

## STAFF REPORT

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

**Case Number:** 2023-CZN-851 / 2023-CVR-851  
**Address:** 8333 Masters Road (*Approximate Address*)  
**Location:** Lawrence Township, Council District #3  
**Petitioner:** Wurster Construction Co., Inc., by Brian J. Tuohy  
**Request:** Rezoning of 2.03 acres from the C-1 and C-S districts to the I-2 district to provide for a commercial and building contractor.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 8,000-square feet of outdoor storage (maximum 3,000-square feet or 25% of the total gross floor area of the building permitted), located 200 feet from a protected district (500-foot separation required) with an eight-foot rear yard setback (30-foot rear setback required).

### **RECOMMENDATIONS**

Staff **recommends approval** of the variance of development standards.

Staff **recommends approval** of the rezoning petition, 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:

A 25-foot half right-of-way shall be dedicated along the frontage of Masters Road, 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**

#### **LAND USE**

- ◇ The 2.03-acre subject site consists of two parcels (4013141 and 4036527) and is developed with a commercial building and associated parking lot to be demolished for new construction of a commercial building with parking and outdoor storage.
- ◇ The property is bordered to the north by an industrial use, specifically an electronic parts supplier zoned I-3, to the east by a commercial strip development, zoned C-S, to the west by an indoor amusement center, zoned C-4, and to the south by a commercial use, zoned C-1.

(Continued)

## **STAFF REPORT 2023-CZN-851 / 2023-CVR-851 (Continued)**

### **REZONING**

- ◇ The request would rezone the C-1 and C-S split zoned property to an I-2 district that would allow for the proposed commercial and building contractor since it would not be permitted in the existing zoning districts.
- ◇ The northern parcel of the subject site is zoned C-S. The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.
- ◇ The southern parcel of the subject site is zoned C-1. The C-1 district is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt.
- ◇ The proposed I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.
- ◇ The Comprehensive Plan recommends light industrial development for this site. "The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic."
- ◇ Where light industrial uses are proposed, industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street.
- ◇ Small-Scale Offices, Retailing, and Personal or Professional Services should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

(Continued)

## **STAFF REPORT 2023-CZN-851 / 2023-CVR-851 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the request would also allow for 8,000-square feet of outdoor storage within 200 feet from a protected district and with an eight-foot rear yard setback.
- ◇ The I-2 district requires a 30-foot rear setback and limits outdoor storage to a maximum of 3,000 square feet or 25% of the total gross floor area of the building and is not permitted within 500-feet of a protected district.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 25-foot half right-of-way along Masters Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Staff Analysis**

- ◇ There is an existing protected district, zoned D-5, that is developed with a single-family dwelling southwest of the subject site. Staff would note that this is a very unusual circumstance as all the properties surrounding the dwelling are zoned commercial and industrial.
- ◇ The outdoor storage would be located furthest away from the dwelling as possible by being proposed at the rear of the property abutting the back of the commercial buildings to the east with a reduction of the rear yard to ensure the maximum separation. The outdoor storage would require proper screening per Section 744-508.C. of the Ordinance. Therefore, staff is comfortable with the proposed location and would be supportive of the reduced rear setback and 200-foot separation. Staff does not have concerns with the amount of outdoor storage anticipated.
- ◇ Because the proposed I-2 district would align with the light industrial development recommendation of the Comprehensive Plan, would be in line with the surrounding commercial and industrial uses in the immediate area, and would not significantly impact the single-family dwelling more than the existing uses present, staff is recommending approval of the request.

## **GENERAL INFORMATION**

### **EXISTING ZONING AND LAND USE**

C-1 / C-S	Metro	Commercial (Office)
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### **SURROUNDING ZONING AND LAND USE**

North	I-3	Industrial
South	C-1	Commercial (Offices)
East	C-S	Commercial
West	C-4	Commercial (Amusement Center)

### **COMPREHENSIVE PLAN**

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends light industrial development.

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## **STAFF REPORT 2023-CZN-851 / 2023-CVR-851 (Continued)**

THOROUGHFARE PLAN	Masters Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing right-of-way and a 50-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
SITE PLAN	File-dated August 25, 2023.
FINDINGS OF FACT	File-dated August 24, 2023.

### **ZONING HISTORY – SITE**

#### EXISTING VIOLATIONS

None.

#### PREVIOUS CASES

**85-Z-42; 8431 Castlewood Drive** (subject site) Rezoning of 5.7 acres, being in the C-4 district, to C-S classification, to provide for the development of a commercial office and industrial park, **approved**.

