STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: Address:	2023-UV1-024 3348 North Sherman Drive (approximate address)
Location:	Center Township, Council District #17
Zoning:	D-5
Petitioner:	Vivian L. Randolph
Request:	Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for operation of a commercial garden, food processing center and eating establishment (not permitted), with the primary building having a front setback of 135 feet from Sherman Drive (maximum 50-foot setback permitted).

RECOMMENDATIONS

Staff recommends approval of the request, subject to the following commitments:

- 1. The grant shall be subject to the plan of operation, file-dated September 18, 2023.
- 2. Development of the site shall be in substantial compliance with the site plan, file dated September 18, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONIN	NG AND LAND	USE
D-5	Compact	Urban Garden

SURROUNDING ZONING AND LAND USE

North	D-5	Single-family Dwelling
South	D-5	Single-family Dwelling
East	D-5	Single-family Dwelling
West	D-5	Single-family Dwelling

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Traditional Neighborhood development.

- ♦ This 0.25-acre lot, zoned D-5, is currently improved with garden space and equipment and material storage structures.
- ♦ The site is surrounded, in all directions, with single-family dwellings within the D-5 District.

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O The D-5 District is intended for medium and large-lot housing formats, primarily for detached houses. This District should be deployed for new walkable suburban neighborhoods or for infill situations in established urban areas.

VARIANCE OF USE

- The request would allow for the construction of a 20-foot by 40-foot building that would be used as a food processing center. This center would allow for crops grown on site, or locally sourced, to be processed and packaged for sales on site and off-site in commercial retail settings. The request represents an expansion of existing on-site operations, including an urban garden and limited onsite retail sales direct to consumers.
- According to the plan of operation, file-dated September 18, 2023, no more than four workers would be within the kitchen at any given site. In addition, most shipping and receiving would be done with the use of the property owners 17-foot refrigerated truck. Parking could be accomplished with the use of the alley to the rear of the property or with the use of on-street parking within the confines of the side lot lines.
- Processing and packaging of food and beverages are typically only permitted within the Industrial Districts. However, Staff would note that this is largely due to the assumption that such operations are intended to be conducted on an industrial scale, on a regional or nation-wide distribution level.
- O The use, as proposed, is more in line with the Artisan Food and Beverage land use. While this use is permitted within most Commercial and Mixed-Use Districts, and therefore would continue to require a variance of use within the D-5 District, Staff would note that this type of use is contemplated by the Land Use Pattern Book.
- According to the Land Use Pattern Book, such operations, classified as Community Farms/Gardens, are promoted to be located on sites recommended for Traditional Neighborhood Development, so long as they are limited to no more than two acres per site. This recommendation contemplates the sales of products grown on site.
- In addition to being responsive to the Comprehensive Plan recommendation, Staff also believes that the request is responsive to the Livability Principles of the Zoning Ordinance itself. Specifically, Staff believes that the request promotes the following principles: Enhancing Economic Competitiveness; Supporting Existing Communities; and Valuing Communities and Neighborhoods.
- For this reason, Staff recommends approval of the request, subject to the plan of operation, filedated September 18, 2023.

(Continued)

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VARIANCE OF DEVELOPMENT STANDARDS

- O The request would allow for the construction of the processing center to be located 135-feet from Sherman Drive. Primary structures within the type of lot typology must be located between 20 and 50 feet from the front lot line. This standard is intended to preserve existing residential streetscapes as they relate to front yard setbacks.
- While Staff is hesitant to recommend approval of such a deviation, Staff would note that this standard is intended to apply to primary residential buildings. By allowing the proposed building to be located towards the rear of the lot, this allows for the property to appear more open from the street. In addition, it ensures that any sound that may be emitted by the proposed structure and use would occur at the depth of the lot where a detached garage or general open area would be if the site were used residential. This would mitigate any audible impact the use may impose on adjacent properties.
- For these reasons, Staff recommends approval of the request, subject to substantial compliance with the site plan, file-dated September 18, 2023.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of Sherman Drive is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed 60-foot right-of-way.
SITE PLAN	File-dated September 18, 2023.
PLAN OF OPERATION	File-dated September 18, 2023
FINDINGS OF FACT	File-dated September 18, 2023.

ZONING HISTORY - SITE

None.

(Continued)

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ZONING HISTORY - VICINITY

2022-UV3-025; 3335 North Sherman Drive; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a childcare facility; **granted.**

2019-HOV-052; 3366 North Denny Street; requests variance of development standards of the Consolidated Zoning and Subdivision Control Ordinance to provide for a single-family dwelling and a detached garage with a four-foot rear setback from an alley; **granted.**

2018-HOV-018; 3365 North Denny Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front porch addition to a single-family dwelling, with a nine-foot front setback; **granted.**

2017-DV1-070; 3394 North Denny Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 18-foot tall, detached garage, taller than the primary dwelling; **granted.**

EDH

2023-UV1-024; Location Map



0 0.004 008 0.016 0.024 0.032 Miles

Petition Number

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS,	AND
GENERAL WELFARE OF THE COMMUNITY BECAUSE	
the proposed building will adhere to all building codes, and will be smaller than the homes located within the area	a
and therefore not cause any major change to the area. The proposed building will not be used for a purpose that	et is
outside of the use of any typical home kitchen and will enhance the overall appearance of the property.	

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE the something data and properties are smaller in development and in size and the proposed building will adultly further orthonic the urban farm operation. Infinite has been astrollared used as such areas the every 70% and in fact, property values of adjacent properties will be positively affected due to this enhancement of the property. The proposed building will also be situated towards the back of the property near the alley way (which has been cleared) so access to the building will be preferable using the alley way.

