

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-091
Address: 9371 Zionsville Road (8902 Zionsville Road) (Approximate Address)
Location: Pike Township, Council District #1
Petitioner: Callaway Group, LLC, by Marc Menkveld
Request: Rezoning of 1.061 acres from the SU-39 district to the I-4 district to provide for heavy industrial uses.

ADDENDUM FOR NOVEMBER 1, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on October 12, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning request. Subsequently, the petitioner filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

RECOMMENDATIONS

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 63-foot half right-of-way shall be dedicated along the frontage of Zionsville 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 1.061-acre subject site (Parcel 6007751) is an undeveloped lot. It is bordered to the north and east by an undeveloped industrial lot, zoned I-3, to the west by an industrial campus, zoned I-4, and to the south by an undeveloped industrial lot, zoned I-4.

REZONING

- ◇ The request would rezone the property from the SU-39 district to the I-4 district to provide for heavy industrial uses.
- ◇ The SU-39 district is a special use district with limited permitted uses such as water tanks, water pumping station and similar structures not located on buildings. This makes development for any other use on this site impossible.

(Continued)

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- ◇ The proposed I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.
- ◇ The Comprehensive Plan recommends heavy industrial development 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.”
- ◇ Where heavy industrial uses are proposed the primary entrance should be served by an arterial street. Industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street. Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Industrial Reserve Overlay

- ◇ The subject site falls within the Industrial Reserve overlay, which 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.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 63-foot half right-of-way along Zionsville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

- ◇ The proposed I-4 district would be ideal for the site in question since it would align with the heavy industrial development recommendation of the Comprehensive Plan, is surrounded by industrial districts in all directions, and is in the Industrial Reserve overlay that prioritizes industrial development in areas that are prime for such uses.
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

SU-39 Metro Undeveloped

(Continued)

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SURROUNDING ZONING AND LAND USE

North	I-3	Undeveloped
South	I-4	Undeveloped / Industrial
East	I-3	Undeveloped
West	I-4	Industrial

COMPREHENSIVE PLAN

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

THOROUGHFARE PLAN

Zionsville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with an 80-foot existing right-of-way and a 126-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.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

75-Z-118; 8905 North Zionsville Road (subject site), Rezoning of 1.26 acres, being in the I-3-S classification to the SU-39 classification to permit tank for distribution of water to the public, **approved**.