**60-Z-74; 8333 Masters Road** (subject site), Rezoning of 0.75 acre, being in the A-2 district, to the B-2 classification to permit an office building, **approved**.

### **ZONING HISTORY – VICINITY**

**2017-ZON-004; 8346 Masters Road** (west of site), Rezoning of 2.44 acres, from the D-5 district, to the C-4 classification, **approved**.

**99-Z-27; 8501 Masters Road** (north of site), Rezone 2.98 acres, from SU-9 to I-3-S, to provide for medium suburban industrial development, **approved**.

**90-Z-41 / 90-CV-5; 8401 Bash Street** (northwest of site), Rezoning of 5.62 acres, being in the I-3-S and C-5 Districts, to the C-S classification to provide for the development of a business park with permitted office, wholesale, warehouse, and distribution uses, and a variance of development standards of the Commercial Zoning Ordinance to permit parking within the front yard along Bash and Dallas Streets and Master Road, **approved / granted**.

**85-Z-170; 6902 East 82<sup>nd</sup> Street** (southwest of site), Rezoning of 4.7\_ acres, being in the C-4, SU-2 and I-1-S districts to the C-6 classification to provide for highway-oriented commercial uses, **approved**.

**84-Z-140; 8505 Masters Road** (north of site), Rezoning of 2.98 acres, being in the I-3-S district, to the SU-9 classification, to provide for the use of an existing garage as a department maintenance and repair facility, **approved**.

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**STAFF REPORT 2023-CZN-851 / 2023-CVR-851 (Continued)**

**82-Z-74; 8333 Masters Road** (south of site), Rezoning of 0.75 acre from the A-2 district to C-1 classification, **approved.**

**81-Z-96; 8328 Masters Road** (southwest of site), Rezoning of 3.41 acres, being in the C-4 district, to the I-1-S classification, to provide for an office, reception center and warehouse facility, **approved.**

**81-Z-136; 8431 Castlewood Drive** (north of site), Rezoning of 2.02 acres, being in the I-3-S, C-4 and A-2 districts, to the I-3-S classification to provide for industrial use, **approved.**

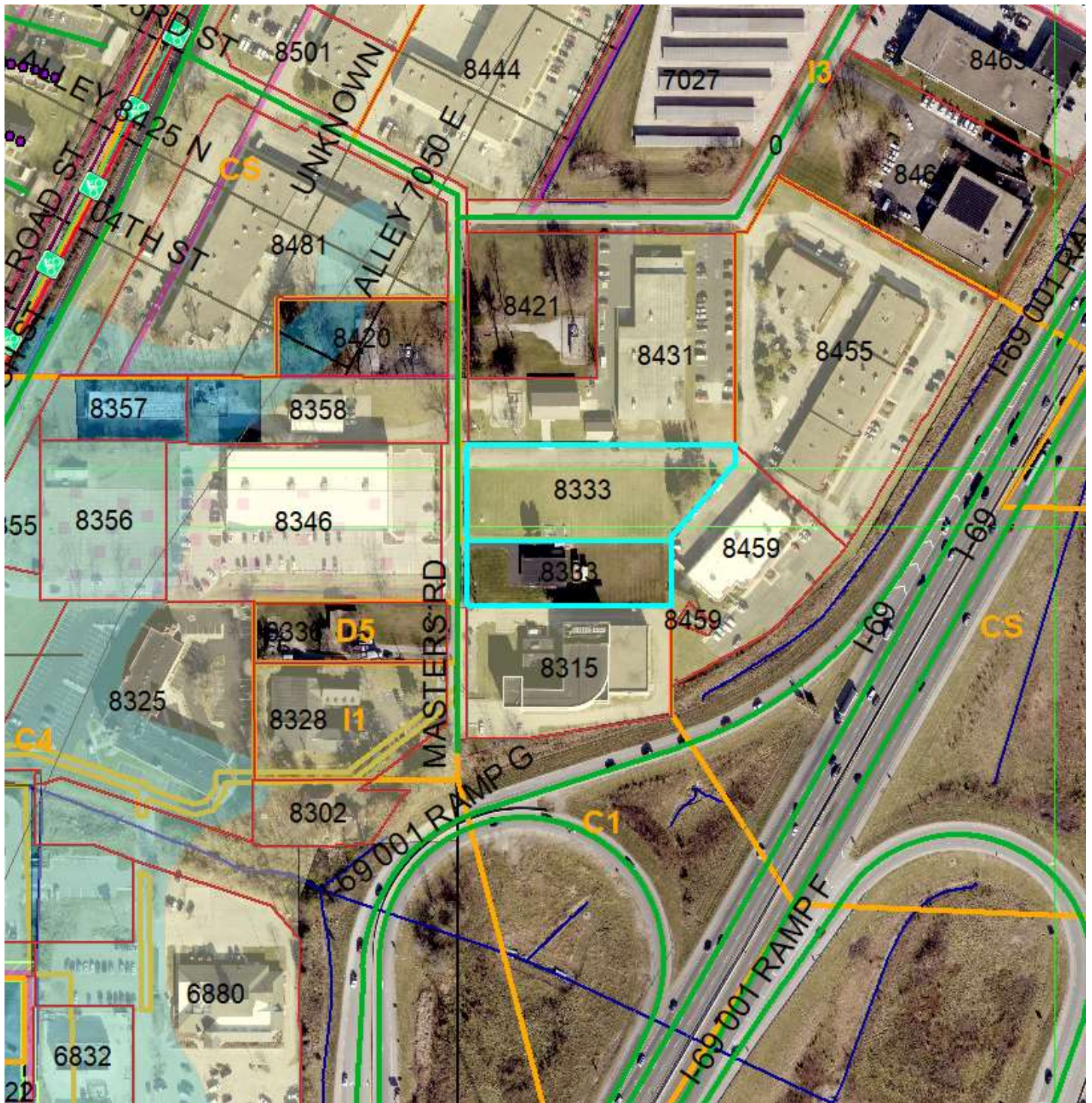
**80-Z-103; Various parcels in Castleton** (west of site), Rezoning of 43.38 acres, being in the D-5 district, to the C-4 classification, to provide for commercial development in the town of Castleton, **approved.**