3 THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

the property is already zoned/used for the urban farm which already grows horbs, truits, and vegetables, but these produce items must be taken off site for processing, cleaning and storing. The variance of use, will allow Petitioner to have an onsite restroom, and a place to process, store, and clean the treshly harvested produce and will also expand benefit the property provides to the surrounding community.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The property desperately needs an onsite bethroom for farm workers and volunteers and the present zoning does not allow the pathoner to grow commerically, which in turns limits the value of the property to the surrounding community.

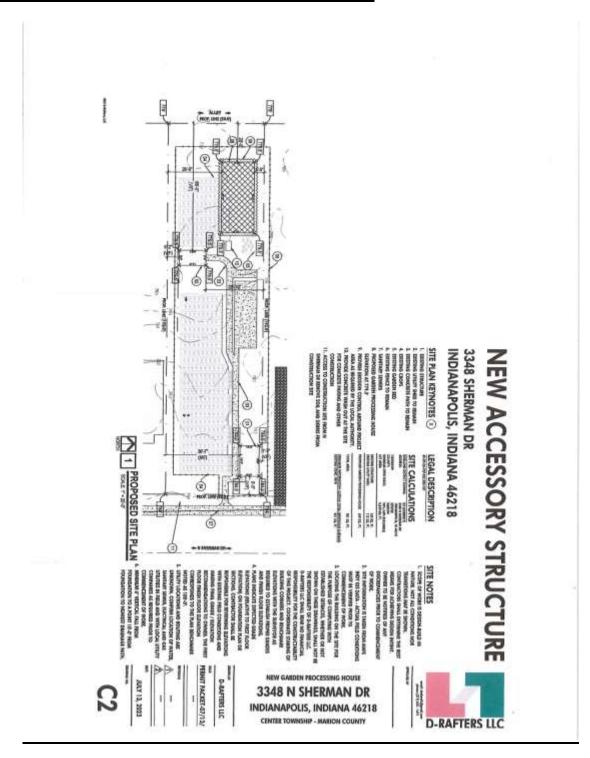
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

it lines up with the existing plan and enhances it.

DECISION

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

Adopted this _____ day of _____ , 20 ____



Plan Of Operation For Request for Variance of Use of Property Located at 3348 N. Sherman Dr. Indianapolis, IN 46218

Processes conducted on site and materials used:

The requested variance of use is for the purpose of erecting a small 20x40 building that will be used a a 'food processing center' wherein **fresh herbs**, **fruit**, **and vegetables** which are grown on the same lot, or sourced locally, will be **cleaned**, **cut**, **stored**, **freeze dried and/or dehydrated**, and then **packaged** to produce value-added, locally grown, urban farm products that will be sold commercially in retail settings. No hazardous materials will be used. Blenders, are sometimes used to pulverize dried herbs and vegetables as well as knives for cutting. Heat sealers are used for sealing packaging. Cardboard boxes, tape guns, scissors, box cutters and harvesting clippers will be used.

- The kitchen facility will also have a storage closet (for a small heating and cooling unit, and a water heater) and small bathroom, accessed via a short hallway.
- The kitchen itself will contain two 20-shelf dehydrators, and two freeze dryers, a triple stainless steel sink, hand washing sink, stainless steel storage shelving and stainless steel counter tops and tables as well as overhead racks for hanging/drying herbs.
- . There will be a small attic area for storage of packing material and boxes.
- There will be smoke/fire detectors and a having fire hydrant and first aid box. Security
 cameras will be mounted outside of the business and lights.
- . The building will have a window over the sink area overlooking the urban farm.

Clients and Customers:

These value-added product will be sold to our neighborhood customers at the existing
onsite farm-stand and bodega, or delivered to local grocers and health food stores,
restaurants, and shipped to customers from sales derived online via an established
website. Onsite customers usually park in front of the urban farm and sales take place
right at the farm stand or inside the bodega or at the service window, both located at
the front of the property. Customers are also able to park at the back of the property in
the alleyway if so desired.

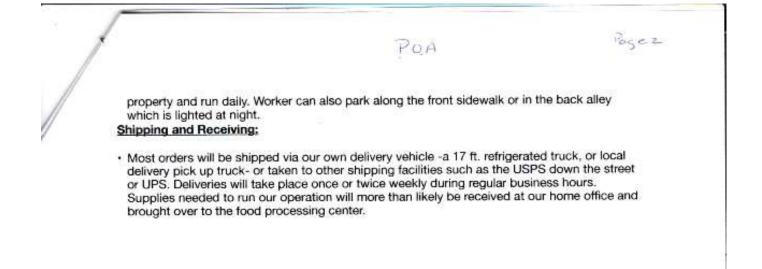
Waste:

 There will also be a small refrigeration unit and small freezer to store fresh fruits and vegetables, and two onsite outdoor composting corals for recycling organic waste material, as well as typical city trash containers for weekly disposal. No hazardous waste will be handled or generated by our work. Larger hauling of boxes etc... will be handled on an as needed basis by our workers.

Workforce

There will be up to four workers in the kitchen at any given time, working on tasks that will range from cleaning, cutting and prepping freshly harvested, herbs, fruits, and vegetables, operating the freeze dryer and/dehydrators, weighing, and bagging or packaging products, and boxing and labeling orders for delivery or shipment. Daily inventory of materials and food will be conducted as well. Some workers will be family who have worked with the fair since its inception and other workers will be volunteers and young neighborhood-based students that we have trained in our youth training program. Bus lines are established along the

2023-UV1-024; Plan of Operation (Continued) - File-dated September 18, 2023



2023-UV1-024; Photographs



Photo One: Looking North Along Sherman Drive



Photo Two: Looking South Along Sherman Drive



Photo Three: Facing East Across Sherman Drive



Photo Four: Looking West Into Subject Site