

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-086 / 2024-VAR-003 (Amended)
Address: 6185, 6421, 6423, 6441 and 6531 East 34th Street (*approximate addresses*)
Location: Warren Township, Council District #13
Petitioner: Ben Singh Bashal, by David Gilman
Request: Rezoning of 6.32 acres from the D-3 and C-S districts to the C-7 district to provide for truck/trailer parking and repair.
Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot in the C-7 district.

ADDENDUM FOR FEBRUARY 29, 2024, HEARING EXAMINER

The petitioner's representative filed an amended rezoning request from the D-3 and C-S districts to the C-7 district to provide for truck / trailer parking and repair, along with a Special Exception to provide for a commercial parking lot in the C-7 district. Petition 2023-ZON-085 (6531 East 34th Street) was withdrawn and the parcel added to this request, along with another parcel on the southern portion of the site for a total of five parcels and an increase in acreage.

"The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts."

The C-7 district would be classified by the Comprehensive Plan as a heavy commercial use. The Pattern Book states that this use be located along arterial or collector streets. This portion of East 34th Street is classified as a local street with an approximately existing 20-foot-wide-pavement.

The Ordinance limits the size of commercial parking lots to two acres. The site plan / renderings that have been filed do not indicate any limitation on the commercial parking lot or the area for truck, trailer parking and repair on this approximately 6.32-acre site. Additionally, the commercial parking lot would be subject to the landscaping and screening provisions of the Ordinance, along with compliance with the Green Factor.

(Continued)

STAFF REPORT 2023-ZON-086 (Continued)

Admittedly, the request is generally consistent with the Comprehensive Plan recommendation, but staff believes that the location of this rather extensive heavy commercial use would not be appropriate for this area because of the impact on surrounding land uses. Consequently, staff continues to **recommend denial** and would request the commitments listed below if the request would be approved.

ADDENDUM FOR JANUARY 11, 2024, HEARING EXAMINER

An amended petition has not been submitted for review. Consequently, this petition will need to be **continued from the January 11, 2024 hearing, to the February 29, 2024 hearing.**

ADDENDUM FOR DECEMBER 14, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the October 26, 2023 hearing, to the December 14, 2023 hearing, at the request of the petitioner's representative.

This petition will need to be **continued from the December 14, 2023 hearing, to the January 11, 2024 hearing,** to provide time to amend the petition and provide required notice.

ADDENDUM FOR OCTOBER 26, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 28, 2023 hearing, to the October 26, 2023 hearing, at the request of the neighborhood organization.

September 28, 2023

RECOMMENDATIONS

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

1. 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.
2. A 24-foot half right-of-way shall be dedicated along the frontage of East 34th Street, 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).
3. Access drives, internal drives and parking areas shall be paved and striped prior to the operation of the proposed use.

(Continued)

STAFF REPORT 2023-ZON-086 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 4.30-acre site, zoned D-3 and C-S is developed with a single-family dwelling and accessory buildings. It is surrounded by a single-family dwelling to the north across East 34th Street, zoned D-3; a single-family dwelling to the south, zoned D-A; single-family dwellings to the east, zoned D-3; and industrial uses to the west zoned I-3 and C-S.

REZONING

- ◇ This request would rezone the site from the D-3 and C-S Districts to the I-3 (Medium Industrial) classification. “The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.”
- ◇ The Comprehensive Plan recommends heavy commercial typology for the northern portion of the site and light industrial typology for the southern portion of the site.
- ◇ The following elements of the Pattern Book apply to this site:
 - ◇ “The Heavy Commercial typology provides for consumer-oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.”
 - ◇ “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.

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.

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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)

- 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.

Heavy Commercial Uses (Heavy commercial uses generally include outdoor operations, storage, and/or display.)

- Should be located along an arterial or collector streets.

Overlays

- ◇ The eastern portion of this site is also located within an overlay, specifically the Industrial Reserve 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 Industrial Reserve (IR) overlay is 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.

