



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 27, 2025

**Case Number:** 2024-ZON-010  
**Property Address:** 2352 South West Street  
**Location:** Center Township, Council District #18  
**Petitioner:** Working Man's Roadhouse, by Clark P. Kirkman  
**Current Zoning:** D-5 (FF) / I-3 (FF)  
**Request:** Rezoning of 1.15 acres from the D-5 (FF) and I-3 (FF) districts to the C-5 (FF) district to provide for commercial uses, including a bar / tavern, with outdoor entertainment.  
**Current Land Use:** Commercial uses  
**Staff Recommendations:** Approval, subject to the commitment noted below:  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Approval, 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:

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 / receptacles provided for the proper disposal of trash and other waste.

**PETITION OVERVIEW**

This 2.16-acre site, zoned D-5 (FF) and I-3 (FF), is developed with a bar / tavern and parking. It is surrounded by industrial uses to the north, south, west and east, across South West Street, all zoned I-3 (FF)

Beginning with petition 83-UV1-98 that provided for a restaurant on this site, there have been subsequent petitions that granted expansions. See Zoning History.

## REZONING

The request would rezone the split-zoned site from the D-5 (FF) and I-3 (FF) districts to the C-5 (General Commercial (FF) district to provide for commercial uses that would include a bar / tavern and outdoor entertainment. “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”

The Comprehensive Plan recommends light industrial typology for the site.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation.

However, recommended land uses within this typology include small-scale offices, retailing, and personal or professional services.

## Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The entire site is located within the floodway fringe of White River.

## Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.



The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-5 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

### **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.

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.



**Planning Analysis**

This rezoning request would result in a zoning district that would be consistent with and allow for a use that was permitted by a 1983 variance of use 42 years ago, with expansions through the intervening years that resulted in minimal negative impact on surrounding land uses.

Furthermore, The Pattern Book recommends small scale and low intense commercial uses. Staff believes that the proposed “outdoor entertainment” would be an increase in intensity but given the surrounding industrial and commercial uses, the use would not be detrimental to those uses.

Staff supports this rezoning request because of the historical commercial use of this site that has not caused an adverse impact on the surrounding industrial and commercial uses.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (FF) / I-3 (FF)	
<b>Existing Land Use</b>	Bar / Restaurant	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	I-3 (FF)	Industrial uses
South:	I-3 (FF)	Industrial uses
East:	I-3 (FF)	Industrial uses
West:	I-3 (FF)	Industrial uses
<b>Thoroughfare Plan</b>		
South West Street	Primary arterial	Existing 80-foot right-of-way and proposed 56-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes – White River	
<b>Overlay</b>	Yes – 100-year floodplain	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 29, 2025	
<b>Site Plan (Amended)</b>	February 3, 2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends Light Industrial. 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.

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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:

- *Light Industrial Uses*
  - 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.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).*
  - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
  - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
  - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

### 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)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database

## ZONING HISTORY

**88-UV2-7; 2352 South West Street**, requested a variance of use of the Industrial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the expansion of an existing restaurant, **granted**.

**85-UV1-1; 2352 South West Street**, requested a variance of use of the Industrial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for an addition to an existing restaurant previously established by variance, **granted**.

**83-UV1-98; 2352 South West Street**, requested a variance of use and development standards of the Industrial Zoning Ordinance to allow for the construction and operation of a restaurant in an I-3-U district, **granted**.

## VICINITY

**2002-UV3-002; 2402 South California Street (west of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for the retail sales of commercial tractors within an existing building, **granted**.

**2001-Z-111; 2446 South Meridian Street (south of site)**, requested a rezoning of 90 acres, being in the C-1 (FF) and D-5 (FF) Districts to the SU-10 (FF) classification, to conform zoning to existing cemetery, **approved**.

**97-Z-44; 2405 South West Street (south of site)**, requested a rezoning of 7.391 acres, being in the D-5 (FF) District to the I-3-U (FF) classification, to conform zoning to the existing truck terminal, **approved**.

**93-UV1-70; 2529 South California Street (west of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for three vacant lots for employee parking, **granted**.

**90-V1-123; 2341 South West Street (north of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide an addition to an existing building with parking located within the required front yard, **granted**.

**89-UV1-93; 2302 South West Street (north of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for an auto towing service with limited outdoor storage, **granted**.

