

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-AP1-002
Address: 1001 North Rural Street (approximate address)
Location: Center Township, Council District #17
Zoning: C-3
Petitioner: Harshpreet Inc., by Miranda Steele
Request: Modification of Commitments related to 2008-DV1-058, to terminate Commitment Number 10, which prohibited the sale of cigarette/tobacco rolling papers.

RECOMMENDATIONS

Staff has **no recommendation** regarding the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-3	Compact	Automobile Fueling Station & Convenience Store
-----	---------	--

SURROUNDING ZONING AND LAND USE

North	D-5	Single and Two-Family Dwellings
South	MU-2	Various Commercial Uses
East	C-3	Retail
West	C-3	Undeveloped Lot

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Village Mixed-Use development.
--------------------	--

- ◇ This 045-acre lot, zoned C-3, is currently improved with an Automobile Fueling Station and Convenience store. To the north are Single and Two-family dwellings within the D-5 District. To the west and east are an undeveloped lot and gift shop, respectively, within the C-3 District. A multi-tenant bay commercial building is located to the south across 10th Street, within the MU-2 and C-3 Districts.
- ◇ The Land Use Pattern Book recommends Mixed-Use development.
- ◇ This property received a variance in 2008 (2008-DV1-058) which allowed for the installation of an additional gas pump and canopy expansion, with reduced setbacks. This request also allowed for a 20-foot tall, 257.1 square foot pole sign with a one-foot front yard setback.

(Continued)

STAFF REPORT 2023-AP1-002 (Continued)

- ◇ Upon review of archived footage of this hearing, Staff determined that a remonstrator representing the RMS Timwood Association appeared and requested that any grant be subject to a commitment prohibiting the sale of tobacco rolling papers. The East 10th Street Civic Association also appeared and requested various commitments, which would remain in effect if the request is approved.
- ◇ The sale of tobacco rolling papers would be permitted within Retail, Light General, which is permitted by-right within the C-3 District.
- ◇ Given that this commitment was not requested by Staff, no recommendation will be provided in relation to this request.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Rural Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed 66-foot right-of-way.

This portion of 10th Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing 52-foot right of way and 56-foot proposed right-of-way.

ZONING HISTORY – SITE

2014-DV1-052; 1001 North Rural Street; requests variance of development standards to provide for an 8.5 by 22-foot remediation trailer, with a 12-foot north side transitional setback; **granted.**

2008-DV1-058; 1001 and 1011 North Rural Street and 2914 East 10th Street; requests variance of development standards of the Commercial Zoning Ordinance to provide for an additional gas pump and a 480-square foot gas station canopy addition with a 45-foot front setback from the centerline of North Rural Street, a fifteen-foot wide, two-way drive aisle north of the gas station canopy addition, three parking spaces with insufficient maneuvering and to legally establish a five-foot front landscape strip, and to provide for a twenty-foot tall, 257.1 square foot pole sign with a one-foot front setback from the rights-of-way of East 10th Street and Rural Street; **granted.**

88-HOV-35; 1001 North Rural Street; requests variance of development standards of the Commercial Zoning Ordinance to provide for a six-foot north transitional yard and an addition to an existing structure, and to provide for a pole sign to be located within the public right-of-way; **granted**

87-UV3-116; 1001 North Rural Street; requests variance of development standards of the Commercial Zoning Ordinance to provide for a gasoline service station with a reduced north side transitional yard; **granted.**

(Continued)

