

## STAFF REPORT

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

**Case Number:** 2023-ZON-100  
**Address:** 4509 and 4585 Allisonville Road and 2828 E 45<sup>th</sup> Street (*Approximate Addresses*)  
**Location:** Washington Township, Council District #9  
**Petitioner:** Sheetmetal Workers Local No. 20 Apprenticeship and Training Trust, by Russell L. Brown  
**Request:** Rezoning of 7.40 acres from the MU-1 (FF) district to the C-S (FF) district to provide for the following permitted uses: Vocational, Technical or Industrial School or Training Facility; Office: Business, Professional or Government; Financial & Insurance Services; and Club or Lodge.

This petition was continued from the November 16, 2023 hearing to the December 14, 2023 hearing to allow additional time for the petitioner to file a revised site plan and plan of operation that addressed staff's concerns.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request 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. Approval shall be subject to the December 4, 2023. file-dated site plan and November 29, 2023.file-dated C-S Statement.
2. A 50-foot half right-of-way shall be dedicated along the frontage of Allisonville 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**

#### **LAND USE**

- ◇ The 7.40-acre site is comprised of three parcels (8007786, 8006482, and 8006434), that contain two commercial buildings, associated parking lot, and three freestanding signs.
- ◇ The subject site is surrounded by a variety of different uses. To the north is an office, car dealership, furnace repair business, and retail uses, zoned MU-1 and C-3, to the south are multi-family dwellings, zoned MU-1, to the east are single-family dwellings and undeveloped lots, zoned D-5, and to the west is a hair salon, single-family dwellings, and an office, zoned C-3, D-7, and MU-1.

(Continued)

## **STAFF REPORT 2023-ZON-100 (Continued)**

### **REZONING**

- ◇ The request would allow for the rezoning from the MU-1 (FF) district to the C-S (FF) district to provide for the following permitted uses: Vocational, Technical or Industrial School or Training Facility; Office: Business, Professional or Government; Financial & Insurance Services; and Club or Lodge.
- ◇ The site was previously zoned C-2 until 2016, when this zoning district was renamed to MU-1.
- ◇ The subject site is zoned MU-1, which is intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations, or provided in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes.
- ◇ The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.
- ◇ The Comprehensive Plan recommends the sites for office commercial development. The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.
- ◇ This site is also located within an overlay, specifically the environmentally sensitive areas (ES). "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 majority of the site is located within the 100-year floodplain and a portion of it is in a wetland.

(Continued)

## **STAFF REPORT 2023-ZON-100 (Continued)**

### **Floodway / Floodway Fringe**

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which 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 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-7 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

### **Wellfield Protection Secondary Zoning**

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ “Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential to preserve public health and economic vitality with Marion County.”
- ◇ All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.
- ◇ “No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

(Continued)

## **STAFF REPORT 2023-ZON-100 (Continued)**

- ◇ The subject site is located within W-1 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 50-foot half right-of-way along Allisonville Road. This dedication would be less than what is recommended in the Marion County Thoroughfare Plan because DPW confirmed that the addition of a landscape buffer, stormwater infrastructure, and sidewalk would only require the requested right-of-way dedication.

### **Staff Analysis**

- ◇ As proposed, the Vocational, Technical or Industrial School or Training Facility; Office: Business, Professional or Government; Financial & Insurance Services; and Club or Lodge uses would be consistent with the Comprehensive Plan recommendation of office commercial, which would provide for small-scale offices, retailing and personal / professional uses, while discouraging other unrelated uses.
- ◇ The C-S district would ensure that the existing offices and training facility for a local union would be allowed to continue. Only those uses listed in the C-S statement would be included in future development, which would allow for additional supportive services as needed. All future improvements will be subject to Administrative Approval in addition to any proposed signage. The C-S statement will legally establish the existing signs on site, allow for the proposed signs as depicted in Exhibit A of the development statement and would ensure any additional signage would meet the sign regulations consistent with the C-4 district as requested. For these reasons, staff is recommending approval of this request.
- ◇ Due to the 50-foot half right-of-way dedication along Allisonville Road, the freestanding sign at 4509 Allisonville Road will need to be relocated. The petitioner was made aware of this.

## **GENERAL INFORMATION**

### **EXISTING ZONING AND LAND USE**

MU-1

Metro

Federal Credit Union and Training Center

(Continued)

## **STAFF REPORT 2023-ZON-100 (Continued)**

### **SURROUNDING ZONING AND LAND USE**

North	MU-1 / C-3	Office / Car dealership / Furnace Repair Business / Retail
South	MU-1	Residential (Multi-family dwellings)
East	D-5	Residential (Single-family dwellings) / Undeveloped lots
West	C-3 / D-7 / MU-1	Hair Salon / Single-family dwellings / Office

**COMPREHENSIVE PLAN**                      The Comprehensive Plan recommends office commercial development.

**THOROUGHFARE PLAN**                      Allisonville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 76-foot existing right-of-way and a 126-foot proposed right-of-way.

