



## METROPOLITAN DEVELOPMENT COMMISSION

February 21, 2024

<b>Case Number:</b>	2023-ZON-114
<b>Property Address:</b>	2307 Post Drive
<b>Location:</b>	Warren Township; Council District #19
<b>Petitioner:</b>	Indy 70, LLC, by Bill Niemier
<b>Current Zoning:</b>	C-4
<b>Request:</b>	Rezoning of 1.714 acres from the C-4 district to the I-3 district to provide for truck parking.
<b>Current Land Use:</b>	Vacant land
<b>Staff Recommendations:</b>	Recommends Denial
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

## PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the December 28, 2023 hearing, to the January 25, 2024 hearing.

This petition was heard by the Hearing Examiner on January 25, 2024. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

## STAFF RECOMMENDATION

Denial. If approved staff requests 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 / receptacles provided for the proper disposal of trash and other waste.
2. A final site plan shall be submitted for Administrator Approval prior to any disturbance on the site and prior to the issuance of an Improvement Location Permit (ILP).

## PETITION OVERVIEW



This 1.714-acre site, zoned C-4, is vacant land surrounded by industrial uses to the north, zoned I-2; Interstate 70 right-of-way to the south, zoned C-4 / SU-9; commercial uses to the east, zoned C-4; and an extended-stay hotel to the west, zoned C-4.

## Rezoning

“The I-3 district (medium industrial) is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.”

As proposed, the rezoning request would not be consistent with the Comprehensive Plan recommendation of community commercial, which would contemplate either C-3 (Neighborhood Commercial) or C-4 (Community-Regional), depending upon the surrounding land uses.

Staff believes the introduction of more intense industrial uses would not be appropriate and would be detrimental to the surrounding land uses.

Furthermore, the grant of a Special Exception for this use would be required in accordance with the Ordinance, along with all development standards.

No site plan for the proposed use has been submitted but because this site has been cleared, staff believes there are no encumbrances that would prevent redevelopment of the site that would comply with all development standards. In other words, staff would not support any requested variances as final plans are prepared if this is approved.

## 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-4	
<b>Existing Land Use</b>	Commercial uses (vacant)	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	I-2	Industrial uses
South:	C-4 / SU-9	Interstate 70 right-of-way
East:	C-4	Commercial uses
West:	C-4	Extended stay hotel
<b>Thoroughfare Plan</b>		
Post Drive	Marion County Thoroughfare Plan (2019)	This portion of Post Drive is a private street with a 52-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	This site is not located within a floodway / floodway fringe.	
<b>Overlay</b>	This site is not located within an overlay.	
<b>Wellfield Protection Area</b>	This site is not located within a wellfield protection area.	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<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 Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology for the site.
- 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.

### Pattern Book / Land Use Plan

- 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.
- Industrial uses are not included as a recommended land use by The Pattern Book.
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**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)

- Not Applicable to the Site.



## ZONING HISTORY

**97-Z-177; 2301 Post Drive (west of site)**, requested rezoning of 4.15 acres from the I-2-S district to the C-4 classification to provide for commercial uses, **approved**.

