

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 26, 2025

Case Number: 2025-CAP-823 (Amended) / 2025-CVR-823

Property Address: 6800 Pendleton Pike

Location: Lawrence Township, Council District #9

Petitioner: Amerco Real Estate Company, by Stephany Skeekey

Current Zoning: C-S
Modification of C-S Statement and Site Plan related to 2017-ZON-057, to provide for 12 additional mini-warehouse storage buildings, for a total of 32,003 square feet of additional storage space.

Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for 12 mini-warehouse structures within a transit-oriented development overlay (not permitted on lots greater than 0.5-acre and only permitted within a building).

Current Land Use: Self-Storage Facility

Staff Recommendations: Denial

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the May 29, 2025 hearing, to the June 26, 2025 hearing, to provide time for the petition to be amended and new notice provided.

STAFF RECOMMENDATION

Denial. If approved staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least five business 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 12.914-acre site, zoned C-S is developed with a self-storage facility and vehicle rental operation. It is surrounded by a utility facility and railroad right-of-way to the north, zoned SU-18 (Light / Power Substation) and C-S, respectively; commercial uses to the south, across Pendleton Pike and East 38th Street, zoned C-4 and C-5; commercial uses to the east, zoned C-4; and commercial uses and undeveloped land to the west, across North Elizabeth Street, zoned C-3 and SU-16 (Indoor or Outdoor Recreation and Entertainment), respectively.

Petition 2017-ZON-057 rezoned this site to the C-S district to provide for self-storage, truck and trailer rental and sharing and related retail uses. Petition 2018-ZON-001 rezoned the western parcel to the C-S classification to provide for covered storage of recreational vehicles associated with the permitted uses in the 2017 petition.

MODIFICATION

The request would modify the C-S Statement and Site Plan related to 2017-ZON-057 and 2018-ZON-001 to provide for 12 additional mini-warehouse storage buildings that would bring the total of storage space on this site to 32,003 square feet, plus 104,775 square feet within the existing one-story 107,216 square-foot building.

The East 38th Street Corridor Plan recommends community commercial.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "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 Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

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.

VARIANCE OF USE

This request would provide for 12 mini-warehouse structures within a transit-oriented development overlay that is not permitted on lots greater than 0.5-acre site and only permitted within a building.

Because of the principles and standards of the TOD overlay, staff believes this variance request would negatively impact surrounding land uses and the recent investment in the Purple Line. Consequently, staff does not support this variance of use and strongly recommends denial.

Planning Analysis

As proposed, this request would not align with the Neighborhood Plan that recommends community commercial or the Transit-Oriented Development Plan.

Staff supported previous petitions for this site and use because they allowed for redevelopment of a large vacant building. However, the Ordinance was updated in 2021 to include the Transit-Oriented Development (TOD) overlay that provides design standards related to certain uses and some prohibited uses.

“The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.”

The expansion and intensification of a use that is not supportive of the TOD overlay or the Neighborhood Plan, would not be appropriate and would be detrimental to the surrounding land uses. Staff, therefore, strongly recommends denial of this modification request.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Self-Storage Facility / Vehicle Rental	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	C-S / SU-18	Railroad right-of-way / utility facility
South:	C 3 / C4	Commercial uses
East:	C-4	Commercial uses
West:	C-4 /SU-16	Commercial uses / undeveloped land
Thoroughfare Plan		
Pendleton Pike	Secondary Arterial	Existing 100-foot right-of-way and proposed 78-foot right-of-way.
East 38 th Street	Primary Arterial	Existing 90-foot right-of-way and proposed 80-foot right-of-way.
North Elizabeth Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	

Overlay	Yes – Transit Oriented Development (TOD)
Wellfield Protection Area	No
Site Plan	April 21, 2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	April 21, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	April 21, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

Not Applicable to the Site.

Pattern Book / Land Use Plan

Not Applicable to the Site

Red Line / Blue Line / Purple Line TOD Strategic Plan

Purple Line Transit-Oriented Development Strategic Plan (2021)

This site is located within a ¼ mile walk a transit stop located at the intersection of East 38th Street and North Shadeland Avenue, with a District Center typology.

