

## STAFF REPORT

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

**Case Number:** 2022-CZN-864A / 2022-CZN-864B / 2023-CPL-864  
**Address:** 370 South Franklin Road (*Approximate Address*)  
**Location:** Warren Township, Council District #18  
**Petitioner:** JAW Enterprises, LLC and M & K Warehouse Services, LLC, by William T. Rosenbaum  
**Requests:** Rezoning of 3.543 acres from the D-A district to the C-7 district.  
Rezoning of 3.45 acres from the D-A district to the I-2 district.  
Approval of a Subdivision Plat to be known as M.B. Rapp Acres, dividing 6.82 acres into two lots.

This is the third hearing for these petitions. This petition was automatically continued from the **March 9, 2023 hearing** to the **April 13, 2023 hearing**; and continued from the **April 13, 2023 hearing** to the **April 27, 2023 hearing** so that the petitioner could be present at the hearing.

### **RECOMMENDATIONS**

Staff recommends **approval of the rezoning** petitions.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 8, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.

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## **2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)**

11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is zoned D-A and developed with a commercial building and outdoor storage for boat sales.
- ◇ This petition would subdivide the property into two lots. The northern lot would be rezoned to the C-7 district and contain the existing commercial development. The southern lot would be rezoned I-2. No development is proposed at this time for the southern lot.

#### **REZONING**

- ◇ This petition would rezone this site from the D-A district to the C-7 and I-2 districts.
- ◇ The comprehensive plan recommends light industrial uses. These recommended land uses may include light industrial uses, and heavy commercial uses, such as other vehicle sales, rental, or repair.
- ◇ The I-2 light industrial district is intended for industries that present minimal risk and typically do not create objectionable characteristics, which is consistent with the light industrial typology recommended by the comprehensive plan.
- ◇ The site proposed to be rezoned to the C-7 district obtained a variance of use to permit boat sales and outdoor storage. The C-7 district is intended for commercial uses that typically include outdoor storage and display of sizable merchandise, and generate truck traffic. This land use is also consistent with the light industrial typology. The proposed rezoning would be appropriate for the existing development and use of this site.
- ◇ Staff is, therefore, recommending approval of the rezoning to the I-2 district and rezoning to the C-7 district.

#### **PLAT**

- ◇ The plat would subdivide the subject site into two lots. Lot One would be 3.25 acres and contain the existing commercial development. Lot Two would be 3.16 acres; no development was proposed for Lot Two at the time of submittal. The proposed plat meets the standards of the C-7 and I-2 zoning classifications as proposed in the companion rezoning.

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## **2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)**

### **TRAFFIC / STREETS**

- ◇ The proposed lots would front on Franklin Road. No new streets are proposed as part of this petition.

### **SIDEWALKS**

- ◇ Sidewalks are required on Franklin Road.

### **GENERAL INFORMATION**

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

D-A	Metro	Commercial
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#### **SURROUNDING ZONING AND LAND USE**

North	C-7	Commercial
South	D-A / I-2	Industrial
East	D-2 / I-2	Residential / Industrial
West	D-2	Undeveloped / Interstate

COMPREHENSIVE LAND USE PLAN	Light Industrial
THOROUGHFARE PLAN	Franklin Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 34-foot existing and a 90-foot proposed right-of-way.

PRELIMINARY PLAT	File-dated February 8, 2023
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### **ZONING HISTORY – SITE**

**2018-UV1-028**, variance to provide for the expansion of a maintenance and storage building for an adjacent boat sales business with a 28-foot south side setback, **approved**.

**2015-UV1-041**, variance to provide for the construction of a 5,000-square foot maintenance storage building for an adjacent boat sales business, with paved off-street parking and gravel storage areas, **approved**.

### **ZONING HISTORY – VICINITY**

**2020-DV3-012, 375 South Franklin Road**, variance to provide for additions to an existing single-family dwelling and garage with a 0.5-foot north side setback, **approved**.

**2012-ZON-025, 416 South Franklin Road**, rezoning of 3.9 acres from the D-A district to the I-2-S classification, **approved**.

**2012-CZN-815, 416 South Franklin Road**, rezoning of 12.41 acres from the I-2-S and D-A districts to the I-2-S district, **approved**.

**2012-CVC-815, 416 South Franklin Road**, Vacation of a portion of Beechwood Avenue, being 50 feet in width from the east right-of-way line of Interstate 465 to a point 271.96 feet to the east, **approved**.

