

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-123
Address: 8550 East 30th Street (approximate address)
Location: Warren Township, Council District #13 (#9 Beginning 2024)
Petitioner: Marotza Y Castro Rivas, by David Kingen
Request: Rezoning of 0.64 acre from the I-2 district to the SU-1 district, to provide for religious uses.

RECOMMENDATIONS

Staff **recommends denial** of the rezoning.

If approved, staff would recommend approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of 30th 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).

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.64-acre subject site is developed with a commercial building that was historically used as an animal clinic.

REZONING

- ◇ The request would rezone the site from the I-2 district to the SU-1 district for religious uses.
- ◇ 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 SU-1 district is only intended for religious uses.
- ◇ The site falls within the Industrial Reserve (IR) overlay, which 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.

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STAFF REPORT 2023-ZON-123 (Continued)

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along 30th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

- ◇ Due to the existing industrial reserve overlay, staff cannot support the rezoning of the site to a zoning district that would ultimately never allow for industrial use again if the proposed religious use on site were to cease. For this reason, staff would recommend that the petitioner file for a Special Exception for the religious use instead.
- ◇ Table 743-1: Use Table, notes that the I-2 district contemplates religious uses in the I-2 district as a special exception so long as the use-specific standards are met.
- ◇ Because there are industrial uses in the immediate proximity, staff determined that the use-specific standards could be met and would be supportable since the zoning district would remain I-2 to ensure that future industrial uses could still be possible on site.
- ◇ Staff is concerned that the site might not be large enough for a religious use due to the limited parking available on site, but that would ultimately be determined by the number of seats the proposed church would have for its congregation. Staff would not support any variances needed for the site to be used as a religious use if the existing layout of the site does not meet the petitioners needs.
- ◇ For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

| | | |
|-----|-------|---------------------|
| I-2 | Metro | Commercial Building |
|-----|-------|---------------------|

SURROUNDING ZONING AND LAND USE

| | | |
|-------|-----|----------------|
| North | I-2 | Railroad |
| South | I-3 | Industrial Use |
| East | I-3 | Industrial Use |
| West | I-2 | Industrial Use |

COMPREHENSIVE PLAN

The Comprehensive Plan recommends light industrial development.

THOROUGHFARE PLAN

30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and a 80-foot proposed right-of-way.

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STAFF REPORT 2023-ZON-123 (Continued)

FLOODWAY / FLOODWAY FRINGE This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

84-UV3-46; 8550 East 30th Street (subject site), Rehearing of 84-UV3-46, variance of use of the Industrial Zoning Ordinance to provide for the construction of a 40 x 50-foot building for an animal clinic, to modify the building and site plans to provide for 60-foot setback from the right-of-way as opposed to a 70-foot setback previously approved, **granted**.

ZONING HISTORY – VICINITY

2008-ZON-082; 8620 East 30th Street (east of site), Rezoning of 0.919 acre, being in the C-S District, to the C-S classification to provide for all I-2-S uses, **approved**.

2005-ZON-159; 8535 and 8600 East 30th Street (south of site), Rezoning of eleven acres from I-2-S and I-3-S to SU-1, **withdrawn**.

