

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-023 / 2023-VAR-003 (Amended)
Address: 8480, 8508 and 8510 Ditch Road (*Approximate Address*)
Location: Washington Township, Council District #1
Petitioner: Adams French Property, LLC, by Brian J. Tuohy
Request: Rezoning of 1.88 acres from the C-1 and C-4 districts to the C-S district to provide for a self-storage facility.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for self-storage facility with a reduced landscaped buffer along the lot lines abutting a protected district (a minimum 50-foot landscaped buffer required).

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued the rezoning petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.

The Hearing Examiner continued these petitions, with notice, and transferred the petitions from the May 11, 2023 hearing, to the Metropolitan Development Commission for their hearing on June 21, 2023 hearing, at the request of the petitioner's representative.

May 11, 2023

ADDENDUM FOR JUNE 21, 2023, METROPOLITAN DEVELOPMENT COMMISSION

Prior to the May 11, 2023 hearing, it was discovered that a variance of development standards would be required to provide for a reduced landscaped buffer. Consequently, the petitioner's representative requested that the petition be continued and transferred to the Metropolitan Development Commission for initial hearing on June 21, 2023, due certain conditions of the sales contract.

The purpose of a required landscaped buffer abutting a protected district is to provide appropriate separation between land uses when a more intense land use (such as warehousing in this case) abuts a protected district such as the existing residential uses to the west and south.

Staff believes the lack of a buffer represents over development of a site that is currently undeveloped with no impediments to provide for appropriate development that complies with the Ordinance. The amended site plan, file-dated May 24, 2023, provides for a 30-foot landscaped buffer, which is an approximately 40% decrease in the buffer.

The substantially reduced landscaped buffer and the mass of the development would be wholly detrimental and impactful on the surrounding land uses in this area. Furthermore, staff does not believe there is a practical difficulty in the use of the property because the building footprint could be reduced to comply with the Ordinance and minimize impact of the proposed use on surrounding land uses.

(Continued)

STAFF REPORT 2023 ZON-023 (Continued)

Staff, therefore, **recommends denial** of the variance request.

RECOMMENDATIONS

Staff **recommends denial** of the request. If approved, staff would request the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.88-acre site, zoned C-1 and C-4, is undeveloped and comprised of three parcels. It is surrounded by commercial uses to the north, zoned C-4, multi-family dwellings to the south and west, zoned D-7; and commercial uses to the east, across Ditch Road, zoned C-4 and C-3.
- ◇ Petition 72-UV3-88 provided for a car wash and gasoline station. Petition 73-Z-143 provided for commercial uses. Petition 73-Z-144 provided for a branch bank.

REZONING

- ◇ This request would rezone the site from the C-1 and C-4 Districts to the C-S classification to provide for a self-storage facility.
- ◇ 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.

(Continued)

STAFF REPORT 2023 ZON-023 (Continued)

- ◇ The purpose of the C-S District is to:
 - 1. Encourage:
 - a. A more creative approach in land planning.
 - b. Superior site and structural design and development.
 - c. An efficient and desirable use of open space.
 - 2. Provide for a use of land with high functional value.
 - 3. Assure compatibility of land uses, both within the C-S District and with adjacent areas.
 - 4. Permit special consideration of property with outstanding feature, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
 - 5. Provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.
- ◇ The Comprehensive Plan recommends community commercial for the northern parcel. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Comprehensive Plan also recommends office commercial typology for the southern parcel. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.

(Continued)

STAFF REPORT 2023-ZON-023 (Continued)

Heavy Commercial Uses

- Heavy commercial uses generally include outdoor operations, storage, and/or display.

Light Industrial Uses

- These industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.

Heavy Industrial Uses

- Found only in the Heavy Industrial District, these industrial uses create emissions of light, odor, noise, or vibrations. All uses requiring an air permit and/or wastewater permit from the Indiana Department of Environmental Management (IDEM) is considered Heavy Industrial, but not all Heavy Industrial uses necessary require an IDEM permit.