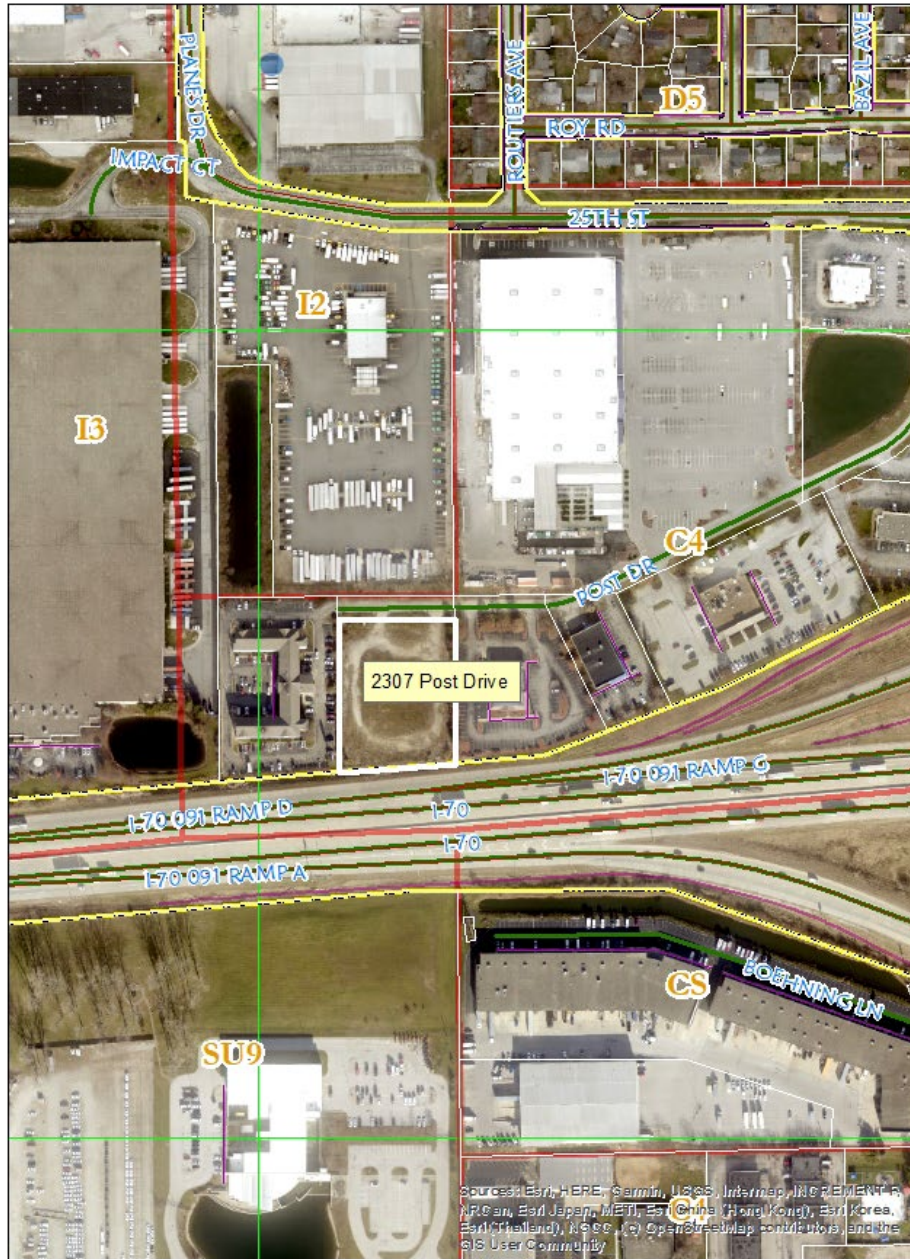
**89-Z-240 A, B, and C; 2490 North Post Road (east of site)**, requested rezoning of 15.86 acres, being in the D-7, C-4, and C-1 districts to the C-4, C-3 and C-6 classification, **approved**.

**87-Z-26; 2502 North Post Road (east of site)**, requested 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 use and office-warehouse, **withdrawn**.

**87-Z-25; 2450 Tobey Drive (north of site)**, requested rezoning of 18 acres, being in the I-3-S district to the SU-16 classification, **withdrawn**.

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EXHIBITS



2307 Post Drive



0 0.0150.03 0.06 0.09 0.12 Miles

Sources: Esri, HERE, Garmin, USGS, Imagery, AeroGRID, IGN, SDA, Airphoto, DigitalGlobe, GeoEye, Earthstar (United States), CNR, Aermap, IGN, Swire, NRCAN, Esri Japan, METI, Esri (China), Swire, Esri (Korea), Esri (Thailand), Swire, (c) OpenStreetMap contributors, and the GIS User Community



## MEMORANDUM OF EXAMINER'S DECISION

**2023-ZON-114**

**2307 Post Drive**

The petition requests the rezoning of 1.71 acres from the C-4 district to the I-3 district to provide for truck parking.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted the extended stay hotel west of it and the commercial uses east of it. Interstate 70 abuts the site on the south, and light industrial uses are north of it.

The petitioner's representative said that the petitioner bought the site about 5 years ago, and no interest had been shown in it, other than for truck parking. The representative explained that the site had become blighted and a place for dumping and homeless camps, and suggested that truck parking was better than these uses.

The new City-County Councilor for this district appeared in opposition, there was a letter of opposition from the Councilor for the adjacent district, and it was shared that Warren Township Development Association also opposed the petition. It was mentioned that numerous truck parking facilities are trying to locate in Warren Township.

Staff opined that the existing C-4 district is appropriate for this site, and I-3 is not. Staff stated that truck parking on this site does not fit in with existing uses, especially given its characteristic of operating all hours every day. Staff reiterated that a Special Exception would be required to allow truck parking, and that petition was not filed.

In your Hearing Examiner's opinion, it is the property owner's responsibility to keep this site clean and secure. The requested I-3 district is inconsistent with surrounding zoning districts and inappropriate for this area. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on February 21, 2024





View looking east along Post Drive



View looking west along Post Drive



View of site looking south across Post Drive



View of site looking south across Post Drive



View of site looking south across Post Drive



View of site looking east from adjacent property to the west



View from site looking west from adjacent property to the east



View of site looking west from adjacent property to the east



View from site looking northwest at adjacent use to the west



View from site looking northwest



View from site looking north across Post Road



View from site looking north across Post Drive



View from site looking north across Post Drive



View from site looking northwest across Post Drive



View from site looking north across Post Drive



View from site looking northeast across Post Drive