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;

(Continued)

STAFF REPORT 2023-ZON-086 (Continued)

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.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along East 34th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Planning Analysis

- ◇ The request would generally be consistent with the Comprehensive Plan recommendation of heavy commercial and light industrial uses, but The Pattern Book expressly states that both uses should not be located adjacent to living typologies, not use local streets and feed onto arterial streets.
- ◇ Residential uses are located directly north of this site, East 34th Street is classified as a local street and this site does not feed onto an arterial street. Additionally, the pavement width of East 34th Street in this area is 20 feet, which would not be able to appropriately accommodate large trucks and trailers.
- ◇ The site plan, file dated August 22, 2023, provides for stone surface of the access drives and all parking areas. The Ordinance requires paved surfaces consisting of bricks, concrete or compacted aggregate base and surface with an asphaltic pavement. This would be particularly important given the proposed use involving heavy equipment and vehicles.
- ◇ As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-3 / C-S Single-family dwelling / accessory buildings

(Continued)

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SURROUNDING ZONING AND LAND USE

North -	D-3	Single-family dwelling
South -	D-A	Single-family dwelling
East -	D-3	Single-family dwelling
West -	I-3 / C-S	Industrial uses

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy commercial and light industrial typologies. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of East 34 th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	The eastern portion of the site is located within the Industrial Reserve Overlay.
SITE PLAN	File-dated August 22, 2023
RENDERINGS	File-dated December 4, 2023
FINDINGS OF FACT	File-dated January 23, 2024

ZONING HISTORY

2023-ZON-085; 6531 East 34th Street (included in site), requested rezoning of one acre from the D-3 district to the I-2 district to provide for light industrial uses, **withdrawn**.

99-Z-77; 6147-6423 East 34th Street (west of site), requested rezoning of 6.51 acres from the D-3 District to the C-S classification to provide for a construction business, **approved**.

99-V1-34; 6423 East 34th Street (west of site), requested a variance of use to provide for a construction business with outdoor storage and parking of six commercial vehicles, three equipment trailers, and a backhoe, **withdrawn**.

97-Z-206; 6105 East 34th Street (west of site), requested rezoning of five acres from the D-3 District, to the C-S classification to provide for an excavating and sewer construction business, **approved**.

(Continued)

STAFF REPORT 2023-ZON-086 (Continued)

95-Z-87 / 95-CV-17; 6361 East 34th Street (east of site), requested rezoning of 35.748 acres, being in the D-A District, to the C-S classification to provide for heavy construction equipment sales, rental and service and other I-2-@ industrial uses and a variance of development standards of the Commercial Zoning Ordinance to provide for development of a heavy construction equipment sales, rental and service and other I-2-S industrial use operations, with access to be gained by way of an easement to Elizabeth Street, **approved and granted**.

94-UV3-2; 6423 East 34th Street (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an existing construction business with outside storage of materials and the construction of a 50- by 30-foot garage resulting in the square footage devoted to the accessory buildings exceeding the square footage of the primary building, **granted**.

93-Z-94; 6141 East 34th Street, (west of site), requested rezoning of 5.14 acres, being in the D-A District to the C-S classification to provide for a combination self-storage facility and existing contractor office / utility building, **approved**.

91-UV3-16; 6607 East 34th Street (east of site), required a variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit the continued operation of a plumbing business within an existing garage with outdoor storage, **granted**.

89-Z-140; 6669 East 34th Street (east of site), requested rezoning of 34 acres, being in the A-2 District, to the I-2-S classification to provide for light industrial uses, **withdrawn**.

88-UV1-90; 6141 East 34th Street (west of site), requested a variance of use to permit construction of a utility building for the storage of equipment and vehicles related to a concrete construction business, **granted**.

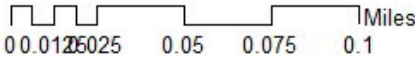
86-Z-340; 6601 East 34th Street (east of site), requested rezoning of office acres, being in the I-3 U District, to the C-ID classification to provide for outside storage of fences and an office and warehouse, **approved**.

79-Z-150; 6105 East 34th Street (west of site), requested rezoning of five acres, being in the D-3 District to the C-7 classification to provide for an office building with a shop for heavy and light equipment rental, **denied**.

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6185, 6421, 6423, 6441, and 6531 East 34th Street



PROJ.1
SHEET NO.

ISSUE DATE
DATE
REVISIONS
DRAWN BY
PROJECT NO.

