

BOARD OF ZONING APPEALS DIVISION III

January 21, 2024

Case Number: 2024-MO3-001
Property Address: 8645 East 25th Street (*approximate address*)
Location: Warren Township, Council District #14
Petitioner: Penske Truck Leasing Co. L.P., by Mike Barnes
Current Zoning: I-2
Request: Modification of Condition One of 97-UV3-105 to update the site plan regulating compliance.
Current Land Use: Industrial
Staff Recommendations: Staff recommends **approval** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization at the December 17, 2024 hearing of Division III of the BZA.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- 8645 East 25th Street is currently improved with a truck terminal and leasing facility legalized by variance in 1997. The property is to the north of I-70, and surrounding land uses are predominantly industrial and heavy commercial in nature. In addition to existing truck parking, the property contains a primary office/maintenance building and a recently demolished fuel pump canopy.
- 97-UV3-105 allowed for the use of a truck leasing facility and truck parking terminal at this property with outdoor storage over 25% of the gross floor area of the building and with 33% of the front yard devoted to parking. This approval was conditioned on compliance with the approved site plan file-dated November 26, 1997, as well as a plan of operation and additional requirements for landscaping and parking fully outside of the 25th Street right-of-way.
- The applicant now desires to reconstruct the demolished fuel pump canopy and related underground storage tanks in a new location around 32.5 feet to the south and 18.25 feet to the west of the original canopy. Modification of the commitments of 97-UV3-105 would be required for this (or any other) change to the approved site plan to be allowed.



- It does not appear that any changes to the 1997 site plan are proposed other than the relocation of the fueling tanks and canopy, and the additional commitments and plan of operation (see Exhibits) would still be in effect for the property regardless of the final status of this petition.
- The subject site is zoned I-2 to allow for light industrial uses that present minimal risk and typically do not create objectionable characteristics such as dirt, noise, glare, heat, odor, etc. The Comprehensive Plan also places it within the Heavy Commercial typology to allow for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses (i.e. exterior operations, sales, and display of goods), and industrial reserve overlays are located just to the west and north of the property.
- Although the modification process is useful to limit the scope and placement of potentially offensive uses by requiring additional approvals for large expansions, it appears that this proposed change is minor in nature and would neither create compliance issues with required setbacks nor intensity any negative externalities for adjacent properties. Staff recommends approval of the modification to allow for the updated site plan with new fuel canopy location.

GENERAL INFORMATION

Existing Zoning	I-2	
Existing Land Use	Industrial	
Comprehensive Plan	Heavy Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Industrial
	South:	South: Commercial
	East:	East: Commercial
	West:	West: Industrial
Thoroughfare Plan		
25 th Street	Local Street	55-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	10/25/2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Heavy Commercial working typology to allow for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses (i.e. exterior operations, sales, and display of goods). Examples include vehicle sales and commercial lumber yards.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

97-UV3-105, variance of use and development standards of the Industrial Zoning Ordinance to provide for the operation of a truck leasing facility (not permitted) and a truck terminal operation with: (a) outside storage area exceeding 25% of the total gross floor area (maximum 25% of the total gross floor area of all enclosed building or structures or 2,480 square feet devoted to outside storage area, permitted); and, (b) 33% of the required front yard devoted to parking (maximum 10% of the required front yard devoted to parking permitted), **approved**.

87-Z-25, rezoning of 98.35 acres from the I-3-S, I-2-S, C-4, C-1 and D-7 zoning districts to the C-S zoning district to allow for a combination of land uses including a water park, **withdrawn**.