**88-UV1-44; 2410 South West Street (south of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for wholesale and retail sales of automotive paints and supplies in an existing structure, **granted**.

**81-UV2-127; 2506 South California Street (west of site)**, requested a variance of floodplain and development standards to permit the erection of a loading dock, **granted**.



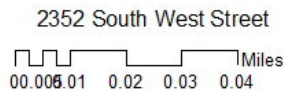
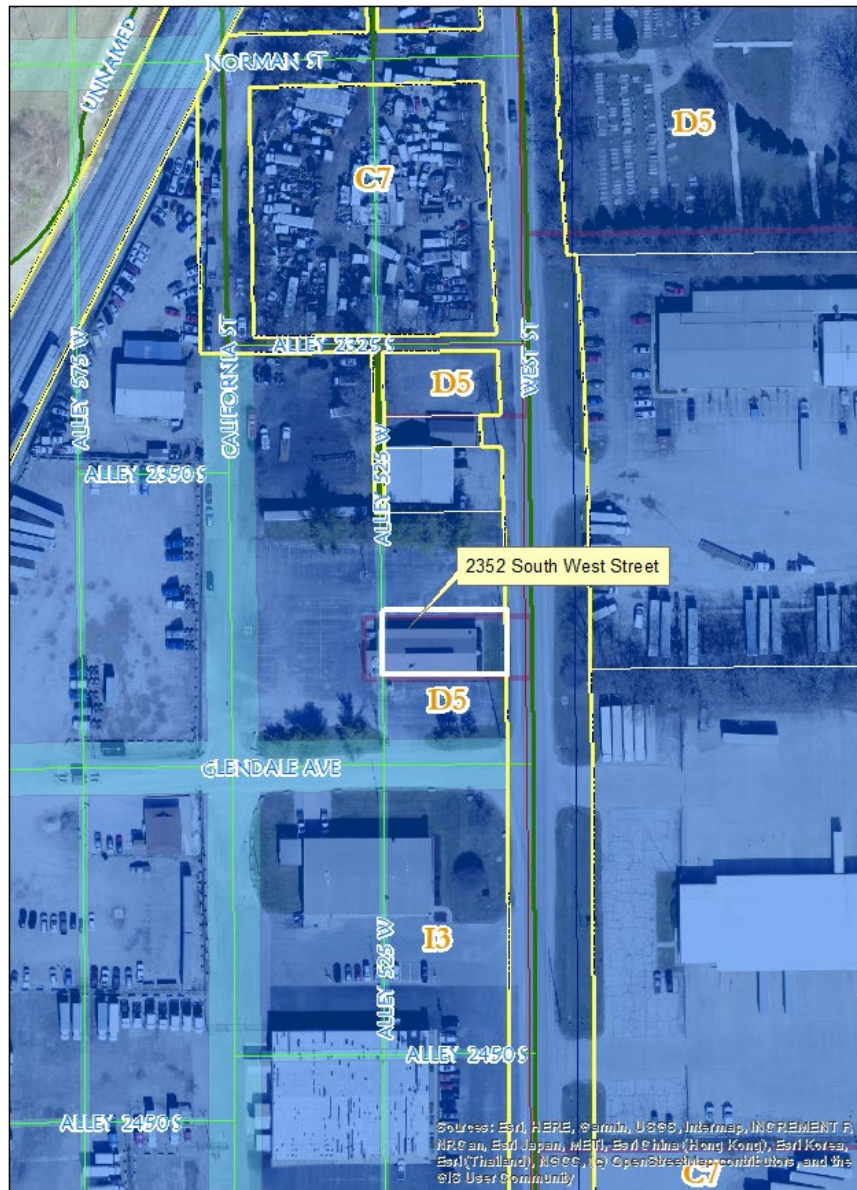
Department of Metropolitan Development  
Division of Planning  
Current Planning

