



## JOHNSON COUNTY

Department of Planning and Zoning  
86 West Court Street  
Courthouse Annex  
Franklin, Indiana 46131

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[www.co.johnson.in.us](http://www.co.johnson.in.us)

## MEETING AGENDA

Johnson County Board of Zoning Appeals  
July 25th 2023, 7:00 PM  
Public Auditorium, West Annex Building  
86 West Court Street, Franklin, Indiana

### CALL TO ORDER

### ROLL CALL

### APPROVAL of MINUTES

Approval of minutes from the June 27th, 2023 meeting.

### PUBLIC HEARINGS

#### -CONTINUED PETITIONS

#### -NEW PETITIONS

V-6-23. Center Grove Community School . 2717 S. Morgantown Road..... Page 3

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of building addition with a height of 50-feet (maximum height of 35-feet permitted).

V-7-23 Sean Fagan. 3007 E 300 N, Franklin ..... Page 13

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for a woodworking shop for custom furniture (not permitted in the R-2 zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana to waive parking and landscaping requirements for commercial uses.

SP-3-23. JSP Investment LLC. 4976/4978 W. Smith Valley Rd, Greenwood .Page 24

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for an auto service use, more specifically a fueling station in the B-1 (Neighborhood Business) Zoning District.

#### OLD BUSINESS

Approval of Findings of Facts for V-4-23, Michael and Lynn Patton, 4703 S 537 E

#### NEW BUSINESS

None.

#### REPORTS AND RECOMMENDATIONS

None.

#### ADJOURNMENT

The next regular meeting of the Johnson County Board of Zoning Appeals is scheduled for Tuesday, August 29<sup>th</sup>, 2023 at 7:00 PM.

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# STAFF REPORT

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**CASE NUMBER:** V-06-23  
**ADDRESS:** Center Grove High School  
2717 S Morgantown Rd, Greenwood  
**PETITIONER:** Center Grove Community School Corporation by Fanning Howey Associates

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## **REQUEST**

VARIANCE OF DEVELOPMENT STANDARDS of the Johnson County Zoning Ordinance to allow for the construction of building addition with a height of 50 feet (maximum height of 35-feet permitted).

## **STAFF RECOMMENDATION:**

Staff recommends **approval** of this variance request.

## **PROPERTY DESCRIPTION**

The property is located in Section 15, Township 13, Range 3, in White River Township at the address 2717 S Morgantown Rd.

Improvements on the property include school buildings, athletic facilities, and parking and maneuvering areas.

The property is approximately 85 acres and zoned R-1 (Single-Family Residential).

## **VARIANCE OF DEVELOPMENT STANDARDS – SIDE SETBACK**

This variance request seeks approval for the development of a three-story Academic Pavilion at Center Grove High School, located on the east side of Morgantown Road at 2717 South Morgantown Road in Johnson County, Indiana. This project includes the construction of an approximate 23,121 square-foot building addition with curbs, sidewalks, and a reconfiguration of the existing asphalt driveway areas.

The building is proposed to be 44' tall while the Clerestory portion of the building will be 50' tall. This proposed height exceeds the zoning ordinances' height limitation of 35' by 9'-15'. The petitioner states that the additional height will provide for a third level that will have six additional classroom spaces for Center Grove High School. Adhering to the 35' height limitation would only allow for a two-story building.

Limiting the height of structures in residential districts is intended to preserve the residential character of the surrounding neighborhood. In this case, the project is within a well-established educational area. The new building addition will be surrounded by other school buildings on

the north, south, and east sides. To the west, the proposed building will be approximately 130' from Morgantown Rd. The nearest parcels to the project are located across Morgantown Rd. and are also owned by the Center Grove School Corporation. The nearest residential properties are over 550' feet away from the proposed building.

Staff asserts that the additional height for this building will not adversely affect the residential character of the surrounding residential area.

Staff, therefore, recommends approval of this request.

### **FINDINGS OF FACT**

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

Required building and improvement permits must be issued prior to development of the subject structure. The petitioner has applied for a building permit and the structure must comply with the building code prior to passing a final inspection. The State has also approved the building plans.

**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.**

The area adjacent to the additional would include school buildings, athletic facilities, and parking and maneuvering areas on the high school campus. Building vertically will allow for the needed classroom space to serve the surrounding community.

**3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.**

Schools are permitted to use in the R-1 District. A strict application of the Ordinance would not allow for the construction of a structure typical for high school campuses.

### **GENERAL INFORMATION**

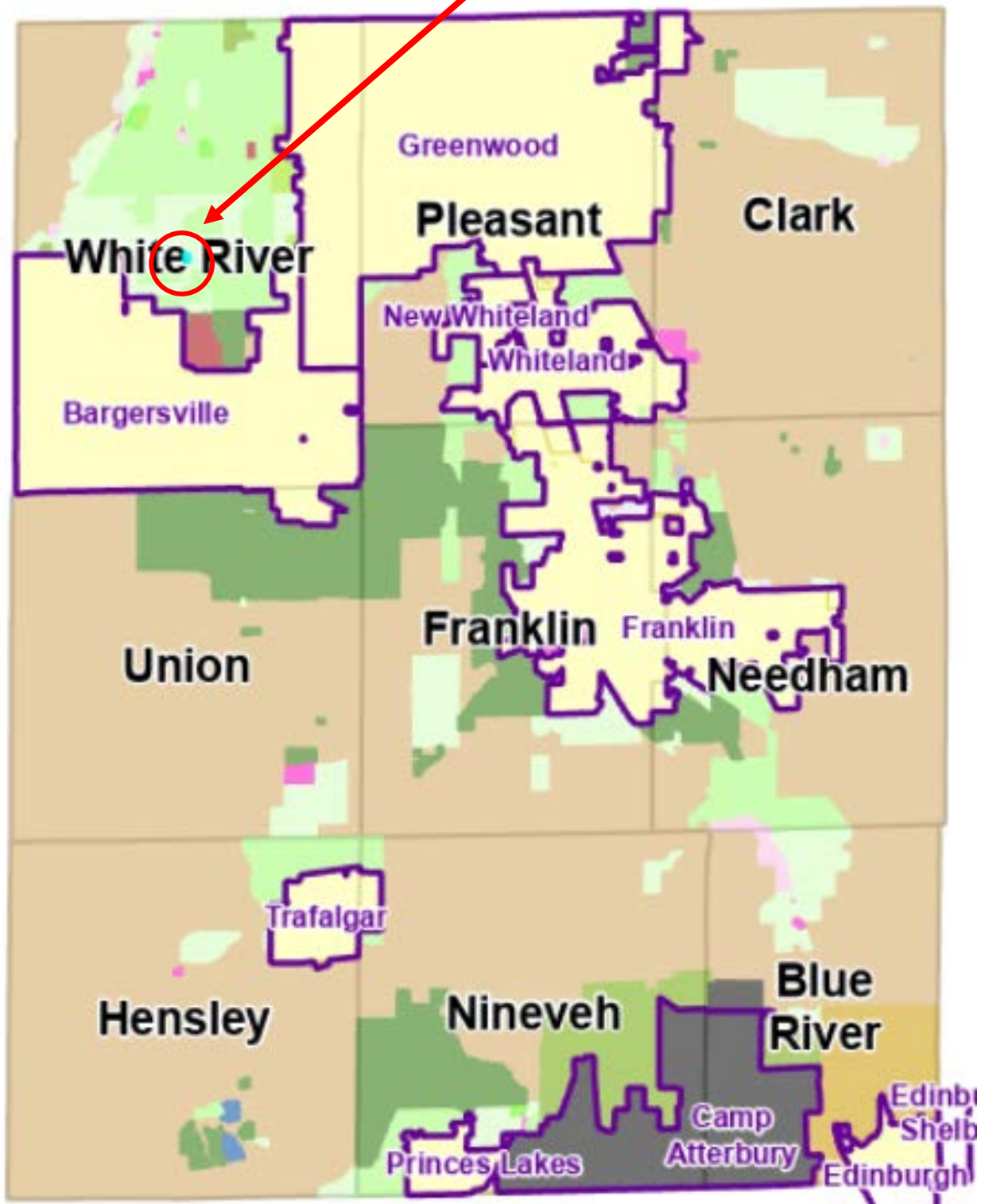
Applicants: Cheryl Sydzik, Fanning Howey Associates  
350 E. New York St Suite 300  
Indianapolis, IN 46204  
Owners: Center Grove High School  
2717 S Morgantown Rd  
Greenwood, IN 46143