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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STAFF REPORT 2023-ZON-023 (Continued)

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

C-S Statement

- ◇ The C-S Statement, file-dated March 10, 2023, states that the proposed new building would provide for a self-storage facility. The northeastern portion of the building would be three stories, with the remaining building being two stories.
- ◇ All storage would be within the proposed building.
- ◇ Sidewalks would be provided, and a 20-foot-wide landscape buffer would be installed along the western and southern property boundaries.
- ◇ Based upon the number of parking spaces provided and the number of required parking spaces of one parking space per 30 storage units, there would be approximately 540 storage units available for rent.

Site Plan

- ◇ The site plan, file-dated March 10, 2023, depicts a 45,600-square-foot building, with a parking lot consisting of 18 parking spaces and sidewalk along the Ditch Road frontage. Two of the existing access drives would be eliminated.
- ◇ Landscaping is shown along the western and southern boundaries and adjacent to multi-family dwellings. Staff would note that a 50-foot landscape buffer would be required along the western and southern boundaries that abut a protected district (see below).

Planning Analysis

- ◇ As proposed, this rezoning would not be consistent with the Comprehensive Plan recommendation of Community Commercial and Commercial Office typologies, both of which are low intense commercial uses intended to serve the surrounding neighborhoods.
- ◇ A self-storage facility is considered warehousing, an industrial use, that is only permitted in the highest intense commercial district (C-7) and all four industrial districts.
- ◇ Because of the potential impact of this use on surrounding land uses the Ordinance requires the following “specific use standards” to mitigate the impact:

(Continued)

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1. All storage shall be within enclosed buildings except in the C-7, I-3 and I-4 districts.
 2. Security fencing shall not include razor wire or barbed wire within 10 feet of a front lot line or transitional yard.
 3. Doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.
 4. **A landscaped or naturally vegetated buffer at least 50 feet in width shall be provided along any lot line that abuts a protected district.**
 5. Exterior access to any storage units within 100 feet, measured in any direction, of any dwelling district shall be limited to the period between 6:00 a.m. and 10:00 p.m.
- ◇ Staff believes the mass of this 300+-foot long, two and three-story building is out of character from and would not be compatible with the scale and the architectural character of the surrounding land uses, which primarily consist of one-story commercial structures and two-story multi-family buildings, the longest of which is approximately 172 feet.
- ◇ A self-storage facility at this location would be wholly inappropriate for this site because it would introduce an intense use into an area with a much less intense commercial node / corridor character and an adjacent dwelling district, resulting in a detrimental impact on those adjacent uses. Furthermore, this request would be inconsistent with the previously noted purposes of the C-S District.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1 / C-4

Undeveloped land

SURROUNDING ZONING AND LAND USE

North - C-4

Commercial uses

South - C-7

Multi-family dwellings

East - C-3 / C-4

Commercial uses

West - D-7

Multi-family dwellings

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office commercial typology for the northern portion of the site and community commercial for the southern portion of the site

THOROUGHFARE PLAN

This portion of Ditch Road is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 100-foot right-of-way and a proposed 90-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

(Continued)

STAFF REPORT 2023-ZON-023 (Continued)

OVERLAY	This site is not located within an overlay.
C-S STATEMENT	File-dated March 10, 2023
AMENDED C-S STATEMENT	File-dated May 24, 2023
SITE PLAN	File-dated March 10, 2023
SITE PLAN (AMENDED)	File-dated May 24, 2023
RENDERINGS	File-dated March 10, 2023
FINDINGS OF FACT	File-dated May 24, 2023

ZONING HISTORY

91-Z-72; 8510 Ditch Road, requested rezoning of 0.77 acre being in the D-7 District to the C-4 classification to confirm zoning to the existing use, **approved**.

