



Staff Report PC20-058-ZA

Emmis Property- Zoning Amendment

Docket PC20-058-ZA- Zoning Amendment- Emmis Property. The petitioner is requesting approval for a rezoning amendment from UB (Urban Business) to MU-COR (Mixed Use Commercial Office Residential). The subject properties contain 56.59 +/- acres, located East of Perry Worth Road, and south of New Hope Boulevard. The petitioner is Emmis Indiana Broadcasting LP and the property owner is Emmis Indiana Broadcasting LP



Zoning and Context

The map below shows the highlighted lot with existing zoning and surrounding zoning.

- North: The property to the north is PUD under Whitestown Jurisdiction
- East: The property to the east is zoned PUD under Whitestown Jurisdiction
- South: The property to the south is PUD Whitestown Jurisdiction
- West: The property to the west is zoned I-1 under Whitestown Jurisdiction

Zoning Ordinance

Existing Zoning

UB: This district is designed to address the needs of existing and future downtown development. This district carries virtually all of the characteristics of the GB district but without setbacks, bufferyards, or other design requirements common to suburban development. Development in this district requires connection to public water and public sewers and Development Plan approval.

Development Standards for UB Urban Business	
Maximum building height:	75'
Minimum lot area:	none
Minimum open space:	none
Maximum lot coverage:	none

Permitted uses include:

- Municipal Government Buildings
- Library/museum
- Hotel or Bed and Breakfast
- Restaurant
- Tavern

Proposed Zoning

MU-COR: This district is established to accommodate developments containing a variety of commercial, office, and residential uses. Development in this district requires connection to public water and public sewer utilities. Within the MU-COR Zone, permitted uses include: single family dwelling, two family dwelling, group residential facility, municipal government building, farm, among others.

Development Standards for MU-COR	
Maximum building height:	Residential: 45 ft Non-Residential: 40 ft
Minimum lot size:	Residential: 1,800 SQ FT Non-Residential: no min.
Maximum lot coverage:	80%

Permitted uses include:

- Dwelling: Single family, Multi family
- Assisted Living/ Nursing Home
- Hospital
- Municipal and Government Building
- Schools
- Hotel
- Restaurant
- Tavern
- Office
- Dental/Medical Office
- Retail/Sale/Services

Proposed Development

The subject property is requesting a rezone from the UB classification to the MU-COR. The proposed site is located at 5875 Perry Worth Road. This rezone can include retail, offices, restaurants, residential and other service-oriented uses. Rezoning to MU-COR is consistent with the goals set out in the Comprehensive Plan for this area. In 2018, Emmis petitioned the Town of Whitestown to rezone the Real Estate from Light Industrial to Urban Business in order to allow for more appropriate development options for the Real Estate (“2018 Rezone”). The 2018 Rezone was approved in July 2018. Thereafter, in 2020, Whitestown’s Unified Development Ordinance (UDO) was amended and certain uses previously allowed under the Urban Business designation were removed. At the same time, Whitestown’s UDO created the MU-COR designation, which permits similar uses as were allowed in the previous Urban Business zoning classification. In keeping with providing appropriate development options for the Real Estate, Emmis is seeking to rezone the Real Estate to the MU-COR zoning classification.

Staff Comments

1. The rezoning process is a legislative act. The Plan Commission will make a recommendation to the Town Council. The Council has final consideration. Because this is a legislative act, the Plan Commission can require that certain commitments and restrictions be approved and run with the land.
2. The Plan Commission should maintain and enforce the Zoning Ordinance, Subdivision Control Ordinance, and related ordinances in order to achieve the goals of the Comprehensive Plan.
3. The Plan Commission should ensure that the goals of the Comprehensive Plan and the Transportation Plan are met. Commitments such as the following should be contemplated:

Decision Guidelines

Per the Zoning Ordinance, *Section XII.B.C* the WPC and the Town Council shall pay reasonable regard to the following five decision criteria when taking action on all rezoning requests:

- the Comprehensive Plan;
- the current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the Jurisdictional Area; and
- Responsible development and growth.

Staff Recommendation

Staff recommends that the Plan Commission give a favorable recommendation to rezone this parcel from UB to MU-COR zoning.