Zoning: Single-Family Residential  
Land Use: Residential  
Future Land Use: Institutional

-RLS

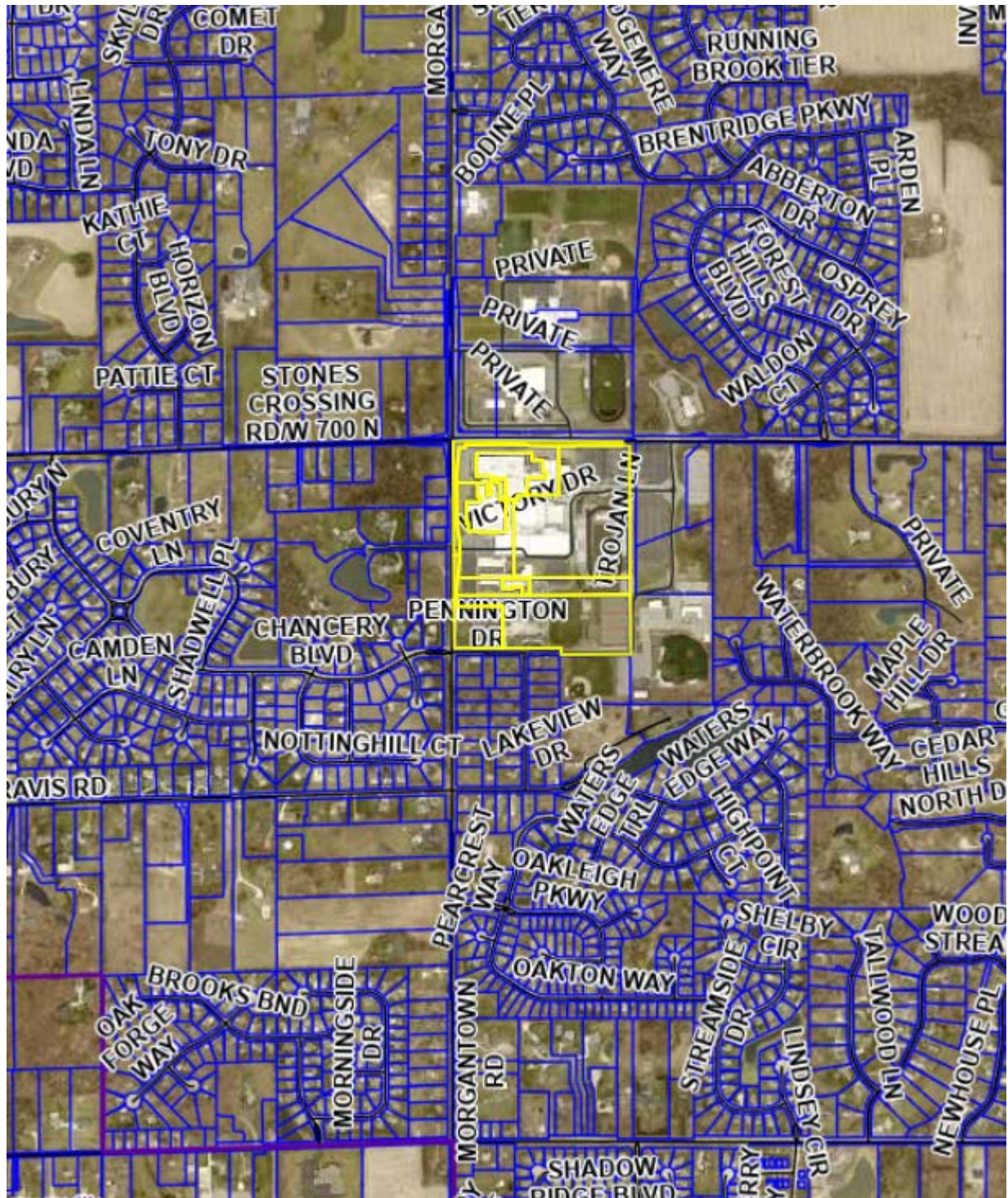
V-06-23 BASE MAP

SUBJECT SITE



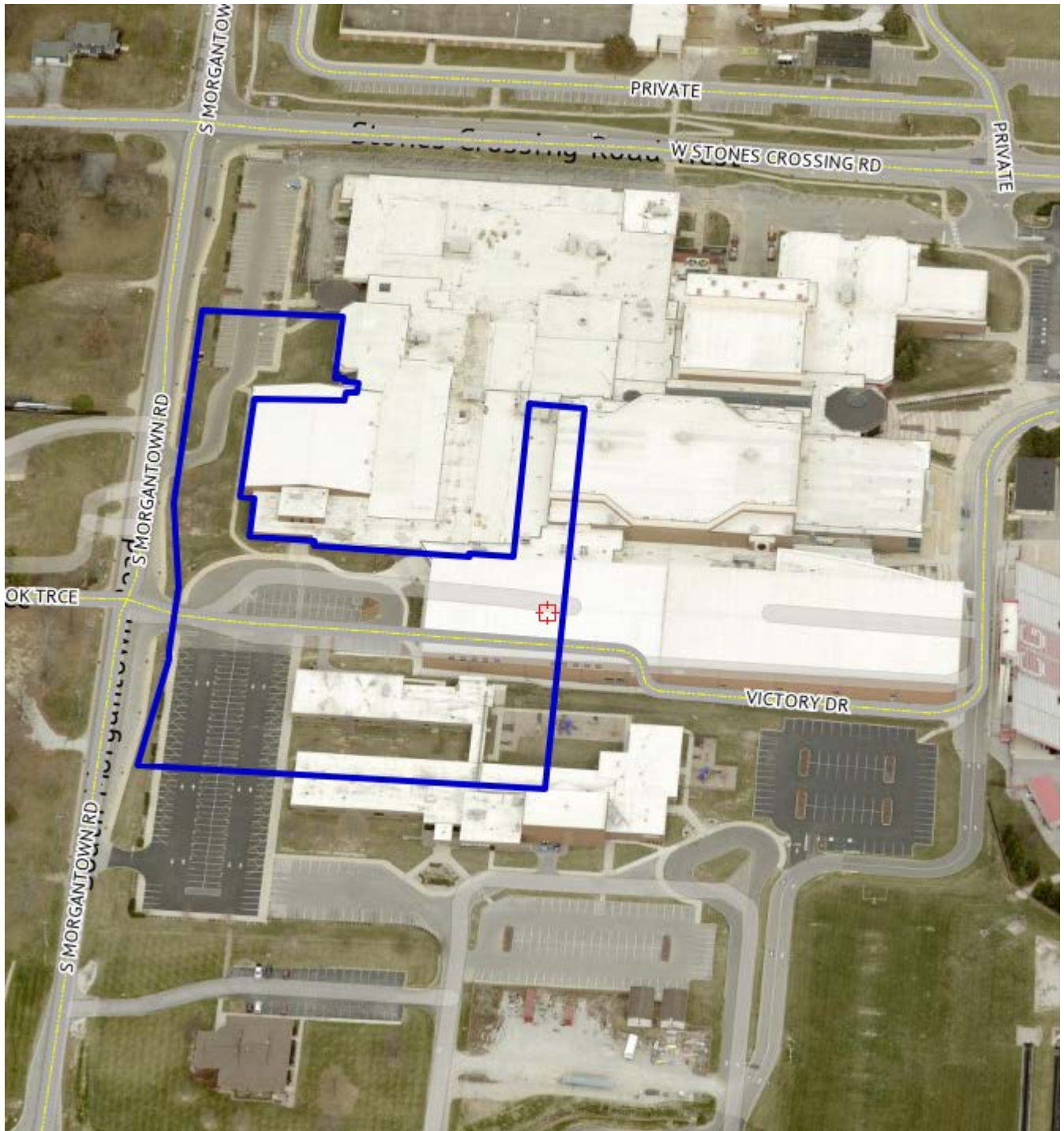


## V-06-23 AERIAL MAP

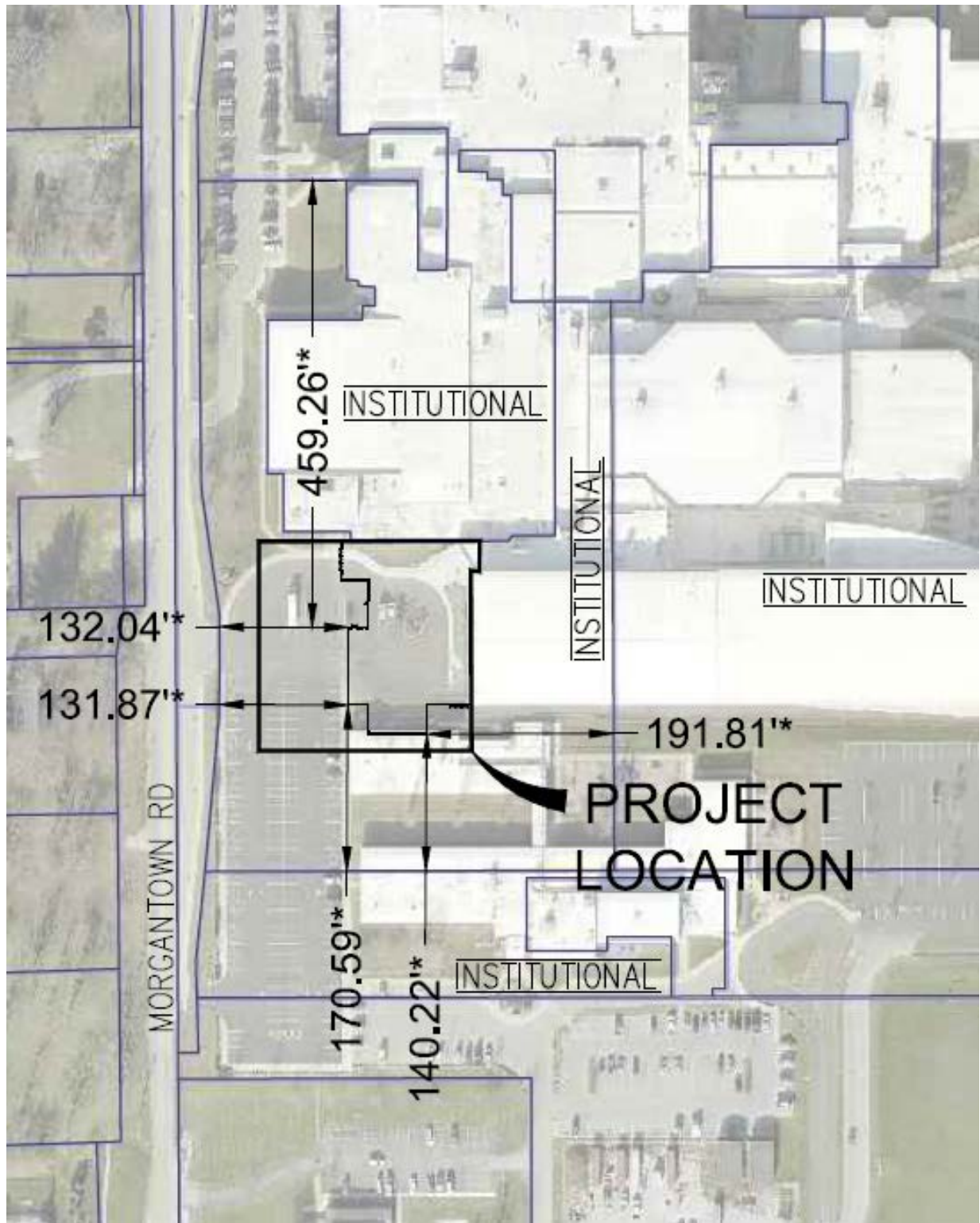




## V-06-23 AERIAL MAP II

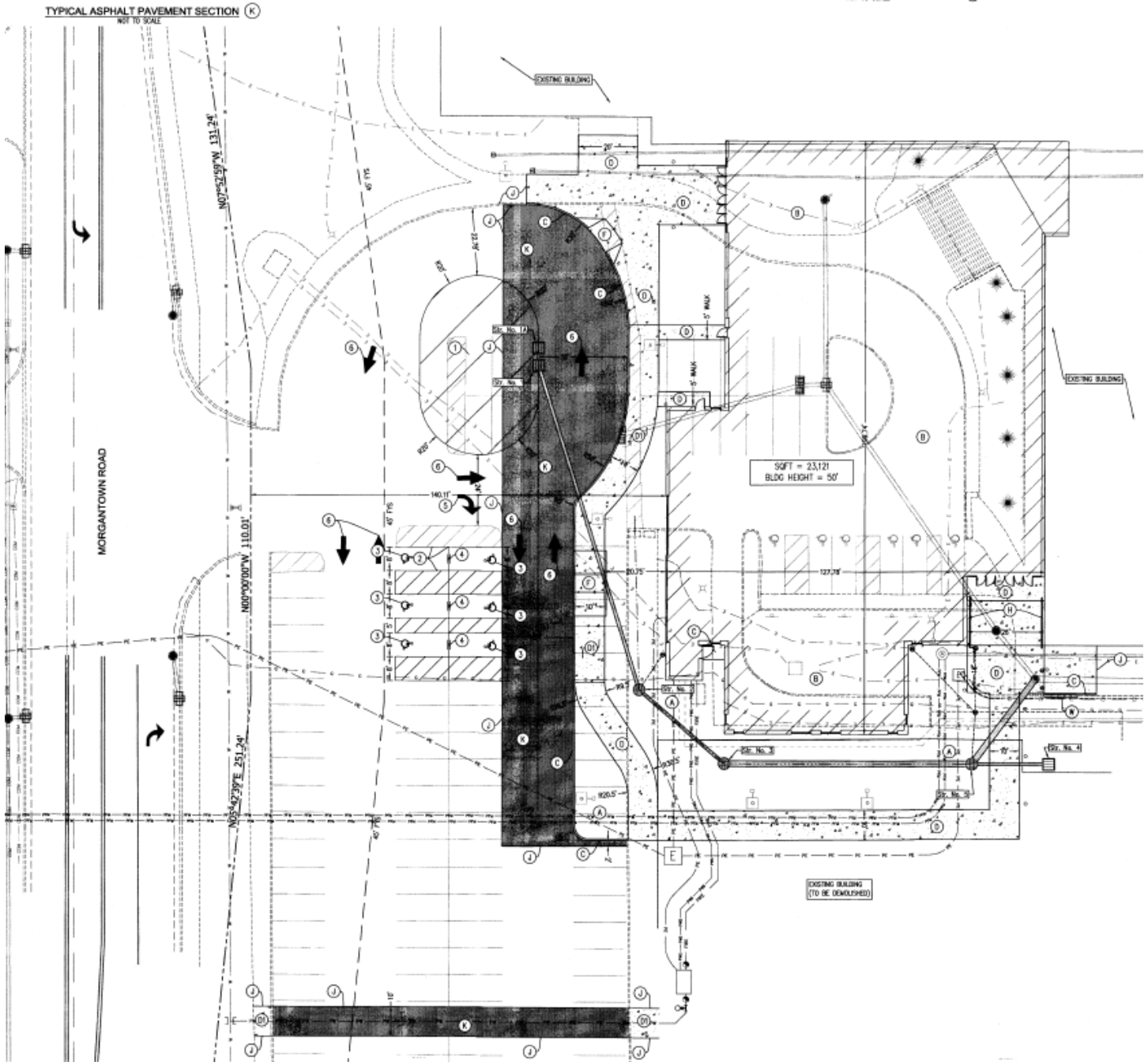


## V-06-23 PROPOSED SITE PLAN





# V-06-23 PROPOSED SITE DIMENSION PLAN



## SITE DIMENSION NOTES

1. ALL RADI DIMENSIONS ARE TO THE FACE OF PROPOSED CURB.
2. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL SIGNAGE. VERIFY CONFLICTS WITH OWNER.
3. ALL STORM SEWERS LOCATED OUTSIDE THE PUBLIC RIGHT-OF-WAY SHALL BE PRIVATELY OWNED AND MAINTAINED.