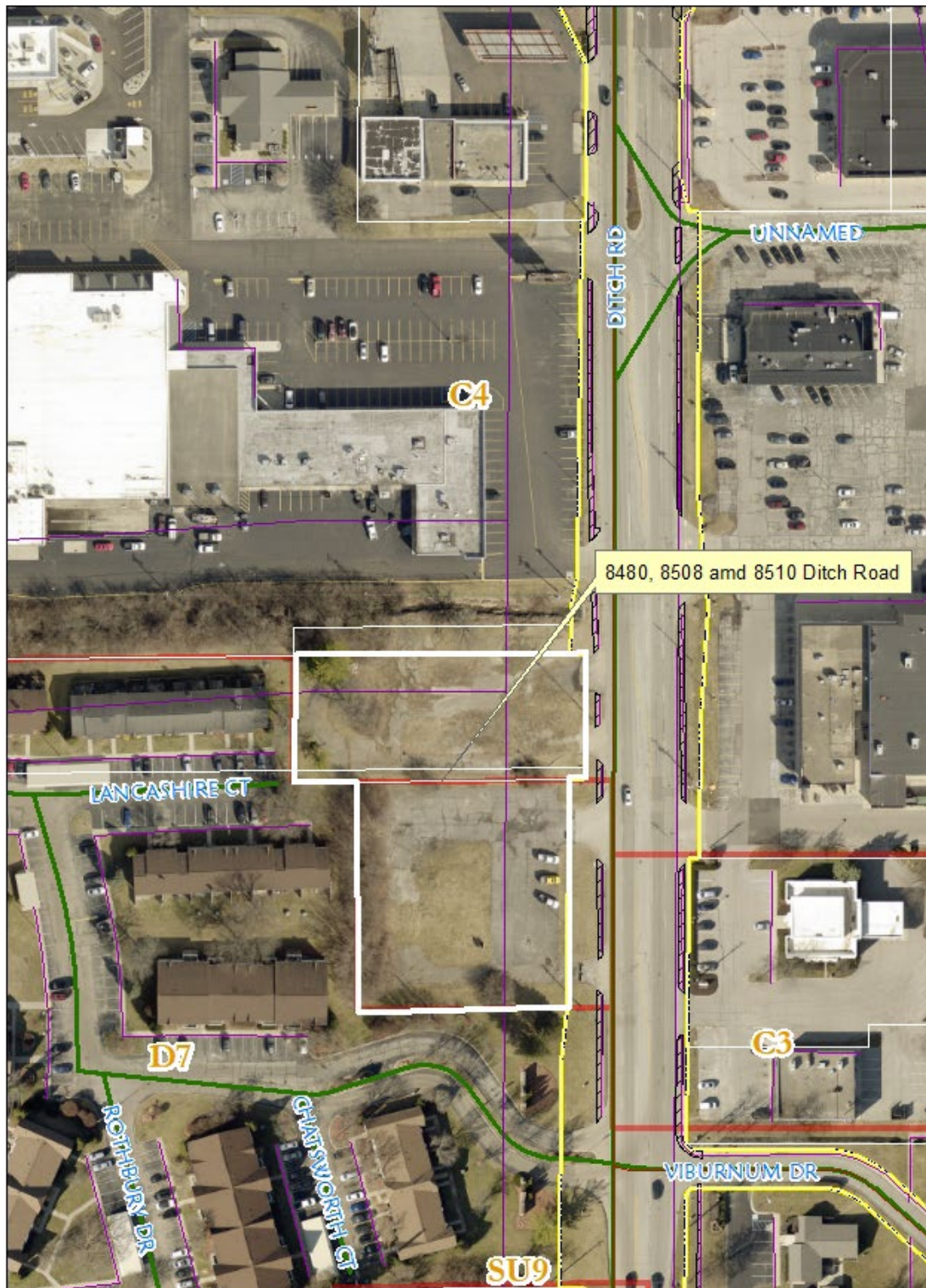
83-Z-9; 8450 Ditch Road, requested rezoning (Commission initiated) from the D-7 and C-1 Districts to the C-1 classification to correct a mapping error based on information found in 72-UV3-88 and 73-Z-144, **approved**.

73-Z-144; 8502 Ditch Road, requested rezoning of 1.03 aces being in the D-7 district to the C-1 classification to provide for construction of a branch bank and offices, **approved**.

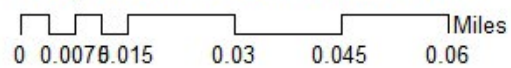
73-Z-143, 8430 Ditch Road, requested rezoning of 4.21 acres, being in the D-7 District to the C-3 classification to provide for retail sales and service center, **approved**.