**THOROUGHFARE PLAN**                      45<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 50-foot proposed right-of-way.

**THOROUGHFARE PLAN**                      Binford Boulevard is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 173-foot existing right-of-way and a 124-foot proposed right-of-way.

**THOROUGHFARE PLAN**                      46<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 120-foot existing right-of-way and a 102-foot proposed right-of-way.

**THOROUGHFARE PLAN**                      Rural Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 50-foot proposed right-of-way.

**THOROUGHFARE PLAN**                      Oxford Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 50-foot proposed right-of-way.

**THOROUGHFARE PLAN**                      Glenwood Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 50-foot proposed right-of-way.

**CONTEXT AREA**                              This site is located within the metro context area.

**OVERLAY**                                      This site is located within an environmentally sensitive area overlay.

**FLOODWAY / FLOODWAY FRINGE**                      This site is located within a floodway or floodway fringe.

(Continued)

## **STAFF REPORT 2023-ZON-100 (Continued)**

WELLFIELD PROTECTION DISTRICT This site is located within a wellfield protection district, specifically the Fall Creek W-1.

SITE PLAN File-dated October 11, 2023.

AMENDED SITE PLAN File-dated November 29, 2023.

FINAL SITE PLAN File-dated December 4, 2023.

C-S STATEMENT File-dated October 11, 2023.

AMENDED C-S STATEMENT File-dated November 29, 2023.

### **ZONING HISTORY – SITE**

#### EXISTING VIOLATIONS

None.

#### PREVIOUS CASES

None.

### **ZONING HISTORY – VICINITY**

**2021-ZON-044;** (northeast of site), Rezoning of 0.28 acre from the MU-1 (W-1) (W-5) district to the C-3 (W-1) (W-5) district, **approved.**

**2018-ZON-133 / 2018-VAR-005; 2511 East 46<sup>th</sup> Street** (west of site), Rezoning of 8.5 acres from the C-3 (W-1) and C-5 (W-1) districts to the D-7 (W-1) classification to provide for approximately 135 multi-family units within existing and new buildings and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family building with decks and balconies with a 13-foot perimeter yard and to legally establish the perimeter yards of the existing buildings and to permit the minimum livability space ratio to be less than 0.95 (20-foot perimeter yards and minimum livability space ratio of 0.95 required), **approved and granted.**