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of three stories at core with no front or side setbacks
- Multi-family housing with a minimum of five units
- Structured parking only with active first floor

This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

Neighborhood / Area Specific Plan

The East 38th Street Corridor Plan (2012)

This land use category is for low-intensity retail commercial, and office uses, which serve predominantly residential market adjacent to very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by grocery store. These centers contain no, or extremely limited, outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:

Maximum Gross Floor Area: 125,000 square feet

Maximum Acreage: 25 acres

Service Area Radius: 2 miles

Location: On an arterial or at the intersection of an arterial with a collector

Maximum Out lots: 3

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

2018-ZON-001; 6800 Pendleton Pike, requested rezoning of 3.39=8 acres, from the C-4 district to the C-S classification to provide for covered storage of recreational vehicles, approved.0

2017-ZON-057; 6800 Pendleton Pike, requested rezoning of 9.75 acres from the C-4 district to the C-S classification to provide for self-storage, truck and trailer rental and sharing and related retail uses, approved.

VICINITY

2021-ZON-034; 6880 Pendleton Pike (east of site), requested rezoning of 5.11 acres from the CS district to the C-4 district, **approved**.

2010 UV3-005; 6801 East 38th Street (south of site), requested a variance use of the Commercial Zoning Ordinance to provide for automobile sales, **denied**.

2004-ZON-132; 6801 East 38th Street (south of site), requested rezoning from C-4 to C-5 to provide for used automobile sales, **dismissed due to lack of prosecution**.

97-UV3-26; 6850 Pendleton Pike (east of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the operation of a retail truck leasing facility with outside storage of rental trucks, in C-4, **granted**.

96-UV1-78; 6802 Massachusetts Avenue (south of site), requested a variance of use and Development Standards of the Commercial Zoning Ordinance to provide for the operation of an automobile sales facility with outdoor display and sales, with customer parking and display of vehicles being 6 feet from Massachusetts Avenue, customer display within the required yards, and with a landscape strip of six feet in width along Massachusetts Avenue, in C-4, **withdrawn**.

94-UV3-30; 6710 East 38th Street (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor automobile sales, rental and display, in C-4, **denied**.

94-Z-111; 6906 East 38th Street (south of site), requested rezoning of 1.39 acres from the D-3 District to the C-5 classification, **approved**.

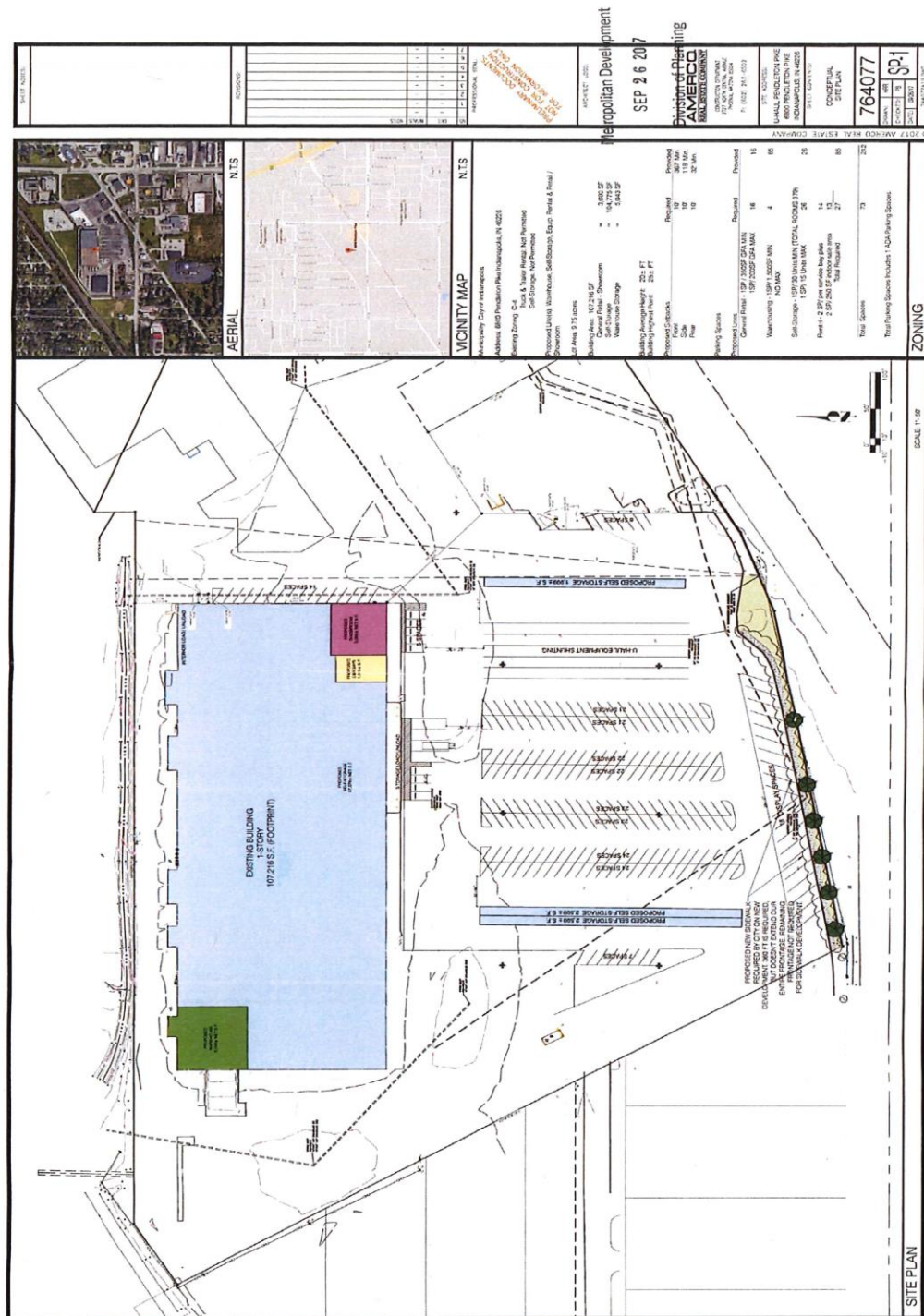
88-Z-115; 6901 East 38th Street (south of site), requested rezoning of 9.5 acres, being in the C-4 District, to the C-5 classification to conform the zoning with the existing use, **approved**.

