



Staff Report BZA22-006-VA

LPC Industrial Landscape Variance

Meeting Date: March 3, 2022

Docket BZA22-006-VA LPC Industrial Landscape Variance. The applicant is requesting Variances from the side yard PUD, bufferyard along CR 400, and bufferyard adjacent to a residential use landscape requirements; proposing to relocate and reduce requirements. The site in question is approximately 9.39 acres and located on the south side of Albert S White Drive. The applicant is Lincoln Property Company on behalf of owner Hannah Whitestown, LLC.



Site Location

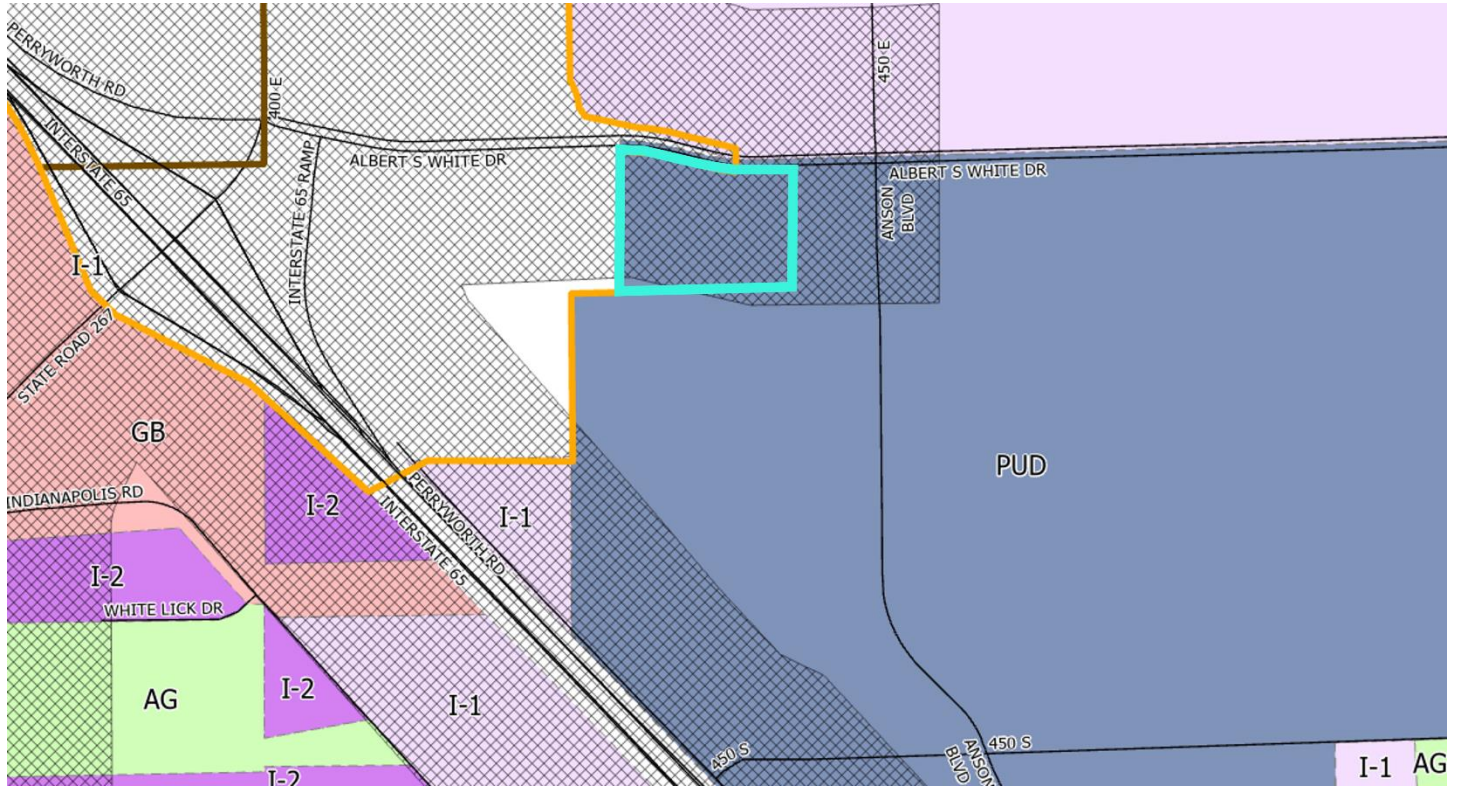
The site in question is located on the south side of Albert S White Drive approximately 357 feet west of the intersection of Albert S White Drive and Anson Boulevard. The Get Go services station is located directly to the east of the site. The site in question is located northwest of the All Points at Anson Industrial Park. The surrounding area is characterized by industrial and commercial uses.