72-UV3-88; 8460 Ditch Road, requested a variance of use, setback and transitional yard requirement to permit erection of an automatic car wash with cleaning installation and sale of gasoline, with pole sign, **granted**.

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8480, 8508 and 8510 Ditch Road



C-S Statement

8480, 8508 and 8510 Ditch Road (Approx. Address)

Petitioner proposes to construct a new building on the Site ("Proposed Building") to provide for a self-storage facility with an office, as approximately depicted on the proposed plans filed herewith. The northeast portion of the Proposed Building will be 3-stories tall, and the remaining portion of the Proposed Building will be 2-stories tall. The storage on the Site will be limited to indoor storage within the Proposed Building.

Along Ditch Road, Petitioner proposes to install sidewalks and eliminate two existing curb cuts. Between the Site and the existing multi-family community to the west and south, Petitioner proposes to install landscaping within twenty-foot wide west and south rear/side yards. The 2-story portion of the Proposed Building will be adjacent to the existing multi-family community.

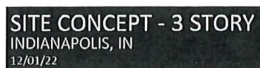
Amended C-S Statement

Second Amended C-S Statement

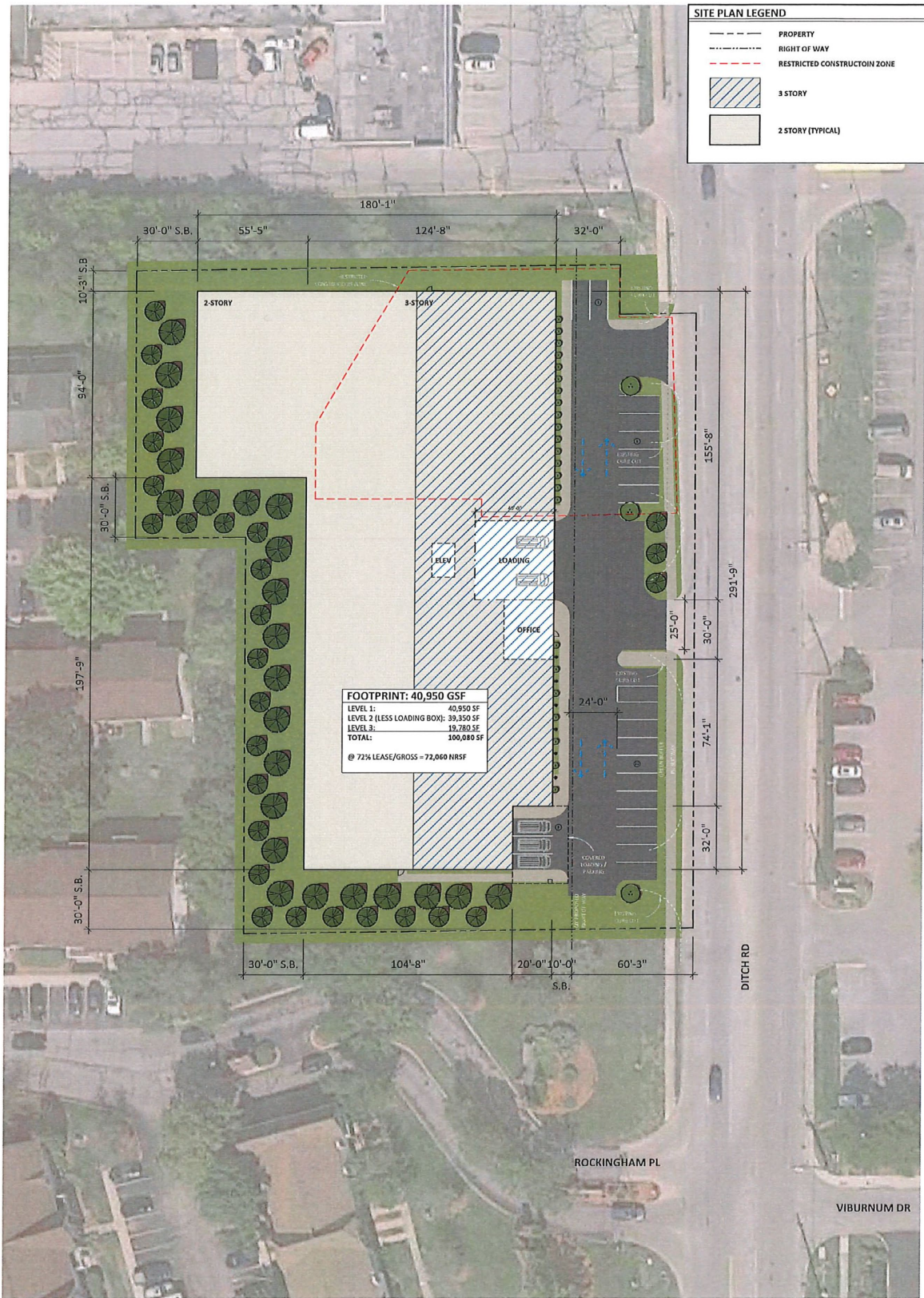
8480, 8508 and 8510 Ditch Road (Approx. Address)