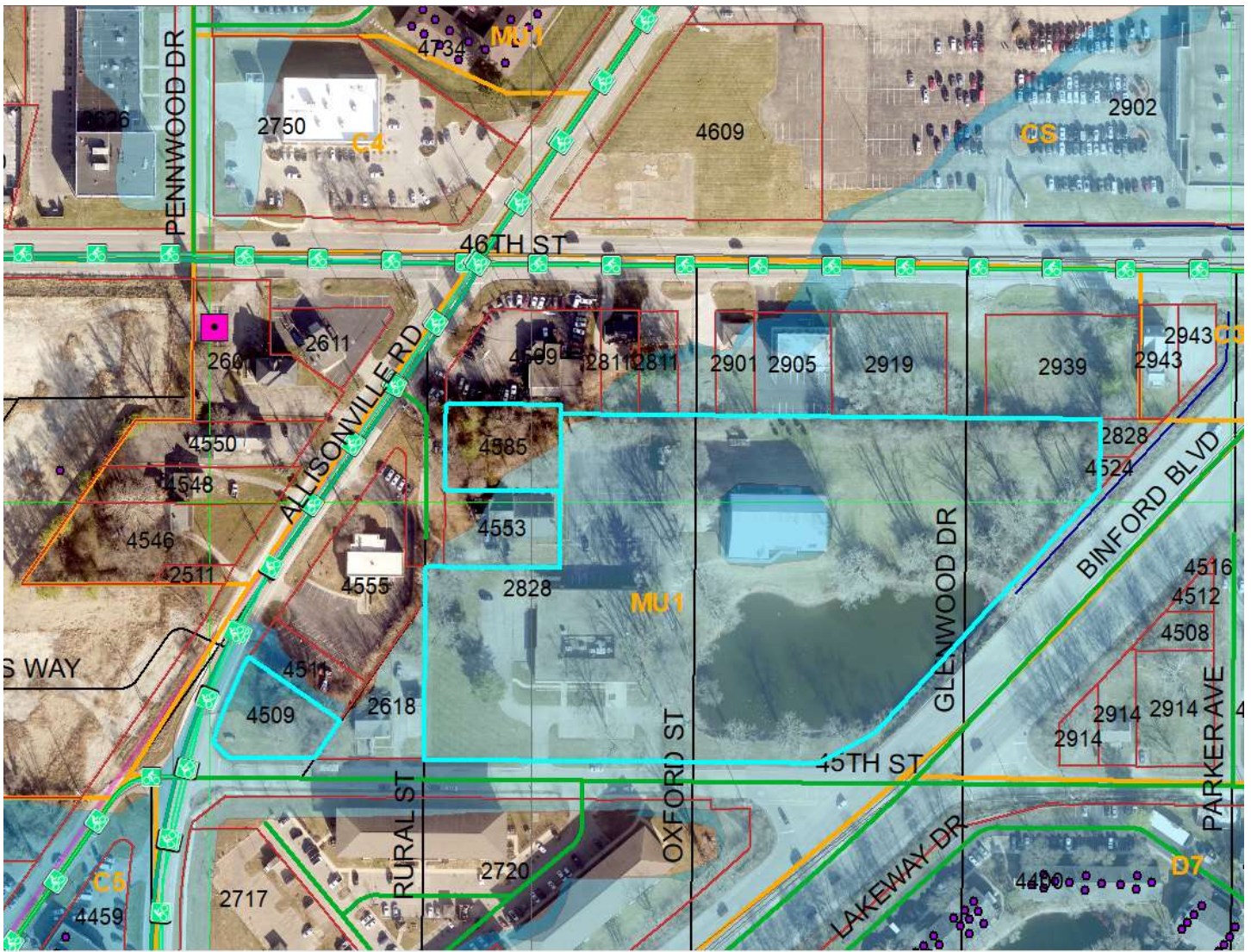
**2000-ZON-868 / 2000-VAR-868; 2902 East 46<sup>th</sup> Street** (north of site), Rezoning of 8.59 acres from the C-4 District to the C-S classification to provide for neighborhood retail uses and warehousing and a variance of development standards of the Commercial Zoning Ordinance to provide for a portion of an interior access drive to be seven feet from the north side transitional property line, **approved and granted.**

**90-Z-87; 2611 East 46<sup>th</sup> Street** (northwest of site), Rezoning of 0.5 acre, being in the D-5 District, to the C-3 classification to conform zoning with the Keystone Avenue Corridor Study, **approved.**