## ABBREVIATIONS

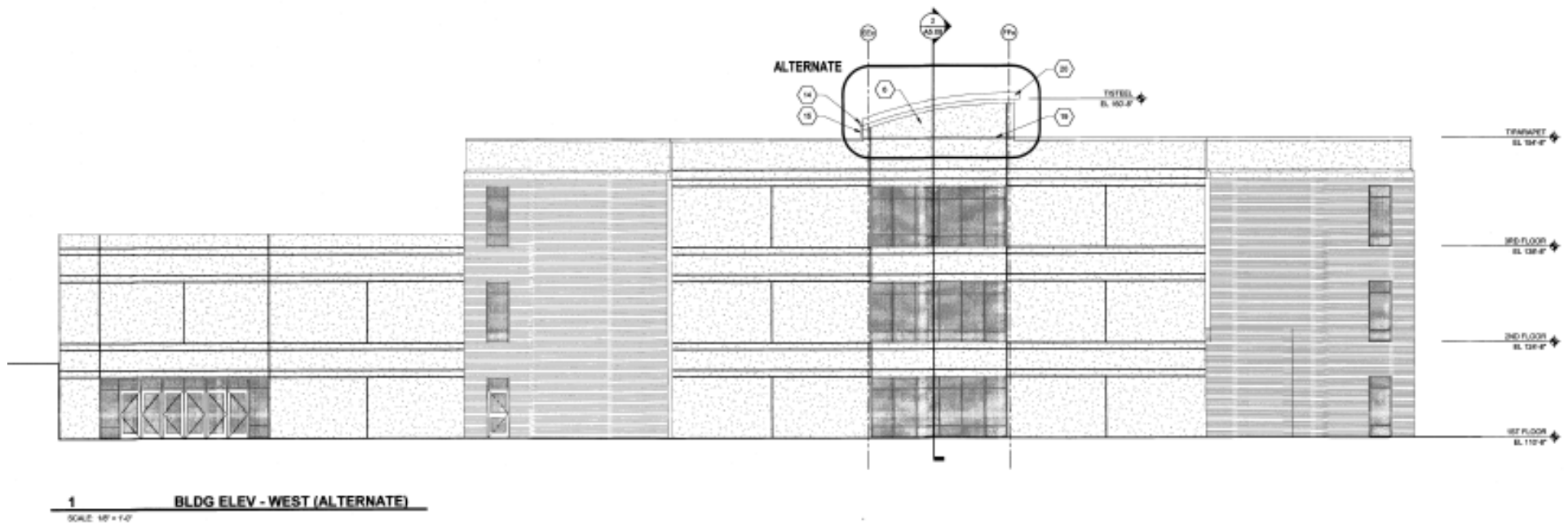
1/2 (4)

FYS FRONT YARD SETBACK  
SYS SIDE YARD SETBACK  
RYS REAR YARD SETBACK  
DUE DRAINAGE & UTILITY EASEMENT  
NAE NON-ACCESS EASEMENT  
AE ACCESS EASEMENT  
M.F.P.G. MINIMUM FLOOD PROTECTION GRADE  
M.L.A.G. MINIMUM LOWEST ADJACENT GRADE  
F.F.E. FINISH FLOOR ELEVATION

## EXISTING LEGEND

POWERPOLE	800	CONTOURS
POWERPOLE W/RISER	PROPERTY LINE	SECTION LINE
ELECTRIC BOX	RIGHT-OF-WAY	EASEMENT
GUIDE WIRE	ADJOINER LINE	PAVEMENT LINE
WATER VALVE	PRIVACY FENCE	DITCH
FIRE HYDRANT	GAS LINE	TELEPHONE LINE
WATER METER	WATER LINE	OVERHEAD UTILITY LINE
GAS VALVE	W	TREE LINE
CLEANOUT	THU	SANITARY SEWER W/MANHOLE
SIGN	THU	STORM SEWER W/MANHOLE & END SECTION
MAILBOX	THU	REMOVAL/DEMOLISH
STORM ROUND INLET	THU	
STORM CURB INLET	THU	
TREE, BUSH & STUMP	THU	
TEMP. BENCHMARK	THU	
MONUMENT FOUND	THU	
ASPHALT	CONCRETE	GRAVEL

## V-06-23 PROPOSED BUILDING ELEVATIONS



## V-06-23 PETITIONER FINDINGS OF FACT

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

The approval will not be injurious to the public health, safety, morals and general

welfare of the community because: This classroom addition will enhance the opportunities

for the students within this community.

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 use and value of the area adjacent to the property included in the variance will not be

affected in a substantially adverse manner because: Surrounding amenities have been

designed to address the addition of 18 classrooms which will provide additional

space for students in the Greenwood Community.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:

The strict application of the terms of the Zoning Ordinance will result in practical

difficulties in the use of the property because: Without the additional classrooms

which will be provided in this 3 story addition ...existing classrooms sizes will need

to increase which impacts the student/teacher ration with regard to learning.

# Staff Report

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CASE NUMBER: V-7-23  
ADDRESS: 3007 E 300 N, Franklin  
Section 1, Township 12, Range 4  
PETITIONER: Sean Fagan

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## REQUEST

VARIANCE OF USE of the Johnson County Zoning Ordinance to allow for a woodworking shop for custom furniture (not permitted in the R-2 zoning district).

VARIANCE OF DEVELOPMENT STANDARDS of the Zoning Ordinance of Johnson County, Indiana to waive parking and landscaping requirements for commercial uses.

## STAFF RECOMMENDATION:

Staff recommends the **approval** of these variance requests.

## PROPERTY DESCRIPTION

This 2-acre site is zoned R-2 (Single Family Residential) and is improved with a single-family and a 2,016 square foot detached garage. The site is surrounded by parcels of varying sizes and all zoned A-1. The site is located in the Leugers D Minor Subdivision. The parcel is surrounded by R-2-zoned properties used residentially. The properties to the north are used residentially and agriculturally. Nearby properties to the west, east, and south are in the City of Franklin. A commercial park is located to the west. The parcels south of the Leugers D Minor Subdivision were annexed by the City of Franklin for a proposed major residential subdivision that will abut the existing Heritage Subdivision.

## VARIANCE REQUEST – USE

This Variance of Use request, if approved, would allow the applicant to use the existing detached garage as a woodworking shop to create custom furniture for clients. The petitioner has an existing business that produces custom cabinets and other furniture at another location. Since building his house on this property, the petitioner wishes to bring his shop to his property.

In the petitioner's statement, he states that he would be the sole employee of the business with no plans to hire employees. Customers do not come to the property, as he will travel to their property to meet and deliver the products. Deliveries will not be more than regular anticipate deliveries of a residential area. Other information can be found in his statement in this staff report.

Given adherence to the submitted Plan of Operation, staff would assert that the use as proposed could operate similarly to a Home Occupation. If it was located in the existing house or attached garage, the petitioner would be allowed to operate this use by right. Since it is located in a



detached structure, it is not considered a home occupation. This is one standard that staff is working to include in the new Unified Development Ordinance.

Staff, therefore, asserts that the request represents an acceptable deviation from the zoning ordinance and recommends approval.

#### **VARIANCE OF DEVELOPMENT STANDARDS REQUEST - COMMERCIAL LANDSCAPE AND PARKING**

The use of a woodworking shop is subject to commercial development standards for parking, maneuvering area, drive aisles, and landscaping.

This Variance of Development Standards request, if approved, would allow for commercial use of the proposed structure without providing the paved maneuvering and parking areas required of commercial properties. The property currently has a gravel driveway and parking area. The existing gravel and proposed expanded gravel area will also lack curbs and stall striping, whereas the zoning ordinance requires all commercial parking and maneuvering areas to be paved and curbed and to have parking stalls marked in paint. Staff would assert that gravel maneuvering and parking areas would better fit the rural environment and context, particularly since there would be no customer visitation and limited truck traffic. Application of this regulation will make the visual appearance more commercial than residential.