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Along Ditch Road, Petitioner proposes to install sidewalks and eliminate two existing curb cuts. Between the Site and the existing multi-family community to the west and south, Petitioner proposes to install approximately thirty-foot wide landscaped buffers (Petitioner is requesting a variance relating to the widths of the west and south buffers).



Amended Site Plan



SITE CONCEPT - 3 STORY - 30 FT BUFFER
INDIANAPOLIS, IN
05/23/2023

DITCH ROAD STORAGE



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
Amended
FINDINGS OF FACT

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

The site was previously used as a gas station / car wash and bank with a drive through. The proposed use is for a completely indoor storage business.

Petitioner proposes extensive landscaping within approximately 30' wide yards along the west and south sides of the site to buffer the neighboring apartment complex, which includes two story apartment buildings. Similarly, the west and a portion of the south elevations of the proposed building are two stories. Further, directly south of the site is an undeveloped green area and the drive for the adjacent apartment complex. The west elevation of the proposed building will face the ends of the apartment buildings and will contain no windows. Due to the proposed landscaped buffer areas to be provided, the configuration of the adjacent apartment buildings and the proposed storage building's design, granting the variance will not be injurious.

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:

A gas station / car wash and a bank with a drive through previously operated on the site. The proposed use will have no outdoor operations or storage.

Petitioner proposes to install extensive landscaping within approximately 30' wide yards along the west and south sides of the site to provide separation to the adjacent apartment complex. Directly south of the site is a green area / driveway and to the west of the site, the ends of the apartment buildings face the west side of the site. Due to the configuration of the apartment buildings, the landscaped buffer area to be provided and the proposed indoor use, the area adjacent to the site will not be adversely affected. The variance will allow for substantial investment in a long vacant site, which will increase the assessed value of the site. The storage building will provide a convenient storage place for residents of the nearby apartments and condominiums.

The proposed use will generate limited traffic and will not disturb adjoining properties.

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

The zoning ordinance requires the front yard setback (the east side setback) of the site to be at least ten feet from the proposed right-of-way of Ditch Road, which is 60'. In order to comply with the front setback requirements and substantial proposed right-of-way, the width of the buildable area of the site east to west is reduced. Previous uses on the site included a gas station, car wash and bank with drive through, but the proposed use will have no outdoor operations or storage. The strict application of the terms of the zoning ordinance prevents the improvement of a former gas station site with a use that will have substantially less of an impact on the adjacent apartment community than previous uses, due to the proposed building's design and operations.

DECISION

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

Adopted this _____ day of _____, 20 _____



INDIANAPOLIS, IN
ISSUE DATE



DITCH ROAD STORAGE



INDIANAPOLIS,
IN 02/24/23



DITCH ROAD STORAGE



DITCH ROAD STORAGE

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IN 02/24/23



INDIANAPOLIS,
IN 02/24/23



DITCH ROAD STORAGE



View looking south along Ditch Road



View looking north along Ditch Road



View of site looking southwest across Ditch Road



View of site looking west across Ditch Road



View of site looking west across Ditch Road



View of site looking south from adjacent property to the north