

METROPOLITAN DEVELOPMENT COMMISSION October 24, 2024

Case Number: 2024-ZON-082

Property Address: 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65th Street (Approximate Addresses)

Location: Washington Township, Council District #3

Petitioner: Schmoll Development Company, L. P., by Gregory Zubek

Current Zoning: I-2

Request: Rezoning of 17.149 acres from the I-2 district to the C-S district to provide for commercial and light industrial uses, including uses permitted in the C-3 district and I-2 district, in addition to: sports performance training uses for all ages, including individual sports training, weight lifting and training, fitness personal training and conditioning, aerobics and spin training, assisted rehabilitation exercise program, yoga, Pilates, dance studio, martial arts training, specific sports training including batting cages and golf, plus, automobile and light vehicle wash, detailing, tinting (in buildings not facing 65th Street), and automobile, motorcycle and light vehicle service or repair (in buildings not facing 65th Street).

Current Land Use: Industrial Park

Staff Recommendations: Staff recommends approval, subject to a commitment

Staff Reviewer: Edward D. Honea Jr, Interim Current Planning Administrator

PETITION HISTORY

This petition was original scheduled for hearing before the Hearing Examiner on August 15, 2024. However, due to a discrepancy with the filed legal description, Staff requested that this petition be continued to the September 26, 2024, hearing.

A timely automatic continuance was filed by the Greater Allisonville Community Council, continuing this petition from the September 26, 2024 hearing, to the October 24, 2024 hearing in order to further review the request. No additional information was provided to the file. Therefore, Staff continues to recommend approval of the request.

STAFF RECOMMENDATION

Staff recommends approval of the request, subject to the following commitment:

- Uses shall be regulated by the CS Development Statement file-dated July 7, 2024

PETITION OVERVIEW

- The subject site (Schmoll Industrial Park) consists of 15 primary buildings across 17 acres in an Industrial-Office style integrated center. The Industrial Park was formally established by variance grant in 1970 (70-V3-146). Given the absence of an approved rezoning case, it is presumed that the subject site was likely granted an I-2-S zoning designation after the unification of County/City Zoning post UniGov. The adoption of Indy Rezone unified the I-2-S and I-2-U Districts to the I-2 District.
- The subject site has been the subject of numerous variances since then, with varying degrees of outcomes (see Land Use History below).
- The applicant originally filed a variance of use for the subject site (2024-UV2-002) to allow for various sports performance and training uses. After discussion with the applicant, Staff strongly recommended a rezoning of the property that would be responsive to the planned and approaching completion of the Nickel Plate Trail to accommodate future redevelopment of the subject site. This petition was withdrawn at the June 11, 2024 hearing of the Board of Zoning Appeals, with a full transfer of filing fees to accommodate a rezoning filing.
- As proposed, the request would allow for continued operation of I-2 uses, and introduce C-3 uses in addition to sports performance, training, and instruction uses.
- Staff would note that it initially found the sports related uses to be concerning due to the potential for competitions that are reasonably associated with such uses to overwhelm nearby residential areas in terms of parking spillover, noises, and after traditional business hours traffic increases. The applicant has included a prohibition of these operations within the C-S Statement, with the exception small internal exhibitions of skill. This would prohibit community, regional or national competitions with other gyms or programs from competing on site.
- Other restrictions on uses include automobile-oriented businesses within buildings that face East 65th Street, allowing them only in internally located buildings within the integrated center. In addition, no outdoor storage associated with these uses, particularly vehicles awaiting service, would be permitted.
- While the request represents a deviation from the Land Use Pattern Books Industrial Reserve designation, Staff would note that this overlay district is typically given to large swaths of existing industrial developments. This is due to the difficulty of deploying the industrial districts in large blocks due to general proximity to less intense uses.
- However, Staff would note that the request is responsive to other elements of the Comprehensive Plan, particularly IndyMoves (Pedal Indy) and the Livability Principles of the Zoning Ordinance, particularly providing more transportation choices, enhancing economic competitiveness, and coordinating policies by leveraging investments.



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- As proposed, Staff believes the request to be a reasonable compromise in allowing for continued historical uses, sports instruction, and community commercial uses that Staff believes the Nickel Plate Trail completion will drive demand for.
- Furthermore, Staff would note that any large-scale redevelopment of the subject site would require, at minimum, a modification of the C-S Statement filed with the petition, as the site plan, uses and general site layout would be substantially different. This ensures that the Metropolitan Development Commission and nearby residents will have future input into the sites long term future.

