



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

November 21, 2024

**Case Number:** 2024-ZON-128  
**Property Address:** 8040 East Southport Road  
**Location:** Perry Township, Council District #25  
**Petitioner:** Kopetsky's Auto Wash, by Elizabeth Bentz Williams  
**Current Zoning:** C-3  
**Request:** Rezoning of 1.21 acres from the C-3 District to the C-4 District to provide for an automobile and light vehicle wash use.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Denial.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**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 three 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 1.21-acre site, zoned C-S, is undeveloped and surrounded by commercial uses to the north, zoned C-3 and C-S; single-family dwellings to the south across East Southport Road, zoned D-P; undeveloped land to the east, zoned C-3; and a retention pond to the west, zoned C-3.

Petition 2014-CZN-824B rezoned this site to the C-3 district to provide for an integrated commercial center.

## **REZONING**

The request would rezone the site to the C-4 (Community-Regional) District. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”

The Comprehensive Plan recommends office commercial typology for the site.

As proposed, this request would not be consistent with the Plan because the office commercial typology was intended to provide a buffer between the residential uses to the south and west and the commercial uses to the north, serving as a transition from low intense residential uses to more intense commercial uses. Additionally, it would be an intensification of what was contemplated at the time this site was rezoned in 2014.

Furthermore, the car wash operations are primarily outdoor operations that create increased traffic, trash, and noise that would be more detrimental to surrounding land uses.

For these reasons, staff is recommending denial.

## **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.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Undeveloped land	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North: C-3 / C-S	Commercial uses
	South: D-P	Single-family dwellings
	East: C-3	Undeveloped land
	West: C-3	Retention pond
<b>Thoroughfare Plan</b>		
East Southport Road	Primary Arterial	Existing 140-foot right-of-way and proposed 80-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	October 7, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	October 7, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Office Commercial typology. “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.”

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types –Office Commercial Typology*
  - 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.
  - Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.

The Pattern Book recommends the following uses for the office commercial typology: large-scale offices, small-scale offices, retailing, and personal or professional services, small-scale schools, places of worship, neighborhood-serving institutions/infrastructure, and other places of assembly and small-scale parks.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### 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

**2014-CZN-824A / 2014-CZN-824B / 2014-CZN-824C / 2014-CVR-824; 8120 East Southport Road**, requested rezoning of 28.15 acres from the D-A district to the C-4 classification to provide for an approximately 98,500 square foot grocery store, a fueling station and integrated commercial center (Part A); rezoning of 5.9 acres from the D-A district to the C-3 classification to provide for an integrated commercial center (Part B); rezoning of 19.15 acres from the D-A district to the D-6II classification to provide for a multi-family development (Amended – Part C); and a variance of development standards of the Commercial Zoning Ordinance to provide for a grocery store, a gasoline station and commercial retail development, a) with outdoor seating and dining, b) with 500 square feet of outdoor storage on the fueling station parcel; and c) with 665 parking spaces, **approved and granted**.

### VICINITY

**2013-ZON-070; 6725 South Franklin Road (east of site)**, requested a rezoning of three acres from the D-A district to the C-3 classification to provide for a gas station, **approved**.

**2007-ZON-075; 7016 South Franklin Road (east of site)**, requested rezoning of 3.15 acres from the D-A District to the C-1 classification to provide for office-buffer commercial uses, **approved**.

**2001-ZON-821 (2001-DP-006) / 2001-PLT-821; 8515 Indian Creek Road (east of site)**, requested rezone 33.647 acres from D-A to D-P to provide for 29.147 acres of single-family residential development of 83 lots (2.84 units/acre), 2 acres of commercial development, and 4.5 acres for educational uses, and requests approval of a subdivision plat to be known as Indian Creek Meadows, dividing 29.147 acres into 83 lots, with a waiver of perimeter sidewalk to be an asphalt bike / pedestrian path, cul-de-sac length, and local street width for density over 2.5 units / acre, **approved**.

**2001-ZON-042; 8710 – 8822 Indian Creek Road South (east of site)**, requested a rezoning of 29.61 acres being in the D-A district to the SU-2 classification to provide for a bus barn, athletic fields, communication labs and other educational uses, **pending**.

**2000-ZON-010; 8750 East Southport Road (east of site)**, requested a rezoning of 69.494 acres being in the D-A District to the SU-2 classification, **approved**.

**99-Z-107/99-DP-18; 7835 East Southport Road (east of site)**, requested rezoning of 80.64 acres from the D-A district to the D-P classification to provide for a single-family subdivision, **approved**.