This request also seeks to waive the buffering landscaping between the residential uses to the south. Specifically, the zoning ordinance requires a landscape buffer with a minimum width of twenty feet, planted with staggered rows of shrubs and trees at least six feet in height, along with the northern lot line. If the plan of operation is followed, not outdoor use of use will occur making the standard not necessary.

Staff would regard the ongoing use of gravel as a surface for the parking and maneuvering area associated with this use to be generally appropriate and suitable for the area, should the Board favor grant of the associated Use Variance. Similarly, should the Board favor grant of the Use variance, staff would support relief from the commercial landscaping standards.

#### **VARIANCE OF USE FINDINGS OF FACT: STAFF ANALYSIS**

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

Staff Analysis: The proposed use would be contained, and therefore would not have an impact on the public health, safety, morals, and general welfare of the community. The petitioner will dispose of any waste off site.

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.

Staff Analysis: The proposed use would not adversely impact the use and value of the adjacent properties as it will appear residential in nature.

**3. The need for the variance arises from some condition peculiar to the property involved.**

Staff Analysis: The proposed use would be contained within a typical residential structure, and therefore would have negligible impact on the realization of the Comprehensive Plan.

**4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.**

Staff Analysis: The strict application of the terms of the ordinance would preclude the use of the site in the proposed manner, which would otherwise comply with the spirit and intent of the ordinance. The proposed use could operate elsewhere on the same property but within the existing dwelling. A detached structure does not create harm to the standard.

**5. The approval does not interfere substantially with the Comprehensive Plan.**

Staff Analysis: The proposed use would be within a structure and appear residential, and therefore would have no negligible impact on the realization of the Comprehensive Plan.

**VARIANCE OF DEVELOPMENT STANDARDS FINDINGS OF FACT: STAFF ANALYSIS**

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

Staff Analysis: The proposed graveled parking and maneuvering area, lacking curbs and stall striping, would not create adverse impacts as it would be sufficiently removed from the road and adjoining properties so as not to cause undue migration, dust or noise. Since the use will be within an enclosed structure that will appear similar to a detached garage, the lack of landscape buffer will not adversely impact the area of mostly rural residential uses.

**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.**

Staff Analysis: The proposed graveled parking and maneuvering area, lacking curbs and stall striping, would not create adverse impacts as it would be sufficiently removed from the road and adjoining properties so as not to cause undue migration, dust or noise. Since the use will be within an enclosed structure that will appear similar to a detached garage, the lack of landscape buffer will not adversely impact the area of mostly rural residential uses.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

Staff Analysis: The site would not be well served by the introduction of a sizable paved parking area, which would needlessly add to the site's impervious area and would be aesthetically out-of-place in this rural residential environment.

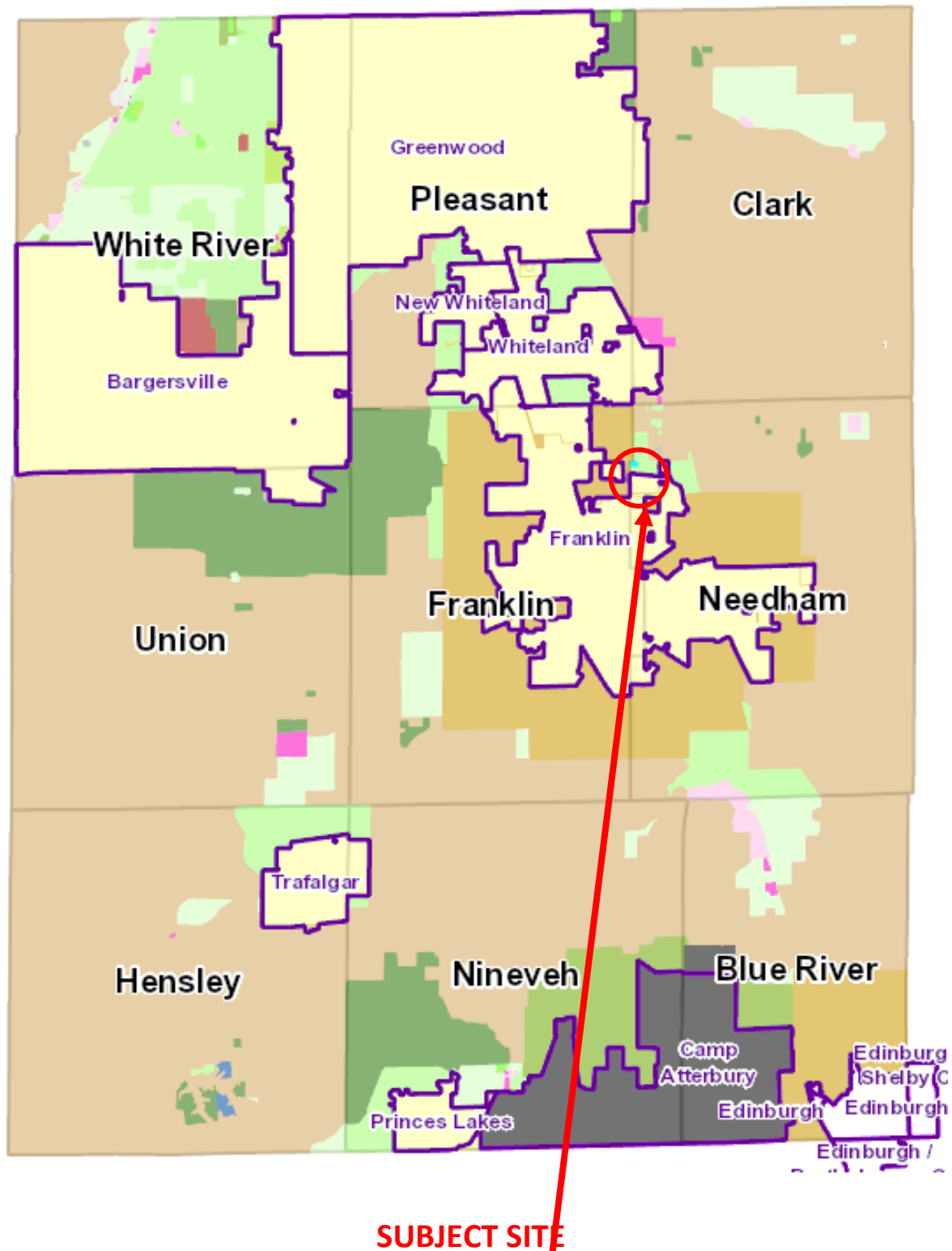
GENERAL INFORMATION

Applicant/Owner: Sean Fagan  
3007 E 300 N,  
Franklin, IN 46131

Zoning: R-2 (Single Family Residential)  
Land Use: Residential  
Future Land Use: Suburban Residential

