

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-027 (amended)
Address: 7250 North Keystone Avenue (approximate addresses)
Location: Washington Township, Council District #2
Petitioner: Gerber Collison and Glass
Request: Rezoning of 7.20 acres from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) district to provide for Automobile Service and Repair.

ADDENDUM FOR SEPTEMBER 15, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the July 28, 2022 hearing, to the September 15, 2022 hearing, at the request of the petitioner.

No new information has been submitted to the file.

ADDENDUM FOR JULY 28, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the June 9, 2022 hearing, to the July 28, 2022 hearing, at the request of the property owner.

No new information has been submitted to the file.

ADDENDUM FOR JUNE 9, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the May 23, 2022 hearing, to the June 9, 2022 hearing at the request of staff to provide time for staff to contact the petitioner for an update.

Staff contacted the petitioner and understands they are in the process of providing an amended request that would include a reduction in the acreage that is requested to be rezoned. No information has been submitted to the office but staff will provide updated comments at the hearing.

ADDENDUM FOR MAY 23, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the April 28, 2022 hearing, to the May 23, 2022 hearing, at the request of staff.

Staff has not received any contact from the petitioner or their representative.

Staff continues to recommend denial for the previous stated reasons but would reiterate that if the area proposed to be rezoned would be reduced to only the area occupied by the building and the adjacent parking, staff would reconsider the request. Furthermore, staff no longer requests a donation of any portion of the site.

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

ADDENDUM FOR APRIL 28, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the March 24, 2022 hearing, to the April 28, 2022 hearing, to provide additional time for the petitioner to determine whether a reduction in the acreage to be rezoned would be acceptable. If so, an updated legal description would be prepared and submitted to the file.

At the time of this update, no information has been submitted to the office for review. As noted, staff would reconsider the request if the acreage to be rezoned would be decreased, thereby eliminating the undisturbed area within the southwest portion of the site from this request. The area would remain a D-4 district.

March 24, 2022

RECOMMENDATIONS

Staff **recommends denial** of the request. However, if the southwest portion of the site would be donated to the Department of Parks and Recreation, staff would reconsider the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 7.20-acre site, zoned D-4 and C-4 (FW)(FF) is developed with an automobile service and repair business. It is surrounded by single-family dwellings and commercial uses to the north, zoned D-4 and C-3, respectively; undeveloped land and commercial uses to the south, zoned D-A and C-5, respectively; commercial uses to the east, across North Keystone Avenue, zoned C-4; and single-family dwellings and park to the west, zoned D-4 and PK-1.
- ◇ Petition 89-UV1-44 provided for outdoor display and sale of vehicles with a 10-foot front setback.

REZONING

- ◇ This request would rezone the site from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) classification to provide for automobile service and repair. "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."

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- ◇ 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 serves as a policy guide as development occurs. Below are the relevant policies related to this request:

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.

Floodway / Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

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- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note, except for a small portion of the access drive along Ruth Drive, the entire site lies within the 100-year floodplain.

Planning Analysis

- ◇ The 1989 variance of use permitted outdoor display and sale of vehicles. The current use as an automobile vehicle service and repair operation has been operating illegally since the conversion occurred. Admittedly, the zoning boundary bisects the building with the C-4 district located along North Keystone Avenue frontage. Staff believes that zoning classification is appropriate along this commercial corridor but expanding that C-4 district boundary to the west that abuts a residential neighborhood, and a park would not be appropriate.
- ◇ During a site visit staff observed a large area of stored vehicles awaiting repair. If approved, vehicle storage could be expanded to the west and south, which would have a substantially negative impact on the residential neighborhood and park. Additionally, staff would note that the Pattern Book recommends against outdoor storage if adjacent to residential uses and living typologies.
- ◇ In staff's opinion, the request would not be consistent with the Comprehensive Plan recommendation of community commercial because of the proximity of the adjacent land uses to the west.
- ◇ The Department of Parks and Recreation has requested a donation of a portion of the site that would be contiguous to and integrated with the park to the west. See Exhibit A.
- ◇ If this donation would occur, staff would reconsider the request because it would limit the amount of outdoor storage and offer more open green space for the residents.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-2 / C-4 (FF)(FW) Commercial uses

SURROUNDING ZONING AND LAND USE

North -	D-4 / C-3	Single-family dwellings / commercial uses
South -	D-A / C-5	Undeveloped land / commercial uses
East -	C-4	Commercial uses
West -	D-4 / PK-1	Single-family dwellings / park

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COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.
THOROUGHFARE PLAN	This portion of North Keystone Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 145-foot right-of-way and a proposed 124-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is not located within an overlay.
FLOODWAY / FLOODWAY FRINGE	This site is located within the 100-year floodplain.

