

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2022-ZON-110  
**Address:** 2920 and 2926 Bluff Road (*Approximate Address*)  
**Location:** Center Township, Council District #16  
**Petitioner:** Ben Singh Bashal  
**Request:** Rezoning of 2.99 acres from the D-A (FF) district to the I-3 (FF) district to provide for truck repair.

#### **ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The petitioner's representation has notified staff that he will be **withdrawing the petition**.

#### **ADDENDUM FOR JANUARY 4, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

After a full public hearing on December 15, 2022, this petition was recommended for denial by the Hearing Examiner. A memorandum of the Hearing Examiner's decision is included below. The Hearing Examiner's decision was subsequently appealed to the Metropolitan Development Commission by the petitioner.

It is staff's understanding that the petitioner's representative would like **a continuance from the January 4, 2023 hearing to the March 15, 2023 hearing** to allow time to become fully informed about the petition and to develop appropriate exhibits such as a site plan.

#### **ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER**

A continuance from the October 27, 2022 hearing to the December 15, 2022 hearing was requested by the petitioner and granted by the Hearing Examiner to accommodate the petitioner's schedule.

#### **ADDENDUM FOR OCTOBER 27, 2022, HEARING EXAMINER**

An Automatic Continuance filed by the Germania Creek Neighborhood Association, a registered neighborhood organization, continued this petition from the September 29, 2022 hearing to the October 27, 2022 hearing.

(Continued)

## **STAFF REPORT 2022-ZON-110 (Continued)**

### **RECOMMENDATION**

Staff **recommends approval** of this request, 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 33-foot half right-of-way shall be dedicated along the frontage of Bluff 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**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that the dwelling in the southeast corner of the site has existed since at least 1935. Subsequently another dwelling, a multi-family residential building and a large greenhouse was constructed on the site. The greenhouse is no longer extant and the apartment building has recently been vacated. The rear portion of the site appears to be in use for vehicle repair.
- ◇ Historic aerial photography also indicates that by 1972, commercial and truck-related uses had been developed to the north, east and west of the subject site.
- ◇ A significant portion of this site is within the floodway fringe. The floodway fringe is the area where water would pool during the 100-year flood, a flood of such intensity that there is a one percent chance of it occurring in any given year. Development may occur in the floodway fringe if it is elevated at least two feet above the base flood elevation.
- ◇ The 2018 Comprehensive Land Use Plan recommends Light Industrial uses for the site. The Light Industrial typology is intended for production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The Land Use Plan recommends the Heavy Industrial typology for the abutting property to the north.

(Continued)

**STAFF REPORT 2022-ZON-110 (Continued)**

**ZONING**

- ◇ The requested zoning district is I-3, which is a medium industrial district for industries that present moderate risk to the general public. By rezoning to the I-3 district, uses such as fleet terminals and truck and heavy vehicle sales, rental and repair would be permitted on the site.
- ◇ Staff gives high regard to the recommendations of the Comprehensive Land Use Plan. This petition does not strictly conform to the recommendations of the plan. However, given the truck-oriented uses surrounding the site, staff believes that this rezoning would be an acceptable deviation from the plan. Staff would not find any deviation from the Ordinance acceptable as it relates to screening and buffering of the site from the residential property to the south.

**GENERAL INFORMATION**

**EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-A	Compact	Vehicle repair, single-family dwelling, multi-family dwelling
-----	---------	---------------------------------------------------------------

**SURROUNDING ZONING AND LAND USE**

North	I-3	Truck repair
South	D-A	Single-family dwelling
East	C-7, D-A	Department of Public Works, HVAC contractor
West	I-3	Pallet supplier, vehicle repair

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Light Industrial.
-----------------------------	----------------------------------------------------------------------------

THOROUGHFARE PLAN	Bluff Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing right-of-way and a 66-foot proposed right-of-way.
-------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

FLOODWAY / FLOODWAY FRINGE	Most of this site is located within a floodway fringe.
----------------------------	--------------------------------------------------------

WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
-------------------------------	------------------------------------------------------------------

(Continued)

## **STAFF REPORT 2022-ZON-110 (Continued)**

### **ZONING HISTORY – SITE**

**2015-ZON-089; 2926 Bluff Road**, requested the rezoning of 2.3 acres from the D-A district to the I-3 district, **denied**.

**2009-ZON-812 / 2009-VAR-812; 2926 Bluff Road**, requested the rezoning of 2.3 acres from the D-A district to the I-2-U district, a variance of use to legally establish a single-family dwelling in an industrial district, and a variance of development standards to provide for deficient side setbacks, screening and landscaping, and gravel drives and parking spaces, **withdrawn**.

**89-V3-9; 2926 Bluff Road**, requested a variance of development standards to provide for a double-faced ground sign with an interior angle of more than 15 degrees, **approved**.

