

BOARD OF ZONING APPEALS DIVISION III

December 17, 2024

Case Number: 2024-DV3-029
Property Address: 405 Fintail Drive (*approximate address*)
Location: Warren Township, Council District #20
Petitioner: Thunderbird CC Land Partners LLC, by Brian J. Tuohy
Current Zoning: I-3
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a 20.87-acre motor truck terminal (maximum 10-acres permitted).
Current Land Use: Undeveloped
Staff Recommendations: Staff recommends **approval** of the request subject to commitments.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The petition was continued from the November 19th hearing date at staff request to allow additional time to clarify issues related to the parcel boundaries and placement of connection to the Pennsy Trail to the north. The former issue was resolved via submittal of an updated legal description and a proposed commitment, and the latter issue was resolved via an updated Administrative Approval.

STAFF RECOMMENDATION

Staff recommends **approval** of this request subject to the following commitments:

- Existing landscaping along the northern property line between the truck terminal and the Pennsy Trail shall remain in place and the natural buffer shall not be removed or reduced.
- The motor truck terminal use shall be limited in scope exclusively to the northeastern portion of the site (the 20.87 acres shown on the conceptual site plan).
- The proposed location and dimensions of the multi-use path connection shown on the plans file-stamped December 12th, 2024 shall be discussed with and submitted to the Department of Public Works prior to installation and development.

PETITION OVERVIEW

- 405 Fintail Drive is located within a 122-acre industrial park that formerly housed the Ford Visteon plant. It is bordered by South Shadeland Avenue (an expressway) to the east, the Pennsy Trail to the north, a new beverage distribution facility to the southwest, and undeveloped land directly

to the west and south. Landscaping separates the site from the expressway and greenway. The property is located within a Tax Increment Financing (TIF) District which provides subsidies for initial development in exchange for a share of future revenues generated by the site; therefore, land uses that generate substantial property tax revenue are considered more favorable.

- The variance petition 2022DV3011 was approved to allow for both parking areas and loading areas within the front yards for the full industrial park. This approval was subject to administrative approval of both landscaping plans as well as a site plan showing a multi-purpose trail connection to the Pennsy Trail. Although that approval was granted via 2023ADM306, it appears that the trail connection was never shown on the submitted plans which also depict a previous development scenario. Since the proposed layout under this variance also requires parking and loading spaces in front yards, the 2023 administrative approval was recently amended showing the proposed trail connection location (see 12/12 site plan).
- Approval of this variance would allow for the 20.89 acres on the northeast section of this industrial park to be developed as a motor truck terminal allowing fleet parking for the transportation services company ABF Freight accessed exclusively from Fintail Drive (existing private access drive to the south). The property would have 50-70 employees and would primarily be comprised of truck parking along with a 44,240 square-foot building utilized for offices and freight loading and shipping purposes, which meets the ordinance definition of a fleet terminal. The applicant also indicates that no outdoor operations would be conducted beyond the parking of trucks. Although this use is allowed by-right within I-3 zoning, fleet terminals are limited to a maximum size of 10 acres unless located within I-4 zoning which is why a use variance is required.
- As mentioned above, the currently proposed development scenario differs from the previous variance and administrative approval. Given that the new layout included parcel boundaries that differed from those approved by the previous plat petition 2023PLT013, approval of a new plat would typically be required before a variance based on the new layout could be heard. However, the applicant submitted an updated legal description for the petition that would make the variance applicable for the full 405 Fintail Drive parcel (wider boundaries than shown on the conceptual site plan) and have agreed to a commitment limiting approval of this variance to solely the 20.89-acre northeastern portion of the site.
- This property is currently zoned I-3 (Medium Industrial District) to allow for industrial development that presents moderate risks to the public and should be shielded from protected districts by generous setbacks and landscape buffers. It is an intermediate zoning district between light industrial zoning (I-1 & I-2) and heavy industrial (I-4). However, the Comprehensive Plan recommends this site to the Heavy Industrial typology to allow for industrial production, distribution, and repair uses within industrial parks that could create emissions of light, odor, noise, or vibrations that could negatively impact residential areas if placed without appropriate buffering. Heavy industrial land uses are contemplated for this typology.
- The property is also located within two overlays prescribed by the Comprehensive Plan. The small portion of the site that currently contains a pond is within an Environmentally Sensitive overlay;

staff would encourage any project seeking to develop this property to consider drainage and ecological impacts within site plan development. Additionally, the entirety of the site is located within the Industrial Reserve overlay designed for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access. Staff would note the subject site meets all three of those criteria.