ZONING HISTORY – VICINITY

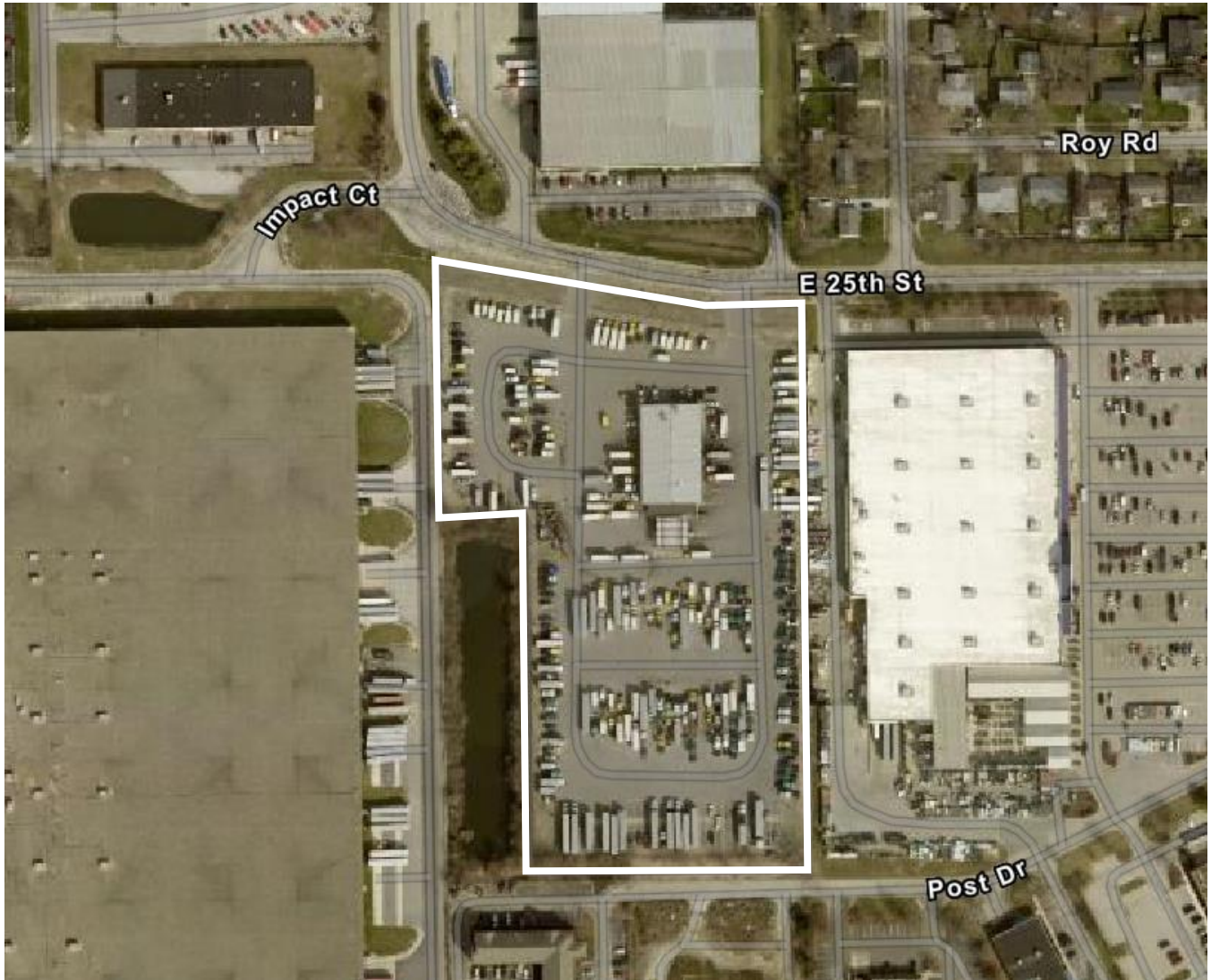
2023ZON114 ; 2307 Post Drive (south of site), Rezoning of 1.714 acres from the C-4 district to the I-3 district to provide for truck parking, **withdrawn**.

2022DV3037 ; 2521 Planes Drive (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition resulting in parking area with a zero-foot north side yard setback (30-foot side yard setback required), **approved**.

