

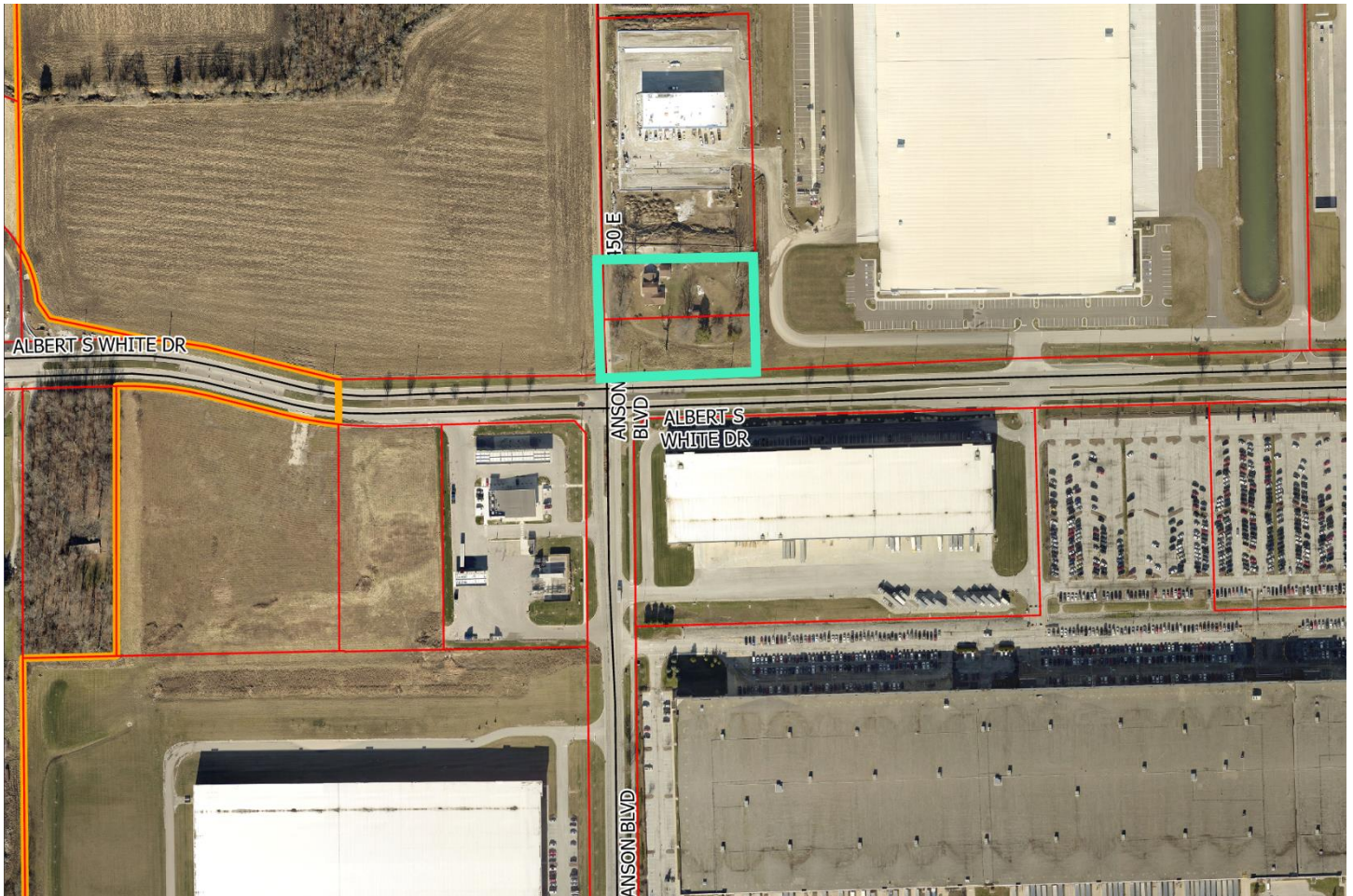


Staff Report BZA22-007-VA

Mann Brothers Landscape Variance

Meeting Date: March 3, 2022

Docket BZA22-007-VA Mann Brothers Landscape Variance. The applicant is requesting Variances from the Street Frontage landscape requirements; proposing to eliminate landscaping along Albert S White Drive and reduce landscaping along CR 450 E. The site in question is approximately 2.07 acres and located at the northeast intersection of Albert S White and CR 450 E. The applicant and owner is Mann Brothers Holdings, LLC.



