

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-085
Address: 6531 East 34th Street (*approximate addresses*)
Location: Warren Township, Council District #13
Petitioner: Ben Singh Bashal
Request: Rezoning of one acre from the D-3 district to the I-2 district to provide for light industrial uses.

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.

The petitioner's representative has indicated that this petition will be **withdrawn** and the parcel added to petition 2023-ZON-086.

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).

(Continued)

STAFF REPORT 2023-ZON-085 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 1.0-acre site, zoned D-3, is developed with a single-family dwelling and an accessory building. It is surrounded by a single-family dwelling to the north across East 34th Street, zoned D-3; undeveloped land to the south, zoned C-S; and single-family dwellings to the east and west, both zoned D-3.

REZONING

- ◇ This request would rezone the site from the D-3 District to the I-2 (Light Industrial) classification. "The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.
- ◇ The Comprehensive Plan recommends suburban neighborhood typology. "The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park."
- ◇ 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.
- ◇ Because industrial use is not a recommended land use within this typology, there are no guidelines provided in The Pattern Book.

Overlays

- ◇ 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."

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- ◇ 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;
 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 not be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology or compatible with the adjacent residential redevelopment.

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- ◇ This site is located within an industrial reserve overlay but rezoning a one-acre site centrally located within an area consisting of five parcels developed with single-family dwellings would not be appropriate and would be disruptive to those residential uses.
- ◇ Staff would note that the industrial reserve overlay is meant for large parcel size, proximity to compatible uses, and/or interstate access. This site and request does not comply with any of these recommendations.
- ◇ Furthermore, the Ordinance would require a 30-foot side transitional yard. The site is approximately 90 feet wide and 475 feet long, which would leave a 30-foot-wide strip the length of the parcel for development. Because of the impact on abutting residential uses, staff would not support development standards that would reduce the buffer that would mitigate the negative impact on adjacent land uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-3 Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-3	Single-family dwelling
South -	C-S	Undeveloped land
East -	D-3	Single-family dwelling
West -	D-3	Single-family dwelling

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.

Marion County Land Use Pattern Book (2019)

THOROUGHFARE PLAN This portion of East 34th 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 This site is located within an industrial reserve overlay

ZONING HISTORY

2023-ZON-086; 6185, 6421, 6423 and 6441 East 34th Street (west of site), requested rezoning of acres from the D-3 and C-S districts to the I-3 district to provide for truck/trailer parking and repair, **pending.**

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.**

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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**.

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 five 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**.



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