### **ZONING HISTORY – VICINITY**

**2005-ZON-854 / 2005-VAR-854; 244 & 300 West Troy Avenue, 2900 & 2921 Bluff Road, and 2954 South Capitol Avenue (east of site)**, requested the rezoning of 39.6 acres from the D-1 and C-7 districts to the C7 district and variances to provide for outdoor storage with deficient separation from a protected district and deficient screening, **withdrawn**.

**88-UV1-87; 2916 Bluff Road (north of site)**, requested a variance of use to provide for commercial and industrial uses, **approved**.

**87-Z-138; 1916 East Troy Avenue (north of site)**, requested the rezoning of 20.1 acres from the A-1 district to the I-3-U district, **approved**.

**78-Z-1; 606 East Troy Avenue (west of site)**, requested the rezoning of 13.1 acres from the A-2 district to the I-3-U district, **approved**.

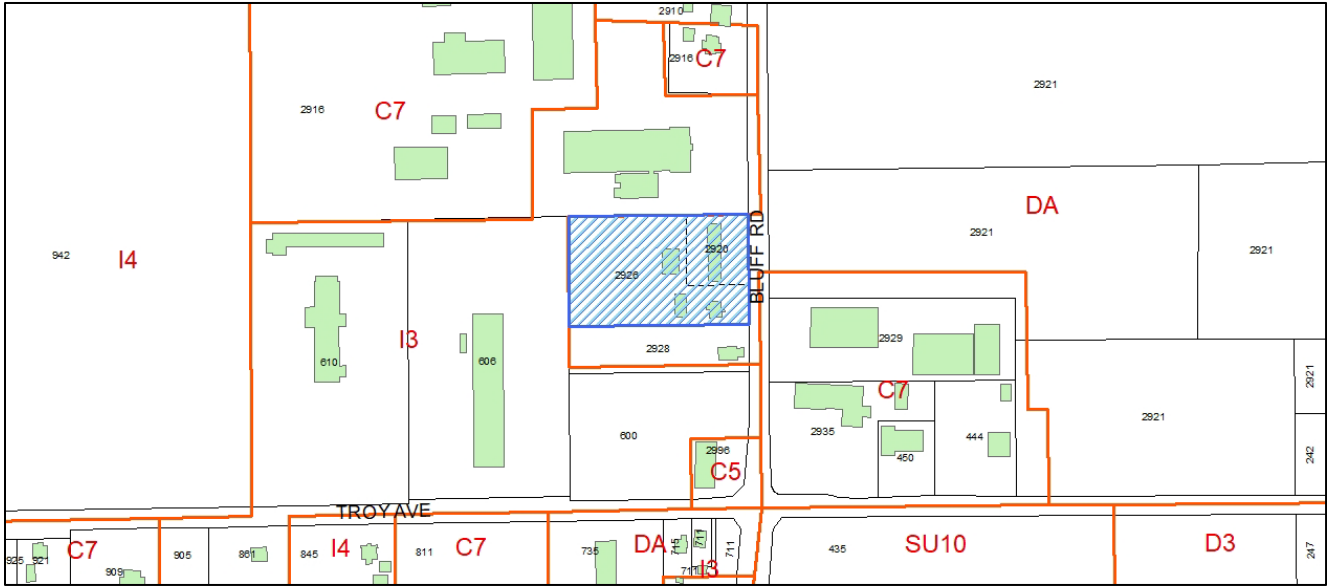
**73-Z-314; 2916 Bluff Road (north of site)**, requested the rezoning of 20.5 acres from the I-3-U and A-2 districts to the C-7 district, **approved**.

**73-Z-26; 602 West Troy Avenue (south of site)**, requested the rezoning of three acres from the A-1 district to the I-3-U district, **approved**.

