

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-108
Address: 1102 East Stop 11 Road (*Approximate Address*)
Location: Perry Township, Council District #24
Petitioner: SIDHU 13, LLC, by Joseph D. Calderon
Request: Rezoning of 2.67 acres from the C-S district to the C-3 district to provide for neighborhood commercial uses.

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. 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 45-foot half right-of-way shall be dedicated along the frontage of Shelby Street and a 56-foot half right-of-way along frontage of East Stop 11 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 final 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

- ◇ This 2.67-acre site, zoned C-S, is commercially developed, with associated parking areas. It is surrounded by commercial uses to the north, zoned C-3; commercial uses to the south across East Stop 11 Road, zoned C-1 and C-4; commercial uses to the east, zoned C-4; and a special use to the west across Shelby Street, zoned SU-38 (community center - Baxter Y).
- ◇ Petitions 2003-ZON-133 rezoned the site from the C-1 district to the C-S classification to provide for several specific uses. Petition 2017-ZON-039 provided for additional uses.

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REZONING

- ◇ This request would rezone the site from the C-S District to the C-3 (neighborhood commercial district) classification. “The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions

- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ 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.
- ◇ The following elements of the Pattern Book apply to this 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.

Large-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet.)

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

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Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Shelby Street and a 56-foot half right-of-way along East Stop 11 Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ Staff would note that commitments related to petition 2017-ZON-039 requested dedication of right-of-way along Shelby Street but staff was unable to determine whether the dedication had been recorded.

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.

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Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of community commercial, as well as existing uses on this site.
- ◇ The rezoning would also eliminate several uses that would not be appropriate for this site, including outdoor storage. The permitted uses in the C-3 district would be compatible with those existing uses as well as the uses in the surrounding area.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Commercial uses / parking areas

SURROUNDING ZONING AND LAND USE

North -	C-3	Commercial uses
South -	C-1 / C-4	Commercial office uses
East -	C-4	Commercial uses
West -	SU-38	Family Center (Baxter Y)

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.
Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of East Stop 11 Road is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 100-foot right-of-way and a proposed 112-foot right-of-way.

This portion of Shelby Street is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 50-foot right-of-way and a proposed 90-foot right-of-way.

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

OVERLAY This site is not located within an overlay.

SITE PLAN File-dated November 9, 2023

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ZONING HISTORY

2017-ZON-039; 1102 East Stop 11 Road, requested rezoning of 2.7 acres from the C-S district to the C-S classification to provide for the construction of two additional buildings, and to provide for general retail uses and drive-through uses, in addition to the uses approved by Petition 2003-ZON-133, **approved**.

2003-ZON-133; 1102 East Stop 11 Road, requested rezoning of 2.61 acre, from the C-1 District to the C-S classification to provide for C-1 uses and certain C-3, C-4, and C-5 uses, including restaurants, furniture stores, automobiles leasing and detailing, motorcycle sales and service and a caterer, **approved**.

VICINITY

2015-UV2-041; 1121 East Stop 11 Road (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for used automobile sales, **denied**.

2007-UV2-020; 1240 East Stop 11 Road (east of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the sale, rental and leasing of automobiles and to provide for 4,230 square feet of non-accessory outdoor display areas not located adjacent to a building, **granted**.

2003-ZON-137; 8003 South U.S. 31 (east of site), requested rezoning of 1.14 acres, from the C-4 District to the C-5 classification to provide for automobile sales, **approved**.

2000-ZON-035; 8125 South U.S. 31 (east of site), requested rezoning of 1.35 acres from the C-3 District to the C-4 classification to provide for commercial retail uses, **approved**.

97-UV2-5; 7916 Shelby Street (west of site), requested a variance of use of the special Districts Zoning Ordinance to provide for an 80-foot tall wireless communication facility, **granted**.

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1102 East Stop 11 Road



0 0.01 0.02 0.04 0.06 0.08 Miles



View looking east along East Stop 11 Road



View looking west along East Stop 11 Road



View looking north along Shelby Street



View looking south along Shelby Street



View of site looking north across East Stop 11 Road



View of site looking north across East Stop 11 Road



View of site looking east



View of site looking north



View of site looking northwest



View from site looking southwest across Shelby Street