

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-061  
**Address:** 5201 South Harding Street (*Approximate Address*)  
**Location:** Perry Township, Council District #20  
**Petitioner:** Gurdeep Singh, by Pat Rooney  
**Request:** Rezoning of 0.75 acre from the I-2 and D-A districts to the C-7 district to provide for truck repair.

### **RECOMMENDATION**

Staff **recommends denial of this request.** However, should the Hearing Examiner decide to approve the request staff asks that the following commitment be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Harding Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that by 1956 a dwelling had been constructed on the subject site. It was the northernmost of a row of dwellings south along the east side of Harding Street. Those dwellings still stand today. In the mid-1960s State Road 37 was under construction to the west. By 2000 an industrial use had been developed on the parcel to the east and by 2010, an industrial use had been established on the parcel to the north.

(Continued)

## **STAFF REPORT 2023-ZON-061 (Continued)**

- ◇ Historic aerial photography also indicates that by 2010 the backyard of the subject site was being used for industrial or heavy commercial uses in apparent violation of the zoning ordinance. The backyard is now essentially fully paved and is being used for truck parking. The site has been the subject of numerous code violations dating from 2014 to the present.

## **ZONING**

- ◇ This petition requests a rezoning from the I-2 and D-A districts to the C-7 district. The I-2 district is light industrial district. The portion of the subject site that's zoned I-2 is a remnant of a much larger tract that once extended north to Thompson Road and east to the Indiana Railroad tracks. The I-2 zoning of the original tract dates back to at least 1959. The D-A district is a residential district that permits agriculture and large-lot dwellings.
- ◇ The C-7 district is designed to provide for commercial uses that have qualities that are incompatible with less intense land uses. Examples of these qualities are outdoor storage and display of merchandise, and the outdoor parking and storage of trucks. Because of the character and intensity of these uses, this district should be located on major commercial arterial thoroughfares and near interstate interchanges, but not in close association with consumer commercial activities such as retailing, professional services, or restaurants. Due to the intensity of its uses, location of this district should never be adjacent to protected districts, such as dwellings, churches and schools.
- ◇ This request would locate the C-7 district abutting a single-family dwelling in the D-A zoning district. The Comprehensive Land Use Plan recommendation for the adjacent dwelling is Office Commercial.
- ◇ A recent petition on the site adjacent across Harding Street that sought rezoning to the C-7 district was denied by the Hearing Examiner and the Metropolitan Development Commission. The petition is currently pending before the City-County Council.
- ◇ Due to the plan recommendation, abutting residential use and the recent denial of a C-7 request on an adjacent site, site recommends denial of this petition.

(Continued)

## **STAFF REPORT 2023-ZON-061 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING, CONTEXT AREA, AND LAND USE

|          |       |                                       |
|----------|-------|---------------------------------------|
| D-A, I-2 | Metro | Single-family dwelling, truck parking |
|----------|-------|---------------------------------------|

#### SURROUNDING ZONING AND LAND USE

|       |               |                                                   |
|-------|---------------|---------------------------------------------------|
| North | C-7           | Automobile body shop                              |
| South | D-A           | Single-family dwelling                            |
| East  | C-7           | Truck repair                                      |
| West  | C-7, D-A, I-2 | Landscape materials sales, single-family dwelling |

|                             |                                                                                     |
|-----------------------------|-------------------------------------------------------------------------------------|
| COMPREHENSIVE LAND USE PLAN | The Perry Township Comprehensive Land Use Plan (2018) recommends Office Commercial. |
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|                   |                                                                                                                                                                                                                       |
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| THOROUGHFARE PLAN | Harding Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 65 feet to 78 feet and an 80-foot proposed right-of-way. |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| FLOODWAY / FLOODWAY FRINGE | This northeast corner of this site is located within the floodway fringe of Haueisen Ditch. |
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|                               |                                                                  |
|-------------------------------|------------------------------------------------------------------|
| WELLFIELD PROTECTION DISTRICT | This site is not located within a wellfield protection district. |
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| STREAM PROTECTION CORRIDOR | This site is not located within a Stream Protection Corridor. |
|----------------------------|---------------------------------------------------------------|

### **ZONING HISTORY – SITE**

**2018-UV3-024; 5201 South Harding Street**, requested a variance of use to provide for a transport company and a variance of development standards to provide for deficient maneuvering space, the storage of tractor trailers and deficient setbacks and transitional yard, **denied**.