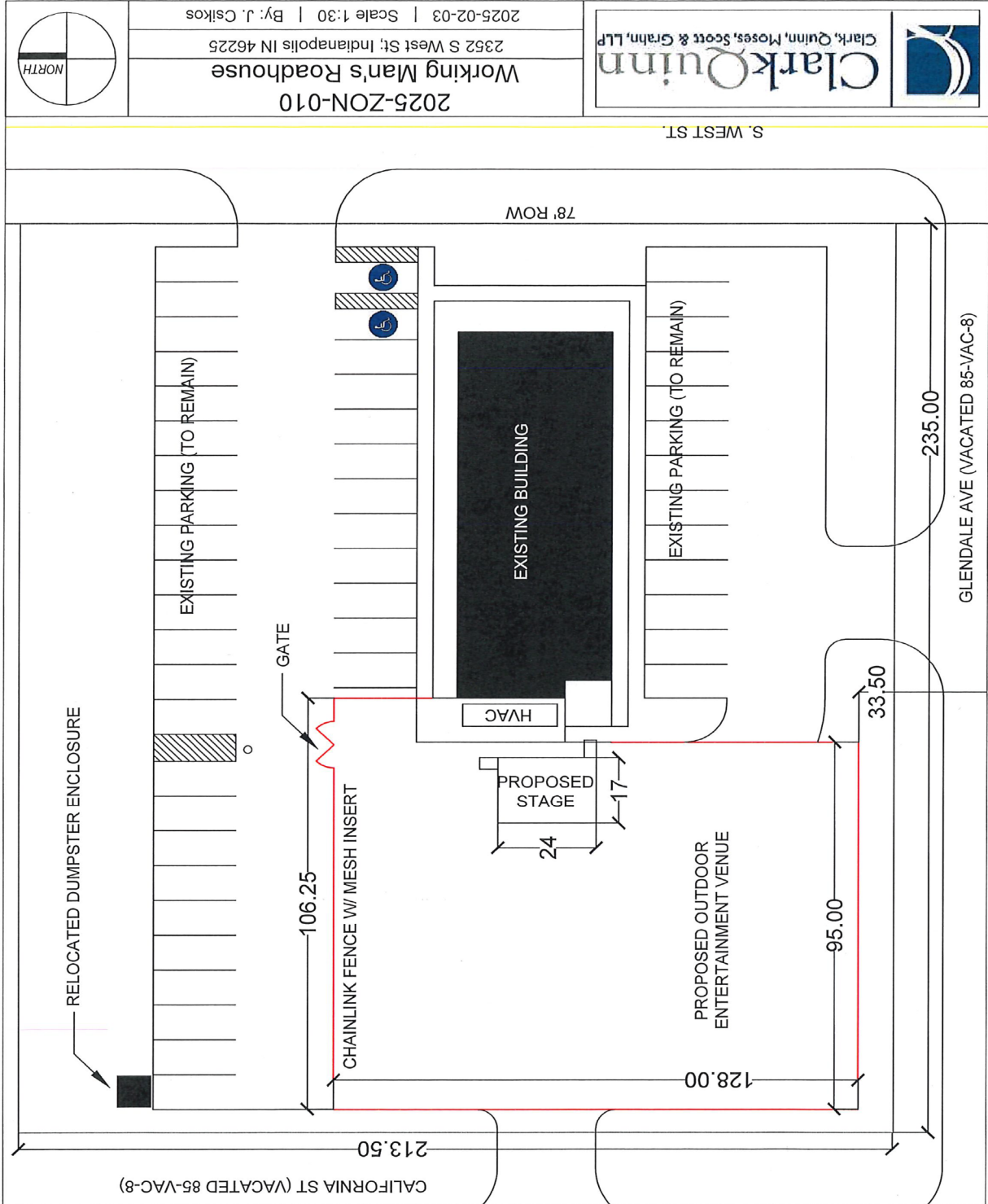
**80-Z-154; 2411-2415 South Dakota Street, 510 Glendale Avenue, 2348-2354 and 2404-2418 South West Street, and 2353-2359, 2362-2464, 2407-2425 South California Street,** requested rezoning of 1.85 acres, being in the D-5 district, to the I-3-U classification to provide for industrial use, **approved.**

**80-Z-136; 2428 South Dakota Street, 2424 California Street, 2362, 2363, 2366 California Street,** requested rezoning of 1.893 acre, being in the D-5 district to the I-3 U classification to provide for industrial uses, **approved.**



EXHIBITS







View looking south along South West Street



View looking north along South West Street



View of site looking southwest across South West Street



View of site looking south



View of site looking south



View from site looking south



View of southern portion of site looking east



View of site looking north from Glendale Avenue (private street)



View looking east along Glendale Avenue (private street)



View of site looking north from Glendale Avenue (private street)



View from site looking west



View from site looking northwest





View of site looking north at adjacent property