-MNH

## V-07-23 BASE MAP





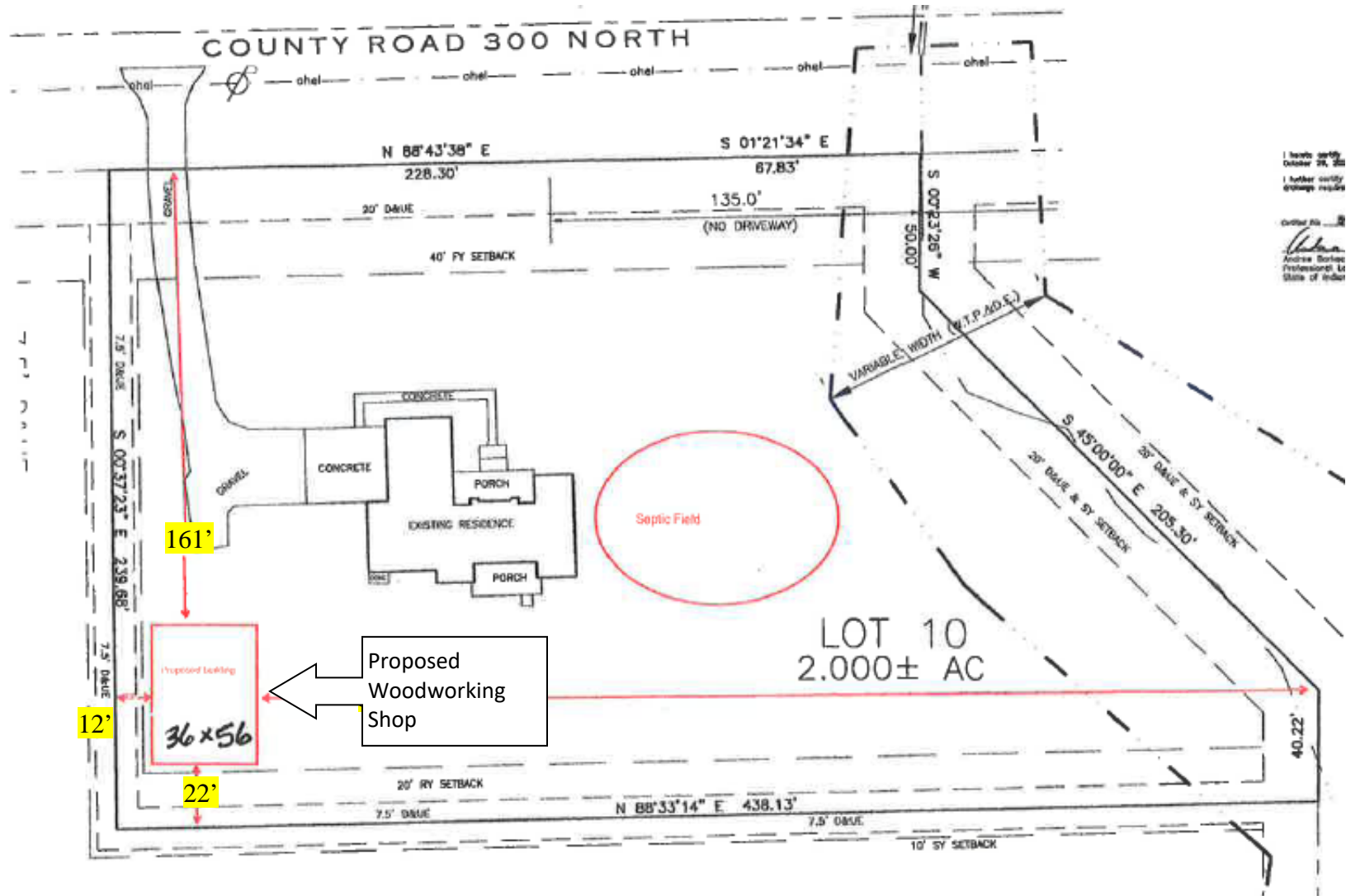
## V-07-23 AERIAL MAP



## V-07-23 AERIAL MAP II



## V-07-23 SITE PLAN





## **V-07-23 PETITIONER 'S FINDING OF FACTS**

### **FINDINGS OF FACT, USE VARIANCE**

#### **JOHNSON COUNTY BOARD OF ZONING APPEALS**

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

The barn is insulated and contains a sophisticated dust collection system; therefore, the use will not cause any excessive dust, noise, odors or nuisances in general. Due to the business model of the Petitioner, the use will not increase traffic to 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:**

A passerby would be highly unlikely to notice that the barn is used for a business as opposed to personal or recreational use. Neighboring property owners will not be affected in the use of their property any more than they would be by living next to a recreational woodworker or farmer. Therefore, no factors would point to a negative effect on the use and value adjacent to the property.

**3. The need for the variance arises from some condition peculiar to the property involved because:**

This is a low-density residential area that is already close to agricultural and commercial parcels; the proposed use is not as disruptive as agricultural or traditional commercial use in terms of traffic, dust, noise, storage, odors and the like.

**4. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because:**

The policy behind the Zoning Ordinance is to prevent commercial activity that disrupts citizens' enjoyment of their homes in predominately residential areas. The barn was constructed for the purpose of this use and per the business model, will not be as intense as a typical commercial use. The proposed use is more akin to a residential use, and therefore a deviation from the Zoning Ordinance is justified.

**5. The approval does not interfere substantially with the Comprehensive Plan because:**

The future land use map of the Comprehensive plan shows the vicinity as suburban residential and industrial; it is also very close to the City of Franklin, with parcels already zoned as suburban residential and industrial.



## V-07-23 PETITIONER PLAN OF OPERATION STATEMENT

The Petitioner, Sean Fagan, is the owner and sole employee of Martell and Co., a company that specializes in custom woodworking and cabinetry. The proposed plan is to move Martell and Co.'s day-to-day operations from a current rented facility to Mr. Fagan's newly constructed pole barn on his home property.

Mr. Fagan has no plans to hire any employees in the future. The relocation of Martell and Co's operations to the pole barn will not result in a large increase of traffic to the area. Clients and customers are very rarely present on-site, as Mr. Fagan travels to meet them at their project location. Materials used in the course of business are wood, plywood, and hardware. Notably, Martell and Co. only receives two or three deliveries per month. These deliveries are brought on a singular straight truck. These trucks are very similar in size and scope to that of the frequently observed UPS or Amazon truck. Moving Martell and Co's operations to the barn will not bring an influx of semi-trucks or other large construction trucks to the site. It is also important to note that there will not be on-site waste removal. Mr. Fagan has contracted to use off-site dumpsters in order prevent any eyesores on the premises. Therefore, there will be no large garbage truck going to and from the property. Mr. Fagan has also contracted for off-site finishing which will mean no noxious odors will emanate from the property. The barn is fully insulated in order to drastically limit the amount of noise coming from the property. On top of the above-mentioned measures to prevent potential nuisances, Mr. Fagan has installed a sophisticated dust collection system to prevent any dust from escaping the premises.

The pole barn will be used for Mr. Fagan to build custom cabinetry. Moving Martell and Co's operations to the pole barn will give Mr. Fagan a larger facility that will allow him to conduct his operation in a safer, cleaner, and less congested environment with no commute. The pole barn will be used and operated during standard business hours, just as the rented facility is being used now. There will be no signage indicating that the barn is being used as a Martell and Co facility. All of Martell and Co's machinery, equipment, and projects will be stored in and confined to the barn itself. Mr. Fagan will not be storing any equipment outside of the barn for neighbors and other community members to see. From the perspective of a neighbor or passerby, the proposed use is not very different than a recreational woodworker, other than Mr. Fagan putting in place the above measures to eliminate any possible nuisances. Living next to one of the many agricultural parcels nearby would likely expose neighbors to more dust and noise than Mr. Fagan's proposed use.

In summary, Martell and Co. wishes to move its operations to a fully insulated barn on Mr. Fagan's property. Off-site finishing, off-site waste disposal, and dust collection systems are currently in place to ensure no nuisances to neighbors. Martell and Co. receives only two to three deliveries a month, meaning that the operations are generating no more traffic than the standard Amazon delivery truck. Also, Mr. Fagan travels to visit and meet with almost all of his customers, meaning that there will be very few, if no, customers ever present at Mr. Fagan's property. Mr. Fagan is the only employee. The day-to-day operations of Martell and Co. are entirely confined to inside the barn, so the use will generate no disruption to the area.

## V-07-23 BIRDS EYE VIEW



# STAFF REPORT

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**CASE NUMBER:** SP-3-23  
**ADDRESS:** 4976 and 4978 W. Smith Valley Road, Greenwood  
Section 34, Township 14, Range 3  
**PETITIONER:** JSP Investment LLC, By Pat Rooney

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## **REQUEST**

SPECIAL EXCEPTION of the Johnson County Zoning Ordinance to allow for an auto service use, more specifically a fueling station in the B-1 (Neighborhood Business) Zoning District.

## **STAFF RECOMMENDATION:**

Staff recommends **denial** of this request.

## **PROPERTY DESCRIPTION**

The overall property is approximately 1.72-acre is zoned B-1 (Neighborhood Business) and is improved with a repair shop. The previous owner of the property used a portion of the property as an automobile repair facility since 1985. An expansion to use the entire property for the automobile repair facility was approved in 2014. It is believed the use was discontinued between 2020 and 2021 when the property was sold.