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**2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)**

**2012-CVR-815, 416 South Franklin Road**, variance to provide for a 31-foot-tall building addition, with a 45-foot front building setback and a zero-foot parking and access drive setback, with 45,000 square-feet of outdoor truck and trailer storage, **approved**.

**99-UV3-98, 375 South Franklin Road**, variance to provide for a plumbing contractor business, **denied**.

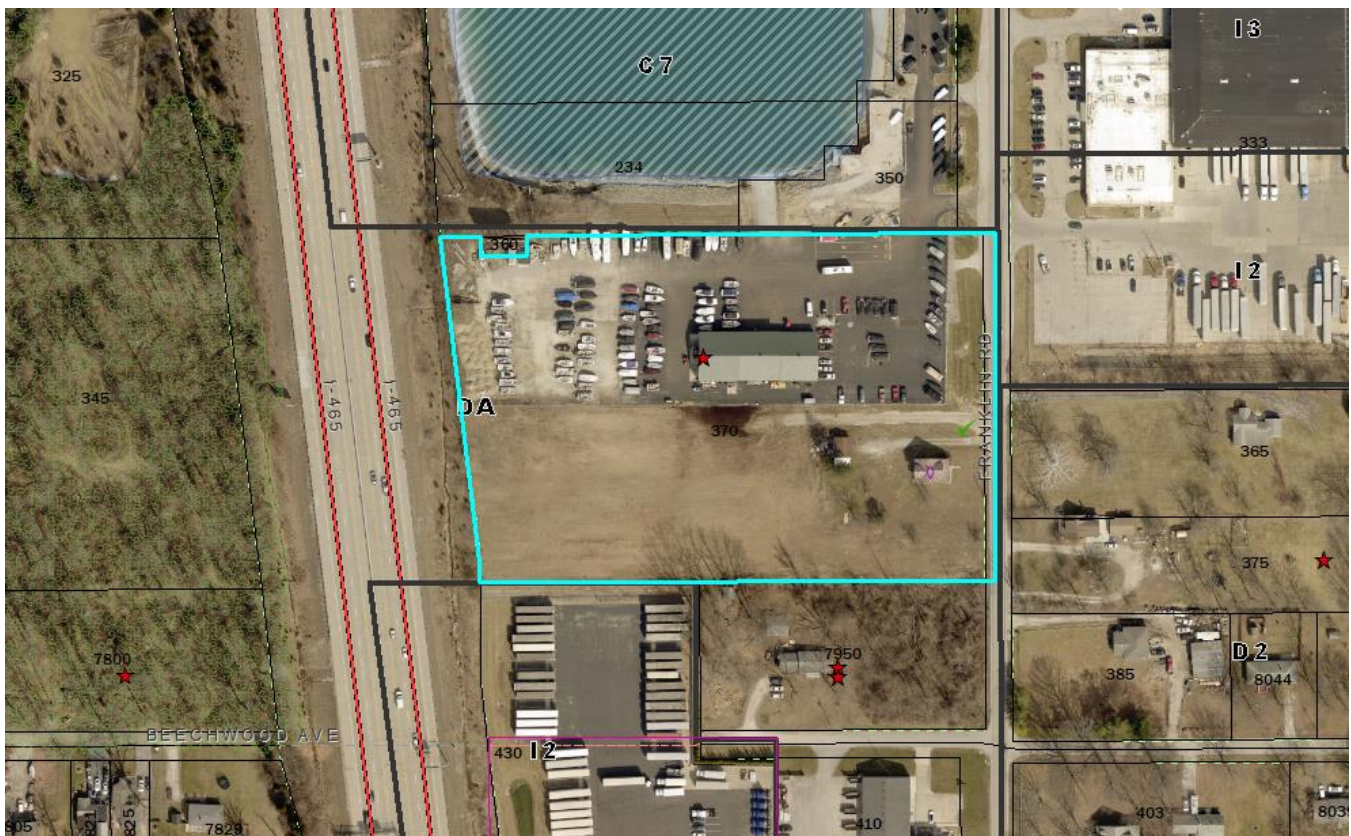
**76-UV3-139, 7950 Beechwood Avenue**, variance to permit occupancy of a trailer on rear of lot, for a period of two years, **approved**.

**72-UV2-128, 7950 Beechwood Avenue**, variance to permit an existing house trailer to remain on a permanent basis, limited to current occupant, **approved**.

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**2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 Aerial Map**







**2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 Site Photos**



Proposed Lot One, looking west



Proposed Lots One and Two, looking southwest



Proposed Lot One, Lot Two shown left





Proposed Lot Two, looking south



Proposed Lot Two, Interstate shown at the rear, looking west.