Zoning

The site in question is zoned Anson PUD and is part of the Interstate Commerce District. “The Interstate Commerce District shall be generally located as designated on the Land Use Districting Plan. The use Areas permitted within the Interstate Commerce District shall be limited to Office Areas, Retail Areas, Office/Flex Areas and Industrial Areas.” Permitted uses within the Industrial Area of the Interstate Commerce District of the Anson PUD include but are not limited to business parks, warehouse, wholesale business, and manufacturing, assembly or repair amongst others.

The site in question is also zoned I-65 Corridor Overlay Zone. The Overlay is “established to provide consistent and coordinated treatment of the properties bordering I-65 within Whitestown. The I-65 Corridor is a premier office and

industrial business location and employment center whose vitality, quality, and character are important to adjacent residents, employees, business owners, taxing districts, and the community as a whole.”



Unified Development Ordinance – Anson Planned Unit Development

Under the Anson PUD there are required bufferyards specific to the site in question and side yard requirements for industrial uses related to landscaping. The required bufferyards reference back to the Unified Development Ordinance in addition to the base requirements of the PUD Zoning District.

PUD Section 14.4 C. Commercial and Industrial Buildings. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards: 1. Landscaping in the required front yard shall consist of trees planted in accordance with one of the two following alternatives: i. If deciduous shade (over-story) trees are used: There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards. These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet.

UDO Section 5.6 C. Industrial Abutting Residential. Where an industrial district, building or project abuts a residential district or lots used for any use listed as a residential use on the Permitted Use Table, a landscape buffer must be provided using either Option 1 or Option 2 below. 1. Option 1. A landscape buffer area at least 15 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs and trees. Parking or impervious surfaces are prohibited in the buffer area. One evergreen tree and 4 large shrubs must be provided for every 25 linear feet of lot line. Plant spacing should be designed to minimize sound, light and noise impacts on residential uses. 2. Option 2. An opaque wall, berm, fence or dense (100% opacity) vegetative screen at least 8 feet tall must be provided with 1 shade tree provided for every 35 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use must be at least as finished in appearance as the side facing the industrial use. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 small shrubs per 25 linear feet of lot line must be provided between the fence or wall and the property line. If a vegetative screen is proposed, it must be at least 6 feet in height at the time of planting.

UDO Section 5.4 A. Street Frontage Landscaping. The front yard must be landscaped with at least 1 shade tree per

35 feet of street frontage. If overhead electric distribution lines are present, ornamental trees with a maximum mature height of 15 feet must be planted and the number of trees planted must be at least 1 ornamental tree per 20 feet of street frontage. Trees fulfilling this requirement must be planted within 25 feet of the right-of-way.

Proposed Development

The applicant is requesting Variances to allow required side yard trees to be relocated from the west to east side yard, 74 shrubs on site where 18 shade trees and 74 shrubs are required on the west side of the site, and 20 shade trees along the front street frontage where 22 shade trees are required. The applicant is meeting all other landscaping requirements on site. The site in question was recently approved for Concept Plan for the site but will need Variance approval before proceeding with Development Plan application at Plan Commission (PC22-002-CP).