- Findings of fact provided by the applicant indicate that the broader industrial context of this site and surrounding areas that incorporate truck parking would be supportive of the proposed land use variance, and that since the proposed use is already allowed within the zoning district that granting of a variance related solely to a use-specific standard for a small portion of the larger industrial park would be a minor deviation from ordinance requirements.
- Although staff feels that enforcement of this rule limiting the size and scope of truck parking areas in a medium-intensity industrial context is important, staff would note that (a) the Comprehensive Plan recommends the site for Heavy Industrial uses, (b) the Plan also places it within an Industrial Reserve overlay, and (c) the property is within a large industrial park with excellent buffering from non-industrial uses and nearby access to the Shadeland Avenue expressway which would minimize impacts on local and residential traffic. In many regards, the subject site bears more similarity to areas developed with I-4 uses than those developed based on I-3 regulations, and the acreage stipulation would not be applicable for I-4 zoning. Additionally, a DMD economic development representative indicated that the TIF district would not suffer substantial negative impact as long as the remainder of the site is developed with larger structures as shown on the conceptual site plan provided by the petitioner.
- Staff recommends approval of the requested variance subject to the following commitments:
 - Existing landscaping along the northern property line between the truck terminal and the Pennsy Trail shall remain in place and the natural buffer shall not be removed or reduced.
 - The motor truck terminal use shall be limited in scope exclusively to the northeastern portion of the site (the 20.87 acres shown on the conceptual site plan).
 - The proposed location and dimensions of the multi-use path connection shown on the plans file-stamped December 12th, 2024 shall be discussed with and submitted to the Department of Public Works prior to installation and development.



GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	Zoning	Surrounding Context
	North:	D-2 / MU-1 / SU-18
	South:	I-3
	East:	I-3
	West:	I-3
Thoroughfare Plan		
S Shadeland Avenue	Expressway	198-foot existing right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	10/7/2024	
Site Plan (Amended)	12/12/2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/7/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Heavy Industrial working typology to allow for industrial production, distribution, and repair uses that are intense and may create emission of light, odor, noise, or vibrations. Industrial or truck traffic should be separated from residential traffic, and the usage of industrial parks is common for this typology. Heavy industrial land uses should have primary entrances served by arterials, and direct adjacency to living or mixed-use typologies is not recommended.
- The property is also fully within the Industrial Reserve overlay 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. The portion of the property containing a small pond is marked as being within an Environmentally Sensitive overlay as well which is meant for high quality woodlands, wetlands, or other natural resources that should be protected.

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

ZONING HISTORY – SITE

2022DV3011, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial development with more than one double row of parking between the front building lines and English Avenue (maximum one double row permitted) and with loading area/spaces between the front building line and the front lot line adjacent to Shadeland Avenue (not permitted), **approved**.

2000DV1051, variance of development standards of Sign Regulations to provide for the placement of a 108-square foot roof sign (roof signs not permitted), **approved**.

ZONING HISTORY – VICINITY

2018CVR814 ; 6400 English Avenue (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 50-foot tall building addition (maximum 38-foot height permitted), **approved**.

2015DV2029 ; 400 S Shortridge Road (east of site), Variance of development standards of the Industrial Zoning Ordinance to provide for a parking lot, with a 25-foot front transitional setback from Shortridge Road, without landscaping (parking not permitted in the required 150-foot front transitional yard, landscaping required), **approved**.

2014UV3023 ; 420 S Kitley Avenue (west of site), Variance of use of the Industrial Zoning Ordinance to provide for a non-ferrous metals and electronic scrap recycling facility (not permitted), **approved**.

2013CZN822 ; 6915 E Washington Street (north of site), Rezoning of 12.44 acres from the D-2, C-2 and C-6 districts to the D-8 classification to provide for single-family, two-family and multi-family residential development, **withdrawn**.

2011VAR001 ; 6450 English Avenue (southwest of site), Special Exception of the Industrial Zoning Ordinance to provide for a non-ferrous metals and electronic scrap recycling facility, including the receiving, sorting, processing (shredding, baling and manual deconstruction of electronic scrap), storage and shipment, **approved**.