GENERAL INFORMATION

Existing Zoning	I-2		
Existing Land Use	Industrial Park		
Comprehensive Plan	Light Industrial		
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>	
	North:	I-2	Light Industrial
	South:	I-2	Light Industrial
	East:	I-2	Light Industrial
	West:	D-A	Nickle Plate Railroad / Undeveloped
Thoroughfare Plan			
	East 65 th Street	Primary Collector	50-foot existing right-of-way, 80-foot proposed right-of-way
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	July 7, 2024		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	July 7, 2024		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- [Pattern Book, Indy Moves]

Pattern Book / Land Use Plan

- [The Land Use Pattern Book recommends Light Industrial development. The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling and printing. Industrial or truck traffic should be separated from local/residential traffic.
- The Land Use Pattern Book also recommends the Industrial Reserve overlay for the subject site. This overlay 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.]

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 Pedal Indy component of Indy Moves, a plan geared towards improving the quality of life of Marion County Residents through multi-modal infrastructure recommendations – strongly promotes the completion of the Nickel Plate Trail in order to enhance trail access for pedestrians and cyclists.
- The objective of the Nickel Plate Trail is to maximize the usability of a retired railroad line and improving connectivity to other nearby walking and bicycling facilities. Within Marion County, the Nickel Plate Trail will connect to the Monon via 42nd Street, enabling Nickel Plate Trail users traveling south to benefit from the Monon's upcoming multi-use trail bridge over 38th Street.

- Once completed, the Marion County portion of the Nickel Plate Trail will extend from the 42nd Street & Monon Trail Area, northwards to the 96th Street & Allisonville Road area. The cities of Fishers and Noblesville are reviewing plans to extend the trail from this terminus to downtown Noblesville.]

ZONING HISTORY

2024-UV2-002; 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65th Street (Approximate Addresses); requests Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the following as primary uses: sports performance training uses; physical fitness and athletics instruction and training; and dance and gymnastics instruction (not permitted); **withdrawn.**

2020-UV2-010; 5133 East 65th Street; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for alcohol sales by the drink, carryout alcohol sales and outdoor seating related to a microbrewery with a tasting room and retail sales of beer and merchandise; **granted.**

2019-UV3-007; 5143-5145 East 65th Street; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a recording studio and an event center; **withdrawn.**

2015-UV1-009; 5143 East 65th Street; requests variance of use of the Industrial Zoning Ordinance to provide for a restaurant; **granted.**

2006-UV2-021; 5127 East 65th Street; requests variance of use of the Industrial Zoning Ordinance to provide for the retail sale of equipment and ingredients for beer and wine making; **granted.**

2006-SE3-003; 5127 East 65th Street; requests a special exception of the Industrial Zoning Ordinance to provide for the retail sale of equipment and ingredients for beer and wine making in an existing building; **withdrawn.**

2004-UV1-012; 5210 East 65th Street; requests variance of use of the Industrial Zoning Ordinance to provide for a kennel and pet-grooming salon in an existing 14,500-square foot industrial structure; **granted.**

97-UV3-17; 5153 East 65th Street; requests variance of use and development standards of the Industrial Zoning Ordinance to provide for the operation for the retail sales, services, repair and storage of boats: a). with unenclosed operations located approximately 450 feet from a Protected District and outside storage located approximately 420 feet from a Protected District; b) with boat storage exceeding the height of the fence without landscape screening on all sides of the fenced area; and c) 5,850 square feet devoted to outside storage or 49% of the buildings; **granted.**

97-UV3-44; 5282 East 65th Street; requests variance of use and development standards of the Industrial Zoning Ordinance to provide for a walk-in showroom and instructional music studios, with 87% of the required front yard devoted to off-street parking; **granted.**

91-V1-126; 5139 East 65th Street; requests variance of development standards of the Industrial Zoning Ordinance to permit the construction of a 12 x 30 cellular communications building and monopole tower with a side yard setback of 20 feet and a rear yard setback of 10 feet; **granted.**