**97-UV3-46; 6223 and 6225 South Franklin Road (east of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a daycare/preschool facility, **granted with conditions**.

**97-Z-53; 7700 East Southport Road (west of site)**, requested a rezoning of 2.662 acres from D-A to SU-39 to provide for water tanks and a water pumping station, **approved**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**96-Z-42 / 96-DP-4; 8101 East Southport Road (east of site)**, requested rezone 93.5 acres from D-A to DP to provide for 199 single-family residential lots, **approved**.

**96-Z-6A; 6610 South Franklin Road (east of site)**, requested a rezoning of 58 acres being in the D-A district to the SU-3 classification to provide for the development of a golf course, **approved**.

**96-Z-B; 6636 South Franklin Road (east of site)**, requested a rezoning of 1 acre being in the D-A district to the D-1 classification to provide for the continued use of an existing single-family residence, **granted**

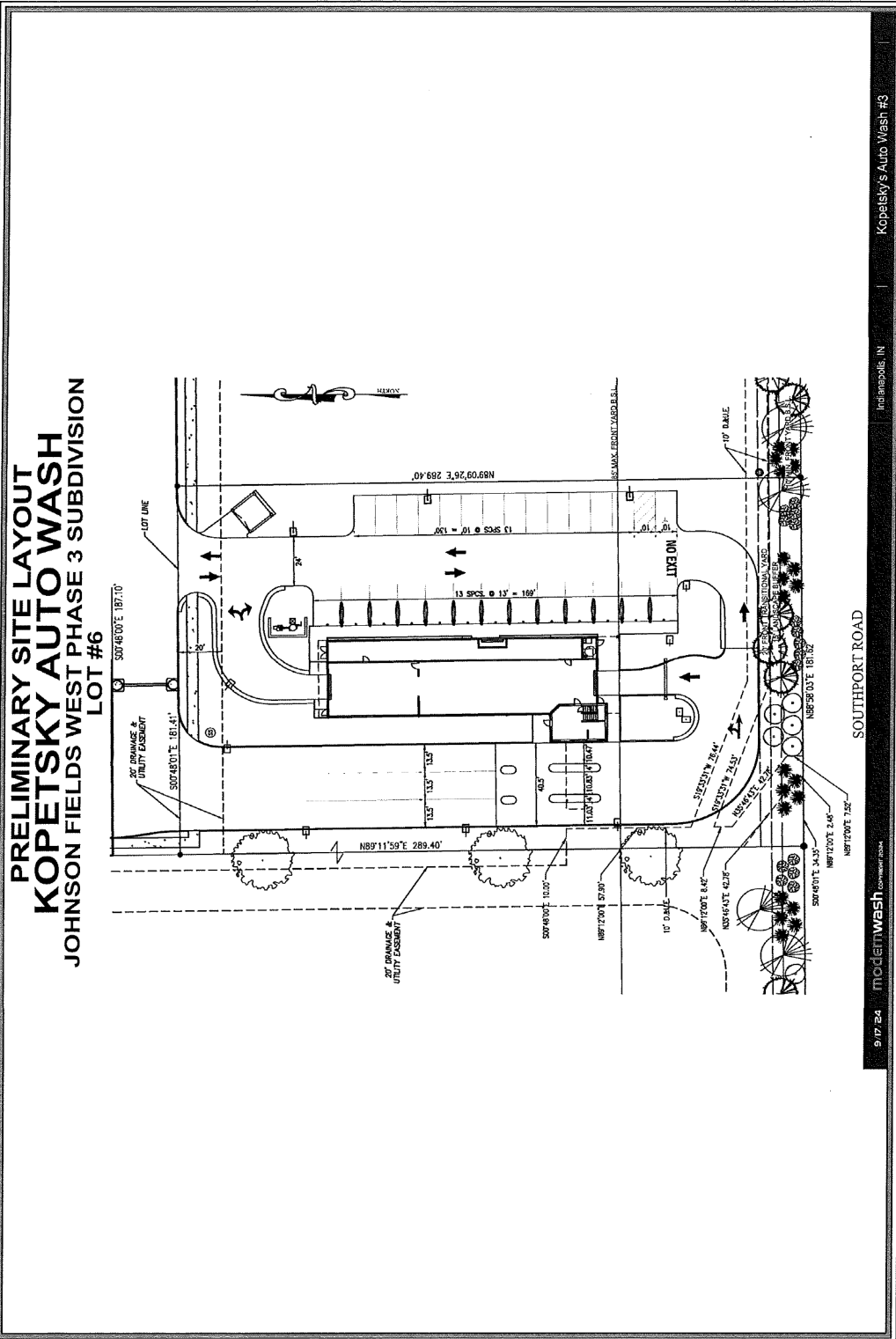
**84-Z-204; 7802 East Southport Road (east of site)**, requested the rezoning of 20.63 acres, being in the A-2 District, to the SU-5 classification to provide for the construction and maintenance of a radio broadcasting tower and accessory building, **approved**.