59-V-549; 6801 East 38th Street (subject site), requested a variance of to provide for a restaurant serving food and alcoholic beverages, in C-4, **granted**.

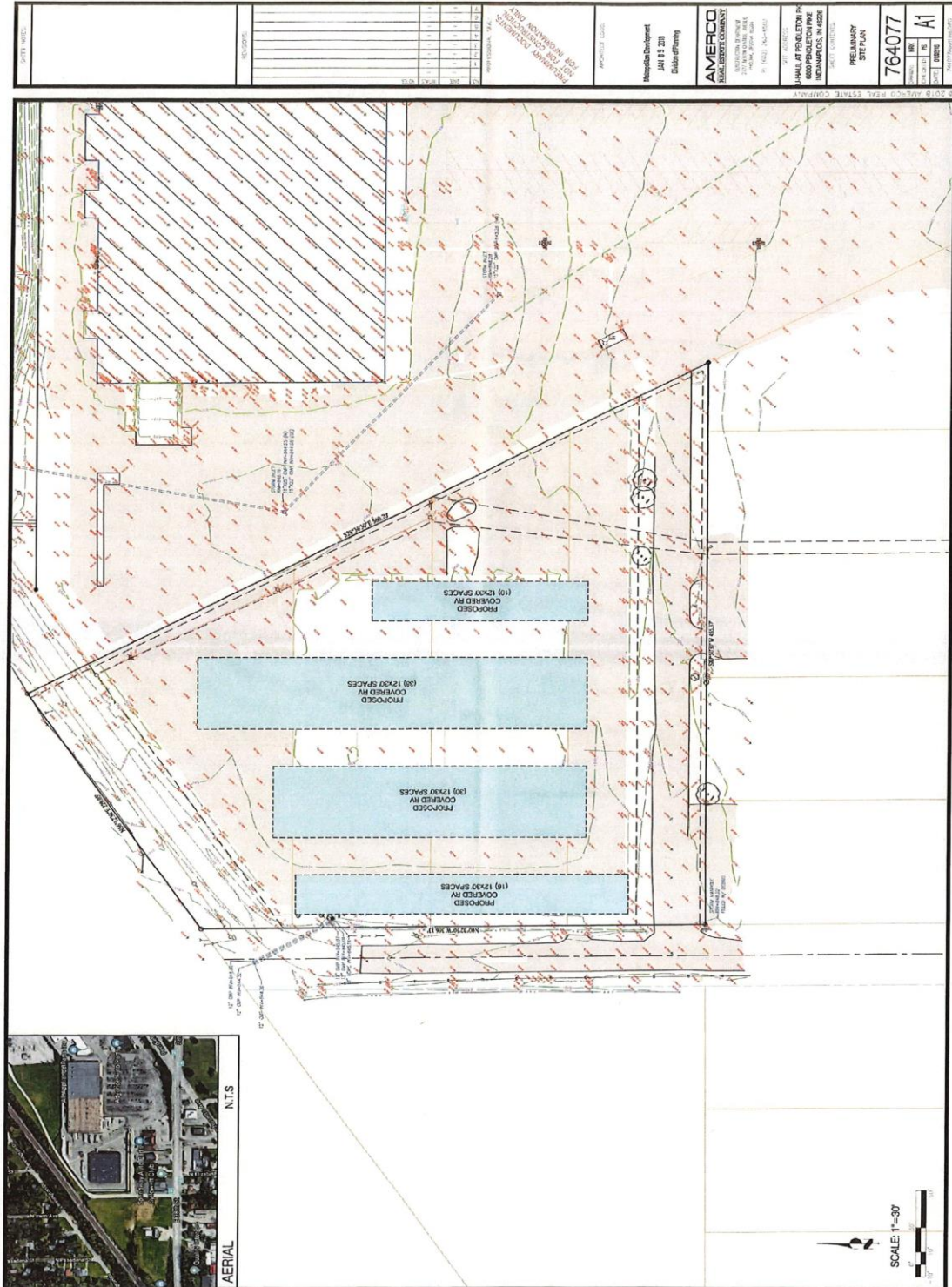
EXHIBITS



Site Plan – 2017-ZON-057



Site Plan 2018-ZON-001



[illegible]

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND
GENERAL WELFARE OF THE COMMUNITY BECAUSE

Our proposal will not be injurious to the public health, safety, morals, or general welfare of the community. This site has operated as a U-Haul Moving and Storage Store for almost ten years and the use requested has proven to have no injurious impacts on the community. The site currently has 71,890 GSF of self-storage (932 units) and our request to add an additional 30,565 GSF(232 units) of self-storage should be viewed simply as a small expansion of an existing use.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE
VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. As mentioned above, this site already operates as a U-Haul Moving and Storage Store. This request to add an additional 30,565 gsf of self-storage will only serve to further increase the value of adjacent properties, in the same way our initial development did.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE
PROPERTY INVOLVED BECAUSE

At the time this site was developed, the use of self-storage was not limited to a .5 acre site, nor was interior access to units listed as a requirement required. The TOD zoning was applied to this property after the fact. In order to make better use of the site, we are requesting a use variance to allow us to add additional self-storage units on site to better serve the community's storage needs. This request does not substantially change the nature or use of the site, it simply expands an existing use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES
AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH