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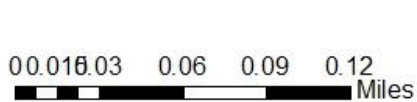
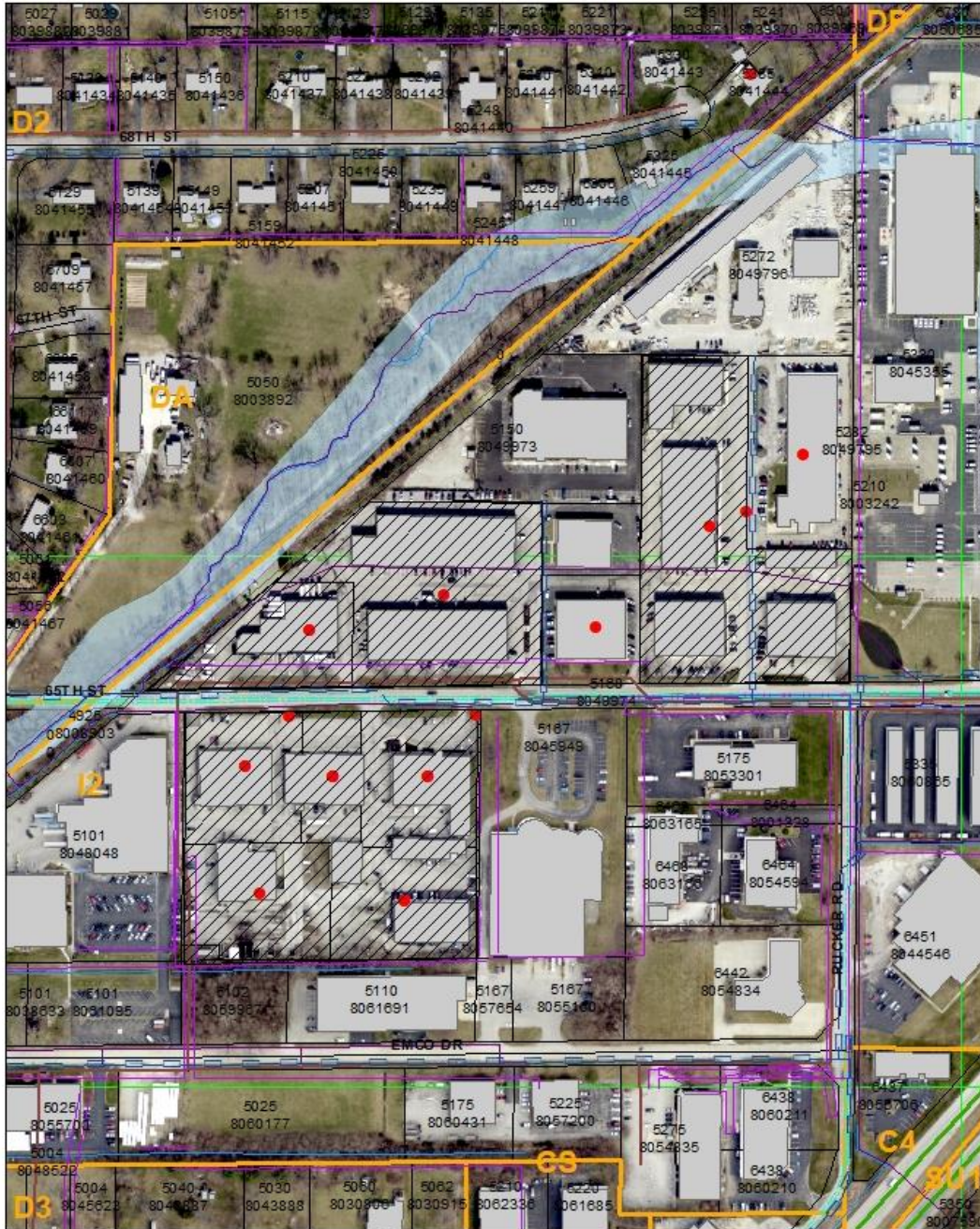
88-HOV-83; 5149 East 65th Street; requests variance of development standards of the Industrial Zoning Ordinance to provide for a fourteen-foot east side setback and seventeen-foot west side setback; **granted.**

78-V3-49; 5149 East 65th Street; requests variance of development standards of the Industrial Zoning Ordinance off-street parking within the required front yard; **granted.**

70-V3-146; micro film damaged; established Schmoll Industrial Park

EXHIBITS

Area Map:



CS Statement, File-dated July 7, 2024:

Site and Development Plan for Rezoning the Schmoll Industrial Park to CS

The Schmoll Industrial Park ("Park") was developed over the period of time from the 1950s through 1980. It consists of 15 buildings on approximately 17 acres. All of the property is owned by Schmoll Development Company L. P. ("LP") except for one tax parcel with one building thereon which is owned by Gregory M. Schmoll ("Greg"), individually. Greg is also the general partner of LP. The Park was generally developed first by Greg's father who is now deceased and then by Greg after his father's passing. Greg lives in Indianapolis and actively manages the Park along with his son, Ian Schmoll, and his daughter, Heather Schmoll Grilley. The Park is fully developed and a site plan of the Park is attached hereto. The Park is generally occupied by local businesses the conduct uses which are permitted by I2 zoning. However, traditional I2 permitted uses, including, but not limited to, light manufacturing and medium manufacturing, have been declining nationwide and therefore the development plan for the Park is to rezone the Park to CS which would result in the existing 15 buildings in the Park remaining with additional uses therein being permitted.