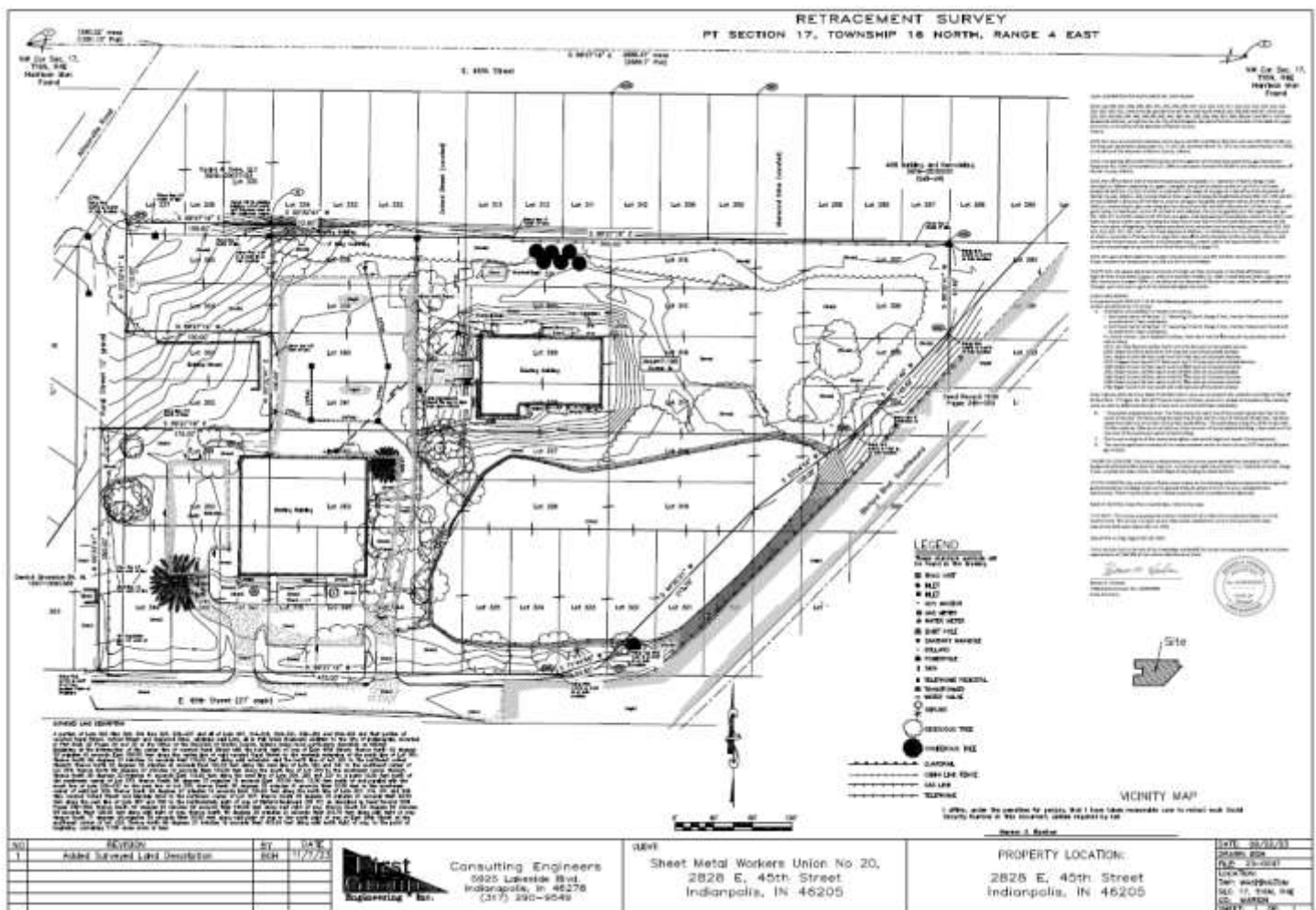
**88-Z-268; 4456 Allisonville Road** (southwest of site), Rezoning of 0.66 acre, being in the C-3 district, to the C-5 classification to provide the continued operation of a night club, withdrawn.