2010UV1006 ; 420 S Kitley Avenue (west of site), Variance of use of the Industrial Zoning Ordinance to provide for an industrial bakery (not permitted), **approved**.

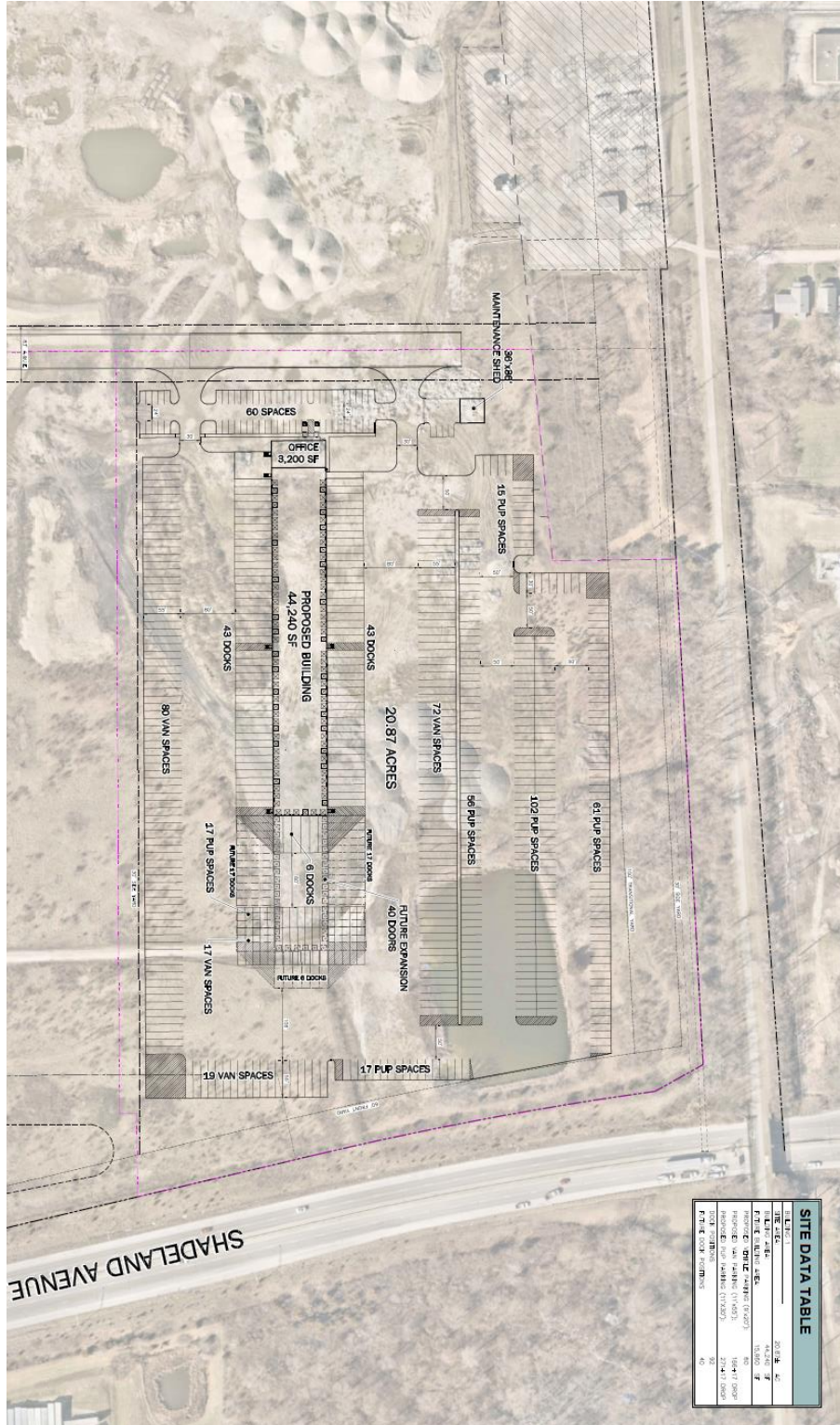
2008ZON855 ; 6701 E English Avenue (south of site), rezoning of 14.85 acres to the I-4-U zoning district to provide for a non-ferrous scrap metal recycling operation, **approved**.