Site Location

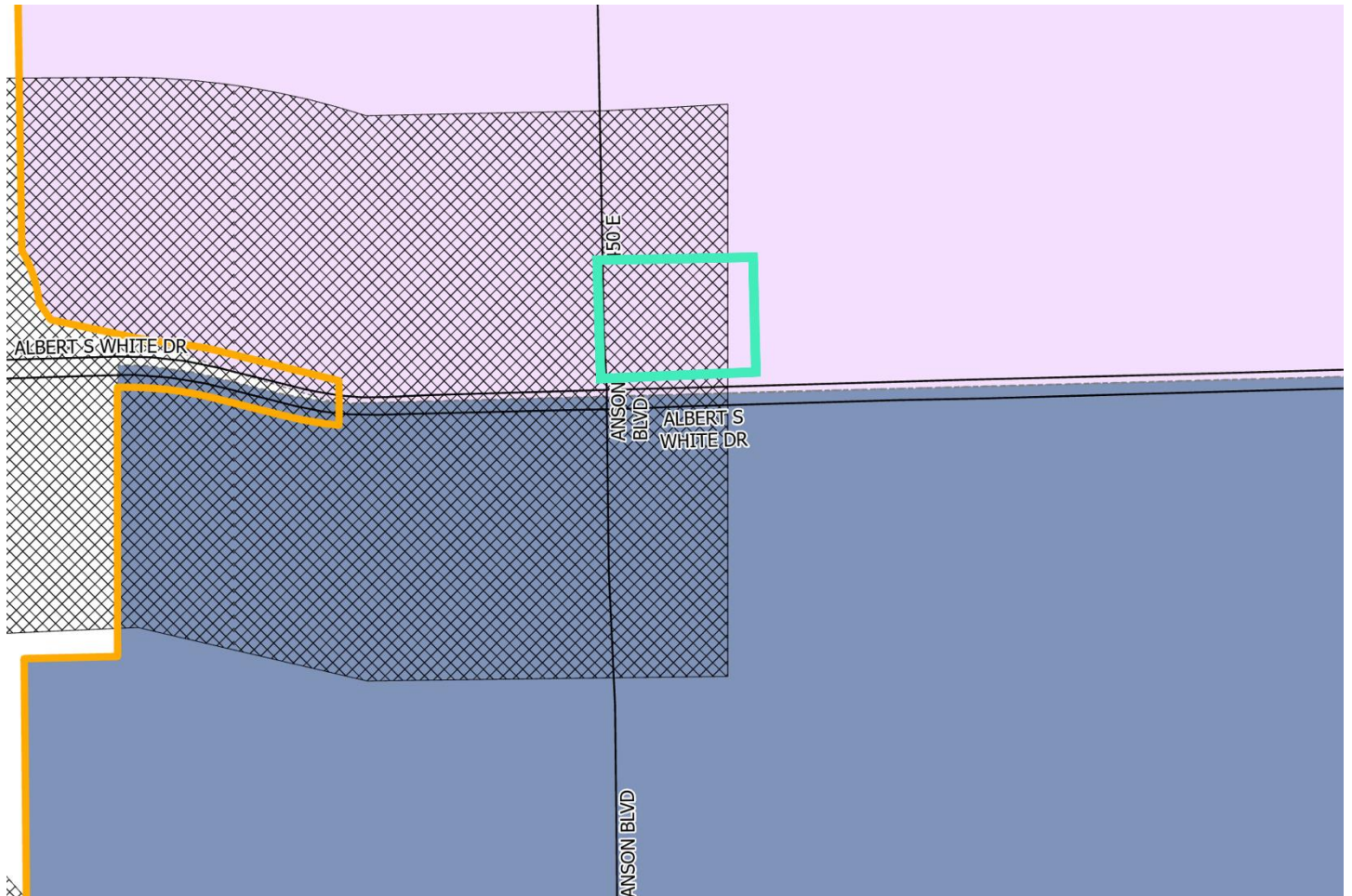
The site in question is located at the northeast intersection of CR 450 E and Albert S White Drive. The I-65 interchange is located to the west of the site and there is an existing Get-Go gas station located catty corner from the site. The surrounding area is characterized by industrial, commercial, and agriculture uses.