(Continued)

## **STAFF REPORT 2023-ZON-061 (Continued)**

### **ZONING HISTORY – VICINITY**

**2022-CZN-862 / 2022-CVR-862; 5204, 5206 & 5216 South Harding Street (west of site)**, requested the rezoning of 5.327 acres from the C-S district to C-7 district and variances of development standards to provide for a dumpster enclosure in the front yard of SR 37, a 50-foot tall freestanding sign, deficient landscaping along Harding Street and SR 37, and a 23-foot tall, 109-square-foot free-standing incidental sign, **pending**.

**2009-ZON-057; 5204, 5206 & 5216 South Harding Street (west of site)**, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel, **approved**.

**2007-ZON-851 / 2007-CAP-851; 5202, 5206 & 5216 South Harding Street (west of site)**, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for C-3 uses and an extended stay hotel, **approved**.

**2007-ZON-051; 5191 Harding Lane (north of site)**, requested the rezoning of 0.9 acre from the I-2-S district to the C-7 district, **approved**.

**2006-DV1-030; 5191 South Harding Street (east of site)**, requested a variance of development standards to provide for an over-sized pole sign, **approved**.

**98-Z-225; 4950 Harding Lane (north of site)**, requested the rezoning of 2.5 acres from the C-4 district to the C-7 district, **approved**.

**96-Z-231; 5191 South Harding Street (east of site)**, requested the rezoning of 3.2 acres from the I-2-S district to the C-7 district, **approved**.

**90-Z-12; 5202 South Harding Street (west of site)**, requested the rezoning of 5.3 acres from the I-2-U district to the C-S district to provide a construction company, display of model homes, outdoor storage, retail sales associated with a construction company and manufacturing of homes, **approved**.

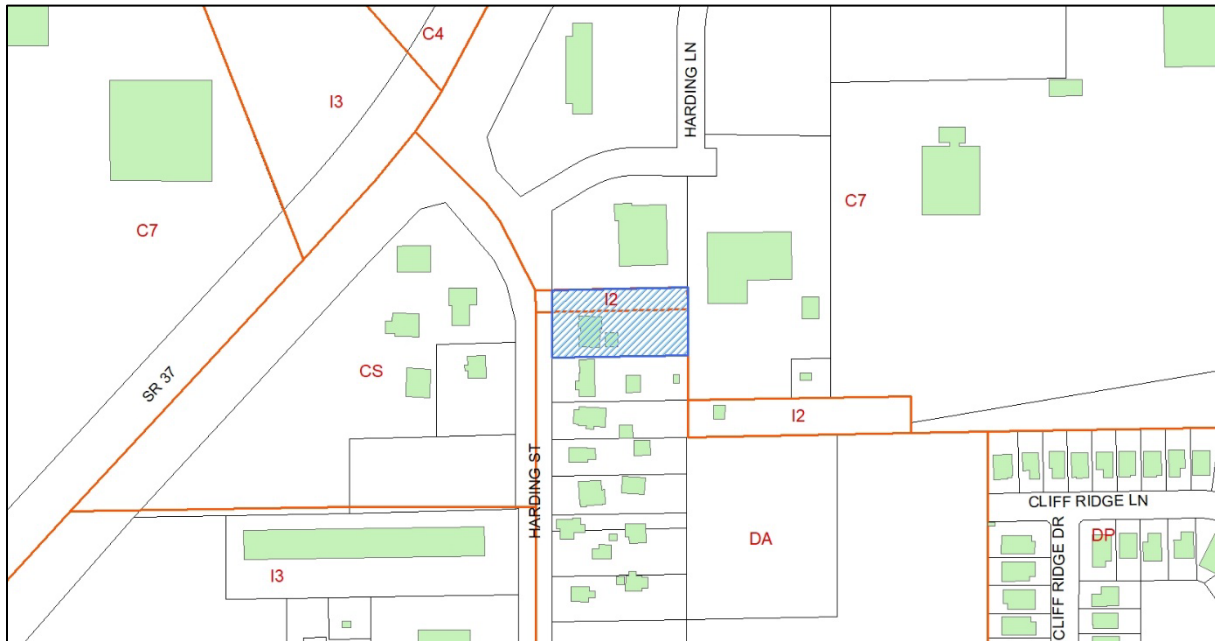
**89-Z-132; 5202 South Harding Street (west of site)**, requested a variance to provide for a second business sign structure, **approved**.

**89-UV1-30; 5202 South Harding Street (west of site)**, requested a variance of use to provide for five model homes and sales office, **approved**.