## 2023-ZON-100; Location Map

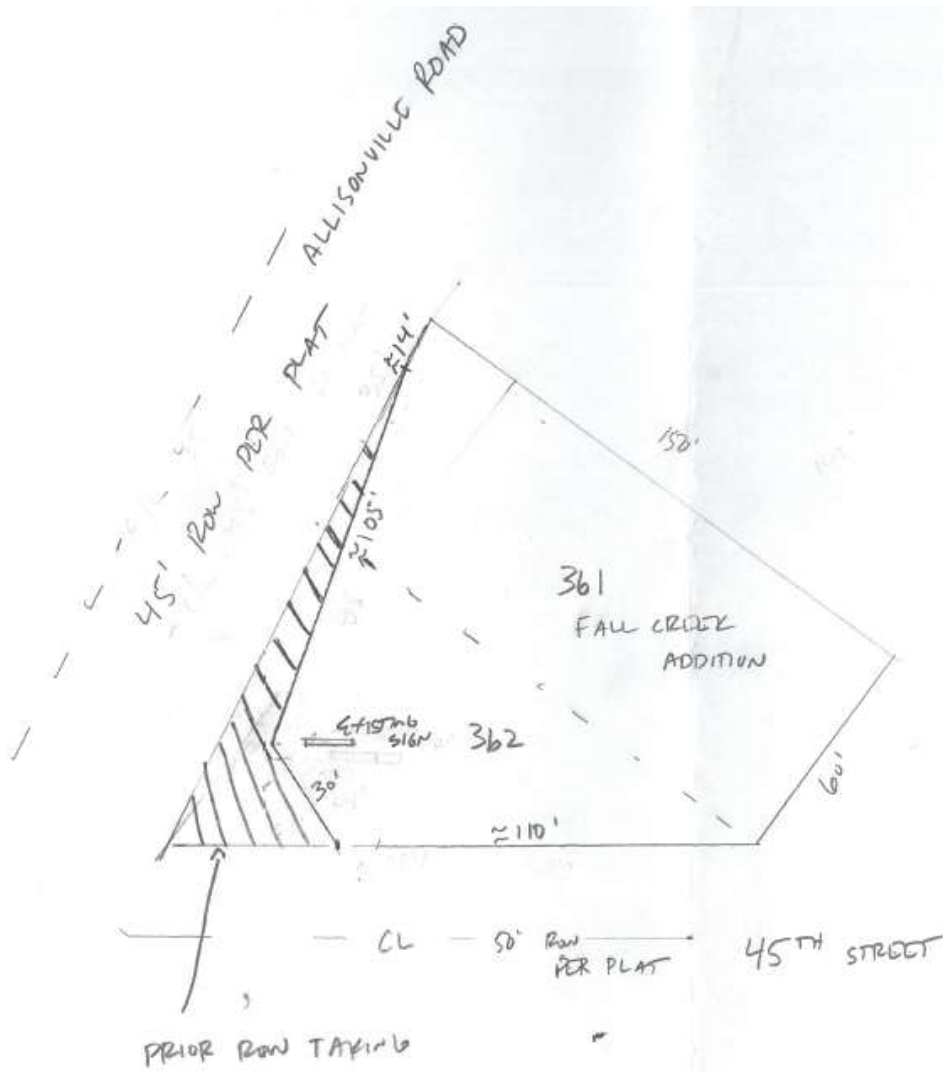


**2023-ZON-100; Final Site Plan**





2023-ZON-100; Final Site Plan (Continued)



1  
2

1" = 40'

4509 ALLISONVILLE ROAD  
EXISTING  
SITE PLAN

## **2023-ZON-100; Amended C-S Statement**

### **CS Statement – Sheetmetal Workers Local No. 20 Apprenticeship and Training Trust 4509, 4585 Allisonville Road and 2828 45<sup>th</sup> Street (the “Property”)**

The proposed rezoning of the above property to the CS zoning classification is intended to legally establish the historic use of this property as offices and training facility for a local union. The Property is improved with two buildings, two existing ground signs, directional sign and a wall sign on one building as well as parking areas and drainage infrastructure as shown on the survey provided herewith. The property was rezoned by a zone map change to MU1, which is not supportive of the existing and historical use of the property.

#### **Permitted uses:**

The Property will continued to be utilize for offices of a local union (approximately 11,224 square feet), the union’s s apprenticeship program (approximately 4,340 square feet), services available to union members (credit union (approximately 500 square feet), benefit programs(approximately 1,620 square feet)) and for the union’s apprenticeship training classrooms and facility (approximately 19,276 square feet). The hours of operation for the various programs are typical weekday office hours with approximately 20 total employees with a daily duty station on site and seasonal training program which trains apprentices during the month of August through May. Monthly membership meetings are held on site and bi-monthly regional membership meetings are held on site. These combined services are best categorized by the following uses included in the Use Table: Vocational, Technical or Industrial School or Training Facility; Office: Business, Professional or Government; Financial & Insurance Services; and Club or Lodge.

#### **Design standards/External modification/landscaping:**

The uses included in the request do not require any modification to the footprint of the property as it exists today as shown on survey filed herewith. No additional landscaping is proposed based on this rezoning.

#### **Signage:**

The property is currently served by a ground sign near the corner of 45<sup>th</sup> and Binford (approximately 37” tall by 144” wide), 45<sup>th</sup> and Allisonville, (approximately 37” tall by 136” wide), directional signage in the southern building parking area (approximately 5.25 square feet in size) and wall signs (individual channel lettering) on the southern building. The petitioner desires to add wall signage to the Northern Building as included on Exhibit A hereto. Further signage modifications will be subject to administrative review and approval and shall be governed by the standards relevant to the C-4 zoning classification in place as of the date of approval hereof.

#### **Parking/Site Plan:**

Adequate parking exists for staff and training participant as required as currently exist on site as shown on survey filed herewith. 92 on site parking spaces currently exist.

The property is currently served by all adequate utilities, including trash service. No modifications to these services is necessary based on this rezoning.

2023-ZON-100; Amended C-S Statement (Continued)

EXHIBIT A

Proposed additional signage



Each letter shown is 10" in size.



The SMACNA sign is approximately 44" x 6'2".  
The SMART logo sign is approximately 44" x 7'2".  
Logos are internally illuminated.



**2023-ZON-100; Photographs**



Photo of the Subject Property: 4509 Allisonville Road and the freestanding sign to be relocated.



Photo of the Subject Property: 2828 E 45th Street



Photo of the Subject Property: 2828 E 45th Street





Photo of the first existing commercial building on site and directional sign.



Photo of the entrance drive towards the parking lot.



Photo of the second existing commercial building on site.





Photo of the rear yard looking east.



Photo of the second existing freestanding sign.



View of the second existing commercial building on site from 45<sup>th</sup> Street.





Photo of the offices north and west of the site.



Photo of the single-family dwelling that falls between 2828 E 45th Street and 4585 Allisonville Road.





Photo of the Subject Property: 4585 Allisonville Road



Photo of the use car dealership located northwest of the site.