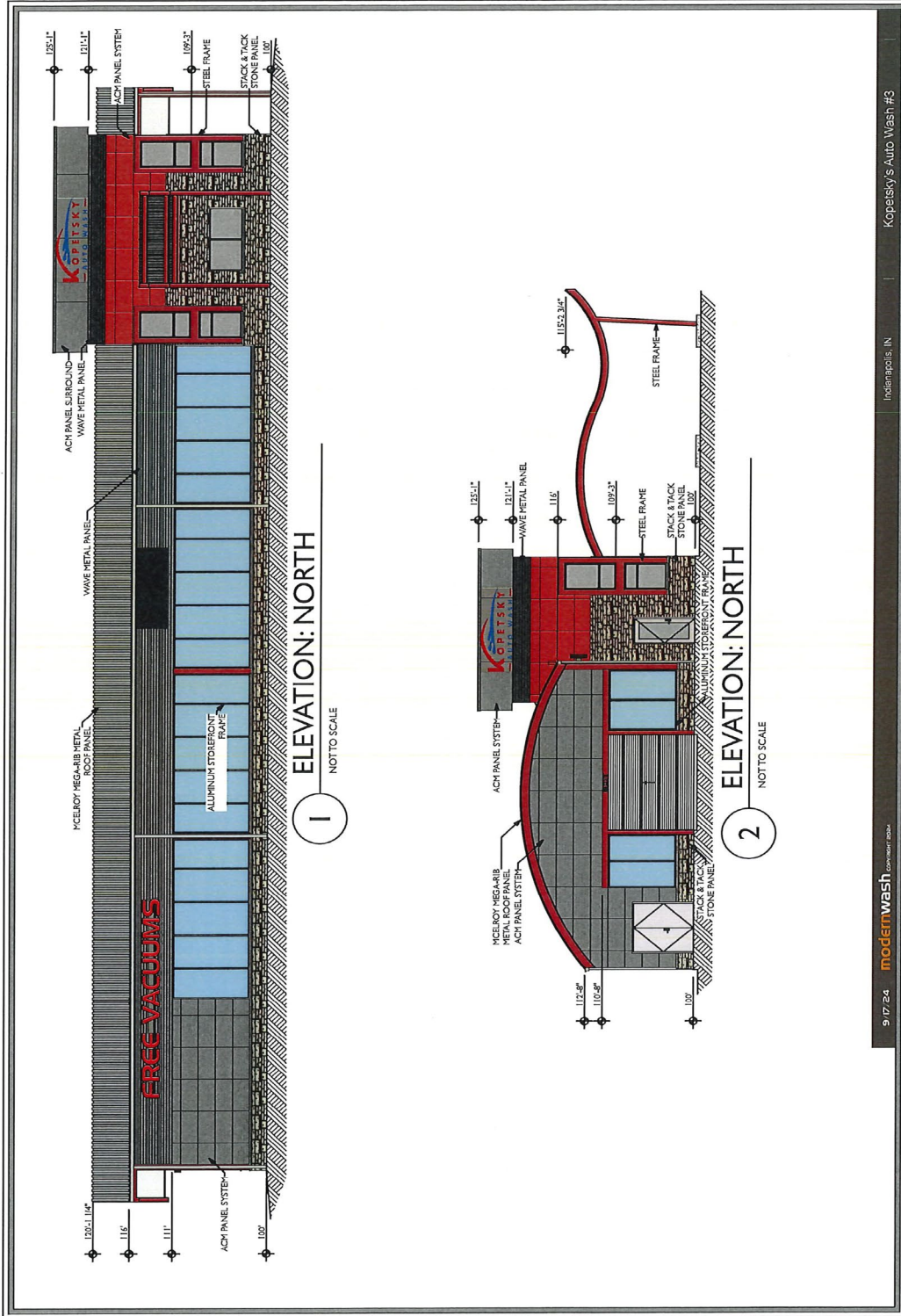
**83-Z-5 / 83-CV-4; 7802 East Southport Road (east of site)**, requested the rezoning of 20.83 acres, being in the A-2 District, to the D-12 classification to permit the development of 58 two-family residences on platted lots, **denied**; and, a variance of development standards of the Dwelling Districts Zoning Ordinance to permit a reduction in the minimum lot area, lot width, side yard, and front setback requirements, **withdrawn**.

