-family dwelling north of the site.



Photo of the single-family dwelling south of the site



Photo of single-family dwellings east of the site.