EXHIBITS

2024DV3029 ; Aerial Map

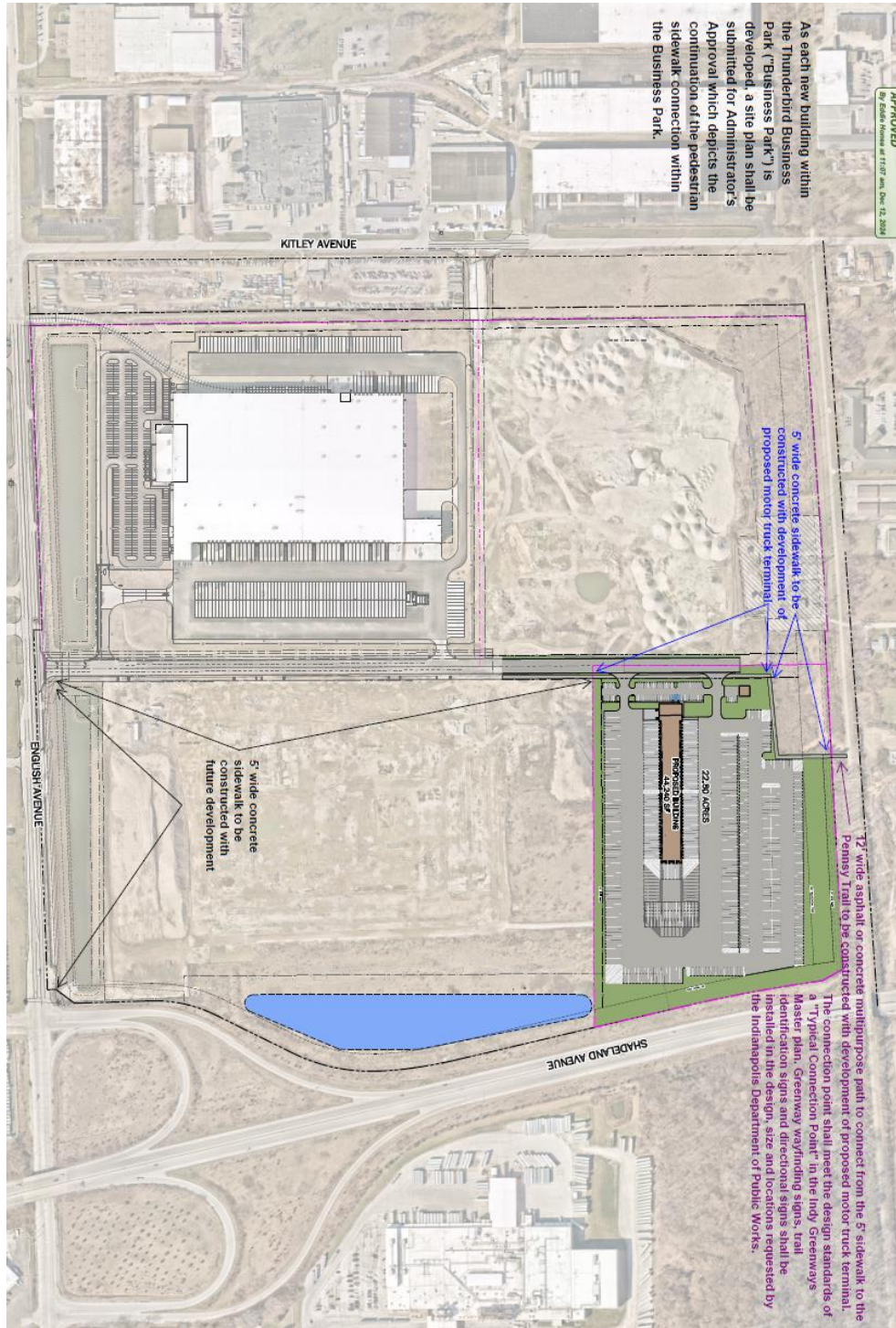


2024DV3029 ; Site Plan (ABF Terminal Only)



SITE DATA TABLE	
FILE NO.	2024-3029
FILE DATE	11/14/2024
PROJECT NAME	ABF TERMINAL
PROJECT LOCATION	11111 S. SHADLAND AVENUE, CHICAGO, IL 60643
PROJECT OWNER	AMERICAN AIRLINES
PROJECT ENGINEER	STANTEC INC.
PROJECT ARCHITECT	STANTEC INC.
PROJECT CONSULTANT	STANTEC INC.
PROJECT DATE	11/14/2024
PROJECT SCALE	1"=100'
PROJECT SHEET NO.	1
PROJECT SHEET TOTAL	1
PROJECT SHEET NAME	ABF TERMINAL
PROJECT SHEET DATE	11/14/2024
PROJECT SHEET SCALE	1"=100'
PROJECT SHEET TOTAL	1