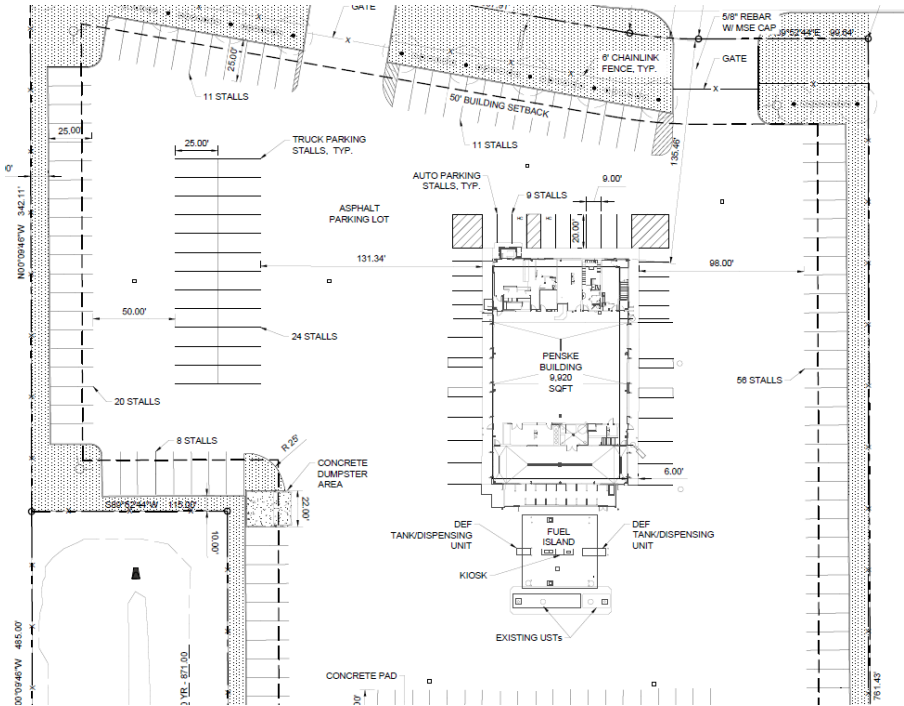
2001UV2007 ; 8801 East 25th Street (east of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a 1,248.8 square foot addition to an existing commercial building for a tool and light equipment rental company (not permitted), with 2,000 square feet of outdoor storage (not permitted), **approved**.

EXHIBITS

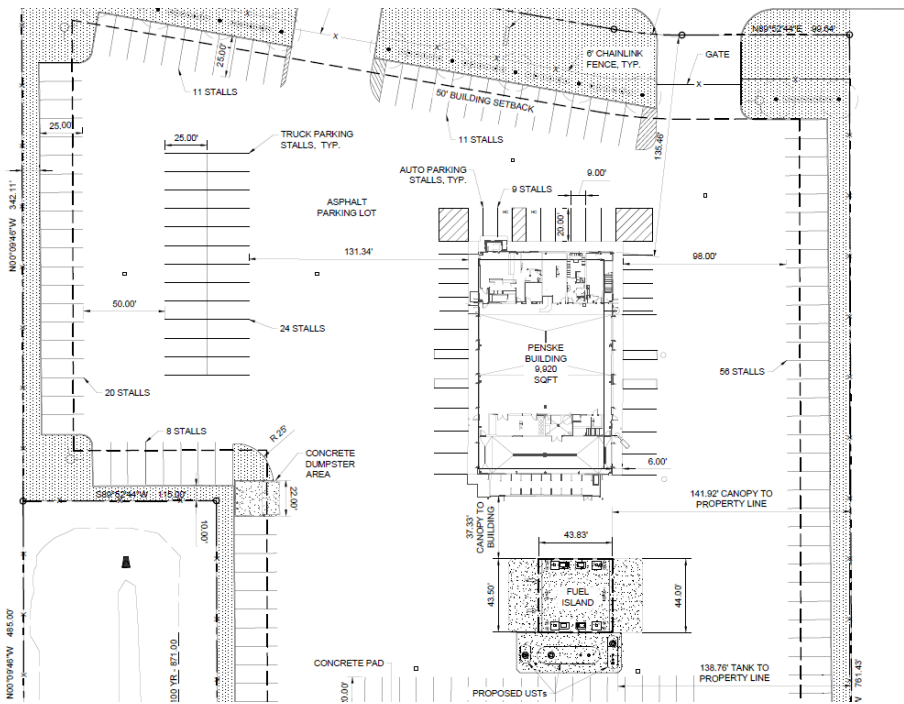
2024MO3001 ; Aerial Map



2024MO3001 ; Site Plan (Previous Layout)



