

BOARD OF ZONING APPEALS DIVISION I

May 6, 2025

Case Number: 2025-SE1-001
Address: 2205 North Sherman Drive (approximate address)
Location: Center Township, Council District #8
Zoning: I-4
Petitioner: ABG Property Inc., by Suzanne Baker
Request: Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot.

Current Land Use: Vacant lot

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This is the first time this petition has been heard.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

SPECIAL EXCEPTION

- ◇ A commercial parking lot is permitted in the I-4 District by the grant of a Special Exception, which must include findings that the proposed use will not injure or adversely affect the adjacent area or property values in that area, and any grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
- ◇ Each Special Exception request must show that the grant would not be injurious to the public health, safety, convenience, and general welfare of the community. The proposed parking lot use would provide exclusive parking for approximately twenty (20) semi-truck and trailer rigs with no proposed supporting structure, trash dumpster, or restroom facilities on site. The plan of operation indicates that pole lights will be used to illuminate the site, and the site will be accessible to drivers 24 hours a day.
- ◇ This portion of North Sherman Avenue is deficient of public right of way width, where only 55 feet or right of way width is provided, and an 88-foot right-of-way width is proposed. This deficient right of way could provide safety issues in the maneuvering of the semi-trucks and rigs along this portion of North Sherman Avenue, possibly into oncoming north bound or south bound traffic.

- ◇ It is anticipated the trucks would either travel north or south on Sherman Avenue, presumably to access a nearby interstate interchange on Emerson Avenue. The intersection to the north, at Sherman Avenue and Massachusetts Avenue has deficient sight lines and turning radius angles due to the angled intersection with Massachusetts Avenue and the parallel railroad. Accessing South bound Sherman Avenue would result in the trucks traveling through residential neighborhood on East 21st Street to access the interstate interchange on Emerson Avenue.
- ◇ The Special Exception must indicate that the grant would not injure or adversely affect the adjacent area or property values.
- ◇ The proposed use for a parking lot is a generational use that would take away from the land available for the proposed Heavy Industrial and Industrial Reserve overlay uses and services. As a result of displacing a potential heavy industrial user with higher property values, the lower property valued parking lot could decrease property values in the area.
- ◇ This site is located across Sherman Avenue from approximately three (3) residential dwellings with a Comprehensive Plan recommendation for Traditional Neighborhood. Additional dwellings are located further west in a D-5 district. The subject site is also located across Sherman Avenue northeast from a University Quarter District 1. In Staff's opinion, the proposed parking lot would have a negative effect on the property values of these dwellings and surrounding residential neighborhood.
- ◇ The presence and impact of the semi-truck and trailer rigs operating 24 hours a day, with associated security lighting as well, would have an adverse and detrimental impact on the single-family dwellings to the west, and the University Quarter protected district to the southwest. For this residential neighborhood to remain viable, it would be important to protect these dwellings from the more intense use of the requested commercial parking lot in proximity to dwellings.
- ◇ In Staff's opinion, the request would jeopardize the public safety by increasing the amount of semi-truck and trailer traffic adjacent to an area that is recommended for traditional neighborhood uses. The proposed parking lot could be more appropriately located on sites that are not adjacent to residential uses and protected districts.
- ◇ Additionally, the grant must be in harmony with the character of the district and the land use authorized therein. The subject site is located within the I-4 zoning classification, with an Industrial Reserve overlay district. A parking lot could be an accessory to an industrial use, but it is not generally considered as a primary industrial use by itself. As the east side of Sherman Avenue corridor in this area contains heavy industrial uses, and the overlay district recommends this site be reserved for Industrial uses, the proposed commercial parking lot would be out of character with the adjacent districts and land uses on surrounding properties. The proposed parking lot would not be compatible with the Marion County Comprehensive Land Use Plan recommendation of Heavy Industrial and the Industrial Reserve Overlay district for the site.
- ◇ Summarily, in Staff's opinion, permitting a commercial parking lot in an Industrial Reserve overlay district, and adjacent to residential dwellings and a University Quarter District as proposed, would be wholly inappropriate, particularly considering the general increase of truck use intensity adjacent to the residential uses.