ZONING HISTORY

89-UV1-44; 7250 North Keystone Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor display and sales of vehicles, with a 10-foot front setback, **granted**.

88-Z-136; 7250 North Keystone Avenue, requested the rezoning of 3.268 acres, being in the C-3 (FF) District to the C-5 (FF) classification, **approved**.

VICINITY

2005-ZON-179; 7216 North Keystone Avenue (south of site), requested rezoning of 3.6 acres, being in the SU-34 (FW)(FF) and D-A (FW) Districts, to the C-4 (FW)(FF) classification to provide for community-regional commercial uses, **approved**.

2004-UV3-046; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1,440-square foot greenhouse and a 400-square foot temporary sales tent (not permitted) related to an existing landscaping lawn and garden center, **granted**.

2001-ZON-036; 2100 East 71st Street (south of site), requested the rezoning of 10.696 acres from the D-A District to the SU-16 classification to provide for athletic fields and related accessory uses, **withdrawn**.

98-HOV-50G; 7101 North Keystone Avenue (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of beverage vending machines on gasoline pump islands (required placement against the wall of the primary building), **granted**.

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98-V3-89; 7246 North Keystone Avenue (south of site), requested a variance of development standards of the Wireless Communications Zoning Ordinance, to provide for a 20-foot height increase to an existing 100-foot monopole tower, located within 500 feet of a protected district (maximum 70 feet in height permitted), **granted**.

98-UV2-35; 2102 East 71st Street (south of site), requested a variance of use of the Special Districts Zoning Ordinance to provide for a telecommunications facility (not permitted) consisting of a monopole tower being 180 feet in height and a 12 by 20-foot equipment building, **granted**.

98-UV1-29; 7246 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a telecommunications facility (not permitted, with a cellular communications tower, being 100 feet in height (maximum 22 feet in height permitted at the proposed tower location), **granted**.

93-Z-128; 2507 East 72nd Street (south of site), requested rezoning of 0.29 acre from the D-5 District to the SU-9 classification to provide for construction of a fire station, **approved**.

91-UV3-51; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling District Zoning Ordinance to permit the placement of a cellular commercial facility and a 185-foot monopole tower, **granted**.

91-UV2-2; 2301 East 71st Street (south of site), requested a variance of use and development standards to provide for the reconstruction of a restaurant, which would serve alcohol within 100 feet of a dwelling district, **granted**.

89-UV1-33; 7215 North Keystone Avenue (east of site); requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a landscaping lawn and garden center with lawnmower sales and service, and seasonal plant and firewood sale, **granted**.

87-Z135; 7102 North Keystone Avenue (south of site), requested rezoning of 1 acre being in the SU-34 District, to the C-3 classification to provide for a restaurant, **approved**.

86-HOV-111; 7220 North Keystone Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for an eight-foot increase in the height of an existing advertising sign, **granted**.

86-HOV-23; 7215 North Keystone Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for the use of 2.917 by 38.917-foot electronic message panel attached to an existing advertising pole sign, **granted**.

85-UV2-20; 7209 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the retail sales of swimming pool equipment and accessories, **granted**.

85-UV2-5; 7216 North Keystone Avenue (south of site), requested a variance of use of the Special Use Districts Zoning Ordinance to provide for an addition to an existing health spa, **granted**.

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84-UV1-18; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale and outdoor display of lawn and garden products, including supplies, equipment, flowers, shrubs, small trees, firewood, and Christmas trees, **granted**.

84-Z-135; 7209 North Keystone Avenue (south of site), requested rezoning of 0.96 acre, being in the D-5 District to the C-3 classification to provide for commercial development, **approved**.

83-UV2-109; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards of the Sign Regulations to allow the erection of a pole sign in the required 5-foot setback at 0 feet from a diagonal right-of-way line, seven feet from the Keystone Avenue right-of-way extended and 11.5 feet from the 72nd Street right-of-way, **granted**.

74-UV3-27; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards to allow for the construction of a pizza restaurant with carry-out and beer sale, **granted**.

69-V4-104; 7216 North Keystone Avenue (south of site), requested a variance of use to provide for a pole sign for an existing health spa, **granted**.

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7250 North Keystone Avenue

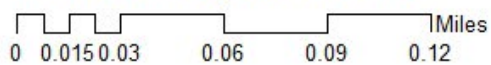


EXHIBIT A





View looking south along North Keystone Avenue



View looking north along North Keystone Avenue



View of site looking south



View of site looking south



View of site looking southeast



View of site looking north



View from site looking south