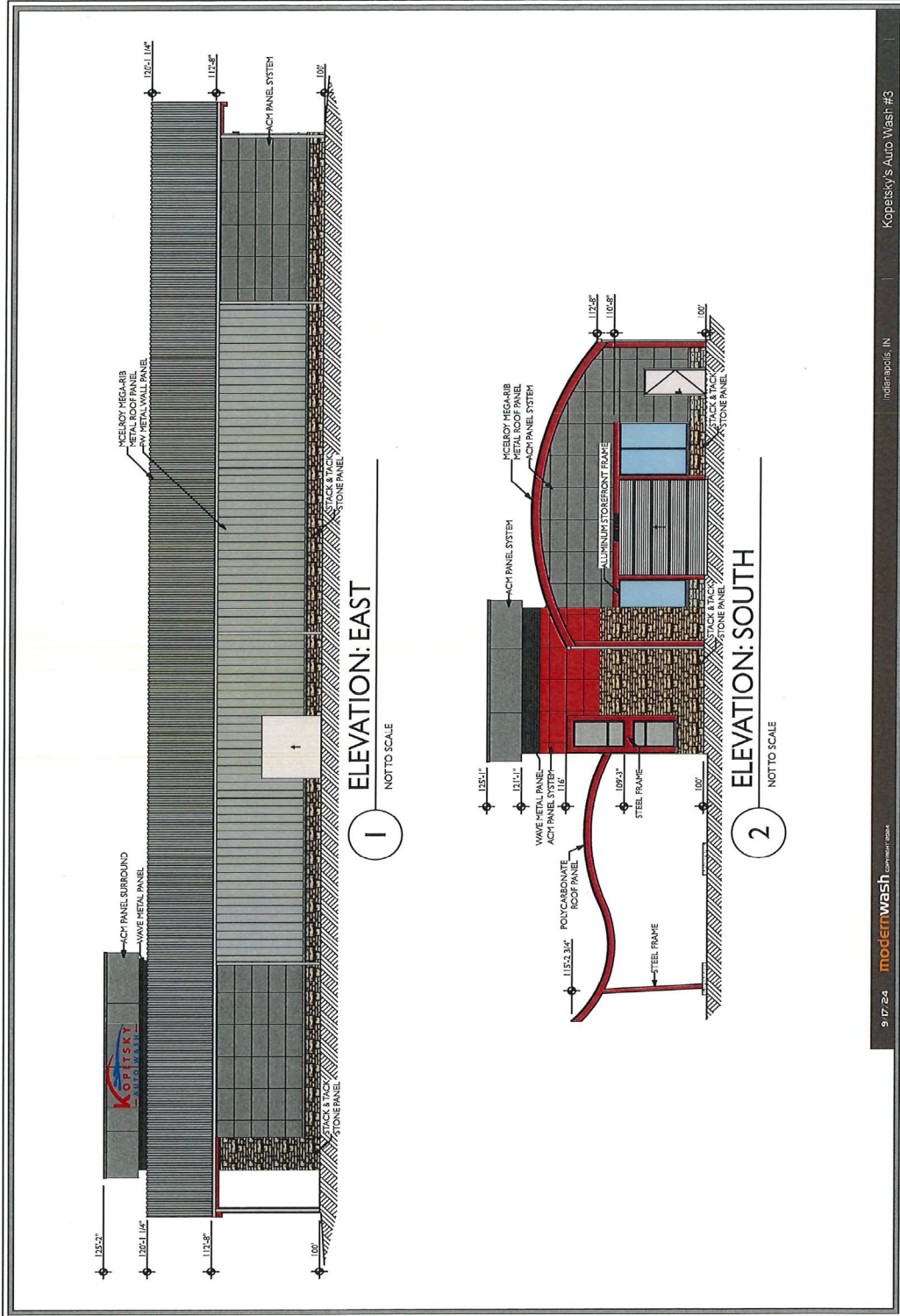




















View of site looking north across East Southport Road



View of site looking north across East Southport Road





View looking west along private drive



View looking east along private drive





View of site looking south across private drive



View from site looking north across private drive



View from site looking east