GENERAL INFORMATION

Existing Zoning	I-4										
Existing Land Use	Vacant Lot										
Comprehensive Plan	Heavy Industrial										
Overlay	Industrial Reserve										
Surrounding Context	<table> <tr> <th><u>Zoning</u></th><th><u>Surrounding Context</u></th></tr> <tr> <td>North: I-4</td><td>Commercial Truck Repair and Service</td></tr> <tr> <td>South: I-4</td><td>Stone Fabricator</td></tr> <tr> <td>East: I-4</td><td>Shipping Terminal</td></tr> <tr> <td>West: I-3</td><td>Single-Family Dwellings</td></tr> </table>	<u>Zoning</u>	<u>Surrounding Context</u>	North: I-4	Commercial Truck Repair and Service	South: I-4	Stone Fabricator	East: I-4	Shipping Terminal	West: I-3	Single-Family Dwellings
<u>Zoning</u>	<u>Surrounding Context</u>										
North: I-4	Commercial Truck Repair and Service										
South: I-4	Stone Fabricator										
East: I-4	Shipping Terminal										
West: I-3	Single-Family Dwellings										
Thoroughfare Plan											
Sherman Drive	Primary Arterial 55-foot existing right-of-way and 88-foot proposed right-of-way.										
Context Area	Compact										
Floodway / Floodway Fringe	No										
Wellfield Protection Area	No										
Site Plan, Revised	March 18, 2025										
Elevations	N/A										
Commitments	N/A										
Landscape Plan	N/A										
Findings of Fact	March 18, 2025										

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Heavy Industrial uses for the site, with an Industrial Reserve Overlay.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends Heavy Industrial uses for this site. The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.
- The Industrial Reserve overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

2023-DV3-015; 2300 North Sherman Drive (north of site), requested a 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), **denied**.

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 (northeast 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**.

RU

EXHIBITS

Location Map



Site Plan



Findings of Fact

Petition Number _____

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

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because

As defined a "Parking Lot, Commercial" is a parking lot that is a primary use of land. The site will specifically be used just for truck parking with no other structures on site besides a moveable loading dock.

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because

The proposed use will not injure or adversely affect adjacent area or property values because it is a similar and compatible use with the surrounding uses of the property and it will also improve a now vacant and overgrown site. Surrounding uses include a truck repair facility, FedEx trucking fleet terminal, a stone supplier, and a manufacturing company of burial vaults. This site and surrounding sites are well served and encourage trucking industry uses due to the close proximity to Interstate 70 and is also currently zoned the most intense industrial classification.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because

The site will not materially or substantially interfere with the lawful use and enjoyment of the adjoining property because the site will be secured and provide for lighting. Additionally, Sherman Drive is already equipped for trucks as the surrounding uses of truck repair north of the site, which is a much larger site than the subject site.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because

This site will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan because the future land use recommendation for the site indicates for Heavy Industrial. Further this site is zoned the most intense industrial zoning classification and is surrounded by both industrial zoning and similar and compatible uses to our proposed commercial parking lot.

Findings of Fact Cont'd

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use will conform to the development standards set forth in Chapter 744. With the proposed use there will be minimal improvements needed to make to the site, with only 20 parking spaces which will abide by other City regulations and requirements as well.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use will conform to the performance standards set forth in Chapter 740 and the development standards set forth in Chapter 744. With the proposed use there will be minimal improvements needed to make to the site, with only 20 parking spaces which will abide by other City regulations and requirements as well.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The proposed Parking Lot, Commercial on the subject site will comply with the use-specific standards outlined in Chapter 743, Article III, Section 5, CC. Specifically, #1-3 do not apply to this location. #4, Parking lots, Commercial shall be limited to a maximum of 2 acres and the subject site is 1.36 acres.

DECISION

Photographs



Subject site northern portion with proposed entrance, looking east.



Subject site southern portion, looking east



Adjacent single-family dwellings on west side of Sherman Avenue, looking northwest.



Adjacent University Quarter District to the southwest



Adjacent industrial Stone Fabricator use to the south, looking southeast.



Adjancet commercial Truck Repair and Service to the north, looking northeast.