The site is abutted to the north by single-family dwellings in a major subdivision Sheffield Park; to the east by a multi-tenant commercial shopping center; to the south, across Smith Valley Road, by varying stand-alone commercial uses and residential dwellings; and to the west by an office.

## **SPECIAL EXCEPTION REQUEST**

This special exception request, if approved, would allow the petitioners to redevelop the site with a building that will have a convenience store and other tenant spaces for food or retail and a fueling station with six pumps. The retail and/or restaurant are allowed by right, however, the fueling station is an auto service use that requires the Board of Zoning Appeals to grant a special exception.

The size of the property is a concern with the staff; however, the applicant has provided a preliminary site plan that meets the zoning ordinance's development standards.

The 2017 White River Comprehensive Plan update recommends future Neighborhood Commercial use for the property. Fueling stations do not fit into the Neighborhood Commercial land use designation because of their intensity of use, general 24-hour operation, consistent and heavy traffic, and general inappropriateness adjoining residential uses, and

their tendency to draw customers from the regional market traveling in the area rather than primarily from neighboring residences. The area planned for the fueling station is directly behind and in front of residential homes.

This proposal goes against several recommendations of the 2017 White River Comprehensive Plan Update. Excerpts of the Comprehensive Plan are found in attachments to this staff report.

The Zoning Ordinance of Johnson County delineates certain uses within certain areas by Special Exception because of their potential impact on neighboring properties. Potential impacts of a fueling station include additional traffic, noise, light, perceived or actual crime, and alteration of neighborhood character. There is also a greater risk of pollution from a fueling station from spills and fumes.

If the Board chooses to approve the special exception, the development of the site will require a technical review committee review, drainage board approval, a state commercial design release, and a county building permits.

Staff, therefore, asserts that the request is not supported by the Findings and the Comprehensive Plan and recommends denial.

#### **FINDINGS OF FACT – SPECIAL EXCEPTION**

- 4. The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question.**

The Zoning Ordinance of Johnson County specifically lists "Auto sales, service, and repair" as a use permitted by Special Exception in the B-1 District.

- 5. The Special Exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.**

The property is currently not served by public sanitation. The applicant would be required to install improvements so that the property can be connected to adequate utilities. The access to the property would need to be approved by the Highway Department. The drainage plan would need to meet the current standards; it has not been proven that the proposed drainage will meet those standards.

- 6. The special exception shall not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance.**

Fumes and odors associated with gasoline may permeate to the surrounding residential areas causing discomfort. Gas stations are also known to emit harmful pollutants, including gasoline vapors, which contain toxic chemicals such as benzene, a known carcinogen. Gas stations can also generate significant noise from vehicles, which could disrupt the peace and quiet of the neighborhood.



In regard to the effect on neighboring properties, it is easy to consider that the abutting residences would be negatively affected by a fueling station effectively in their backyard. The perception of a gas station and the visual impact of a gas station in close proximity to residential homes may create a perception of decreased livability. Concerns regarding the negative impacts of a gas station could lead to a decline in property values for existing residential homes.

The use complies with all Zoning Ordinance development standards and creates no conditions which may be dangerous, injurious, or noxious to any property or person.

**7. The Special Exception shall be sited, oriented, and landscaped to produce a harmonious relationship to buildings and grounds to adjacent buildings and property.**

The plans indicate the existing structure will be harmonious with adjacent grounds and structures. The plans anticipate areas for the required landscape around the parking lot and the 20' buffer area.

**8. The Special Exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**

The proposed building might match the visual impression and environment of existing commercial development in the area. However, the fueling station will not match the visual impression of the commercial and residential development of the area. The fueling station canopy has numerous lights at a great height that will visually affect the residential development to the north. These lights are typically left on throughout the night.

**9. The Special Exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**

The Highway Department has requested a traffic study be required for the development of this use. They have also stated that only have a right-in and right-out access point to Smith Valley Road. The current proposal does not reflect those recommendations.

**10. The Special Exception shall preserve the purpose of the Zoning Ordinance, and shall not interfere substantially with the Comprehensive Plan.**

The Comprehensive Plan recommends Neighborhood Commercial Uses in this area. Neighborhood Commercial uses are considered smaller standalone and multitenant retail, restaurant, office, and general business uses which primarily provide goods and services to a localized customer base. Neighborhood Commercial uses are less intense and expansive than Regional Commercial uses, which would typically draw from a regional base. A fueling station use is a high intense use that draw from neighbor, regional and pass through traffic. Therefor does not preserve or follow the zoning ordinance or comprehensive plan.

**GENERAL INFORMATION**

Applicant: JSR Investment LLC Suite  
101  
1637 Shelby St.  
Indianapolis IN 46203

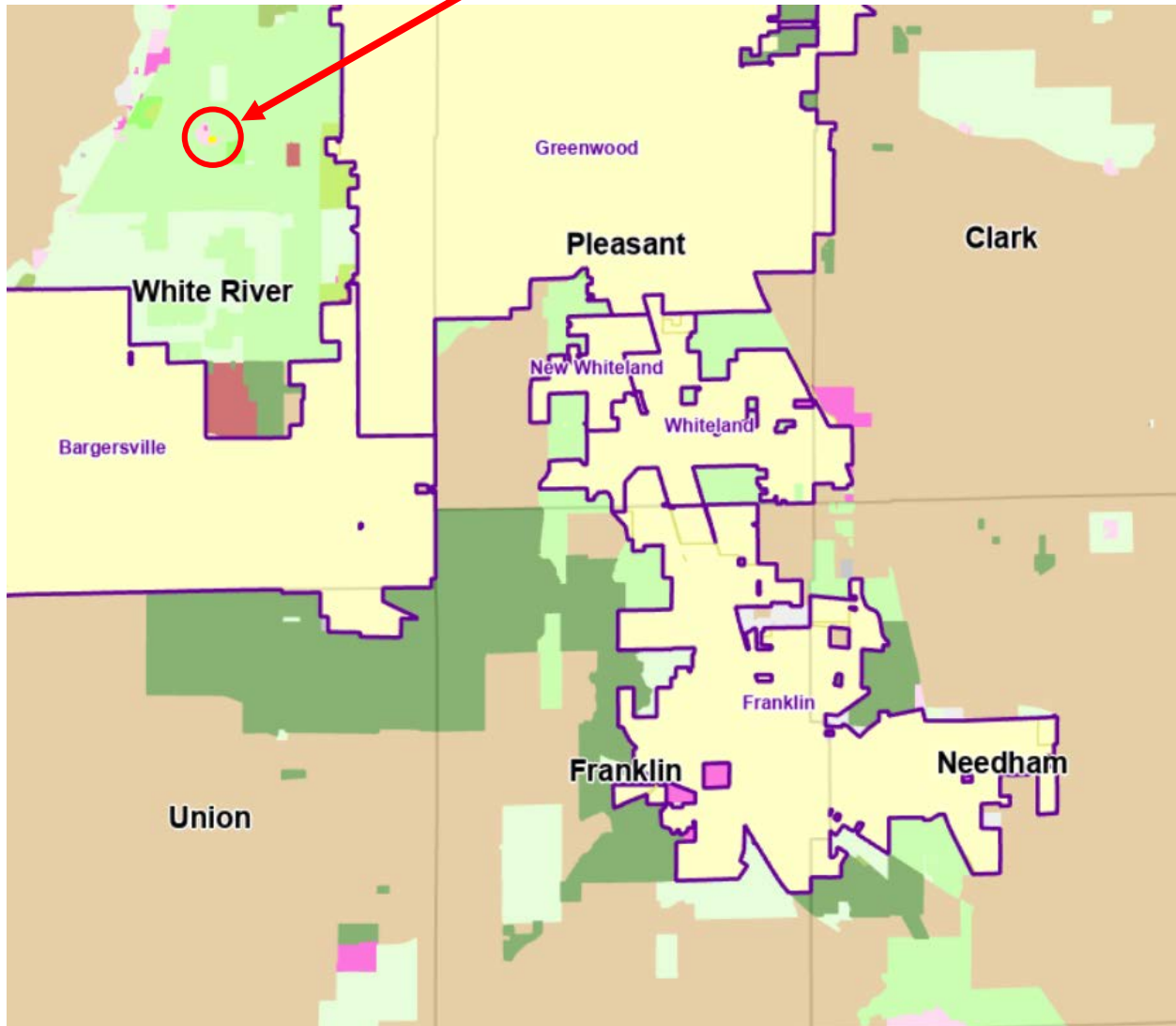
Owners: CAPLINGER 2 LLC  
4978 W Smith Valley Rd  
Greenwood, IN 46142