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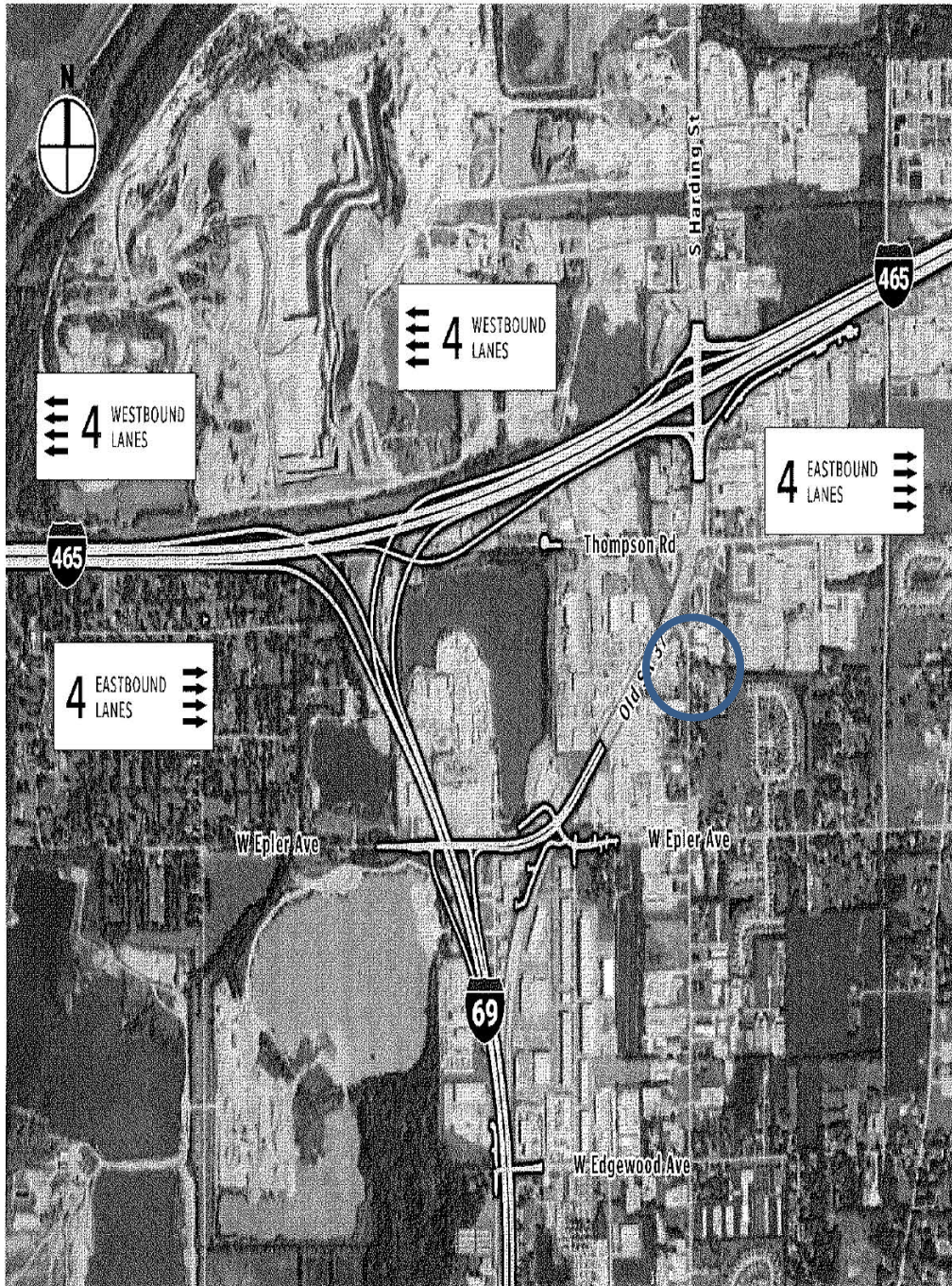
## **STAFF REPORT 2023-ZON-061, Location**



## **STAFF REPORT 2023-ZON-061, Aerial photograph (2022)**



# STOP 11 RD to I-465



Subject site is in the blue circle.

## **STAFF REPORT 2023-ZON-061, Photographs**



Looking southeast across Harding Street at the subject site and neighbors to the south.



Looking east across the northern section of the site.



Looking east at the neighbor to the north.



Looking east from Harding Street and the southern border of the site.



Looking south along Harding Street.



Looking along Harding Street.



Looking west at the neighbor to the west.