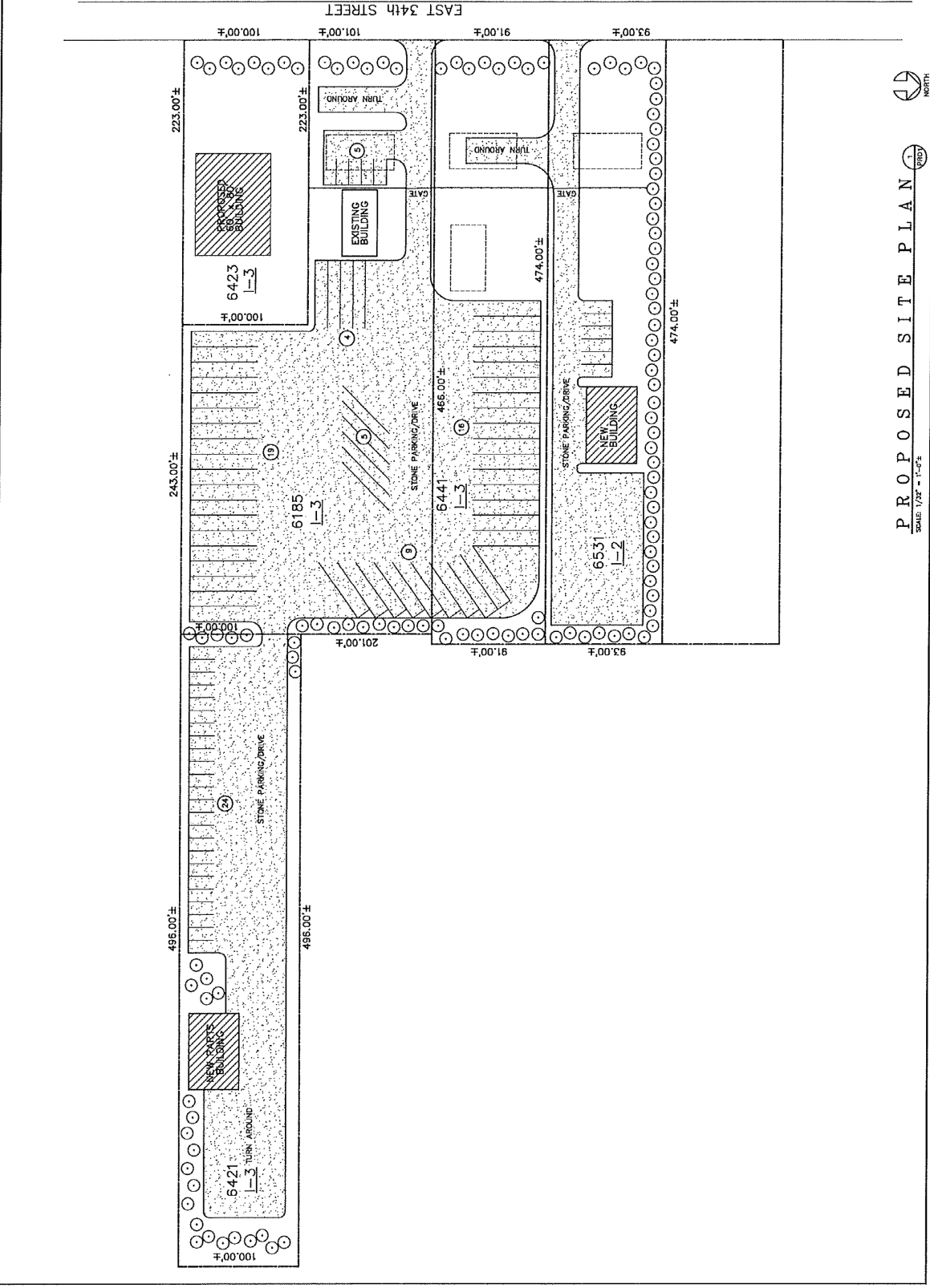
A SITE DEVELOPMENT PLAN FOR:
MUNNA TRUCK/TRAILER REPAIR
6147 EAST 34th STREET
INDIANAPOLIS, INDIANA 46226

B.H.R.
CONSTRUCTION SERVICES L.L.C.
INDIANAPOLIS, INDIANA 46226
773.5267 / 773.5268 / 773.5866
www.bhrconstruction.com



PROPOSED SITE PLAN

SCALE: 1/32" = 1'-0"



Petition Number _____

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

**PETITION FOR SPECIAL EXCEPTION
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because
The proposed use meets the definition of a commercial parking lot to allow for short and long term lease parking spaces

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because
The area is predominately developed with heavy commercial and industrial uses. The only remaining residences are well screened and buffered from the proposed use with wooded and landscaped transitional yards and a dry detention basin.

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because
The proposed use will be for a quite parking lot that will be secured and landscaped from view.