Zoning

The site in question is zoned Light Industry (I-1) and a majority of the site is also zoned I-65 Corridor Overlay. The I-1 “district is established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.” Permitted uses in the I-1 district include but are not limited to government buildings, local service stations, manufacturing, fabricating and assembly

amongst others.

The I-65 Corridor 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 whose vitality, quality, and character are important to adjacent residents, employees, business owners, taxing districts, and the community as a whole.” The I-65 Overlay district permits the underlying zoning district’s uses and generally has stricter architectural building standards.



Unified Development Ordinance

Under Chapter 5 of the UDO, the landscaping requirements are provided for street frontage, parking, and buffer landscaping. The site in question requires 1 shade tree per 35 along Albert S White Drive and a 10' buffer containing 3 shade trees, 4 evergreen trees, and 25 shrubs per 100 feet along CR 450 E.

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.*

UDO Section 5.4 E. Street Frontage Landscaping. *Where the side yard or rear yard of a lot abuts or is within 50' of an existing public right-of-way, perimeter landscaping must be provided within the common area or lot adjacent to the public right-of-way as follows: 2. Non-residential uses must provide a landscape area a minimum of 10' wide abutting the right-of-way planted with a minimum of 3 shade trees or ornamental trees, 4 evergreen trees, and 25 shrubs per 100 lineal feet.*

Proposed Development

The applicant is requesting a Variance to allow 0 trees along Albert S White Drive, and 6 shade/street trees and 36 shrubs along CR 450 E; where 9 shade trees are required along Albert S White Drive and 8 ornamental, 11 evergreen, and 11 shrubs are required along CR 450 E. The applicant is meeting or exceeding all other landscaping requirements on site. The site in question was recently rezoned to the I-1 Zone District as a part of the applicant's future development plans for the site (PC21-021-ZA).

The submitted materials and staff review indicate the following:

- Approximately 2.07 acre site;
- Gas, water, and sanitary easements on site with future dedicated right-of-way;
- Proposed service station use with local vehicle and semi-trailer fuel stations;
- Drive-thru window and commercial restaurant use; and,
- Dumpster enclosure and associated parking on site.

Ordinance Section	Required Quantity	Provided Quantity
5.4 A. street frontage along Albert S White	9 shade trees	0 trees
5.4 E. street frontage along 450	10' buffer + 8 ornamental trees, 11 evergreen trees, and 11 shrubs	10' buffer + 6 street/shade trees and 36 shrubs
5.5 A. street frontage parking	NA	NA
5.5 B. interior parking	262.44 sq ft area = 2 shade trees	442 sq ft area = 3 shade trees and 9 shrubs
5.6 Buffer	NA	18 shade/evergreen and 82 shrubs
TOTAL	30 trees and 11 shrubs	27 trees and 91 shrubs