Proposed uses for rezoning of Schmoll Industrial Park Property to CS.

Uses would include the following:

1. All uses permitted by current I2 zoning.
2. All uses permitted by C3 zoning.
3. Sports Performance training uses for all ages including but not limited to
 - Individual sports/strength/speed/stamina/mobility training
 - Weight lifting and training
 - Fitness Personal training & conditioning
 - Aerobics and spin training
 - Assisted rehabilitation exercise program after injury
 - Yoga
 - Pilates
 - Boxing instruction/training
 - Dance Studio
 - Dance Instruction (tap, jazz, ballet, modern and other genres)
 - Gymnastics Academy
 - Martial Arts training and instruction including but not limited to
 - Kickboxing
 - Karate
 - Tae Kwon Do
 - Specific sports training and instruction including but not limited to
 - Batting cages
 - Electronic golf swing practice/instruction
 - Private sports and fitness training
4. Automobile and light vehicle wash, detailing, tinting and minor modifications (in buildings not facing 65th Street). There would not be outdoor overnight storage of vehicles being detailed, tinted and otherwise modified.
5. Automobile, motorcycle and light vehicle service or repair (in buildings not facing 65th Street). The service and repair operations to be permitted would be inside the existing structures and there would not be overnight parking of vehicles. The operations of service or repair of vehicles would be in the vein of a repair shop where appointments are made for service and will not be



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in the vein of quick oil change shops where drive up cars are stacked awaiting the previous drive up customer to have service completed.

None of the uses set out in # 3 above shall be for material exhibitions or competitions such as county competitions, state competitions sectional or regional competitions. However, there may be internal exhibitions where the students perform or exhibit their skills for family and friends on an occasional basis; e.g. parents of the gymnastics students invited to an exhibition to see the skills being taught but such occurring without straining the parking situation at the industrial park.

Several of the commercial uses of C 3 are in contemplation of the development of the Nickel Plate trail and the possibility of the commercial uses being an amenity to trail users. GAAC was particularly vocal about these uses being desirable in the Park. At this time there is one micro brewery on site via a variance and one small luncheon eatery. While additional similar uses are not presently contemplated by petitioner, the development of the trail could create some demand for such uses in the future.

Photos:



Photo One: East 65th Street, Facing East

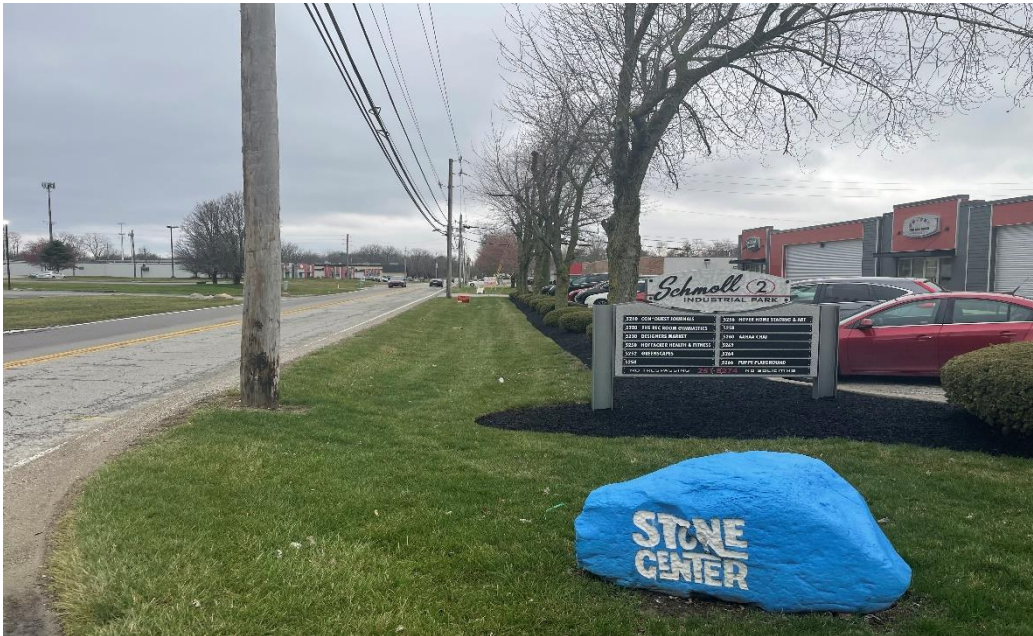


Photo Two: East 65th Street, Facing West



Photo Three: East 65th Street Façade Example, facing Northwest



Photo Four: Example of Industrial Park Access Drive, Facing North



Photo Five: Development Across East 65th Street, Facing South



Photo Six: Looking Southwest, Across East 65th Street, toward Schmoll Park Extension