

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV3-011
Address: 5505 Massachusetts Avenue (approximate address)
Location: Warren Township, Council District #13
Zoning: C-7
Petitioner: CitySite LLC, by Joseph Ringger
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for manufacturing of materials (not permitted) used in association with the operation of a commercial contractor.

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the following commitment:

The variance grant shall be subject to substantial compliance with the submitted plan of operation, file-dated April 18, 2023.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

C-7	Commercial Contractor
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SURROUNDING ZONING AND LAND USE

North -	I-3	Semi-truck repair and sales
South -	D-5	Commercial Contractor / Single-family dwelling
East -	C-7 / D-5	Automobile and truck repair / Single-family dwelling
West -	I-4	Commercial Contractor

COMPREHENSIVE PLAN	The Comprehensive Plan recommends light Industrial uses for the site.
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VARIANCE OF USE

- ◇ This petition proposes to provide for the manufacturing of materials used in association with the operation of a commercial contractor. The manufacturing of materials would be considered a medium manufacturing use, which is permitted in the I-2, I-3, and I-4 districts.
- ◇ The proposed use is not consistent with the Comprehensive Plan, which proposes light industrial use for the site. The proposed use would be considered compatible with medium and heavy industrial uses, but not normally with light industrial uses. The area near the site is a mixture of industrially uses, commercial uses, and single-family dwellings.

(Continued)

STAFF REPORT 2023-UV3-011 (Continued)

- ◇ The proposed use would be compatible with the surrounding area and would not interfere with the implementation of the Plan, provided that it is limited in such a way as to not hinder the use and enjoyment of the nearby residential properties. Therefore, Staff is recommending approval subject to the submitted plan of operation, which limits the manufacturing to take place inside the two large structures on the property and limits the use as a small facility with normal operating hours.
- ◇ Therefore, in Staff's opinion, the proposed variance of use would represent a minor deviation from the Ordinance.

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Massachusetts Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial, with a 56-foot existing and proposed right-of-way.

This portion of Ritter Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 52-foot existing right-of-way and a 56-foot proposed right-of-way.

This portion of Layman Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.

This portion of East 32nd Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 48-foot existing and proposed right-of-way.