Staff Recommendation

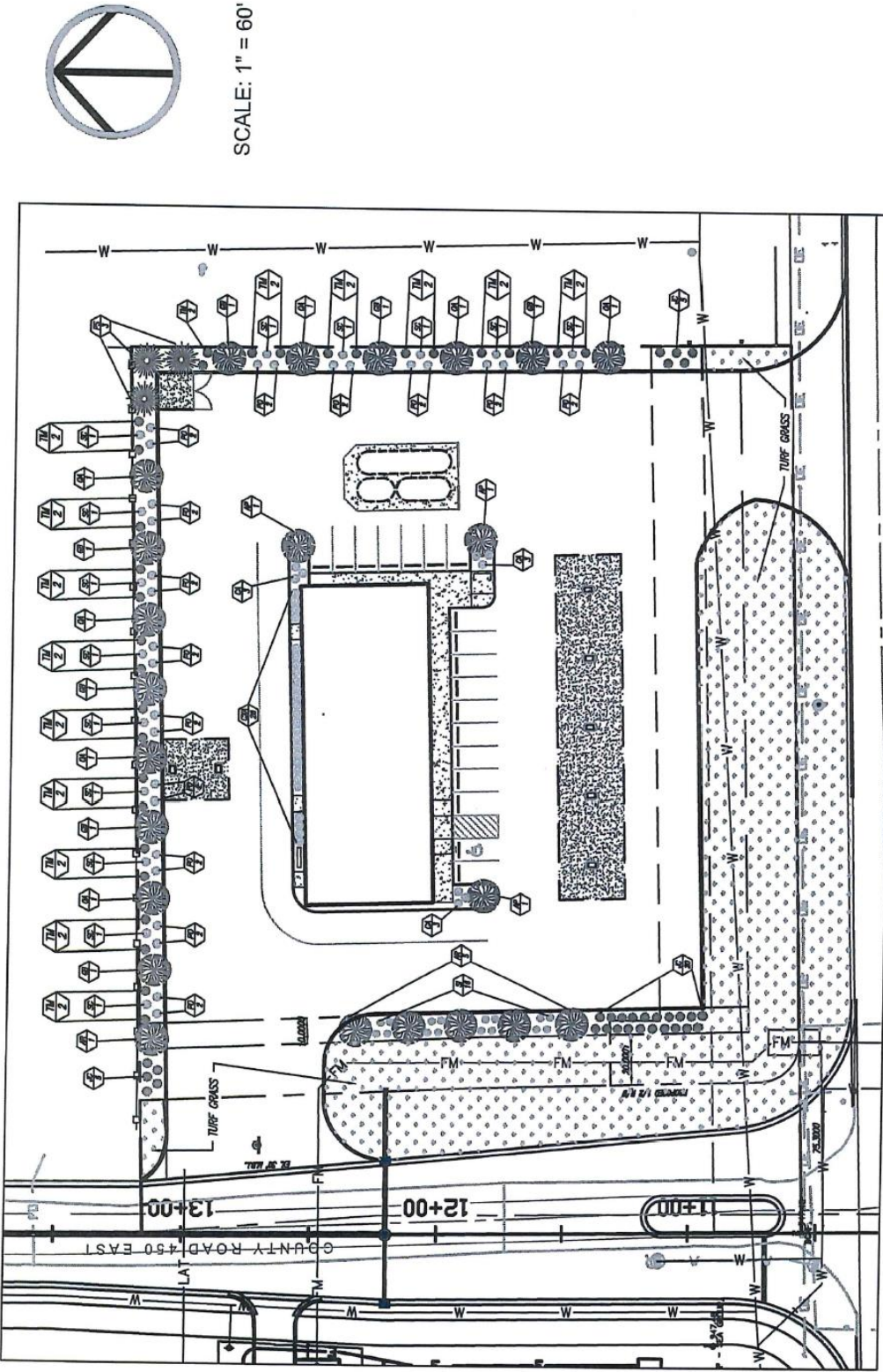
Staff is providing a favorable recommendation for the Mann Brothers Landscaping Variance docket BZA22-007-VA.

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 the required landscaping is primarily being relocated in other areas on site and is only short a few tree plantings but is being compensated by an increase number of shrubs. It would be more injurious to the public to plant within utility easements if work needed to be done in those areas.
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 there are a few plantings located in the median on Albert S White Drive to compensate for the street frontage.
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 size and location of the site. The site in question is a combination of two remnant parcels and is considered infill development. The

existing and proposed utility easements on site make meeting the landscaping requirements practically difficult.

Materials Submitted by the Applicant



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Mann Brothers - Whitestown Development