2024MO3001 ; Aerial Map (Proposed Layout)



2024MO3001 ; Operation Plan (97-UV3-105; Partial)

II. Operation of Facilities

Types of Operations: Penske will use the facilities on the Real Estate to provide out source trucking services to its customers. Those services include full-service truck leasing, dedicated logistics support, contract maintenance programs and consumer/commercial truck rental. The first three services are industrial in nature. In providing those services, Penske acts as a truck terminal for its customers. When providing full-service truck leasing, Penske leases semi-tractors and trailers to its customers who operate them in their over-the-road motor carrier or private carrier fleets. A picture of these types of equipment are contained in Exhibit B. These customers are solicited by Penske's sales force throughout the country and generally lease the semi-tractors and trailers for long periods of time, such as six months or one year. Often, these customers lease many pieces of equipment at once. This service is not provided to the general public on a walk-in basis unlike many retail truck leasing operations. Penske not only provides the semi-tractors and trailers, it often provides parking at its facility when the equipment is not in use and provides maintenance on the equipment. This service is Penske's primary source of revenue at this facility, comprising in excess of 85% of its revenues.

When providing dedicated logistics, Penske provides total shipping and inventory control to its customers. Penske will operate the semi-tractors and trailers itself while providing the logistics services much like a motor carrier, instead of leasing the equipment to its customer for it to operate. Penske solicits its dedicated logistics customers through its nationwide sales force. This service is also provided to businesses and is not available to the public on a walk-in basis.

When providing contract maintenance services, Penske enters into long-term maintenance contracts with motor carriers or companies operating private fleets who operate either a few semi-tractors or trailers or large nationwide fleets. This service also is not available to the general public on a walk-in basis; instead, customers are solicited through Penske's nationwide sales force.

It is only when Penske provides consumer/commercial rental services that it acts as a traditional retail, truck leasing company. Here, Penske leases straight trucks, vans and other trucks to the general public for short periods of time, usually a few days. These are the types of vehicles people rent to move their home belongings. Customers usually are served on a walk-in basis. This service is a small part of Penske's operations, constituting less than 15% of its revenues.

Description of Use: Because Penske's primarily acts as a truck terminal for its customers, Penske's use of the Real Estate will be very similar to that of a truck terminal. Semi-tractors and trailers will be parked in the parking areas of the Real Estate when not in service. Penske will maintain, wash and fuel semi-tractors and trailers on the Real Estate. Penske will dispatch vehicles from the Real Estate. At any given time, there will be approximately 325 semi-tractors and trailers assigned to the Real Estate and 70 semi-tractors and trailers parked there at any given time.

Penske will also rent, maintain, wash and fuel straight trucks, vans and other trucks for use in its consumer/commercial rental services. At any given time, there will be approximately 10 such vehicles on the Real Estate available for rental.

Hours of Operation: The normal hours of operation on the Real Estate will be twenty-four hours a day. All maintenance is conducted inside in the maintenance bays.

Personnel: Penske will employ approximately 19 employees at the site. During normal operating hours, seven employees will be working, with one employee being supervisory, one being an office employee and four being maintenance employees.

2024MO3001 ; Photographs



Photo 1: Previous Canopy Location viewed from Southeast



Photo 2: Previous Canopy Location viewed from East

2024MO3001 ; Photographs (continued)



Photo 3: Proposed Canopy Location Viewed from Northwest



Photo 4: Adjacent Property to East

2024MO3001 ; Photographs (continued)



Photo 5: Primary Building Viewed from Northeast



Photo 6: Temporary Fueling Station at Northeast of Property