ZONING HISTORY – VICINITY

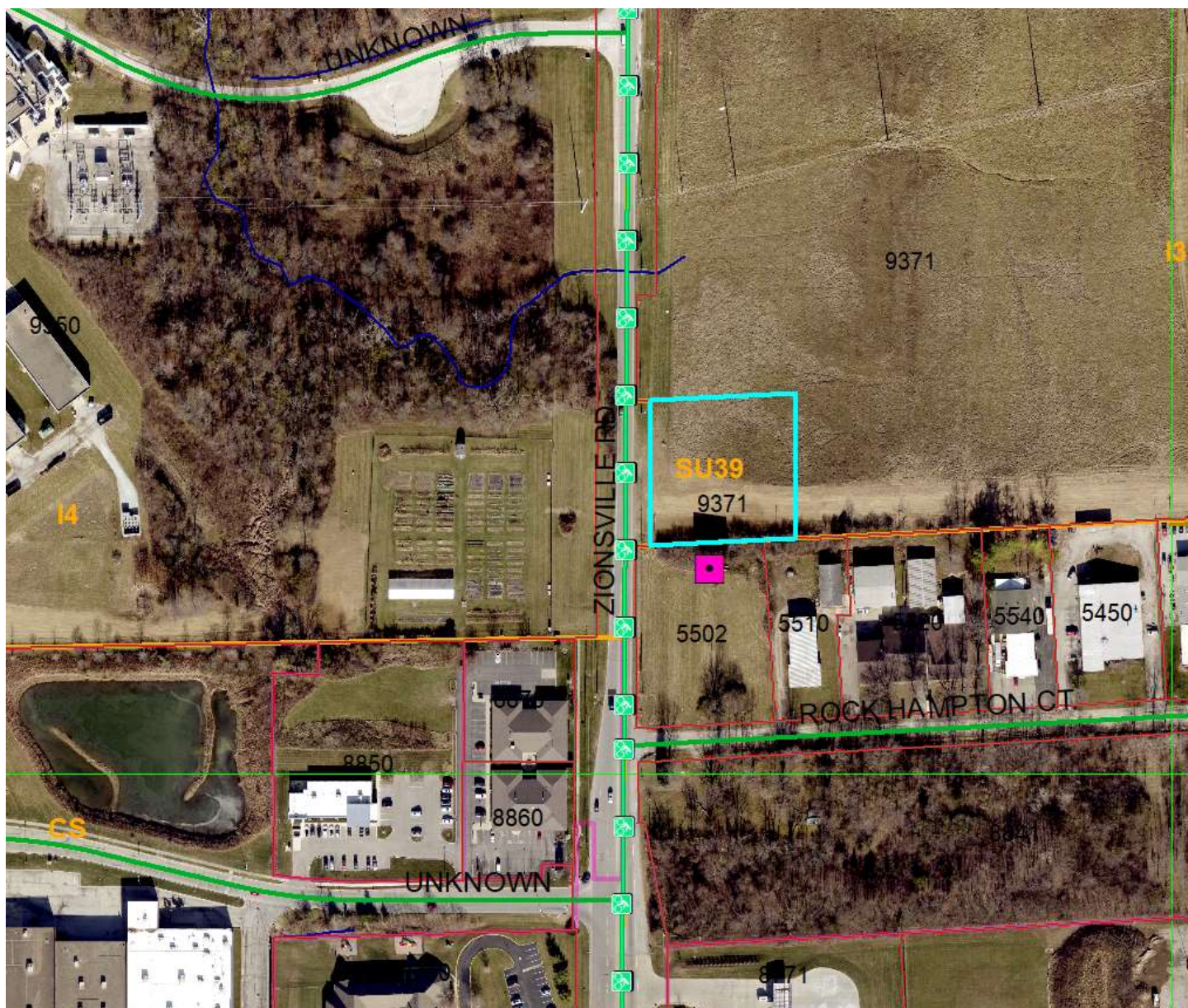
2004-ZON-099; 5704 West 85th Street (southwest of site), Rezoning 7.189 acres, being in the C-3 and C-S Districts to the C-S classification to provide for the expansion of an existing integrated shopping center, **approved**.

2003-ZON-102; 8750 and 9550 Zionsville Road (southwest of site), Rezoning of 57.42 acres from the C-S and C-3 District to the C-S District, **approved**.

93-Z-122; 8750 Zionsville Road (southwest of site), Rezoning of 2.916 acres from the C-S and C-3 Districts to the C-S classification to provide for preschool, day nursery and kindergarten uses, **approved**.

MI

2023-ZON-091; Location Map



MEMORANDUM OF EXAMINER'S DECISION

2023-ZON-091

9371 Zionsville Road

The petition requests a rezoning of 1.06 acres from the SU-39 district to the I-4 district to provide for heavy industrial uses.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted the industrial uses west and south of the site and mostly undeveloped land north and east of it.

The petitioner's representative stated that the subject site was zoned I-3-S prior to it being rezoned to the current SU-39 district in 1975, and also suggested a mapping error may have occurred in the 1990's which indicated the property was still zoned I-3-S. Because of a pipeline easement on the south end of the site, the requested right-of-way dedication along Zionsville Road would impede the ability of the site to be developed, and the representative opined that the requested dedication was premature.

Staff confirmed that the legal description used in the 1975 rezoning petition was identical to the legal description used for this petition. Staff also explained that the request for right-of-way dedication by the Department of Public Works is standard when a rezoning petition is requested.

In your Hearing Examiner's opinion, right-of-way dedication is a reasonable request. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on November 1, 2023

2023-ZON-091; Photographs



Photo of the Subject Property: 9371 Zionsville Road



Photo of the Subject Property: 9371 Zionsville Road



Photo of the southern property boundary.



Photo of the undeveloped industrial lot.



Photo of the industrial campus west of the site.



Photo of the commercial property southwest of the site.