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because
The proposed use is consistent with the heavy commercial and light industrial recommendation of the Land Use Plan.

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because
The proposed use would not require any variances to development standards to the C7 District.

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use would meet the applicable performance standards so as not to produce noxious fumes, noise, heat or glare.

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

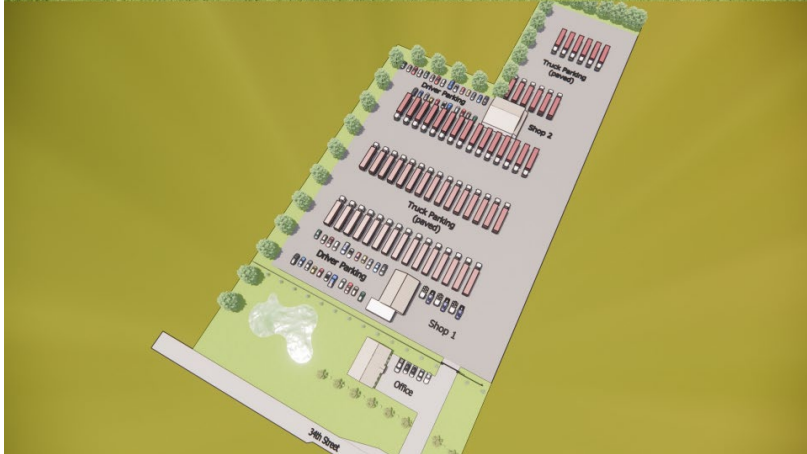
The proposed commercial parking lot would meet the use specific standards to the C7 district.

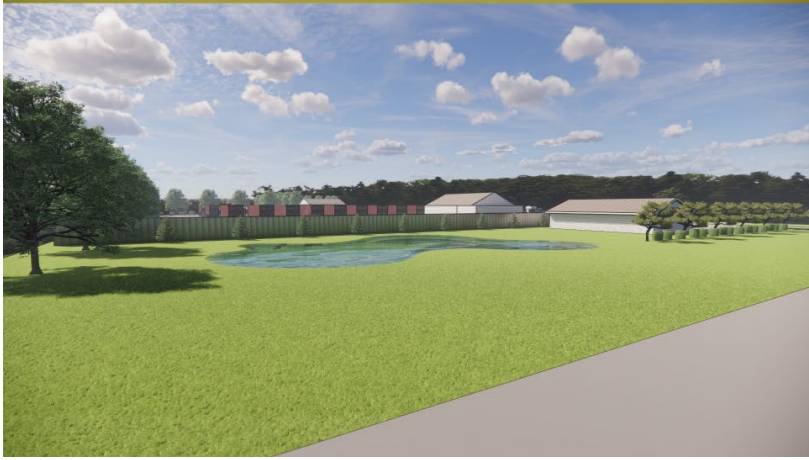
DECISION

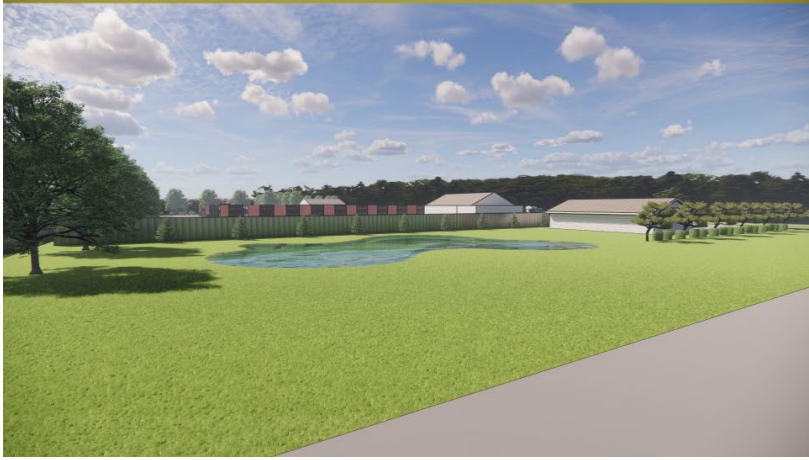
IT IS THEREFORE the decision of this body that this SPECIAL EXCEPTION petition is APPROVED.

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____









View looking east along East 34th Street



View looking east along East 34th Street



View looking west along East 34th Street



View from site looking east at adjacent single-family dwellings



View of site looking northeast



View looking east



View looking east



View of site looking east



View of site looking south



View from site looking west at adjacent uses