klh

\*\*\*\*\*

**STAFF REPORT 2022-ZON-110, Location**

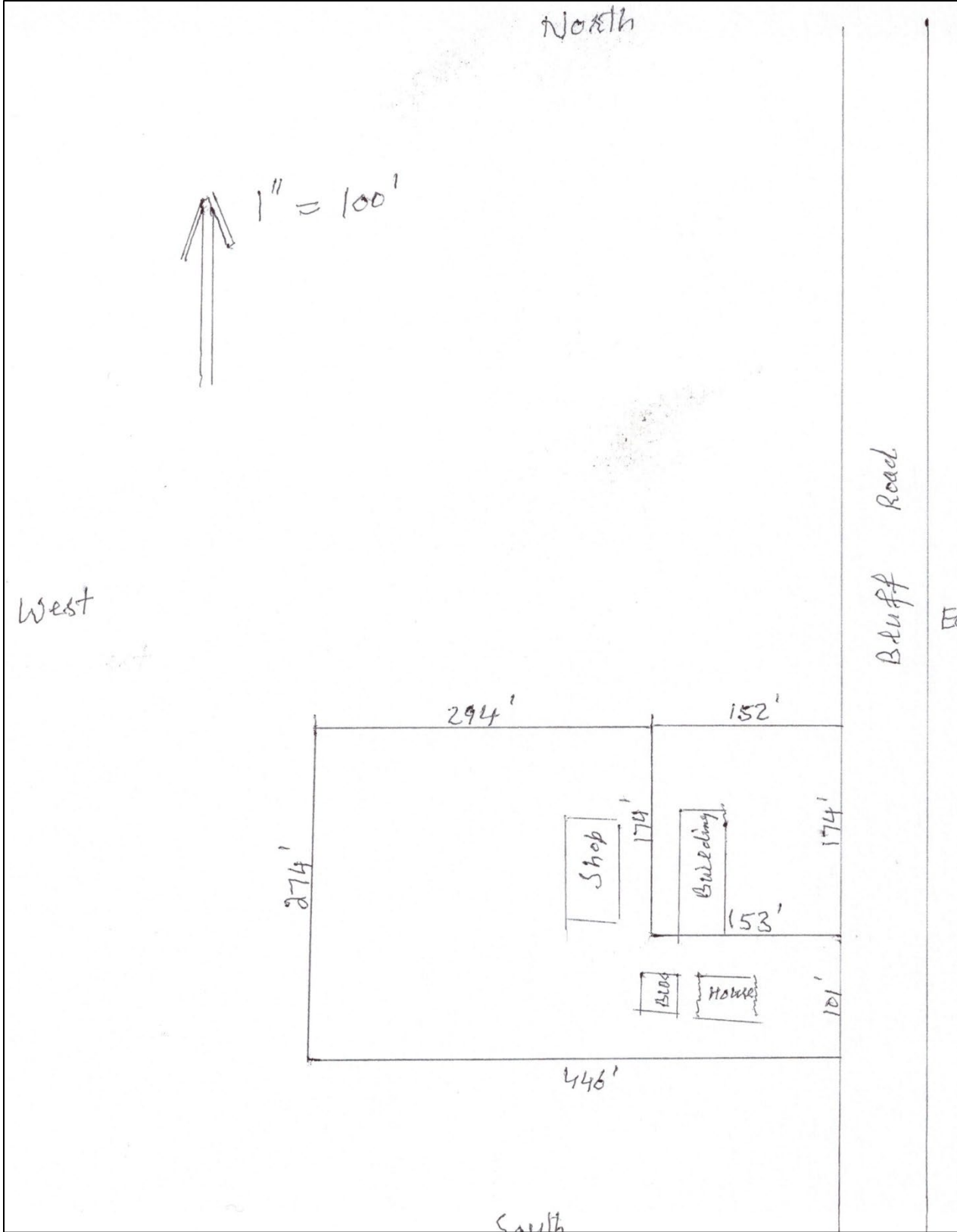


**STAFF REPORT 2022-ZON-110, Aerial photograph (2021)**



[illegible]

**STAFF REPORT 2022-ZON-110, Site Plan**



**STAFF REPORT 2022-ZON-110, Hearing Examiner Memorandum**

**MEMORANDUM OF EXAMINER'S DECISION**

**2022-ZON-110**

**2920 and 2926 Bluff Road**

The petition requests the rezoning of 2.99 acres from the D-A (FF) district to the I-3 (FF) district to provide for truck repair.

Your Hearing Examiner visited the site prior to the hearing and noted that vehicle repair is being done on the site, and there is a residential structure on the site. While there are a mixture of heavy commercial and industrial uses in the area, there is a residence south of the site and residential areas east and northeast of it.

The petitioner described a plan to raze the site and build a truck repair shop. He shared that he bought the site in 2010 and had been trying to clean it up, and that he had resolved recent zoning violations.

Several remonstrators appeared at the hearing, and their concerns with the request included traffic counts and the condition of Bluff Road, air and groundwater pollution, previous poor business practices by the petitioner, and ongoing zoning violations. They also cited a similar request (2015-ZON-089) that was denied.

Staff explained that this request differed from the 2015 petition because a parcel was added, and doesn't find residential use of this site to be practical because of surrounding commercial and industrial uses. Staff also stated that heavy industrial on this site was an acceptable deviation from the Comp Plan recommendation of light industrial because of truck oriented uses around the site.

In your Hearing Examiner's opinion, although the requested I-3 district may make sense "on paper", the disconnect between the petitioner and neighbors needs to be addressed prior to this petition being approved. At the very least, any zoning violation needs to be resolved. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on January 4, 2023



**STAFF REPORT 2022-ZON-110, Photographs**



Looking west across Bluff Road at the site.



Looking west across Bluff Road at the subject site.



Looking west across the Bluff Road along the north property line.



Looking northwest along Bluff Road at the neighbor to the north.





Looking east at one of the neighbors to the east.



Looking east at one of the neighbors to the east.





Looking southwest across Bluff Road at the neighbors to the neighbors to the south.



Looking west along the south property line.