Planting Plan

PROJECT NO: 20210132

DATE: 01/28/2022

SHEET 2 OF 5

DRAWN BY: CPK / CHECKED BY: SMS






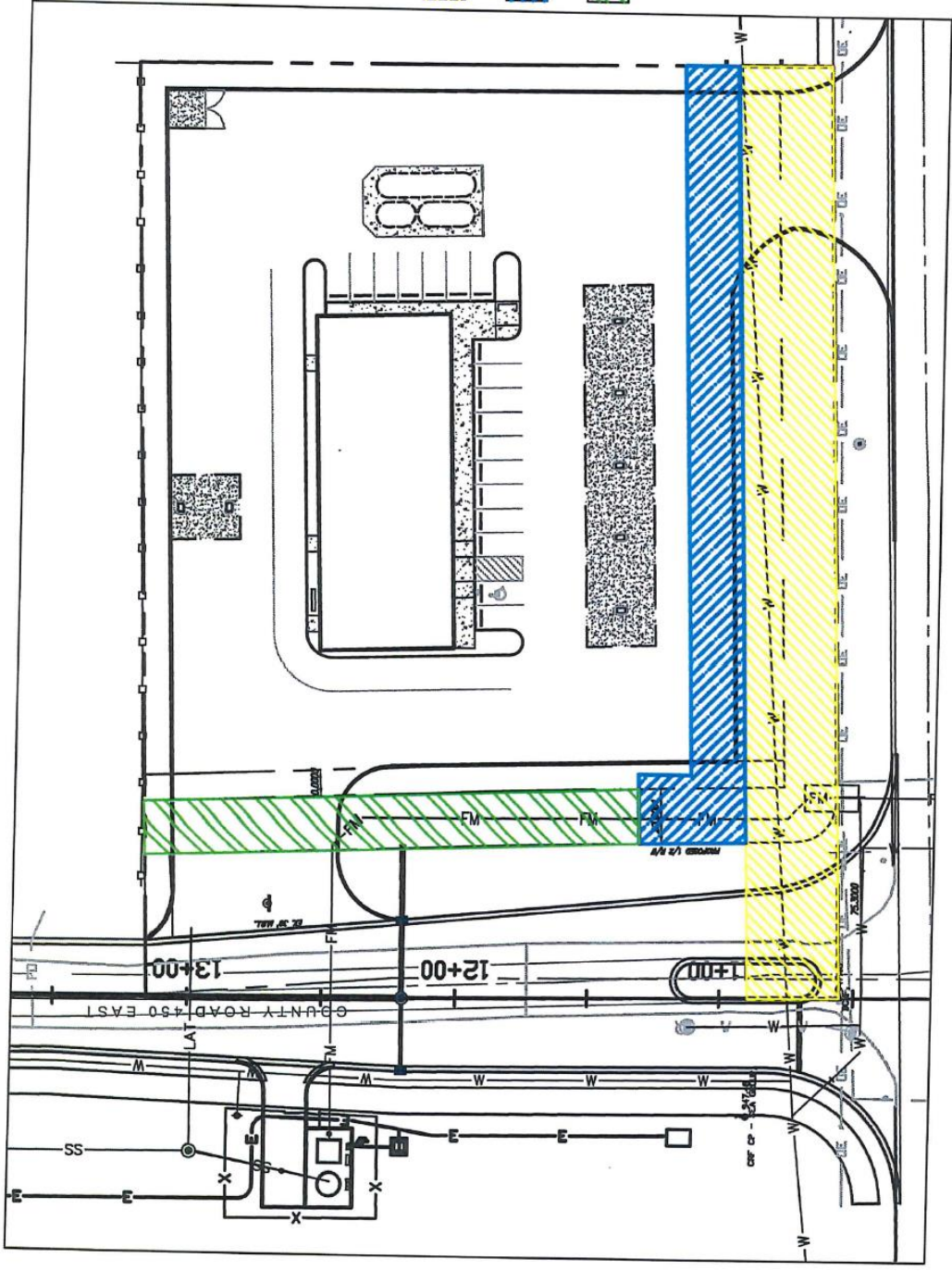
STARR
ASSOCIATES
LAND SURVEYORS & ENGINEERS

215 ALABAMA STREET
LAFAYETTE, INDIANA 47901
(765) 471-8813
WWW.STARRSURVEYING.COM



SCALE: 1" = 60'

-  Gas Easement
-  Water Easement
-  Sanitary Easement



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Mann Brothers - Whitestown Development

Easements
 PROJECT NO: 20210132
 DATE: 01/28/2022
 SHEET 5 OF 5
 DRAWN BY: CPK / CHECKED BY: SMS



STARR ASSOCIATES
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Standards for Evaluation

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

The proposed use will be a quality, well constructed project. The variances are not unique to the surrounding individual areas. Additionally, Petitioner has supplemented the landscaping in other areas of the site.

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 industrial uses (existing and planned) are consistent with and compatible with a gas station/ convenience store (with fast food restaurant). The requested variances will neither distract from the development of the site nor the surrounding uses.

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 shape and location (2 road frontage) of the parcels paired with multiple existing and future easements makes development of the site difficult without the requested variances.