

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-053
Address: 2500 Lafayette Road (approximate address)
Location: Wayne Township, Council District #11
Petitioner: Luis Antonio & Maria E. Mena, by Don Fisher
Request: Rezoning of 0.762 acres from the C-4 district to the C-5 district to allow for vehicle sales.

ADDENDUM FOR AUGUST 2, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on July 13, 2023. 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.

After the hearing, staff was advised that the need for dedication of right-of-way along the frontage of Lafayette Road was not required, based upon the original plat recorded around the turn of the century. Approximately, 20 feet of the platted parcel was taken to provide for widening of Lafayette Road in the past. This right-of-way combined with the existing 40-foot half right-of-way would satisfy the 60-foot half right-of-way requested by staff. Consequently, staff eliminates the third requested commitment below, but continues to **recommend denial**, subject to Commitments One and Two below, to which the petitioners have agreed.

July 13, 2023

RECOMMENDATIONS

Staff **recommends denial** of this request.

If approved, staff would recommend 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 existing buffer located along the rear property line, adjacent to the residential neighborhood, shall be preserved and maintained.
2. 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 / receptables provided for the proper disposal of trash and other waste.
3. A 60-foot half right-of-way shall be dedicated along the frontage of Lafayette Road, 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).

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STAFF REPORT 2023-ZON-053 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.762-acre site, zoned C-4, is developed with automobile repair operation. It is surrounded by commercial uses to the north and south, zoned C-4; commercial uses to the east, across Lafayette Road, zoned C-4; and single-family dwellings to the west, zoned D-5.

REZONING

- ◇ This request would rezone the site from the C-4 District (Community-Regional District) to the C-5 classification (General Commercial). “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”
- ◇ 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 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.

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STAFF REPORT 2023-ZON-053 (Continued)

Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).

- **Outdoor display of merchandise should be limited.**
- **If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.**
- Should be located along an arterial or collector street.
- 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.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 60-foot half right-of-way along Lafayette Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

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

(Continued)

STAFF REPORT 2023-ZON-053 (Continued)

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.

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology and would, in fact, be an inappropriate intensification of the current commercial uses.
- ◇ Furthermore, the Pattern Book clearly indicates the negative impact of outdoor display and recommends that it not be located adjacent to residential uses.
- ◇ Staff would note the absence of any C-5 District in the area, which is further evidence that this request would be incongruent with the surrounding land uses and would negatively impact the area, particularly the residential neighborhood to the west.
- ◇ Staff, therefore, recommends denial of this request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4	Automobile repair
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SURROUNDING ZONING AND LAND USE

North -	C-4	Commercial uses
South -	C-4	Commercial uses
East -	C-4	Commercial uses
West -	D-5	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology. Marion County Land Use Pattern Book (2019).
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THOROUGHFARE PLAN	This portion of Lafayette Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 80-foot right-of-way and a proposed 102-foot right-of-way.
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CONTEXT AREA	This site is located within the compact context area.
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OVERLAY	There is no overlay for this site.
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STAFF REPORT 2023-ZON-027 (Continued)

ZONING HISTORY

2005-UV1-039; 2535 and 2545 Lafayette Road (east of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to modify condition Number One of variance petition 85-UV2-109 to provide for a revised site plan and landscape plan, **granted**.

93-UV1-55; 2537 Lafayette Road (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued use of an existing restaurant and the construction of a 16 x 30-foot pole storage building, **granted**.

85-Z-55; 2525 Lafayette Road (east of site), requested the rezoning of 0.28 acres, being in the D-4 district to the C-4 classification to provide for the operation of a retail cabinet store, **approved**.

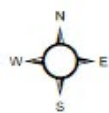
85-UV2-109; 2545 Lafayette Road (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of an office and garage for use as an automobile sales facility and with outdoor display and sales of vehicles, **granted**.

84-UV1-27; 2442 Lafayette Road (south of site), requested a variance of use to provide for the remodeling and expansion of an existing restaurant, **granted**.

82-UV1-91; 2527 Lafayette Road (east of site), requested a variance of use and development standards to permit commercial building to be used for salt and water conditioning sales and service of artificial kidney supplies, **granted**.

82-UV3-47; 2450 Lafayette Road (south of site), requested a variance of use and development standards to permit additional display of mini-barns in the front yard of a construction office along with two display garages, **granted for a maximum of three mini barns**,

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0 0.0075 0.015 0.03 0.045 0.06 Miles

2500 Lafayette Road

MEMORANDUM OF EXAMINER'S DECISION

2023-ZON-053

2500 Lafayette Road

The petition requests the rezoning of 0.76 acre from C-4 district to the C-5 district to allow for vehicle sales.

Your Hearing Examiner visited the site prior to the hearing and noted the variety of commercial uses along this section of Lafayette Road. The single family residential development adjacent to the west side of the site was also noted.

The petitioner's representative described the auto repair business that has been on this site for about 15 years and the desire to add vehicle sales. It was opined that this would be an appropriate use because Lafayette Road is a highly traveled primary thoroughfare. An exhibit was submitted that showed existing C-4 and C-5 zoning along Lafayette Road, and a second exhibit showed auto sales lots along Lafayette Road. The legality of the auto sales lots was not established. Although it was reported that two neighborhood organizations said they wouldn't oppose the rezoning request, no one appeared and there were no letters submitted.

Staff stated that it had opposed most use variances for auto sales in this area. Staff also pointed out that the requested C-5 district does not conform with the Comp Plan recommendation of Community Commercial, the Pattern Book specifies outdoor display is not appropriate in this area, and the residential area to the west needs to be protected.

In your Hearing Examiner's opinion, it is inappropriate to introduce C-5 zoning and uses on this site, because the primary zoning along this section of Lafayette Road is C-4. Your Hearing Examiner is also concerned about the impact of outdoor sales and display adjacent to an established residential area. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on August 2, 2023



View looking south along Lafayette Road



View looking north along Lafayette Road



View of site looking west across Lafayette Road



View of site looking west across Lafayette Road



View of site looking south from adjacent property to the north



View of site looking southwest from adjacent property to the north



View of adjacent uses to the south of site looking west, across Lafayette Road