

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-046
Address: 7250 North Keystone Avenue (*Approximate Addresses*)
Location: Washington Township, Council District #2
Petitioner: Hansen Collision, Inc., by J. Murray Clark
Request: Rezoning of 4.199 acres from the D-4 and C-4 (FF) district to the C-4 (FF) district to provide for automobile, motorcycle, and light vehicle service or repair.

ADDENDUM FOR JUNE 29, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the June 15, 2023 hearing, to the June 29, 2023 hearing at the request of a neighborhood organization.

Staff would note that the variance petition, 89-UV1-44, that granted a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor display and sales of vehicles, with a 10-foot front setback will continue to be effective if this rezoning is approved.

June 15, 2023

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 4.119-acre site, zoned D-4 and C-4 (FF) is developed with an automobile service and repair business. It is surrounded by single-family dwellings and commercial uses to the north, zoned D-3 and C-3, respectively; undeveloped land and commercial uses to the south, zoned D-A and C-5, respectively; commercial uses to the east, across North Keystone Avenue, zoned C-4; and single-family dwellings and park to the west, zoned D-4 and PK-1, respectively.

(Continued)

STAFF REPORT 2023-ZON-046 (Continued)

- ◇ Petition 2022-ZON-027 requested rezoning of 7.20 acres from the D-4 and C-4 (FW)(FF) district to the C-4 district to provide for automobile service and repair but was withdrawn by the petitioner on December 1, 2022.
- ◇ Petition 89-UV1-44 provided for outdoor display and sale of vehicles with a 10-foot front setback.

REZONING

- ◇ This request would rezone the site from the D-4 and C-4 (FF) districts to the C-4 (FF) classification to provide for automobile, motorcycle and light vehicle service or repair. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

Large-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet.)

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

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STAFF REPORT 2023-ZON-046 (Continued)

Overlays

- ◇ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ Except for the access drive along Ruth Drive, the entire site is located within the 100-year floodplain of Highland Creek.

Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note, except for a small portion of the access drive along Ruth Drive, the entire site lies within the 100-year floodplain.
- ◇ Staff would also note the following uses are prohibited in the floodplain:
 - a. Jails;
 - b. Hospitals;
 - c. Assisted living facilities;
 - d. Nursing homes;
 - e. Laboratories;
 - f. Elementary, Middle or High Schools;
 - g. Daycare facilities;
 - h. Fire stations;
 - i. Emergency operation centers;
 - j. Police facilities;
 - k. Truck, train, or bus terminal, storage or maintenance facility;
 - l. Wrecking or salvage facility;
 - m. Gas, oil or propane storage facility;
 - n. Industrial laundry;
 - o. Hazardous waste handling or storage facility; and
 - p. Other public equipment storage facilities.

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Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in [Chapter 561](#) of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

- ◇ The 1989 variance of use permitted outdoor display and sale of vehicles. The current use as an automobile vehicle service and repair operation has been operating illegally since the conversion occurred. Admittedly, the zoning boundary bisects the building with the C-4 district located along North Keystone Avenue frontage. Staff believes that zoning classification is appropriate along this commercial corridor but expanding that C-4 district boundary to the west that abuts a park would not be appropriate.
- ◇ Petition 2023-ZON-027 requested a similar rezoning that included a larger area adjacent to residential uses and a park. As proposed staff did not support the request because of the potential impact of commercial uses on those land uses but indicated the recommendation would be reconsidered if the amount of area to be rezoned would be reduced.

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STAFF REPORT 2023-ZON-046 (Continued)

- ◇ Staff suggested that the southern zoning boundary be reconfigured to remove the open undeveloped space from the request. The proposed southern boundary and legal description submitted with this current petition is approximately the same area that was previously proposed by staff.
- ◇ Generally, the C-3 or C-4 districts are contemplated to be consistent with the Comprehensive Plan recommendation of community commercial, depending upon the location and surrounding land uses. In staff’s opinion, the request would be consistent with the Plan recommendation because of the adjacent land uses and the site location along a highly commercial corridor. Staff would note, however, that development of the site would need to comply the all the C-4 district development standards, including buffering along the western boundary abutting protected districts.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-2 / C-4 (FF) Commercial uses

SURROUNDING ZONING AND LAND USE

North -	D-4 / C-3	Single-family dwellings / commercial uses
South -	D-A (FF) / C-5 (FF)	Undeveloped land / commercial uses
East -	C-4	Commercial uses
West -	D-4 (FF) / PK-1(FF)	Single-family dwellings / park

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.
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THOROUGHFARE PLAN	This portion of North Keystone Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 145-foot right-of-way and a proposed 124-foot right-of-way. This portion of Ruth Drive is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 50-foot right-of-way.
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CONTEXT AREA	This site is located within the metro context area.
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OVERLAY	This site is located within the environmentally sensitive overlay.
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STAFF REPORT 2023-ZON-046 (Continued)

ZONING HISTORY

2022-ZON-027; 7250 North Keystone Avenue, requested rezoning of 7.20 acres from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) district to provide for Automobile Service and Repair, **withdrawn**.