SITE PLAN

File-dated April 18, 2023

PLAN OF OPERATIONS

File-dated April 18, 2023

FINDINGS OF FACT

File-dated April 18, 2023

ZONING HISTORY

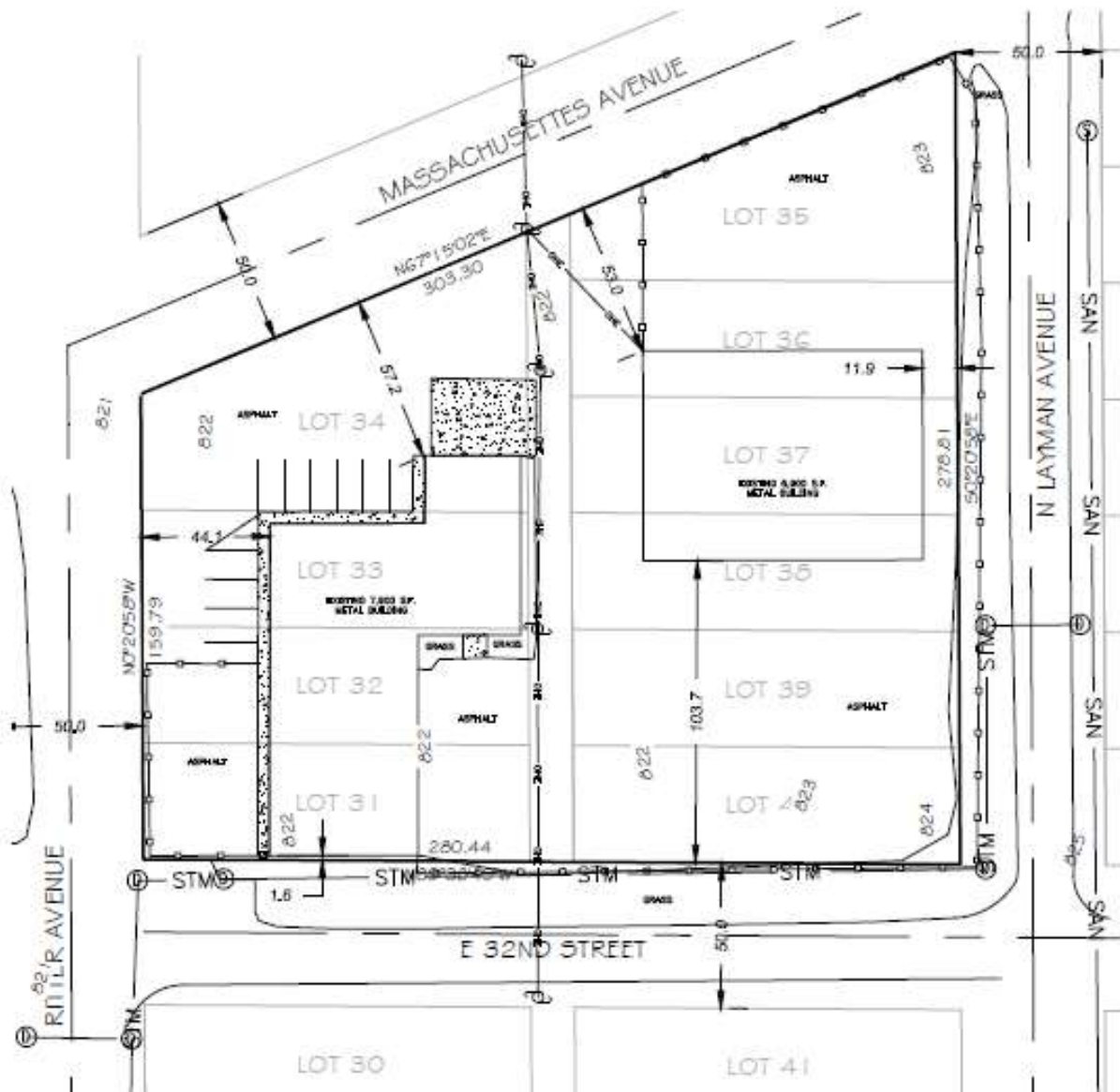
86-Z-139; 5461 Massachusetts Avenue (west of site), requested the rezoning of 0.29 acres, being in the SU-11 district, to the I-5-U classification to conform with the existing use, **approved**.

76-Z-92; 3221 North Layman Avenue (east of site), requested the rezoning of 0.63 acre, being in the D-5 district, to the C-7 classification to permit storage and sales of used cars, **approved**.

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2023-UV3-011; Location Map





Plan of Operation

5505 Massachusetts Ave.

The petitioner is a construction contractor that specializes in exterior improvements such as light excavation, flatwork, landscaping, and deck/fence/pergola construction. After a job is contracted, pre-fabrication of applicable materials is done in the shop to expedite field work. Such activity includes welding, cutting, fastening, and assembly. A portion of the petitioner's business also consists of mixing and pre-casting concrete for pavers, hardscapes, and post-setting. Landscaping and grading materials are also stored on site for access when needed.

Currently the business has five employees that work at the shop/office full time along with a couple install crews. Due to the nature of the business and because sales are done in the field, it's rare that customers come to the office. There are ten designated off-street parking spaces in front of the building allowing for plenty of parking.

The necessary preparation and manufacturing take place inside the two large shop/barn structures on the property which encompass about 12,000 sq./ft. Stored outside are piles of stone, aggregate, pavers, treated lumber, and some equipment. The entire property is fenced in with 6' chain link with a barbed wire top. Types of materials used include light gauge metal, lumber, hardware, sand, gravel, soil, cement, and common adhesives. None of these materials are hazardous.

In terms of equipment, the petitioner uses and stores a few medium sized machines such as a mini-excavator and a front loader. There is also common traffic of civilian work trucks and medium duty single axle work trucks which enter and exit between 5-10 times a day. Some heavier deliveries are required via tri-axle trucks which are estimated at 5-15 times a week. All activity at the property takes place between 7AM-5PM. The waste created on site is stored in a removable dumpster that is emptied as needed by a waste removal company. Jobsite spoils such as old dirt or broken up concrete are taken directly to a facility and not stored at the business location.

2023-UV3-011; Photographs



Subject site, building 1, looking south.



Subject site, building 2, looking south.



Adjacent commercial contractor to the west, looking south.



Adjacent commercial auto sales to the east, looking south.



Adjacent truck sales and repair to the north.



Adjacent commercial contractor supply to the south.