The submitted materials and staff review indicate the following:

- Approximately 9.39 acre site;
- Town municipal boundary on the west side of the site;
- Gas and utility easements on site; and,
- Proposed light industrial use with associated parking.

Ordinance	Required	Provided
PUD 14.4 B. front yard landscaping	19 shade trees or 30 ornamental trees	19 shade trees
PUD 14.4 C. side yard landscaping	11 shade trees or 16 ornamental trees on west side	11 shade trees relocated on east side
PUD 14.4 C. rear yard landscaping	NA	NA
PUD 14.4 B. parking landscaping frontage	477.52 linear feet of shrub coverage	478 linear feet of shrub coverage
PUD 10.8 B. parking landscaping - > UDO 5.5 B. interior parking	25 shade trees	25 shade trees
PUD 4.15 Bufferyard J abuts res parcel -> UDO 5.6 C buffer res	25 evergreens and 99 shrubs or a fence and 18 shade trees and 74 shrubs	74 shrubs relocated on site
PUD 4.15 Bufferyard E abuts 400S -> UDO 5.4 A street frontage	22 shade trees	20 shade trees
TOTAL	95 trees and 74 shrubs+	75 trees and 74+ shrubs

Staff Recommendation

Staff is providing a favorable recommendation for the LPC Industrial Landscaping Variance docket BZA22-006-VA.

Staff’s recommendation to the Board of Zoning Appeals finds the variance complies with the following requirements in accordance with UDO Section 11.14 F. 2. and is consistent with Indiana Code IC 36-7-4-918.5 and approval be granted upon:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:
Approval of the variance will not be injurious to the public health, safety, morals, and general welfare because there is existing landscaping between the residential use to the west and the site in question, and some frontage landscaping is being provided. The applicant is proposing to relocate some of the required landscaping in other locations.

2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner because:

The use or value of the surrounding area will not be negatively affected if the variance is approved because the area is generally industrial in nature and the proposed landscaping meets the general requirements of the PUD. The proposed landscaping is consistent with adjacent properties. Although the site directly to the west is currently used as a residential use, given the access to the interstate and ongoing development, the site may be redeveloped to a non-residential use in the future.

3. The strict application of the terms of the Ordinance will result in practical difficulties as applied to the property for which the variance is sought because:

The ordinance's landscaping requirements are strictly limited by the location of the site. The existing and proposed utility easements on site make meeting the landscaping requirements practically difficult. The site has been maximized with allowable plantings and cannot support any more otherwise plant life will suffer.

If the Board of Zoning Appeals makes a motion to approve the Variance request, staff recommends adding the condition that if a fence is permitted by the gas utility company, the applicant will provide a fence along the west side of the property.

Standards for Evaluation

1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community because...

The loss of a more substantial buffer will allow the development of the property without encroaching into a gas pipeline easement. Such an encroachment is not desirable and would be potentially hazardous to the public and surrounding property owners. In addition, the reduction of the buffer will not impact traffic on Albert S White Drive nor expose any member of the public to any dangers related to development on the subject property.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because...

The property is located just east of the I-65 interchange, which will screen the property from everything located west of I-65. Moreover, the only property located between the subject property and I-65 is not suitable for residential development, but is very much suited for commercial or industrial development given the surrounding uses, the proximity of I-65 and the comprehensive plan for this area, as reflected by the fact that the property is in the I-65 overlay district. Commercial or industrial property will not be impacted by the reduction in the buffer requirements, and the reduction will not impact the ability to use the adjacent property for commercial or industrial purposes.

3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because...

The west side of the property is the subject of a gas pipeline easement that has a gas pipeline located in it. The gas pipeline company will not allow the owner to install the required buffer. Relocating the buffer further to the east on the property would result in a substantial loss of developable property, which would be an unnecessary hardship.