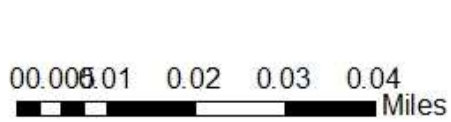
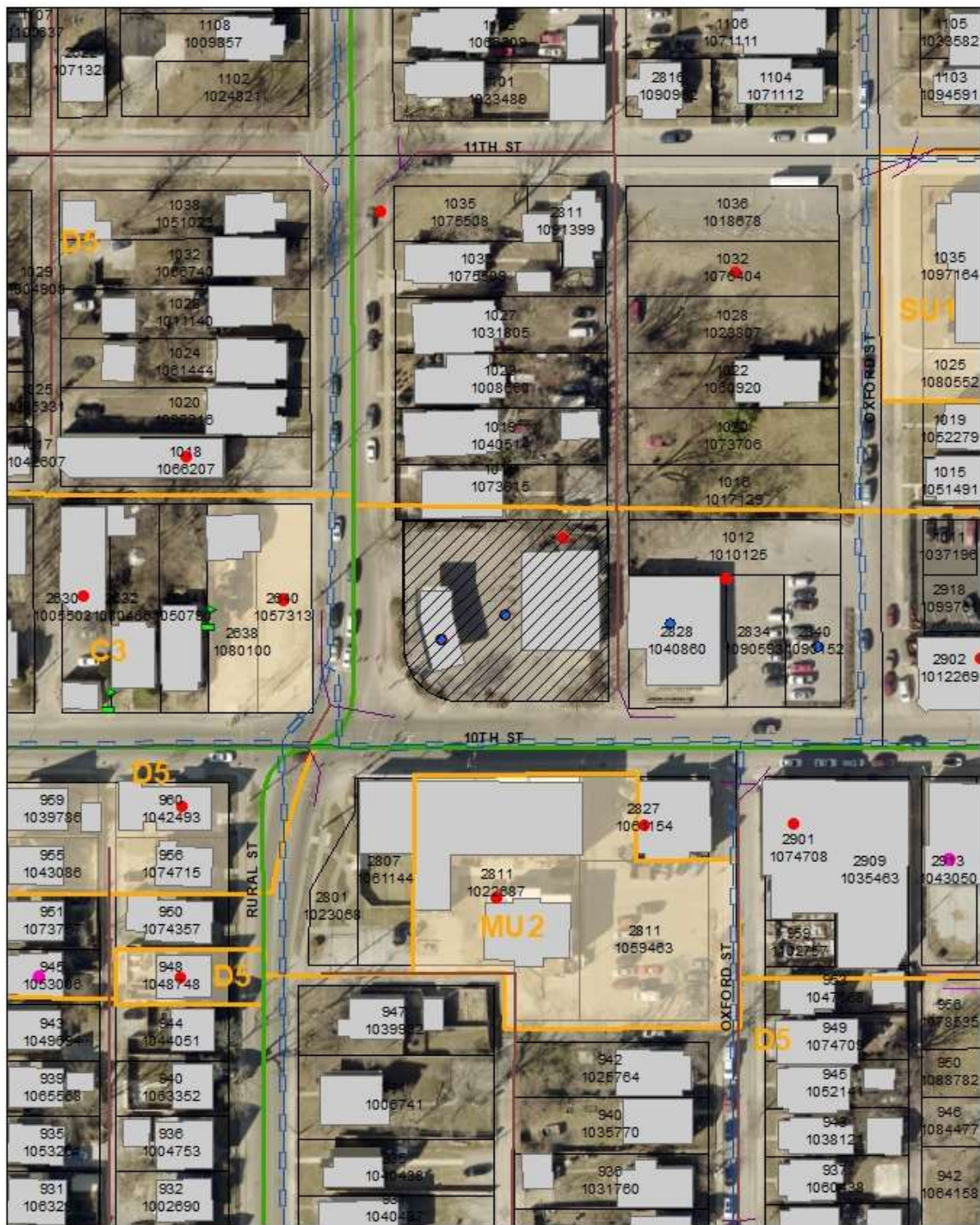
STAFF REPORT 2023-AP1-002 (Continued)

87-AP3-6; 1001 North Rural Street; requested a waiver of the Rules of Procedure to provide for the refiling of a variance of development standards within one year of the denial of a previous variance of development standards; **granted.**

87-V3-69; 1001 North Rural Street; requests a variance of development standards of the Commercial Zoning Ordinance to provide the construction of an addition to a convenience store with reduced parking and a dumpster located within the north side transitional yard; **denied.**

EDH

2023-AP1-002; Location Map



2023-AP1-002; Photographs



Photo One: Looking North Along Rural Street.



Photo Two: Looking South Along Rural Street.



Photo Three: Looking East Along 10th Street.



Photo Four: Looking West Along 10th Street.



Photo Five: Subject Site.