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2023-CZN-851 / 2023-CVR-851; Location Map







Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

The requested I-2 zoning for the site permits outdoor storage as an accessory use. The proposed outdoor storage is an accessory use to the proposed primary use of the site. The area adjacent to and north of the site is zoned I-3, which district has no square footage limitation for outdoor storage. The majority of the remaining surrounding sites are commercially or industrially zoned parcels. Only one nearby parcel, southwest of the site, is zoned D5. The proposed outdoor storage will be located on the eastern side of the site and a dry detention pond, along with Masters Road, will separate the proposed outdoor storage from the D5 zoned parcel. Additionally, the proposed outdoor storage will be screened by a fence, and both the east and south borders of the site will be landscaped within a 10' wide buffer area.

**2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:**

The proposed outdoor storage is a permitted accessory use within the site's requested I-2 zoning district. The I-3 zoned area adjacent to and north of the site has no square footage limitation to outdoor storage. Most of the surrounding sites are commercially or industrially zoned parcels. The only nearby D5 parcel will be separated/buffered from the proposed outdoor storage by a dry detention pond, landscaping, a fence and Masters Road. The variances will allow for improvements to a currently vacant site.

**3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:**

The site is currently split zoned (C-S and C-1) and is located on a street that dead ends one parcel south of the site at the access ramps to I-69. The Petitioner proposes to rezone the site to I-2, which is compatible with the Comprehensive Plan's light industrial recommendation, and plans to construct a one story light industrial flex building for use in connection with its Commercial and Building Contractor business. Without the variances, Petitioner will be unable to improve the vacant, currently split zoned site on a dead end street in a manner necessary for its proposed use. The variances (and rezoning) will allow for the site to be improved and used in a manner that is compatible with the site's light industrial Comprehensive Plan recommendation and with the industrial and commercial areas that nearly surround the site. Because the parcel is not large, the Petitioner's proposed building is only approximately 12,000 sf which size limits the amount of outdoor storage available under the I-2 zoning district. In order to have practically usable amount of outdoor storage, the Petitioner requires a variance of development standards.

**DECISION**

**IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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**2023-CZN-851 / 2023-CVR-851; Photographs**



Photo of the Subject Property: 8333 Masters Road



Photo of the Subject Property: 8333 Masters Road



Photo of the existing builing and vehicles stored on site.



Photo of the vehicules stored on site.



Photo of the vehicules stored on site.





Photo of the proposed eight-foot rear yard.



Photo of the subejet site looking south from the northern property boundary.





Photo of the indoor amusement center south of the site.



Photo of the single-family dwelling southwest of the site.





Photo of a commercial office building to the south.



Photo of the existing separation between the subject site and property south.