

## STAFF REPORT

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

**Case Number:** 2023-DV3-015  
**Address:** 2300 North Sherman Drive (approximate address)  
**Location:** Center Township, Council District #17  
**Zoning:** I-4  
**Petitioner:** CR Commercial Parking LLC, by John Cross  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an unmarked and unpaved parking area (parking areas must be hard surfaced with durable markings).

### RECOMMENDATIONS

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

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE

##### EXISTING ZONING AND LAND USE

Compact	I-4	Commercial Truck and Trailer Parking lot
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##### SURROUNDING ZONING AND LAND USE

North	I-4	Industrial Warehouse
South	I-4	Undeveloped
East	I-4	Industrial Warehouse
West	I-3	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Heavy Industrial uses with an Industrial Reserve Overlay.
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- ◇ The subject site was originally developed as a lumber yard and operated until approximately 1999. According to aerial photos and Assessor's records, it remained vacant until approximately November 8, 2018, when it was sold, and the use changed to provide for truck and trailer parking. The property was sold again on January 14, 2022, to the petitioner as the current property owner.

### VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a gravel lot, currently used in connection with a truck terminal facility. The Consolidated Zoning and Subdivision Ordinance requires the paving and striping of parking areas in industrially zoned districts.

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## **STAFF REPORT 2023-DV3-015 (Continued)**

- ◇ The Ordinance, specifically Section 744-404. D.6 for Surface of Parking Lots, explains:
  - a. For all uses other than Agricultural, Animal Related, and Food Production uses located in the D-A zoning district, parking lots shall provide a durable and dust free surface through one of the following means:
    - 1) The parking lot shall be paved with bricks or concrete; or
    - 2) The parking lot shall be improved with a compacted aggregate base and surfaced with an asphaltic pavement; or
    - 3) The parking lot shall be improved with a compacted aggregate base and surfaced with permeable pavers or permeable pavement approved by the city as appropriate for the type and intensity of the proposed use and for the climate of the city.
    - 4) A gravel surface may be used for a period not exceeding one year after the commencement of the use for which the parking areas is provided, where ground or weather conditions are not immediately suitable for permanent surfacing required by the Zoning Ordinance.
    - 5) For single-family detached dwellings, parking and drive surface may consist of a compacted aggregate base and gravel surface with a distinct edge boundary to retain the gravel.
- ◇ Significant concerns arise regarding the proposed gravel surface treatment, specifically: the inevitable dust and air quality impact upon the surrounding properties; drainage, erosion control and run-off associated with exposed gravel and soil; negative aesthetic impacts; and the inefficient use of space due to lack of striping. Furthermore, loose stones can enter the public right-of-way and become a hazard for passing vehicles and accelerate the deterioration of public taxpayer funded street surfaces.
- ◇ The submitted aerial site plan does not indicate any striping or dedicated parking spaces, leading to an inefficient free-for all use of the space, irregular sized drive aisles, and places no limit on the number of trucks or trailers that might overwhelm the facility. Approximately 60 trailers are visible in the submitted aerial site plan. Previous sales listings indicate the site can accommodate up to 200+ semi-trucks and trailers for parking.
- ◇ The grant of this variance would also allow future users of the site to operate on the proposed unmarked and unpaved parking area in a more intense manner than proposed by this request. Moreover, the precedent set by the grant of this variance could provide for other requests for unmarked and unpaved parking areas to locate incrementally within this area.
- ◇ There is no indication suggesting a paved parking area cannot be accomplished, other than the continuous driving and maneuvering of the vehicles can damage asphalt. There is no requirement that asphalt must be used as a paving material. Concrete paving is a more durable and viable alternative, as used by other truck terminals that are Ordinance compliant.
- ◇ Staff recommends denial of this variance request as filed, given the lack of demonstrated practical difficulties and the inappropriateness of the request in regard to its pedestrian and vehicular access issues. It is Staff's position that industrial uses, should meet bare minimum standards as required by the Ordinance.

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## **STAFF REPORT 2023-DV3-015 (Continued)**

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of North Sherman Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial with a 61-foot existing right-of-way and an 88-foot proposed right-of-way.
SITE PLAN	File-dated April 24, 2023.
FINDINGS OF FACT	File-dated April 24, 2023.
EXISTING VIOLATIONS:	VIO23-001442: Failure to comply with zoning district development standards, parking lot is unpaved and missing striping.

### **ZONING HISTORY**

**2004-ZON-011; 2187 North Gale Street and 2186 North Sherman Drive (southwest of site),** requested the rezoning of 0.8 acre from the D-5 and I-3-U districts to the UQ-1 classification to provide for higher education uses, **granted**.

**2001-HOV-047; 4101 Massachusetts Avenue (east of site),** requested a special exception to provide for the development of a 78.473-acre industrial park with one private street for eleven lots, **granted subject to the site plan**.

**99-CP-37Z / 99-CP-37V / 99-CP-37VAC / 99-CP-37AP; 2169-2197 North Gale Street, 2161, 2171, 2181-2198 Avondale Place, 2162-2190, 2194 Station Street, and 2164-2172 North Sherman Drive (southwest of site),** requested the rezoning of 3.6 acres from D-5 and I-3-U to UQ-1 to legally-establish, and provide for the expansion of, a university; with a number of variances, **approved**.

**93-DV1-120; 3823 Massachusetts Avenue (north of site),** requested a variance of development standards to permit an addition to a building extending the existing front setback of 36.75 feet from the centerline of Massachusetts Avenue, **granted**.

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**2023-DV3-015 ; Location Map**





## 2023-DV3-015 ; Site Plan



**2021-DV3-053; Photographs**



Subject site entrance from Sherman Drive, looking east.



Subject site interior yard, looking north



Subject site interior yard, looking northwest



Subject site interior yard, looking southeast





Subject site interior yard, looking northeast



Subject site interior yard, looking north





Single-family dwellings zoned I-3, to the west of subject site.



Single-family dwellings, zoned I-3, to the west of subject site, looking northwest