2024DV3029 ; Site Plan (Full Industrial Park, 12/12 Submittal)



(Note: scope of variance intended solely for northeastern portion of site)



2024DV3029 ; 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 is zoned I-3 and is part of the former Ford Visteon plant. Industrial zoned land abuts the site to the west, south and east. Additionally, Shadeland Avenue, which is classified as an expressway, borders the site to the east. Because industrial zoned land is located adjacent to the site and industrial uses, including uses involving semi-trucks and trailers, exist near the site, the variance will not be injurious to the public health, safety, morals and general welfare of the community.

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:

Uses near the site include industrial uses involving semi-trucks and trailers. The site is bordered to the east by Shadeland Avenue, which is classified as an expressway. The proposed use, a motor truck terminal, is permitted in the site's I-3 zoning district. The variance will allow for an approximately 22 acre motor truck terminal within an approximately 152 acre industrial park. The variance will not adversely affect the use or value of the area adjacent to the site.

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

The Comprehensive Plan recommends Heavy Industrial uses on the site. The I-4 Zoning District is titled "Heavy Industrial" and allows motor truck terminals with no size limitation. Without the variance, the proposed approximately 22 acre motor truck terminal cannot be located on a site in an industrial area that is near other trucking related uses and is consistent with the site's Comprehensive Plan recommendation.

2024DV3029 ; Proposal Description

Amended Proposal Description
405 Fintail Drive

Petitioner respectfully requests a variance of Chapter 743, Article III, Section 05.Q to provide for a motor truck terminal on the site to be greater than 10 acres in size. The proposed motor truck terminal shall be permitted on only the northern approx. 22.3 acres of the site as approximately depicted on the site plan filed herewith. The existing vegetation within the 100' transitional yard area along the northern border of the site shall be preserved to the greatest extent reasonably possible.

2024DV3029 ; Photographs



Photo 1: Subject Site from Southwest



Photo 2: Adjacent Property to Southwest

2024DV3029 ; Photographs (continued)



Photo 3: Subject Site from East (Shadeland, taken June 2024)

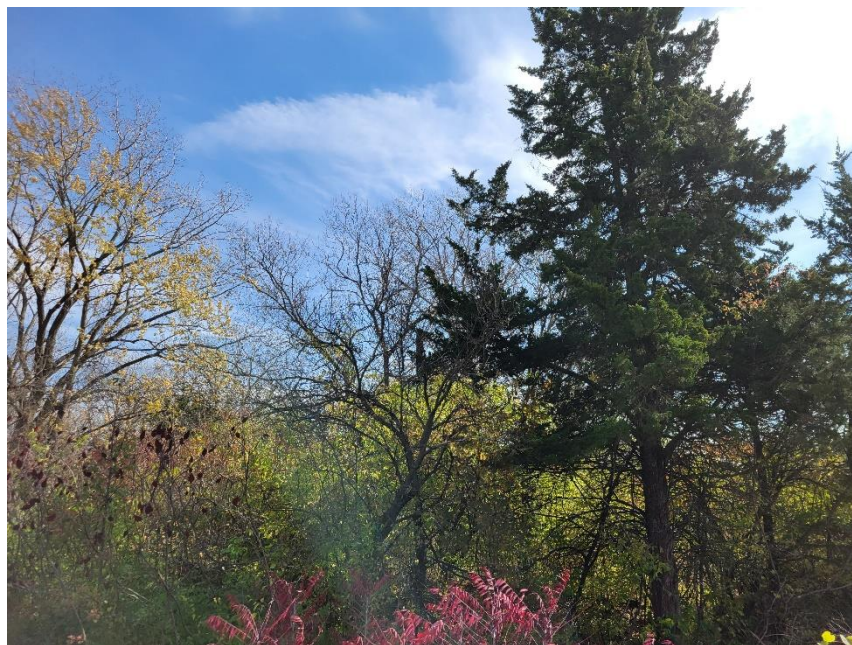


Photo 4: Subject Site from Northwest (Pennsy Trail)