Zoning: B-1 (Neighborhood Business)  
Land Use: Repair Shop  
Future Land Use: Neighborhood  
Business

-MNH

## SP-3-23 BASE MAP

**SUBJECT SITE**



SP-3-23 ZONING MAP



## SP-3-23 AERIAL MAP I





## SP-3-23 AERIAL MAP II



## SP-3-23 SITE PLAN

### **LABEL LEGEND**

- |   |                                        |              |
|---|----------------------------------------|--------------|
| A | 6,524 S.F. BUILDING                    |              |
| B | 70' X 45' CANOPY (3150 S.F.)           |              |
| C | CANOPY COLUMN                          |              |
| D | DISPENSER ISLANDS                      |              |
| E | FUEL DISPENSER                         |              |
| F | RIGHT OF WAY PAVEMENT                  |              |
| G | HANDICAP RAMP                          |              |
| H | TRASH ENCLOSURE                        |              |
| I | INTEGRAL CONCRETE WALK AND CURB        |              |
| J | 6" CONCRETE CURB                       |              |
| K | PAVEMENT MARKINGS                      |              |
| L | AREA LIGHT                             |              |
| M | 2' CHAMFER                             |              |
| N | LANDSCAPING                            |              |
| O | BICYCLE PARKING                        |              |
| P | CONCRETE APPROACH                      | 20' BUFFER Y |
| Q | U-BOLLARD                              |              |
| R | 12,000 GAL. UNDERGROUND FUEL TANK      |              |
| S | 6,000/4,000 GAL. UNDERGROUND FUEL TANK |              |
| T | VAN ACCESSIBLE HANDICAP PARKING SIGN   |              |
| U | OUTDOOR SEATING                        |              |
| V | TRANSFORMER PAD                        |              |

ADJ:  
WAKEFIELD ASSOCIATES LLC  
INST #2015006232

ADJ:  
GETTUM,  
PHILLIP &  
MARGARET  
INST #2016029038

SHEFFIELD PARK SEC 2

LOT  
50  
R-2

R-2

LOT  
49

20' BUFFER YARD

30' PARKING AREA

FRONT BLDG. :

20' PARKING S

RW

**B-1**

**B-1**

SMITH VALLEY RD

**B-1**

**B-1**

SMITH VALLEY RD

**B-1**

## **P-3-23 PETITIONER PLAN OF OPERATION**

### **PLAN OF OPERATIONS**

The Petitioner plans to remodel and add on to the existing repair shop building and redevelop the subject property by adding a canopy and gas pumps as depicted in the site plan attached hereto. Thereafter, the eastern three thousand square feet of the building shall be a convenience store with four to five employees which will be open twenty-four hours per day, seven days per week; and the western three thousand five hundred square feet of the building shall be leased to a couple of retail tenants with at least one anticipated to be a restaurant which will use the outdoor seating area to be added and located in front of the building. Petitioner anticipates one hundred to two hundred customers per day between all of the businesses in the strip center. Petitioner will have state of the art double walled fiberglass underground storage tanks with monitoring and leak prevention equipment. Petitioner is willing to make and record any reasonably requested commitments with respect to the development and/or future use of the subject property.

## SP-3-23 PETITIONER FINDINGS OF FACT – SPECIAL EXCEPTION

### FINDINGS OF FACT, SPECIAL EXCEPTION

JOHNSON COUNTY BOARD OF ZONING APPEALS

1. The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question because:

a modernized gas station use is equivilant to the allowable uses in the current zoning district.

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2. The special exception can be served with adequate utilities, access roads, drainage and other necessary facilities because:

the proposed strip center with a retail gas station would not require any  
extraneous utilities or access roads becasue it will be built on a property  
with existing improvements and existing utilities.

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3. The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance because:

the petitioner will follow the guidelines laid out in the Johnson County code of  
Ordinances and the propsed land development will provide services to  
all properties and persons in the adjacent area.

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4. The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and property because:

the property will be well landscaped and will not cause undue burden on any  
of the adjoining or adjacent properties with transitional yards and buffers between  
the subject property and the adjacent properties.

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5. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood because:

the property will be well landscaped in accordance with Johnson County  
standards and other neighboring properties, and it will fit well with the mixed uses  
all along Smith Valley Road and Morgantown Road.

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6. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood because:

the property will have sufficient parking and roads for vehicular access, ingress and egress,  
interior drive isles, as well as dedicated bays for the fueling of vehicles.

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7. The special exception shall preserve the purpose of this Ordinance, and shall not interfere substantially with the Comprehensive Plan because:

the comprehensive plan calls for neighborhood commercial and the proposed use  
fits squarely in with the uses under neighborhood commercial.

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## SP-3-23 B-1 Zoning District Uses

### 3. Permitted Uses

The following uses are permitted within the B-1, Neighborhood Business District:

- a. Retail sales establishments not exceeding 50,000 square feet in gross floor area.
- b. Bakeries
- c. Barber and beauty shops
- d. Delicatessens
- e. Florists
- f. Laundromats
- g. Medical and dental offices and clinics
- h. Restaurants
- i. Taverns
- j. Theaters
- k. Dry cleaners
- l. Offices, banks, financial institutions, and insurance agencies
- m. Personal and professional services
- n. Federal, State, County, or municipal buildings
- o. Public parks and playgrounds
- p. Contractor's office, excluding contractor's yard
- q. Essential services
- r. Museums
- s. Accessory uses
- t. Home occupations
- u. Public swimming pools
- v. Funeral homes
- w. Assisted living centers
- x. Nursing homes
- y. Public and parochial schools

## SP-3-23 2017 White River Township Comprehensive Plan

### Critical Areas

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This amendment to the Johnson County Comprehensive Plan establishes three "Critical Areas", which are corridors, intersections, areas, properties or other places which merit particular attention given the presence of unique current or anticipated planning challenges or opportunities. The three Critical Areas include:

**Critical Area One:** Morgantown Road, west of the Center Grove High School campus

**Critical Area Two:** The Smith Valley Road Corridor, from SR 37 / I-69 to the Greenwood city limits

**Critical Area Three:** The Old Smith Valley Commercial Area

#### Page 11 – Critical Area Two Recommendations

##### *Recommendations - Entire Smith Valley Road Corridor*

- New non-residential redevelopment along the Smith Valley Road Corridor should be generally similar in form to the Sugar Grove Shoppes commercial center on the north side of Smith Valley Road, east of its intersection with Morgantown Road. There, contiguous properties were massed, providing for one cohesive, integrated commercial development with ample buffering from residential adjoiners, limited shared access points, and shared parking and signage. Any new non-residential development along the Smith Valley Road corridor should follow suit, additionally providing sidewalks, pedestrian and bicycle accommodation, and front-yard landscaping.



## **SP-3-23 2017 White River Township Comprehensive Plan**

### **Page 20 – Development Guidelines**

- Non-residential use along the Smith Valley Road Corridor Critical Area and the Old Smith Valley Commercial Critical Area should be of a lower intensity and should serve the immediate and surrounding neighborhoods primarily, rather than having a regional customer draw.
- Lighting should be fully shielded, and located and directed to avoid spillage onto residential adjoiners.
- Ample buffering landscaping elements - at minimum, compliant with the zoning ordinance - should be provided between a non-residential use and any residential adjoiner.
- The negative impacts of non-residential signage should be minimized by limiting the height and area of freestanding signs, particularly where there is little or no signage competition, and where residential property exists within sight.