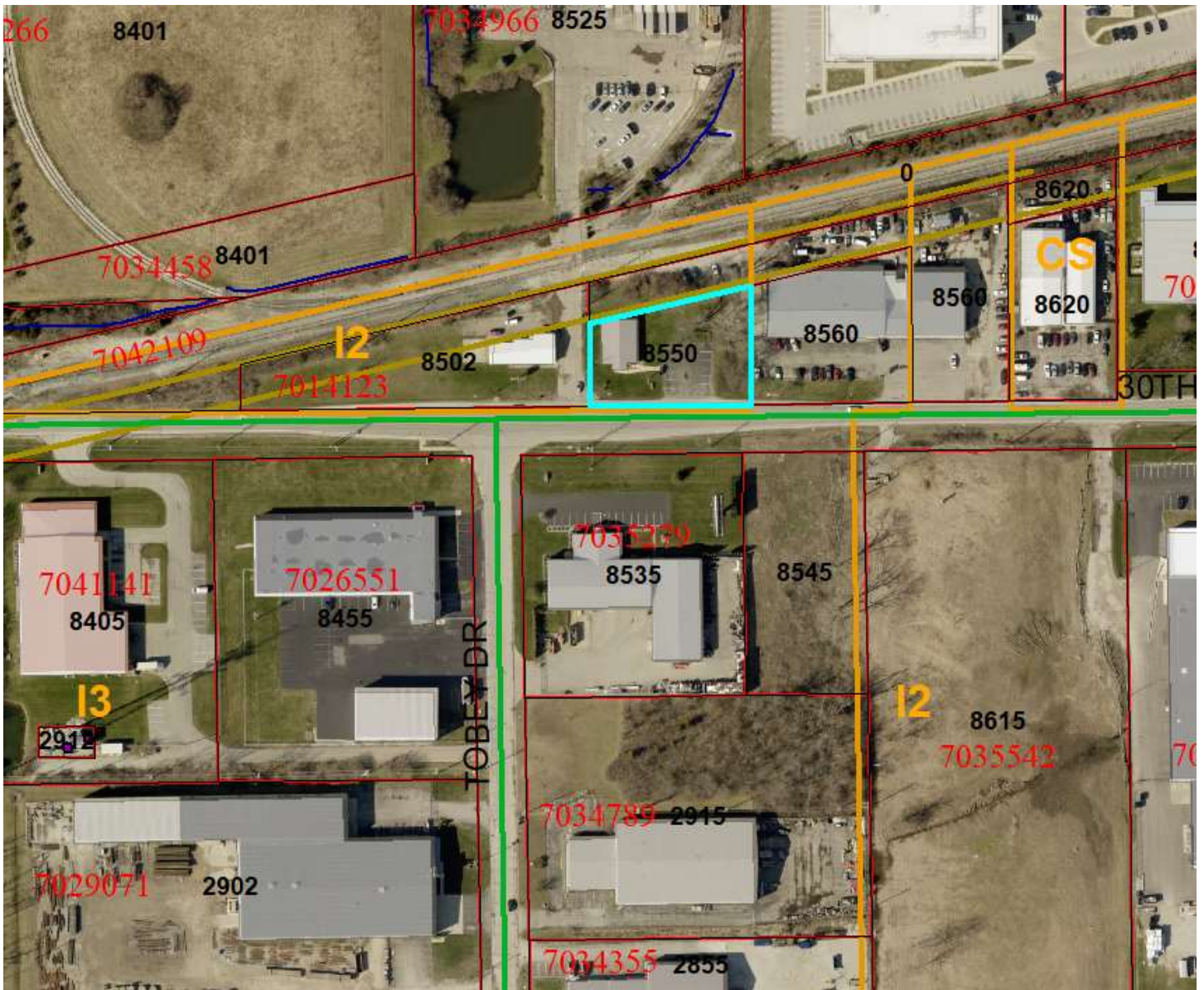
90-Z-192; 8309 East 30th Street (southwest of site), Rezoning of 1.25 acres, being in the I-3-S District to the SU-18 classification to provide for the construction of an electrical substation, **approved**.

87-Z-25; 2502 North Post Road (southeast of site), Rezoning of 98.35 acres, being in the I-2-S, I-3-S, D-7, C-1 and C-4 districts, to the C-S classification, to provide for a mixed use complex consisting of a water park, outdoor recreation, offices, restaurants, motels, neighborhood retail uses, light industrial uses and office-warehouses, **withdrawn**.

76-Z-86; 8620 East 30th Street (formerly 8630 East 30th Street) (east of site), Rezoning of 0.67 acre from I-2-S to C-S to provide for warehouse storage, parts distribution, and sales and service of lawn mowers, **approved**.

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2023-ZON-123; Location Map



2023-ZON-123; Photographs



Photo of the Subject Property: 8550 East 30th Street



Photo of the Subject Property: 8550 East 30th Street



Photo of the railroad north of the subject site looking northwest.



Photo of the railroad north of the subject site looking north.



Photo of the industrial use south of the site.