THE VARIANCE IS SOUGHT BECAUSE

The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because the zoning ordinance was changed after we developed our site and the new code limits the functioning of our existing site and the ability for us to effectively serve our customers.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN
BECAUSE

The grant does not interfere substantially with the comprehensive plan because the request for the use variance is not bringing a new use to the site. It is simply expanding the existing use. In our experience, the use of self-storage is both necessary and successful in TOD areas. When situated near public transit, approximately 50% of our customers utilize alternative transportation to access their storage units. One of the many benefits of a TOD is to allow for a variety of housing options. For many, a self-storage unit acts as an extension of their home. This is certainly true of those who live in smaller homes and apartments.

DECISION

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

Adopted this _____ day of _____, 20 _____



View looking east along Pendleton Pike



View looking west along Pendleton Pike



View of site looking west



View of site looking west in area of proposed expansion



View of site looking west in area of proposed expansion



View of site looking west in area of proposed expansion



Views of site looking south



View of site looking west



View of site looking northeast along northern boundary



View of site looking east



View of site looking southeast



View of site looking east



View of site looking east



View of site looking northeast



View of site looking west



View of site looking north



View of site looking northwest



View for site looking southeast towards Pendleton Pike



View for site looking southwest towards Pendleton Pike



View for site looking southwest towards Pendleton Pike