89-UV1-44; 7250 North Keystone Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor display and sales of vehicles, with a 10-foot front setback, **granted**.

88-Z-136; 7250 North Keystone Avenue, requested the rezoning of 3.268 acres, being in the C-3 (FF) District to the C-5 (FF) classification, **approved**.

VICINITY

2005-ZON-179; 7216 North Keystone Avenue (south of site), requested rezoning of 3.6 acres, being in the SU-34 (FW)(FF) and D-A (FW) Districts, to the C-4 (FW)(FF) classification to provide for community-regional commercial uses, **approved**.

2004-UV3-046; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1,440-square foot greenhouse and a 400-square foot temporary sales tent (not permitted) related to an existing landscaping lawn and garden center, **granted**.

2001-ZON-036; 2100 East 71st Street (south of site), requested the rezoning of 10.696 acres from the D-A District to the SU-16 classification to provide for athletic fields and related accessory uses, **withdrawn**.

98-HOV-50G; 7101 North Keystone Avenue (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of beverage vending machines on gasoline pump islands (required placement against the wall of the primary building), **granted**.

98-V3-89; 7246 North Keystone Avenue (south of site), requested a variance of development standards of the Wireless Communications Zoning Ordinance, to provide for a 20-foot height increase to an existing 100-foot monopole tower, located within 500 feet of a protected district (maximum 70 feet in height permitted), **granted**.

98-UV2-35; 2102 East 71st Street (south of site), requested a variance of use of the Special Districts Zoning Ordinance to provide for a telecommunications facility (not permitted) consisting of a monopole tower being 180 feet in height and a 12 by 20-foot equipment building, **granted**.

98-UV1-29; 7246 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a telecommunications facility (not permitted, with a cellular communications tower, being 100 feet in height (maximum 22 feet in height permitted at the proposed tower location), **granted**.

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93-Z-128; 2507 East 72nd Street (south of site), requested rezoning of 0.29 acre from the D-5 District to the SU-9 classification to provide for construction of a fire station, **approved**.

91-UV3-51; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling District Zoning Ordinance to permit the placement of a cellular commercial facility and a 185-foot monopole tower, **granted**.

91-UV2-2; 2301 East 71st Street (south of site), requested a variance of use and development standards to provide for the reconstruction of a restaurant, which would serve alcohol within 100 feet of a dwelling district, **granted**.

89-UV1-33; 7215 North Keystone Avenue (east of site); requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a landscaping lawn and garden center with lawnmower sales and service, and seasonal plant and firewood sale, **granted**.

87-Z135; 7102 North Keystone Avenue (south of site), requested rezoning of 1 acre being in the SU-34 District, to the C-3 classification to provide for a restaurant, **approved**.

86-HOV-111; 7220 North Keystone Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for an eight-foot increase in the height of an existing advertising sign, **granted**.

86-HOV-23; 7215 North Keystone Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for the use of 2.917 by 38.917-foot electronic message panel attached to an existing advertising pole sign, **granted**.

85-UV2-20; 7209 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the retail sales of swimming pool equipment and accessories, **granted**.

85-UV2-5; 7216 North Keystone Avenue (south of site), requested a variance of use of the Special Use Districts Zoning Ordinance to provide for an addition to an existing health spa, **granted**.

84-UV1-18; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale and outdoor display of lawn and garden products, including supplies, equipment, flowers, shrubs, small trees, firewood, and Christmas trees, **granted**.

84-Z-135; 7209 North Keystone Avenue (south of site), requested rezoning of 0.96 acre, being in the D-5 District to the C-3 classification to provide for commercial development, **approved**.

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STAFF REPORT 2023-ZON-046 (Continued)

83-UV2-109; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards of the Sign Regulations to allow the erection of a pole sign in the required 5-foot setback at zero feet from a diagonal right-of-way line, seven feet from the Keystone Avenue right-of-way extended and 11.5 feet from the 72nd Street right-of-way, **granted**.

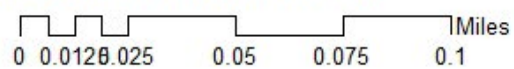
74-UV3-27; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards to allow for the construction of a pizza restaurant with carry-out and beer sale, **granted**.

69-V4-104; 7216 North Keystone Avenue (south of site), requested a variance of use to provide for a pole sign for an existing health spa, **granted**.

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7250 North Keystone Avenue



2022-ZON-027 REZONING REQUEST





View looking south along North Keystone Avenue



View looking north along North Keystone Avenue



View of site looking south



View of site looking south



View of site looking southeast



View of site looking north



View from site looking south