



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 24, 2024

Case Number: 2024-ZON-116 (Amended)
Property Address: 4105 and 4151 East 96th Street (Approximate Addresses)
Location: Washington Township, Council District #4
Petitioner: Tom Wood, Inc., by Joseph D. Calderon
Current Zoning: C-S (FW) (FF)
Request: Rezoning of 4.058 acres from the C-S (FW) (FF) district to the C-S (FW) (FF) district to provide for an automobile dealership in addition to the uses permitted with 2023-CZN-869.
Current Land Use: Commercial and Industrial
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the October 10, 2024 hearing to the October 24, 2024 hearing at the request of staff to correct an addressing error and allow for additional time to meet the published notice requirement.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 4.058-acre subject site is comprised of two undeveloped outlots (Lot 2 and Lot 3) subdivided in 2023 per 2023-PLT-104. The site is part of an overall development plan approved through rezoning petition 2023-CZN-869.

ZONING

This petition requests a rezoning from the C-S district to the C-S district to provide for an automobile dealership. It would also allow for automobile, motorcycle and light vehicle service or repair and outdoor display and sales, ongoing in conjunction with automobile sales as accessory uses in addition to the uses already permitted on site per 2023-CZN-869.

The Special Commercial district (C-S) is established for the following purposes:

1. To encourage:
 - i. A more creative approach in land planning.
 - ii. Superior site and structural design and development.
 - iii. An efficient and desirable use of open space.
2. To provide for a use of land with high functional value.
3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural, or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped, or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

STAFF ANALYSIS

The site was previously approved for the following uses: Commercial and Building Contractor, Offices, Light Manufacturing, Artisan Manufacturing, Recycling Station, Research and Development, Warehousing, Wholesaling and Distribution (including showroom with retail), Consumer Services, repair of Consumer Goods, Medical or Dental Office, Center or Clinic, Hair and Body Care Salon or Service, Financial and Insurance Services, Eating Establishment or Food Preparation, including brewery, distillery or tap room, Indoor Recreation/Entertainment, Retail, Light and Heavy General, Automobile, Motorcycle, and Light Vehicle Service or Repair, Hotel or Motel, Food Trucks, Vocational, Technical or Industrial School or Training Facility, Day Care Center or Nursery School and other Accessory Uses.

Staff's approval recommendation in 2023 was conditional to the removal of the Automobile, Motorcycle, and Light Vehicle Sales use on site.

In staff's opinion the proposed automobile related use would not align with the job generating uses that are otherwise proposed within this development. Instead, land would be dedicated for the storage of vehicles whether for sale or waiting for services/repairs which would not be the highest and best use of the site.



The subject site is an area surrounded by auto related uses, but that is primarily due to Hamilton County placing their least favorable uses at the City’s border.

Staff would note that there is a significant amount of uses that could be proposed at the two sites that would be permitted without the need to include an additional automobile related use.

For these reasons, staff is recommending denial of the request. There are concerns with the site plan showing limited landscape areas, where staff would request significant front yard landscaping along 96th Street in excess of the street frontage landscaping requirements and should meet all other landscape requirements including the Green Factor if approved against our recommendation.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Commercial and Industrial	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	Hamilton County	Automotive Services
South:	C-S / D-7	Offices / Multi-family dwellings
East:	C-S / D-7	Office / Multi-family dwellings
West:	C-S	Offices / Commercial
Thoroughfare Plan		
96th Street	Primary Arterial	87-foot existing right-of-way with 102-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	September 5, 2024	
Site Plan (Amended)	N/A	
Elevations	September 5, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	September 5, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends office commercial development for most of the site with the eastern property boundary being recommended as a floodway.
- The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.
- 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.
- **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.
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development. Large-Scale Offices Pedestrian connections between buildings should be provided. Street connections to perimeter roads should be provided.
- **Large-Scale Offices**
 - Pedestrian connections between buildings should be provided.
 - Street connections to perimeter roads should be provided.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Appropriate as a primary use only in major employment centers.
 - 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.
- The site falls within an environmentally sensitive overlay, specifically the 100-year flood plain, which removes large-scale offices. However, with the site already being fully developed except for the outlots along the street frontage, there isn't any woodlands, wetlands, or other natural features to be preserved. The development of the site would simply have to meet the flood plain regulations.



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

ZONING HISTORY – SITE

2023-CZN-869 / 2023-CAP-869; 4105 and 4151 East 96th Street (subject site), Rezoning of 30.64 acres from the C-S (FW) (FF) district to the C-S (FW) (FF) district to provide for the following uses: Commercial and Building Contractor, Offices, Light Manufacturing, Artisan Manufacturing, Recycling Station, Research and Development, Warehousing, Wholesaling and Distribution (including showroom with retail), Consumer Services, repair of Consumer Goods, Medical or Dental Office, Center or Clinic, Hair and Body Care Salon or Service, Financial and Insurance Services, Eating Establishment or Food Preparation, including brewery, distillery or tap room, Indoor Recreation/Entertainment, Retail, Light and Heavy General, Automobile, Motorcycle, and Light Vehicle Service or Repair, Hotel or Motel, Food Trucks, Vocational, Technical or Industrial School or Training Facility, Day Care Center or Nursery School and other Accessory Uses and Modification of Commitments related to 85-Z-128 and 98-Z-76 to terminate all existing commitments related to these two rezoning petitions, **approved**.

2023-PLT-104; 4105 and 4151 East 96th Street (subject site), Approval of a Subdivision Plat to be known as East 96th Street Development, dividing 28.569 acres into three lots, **approved**.

2021-MOD-006; 4151 East 96th Street (subject site), Modification of the site plan and Commitment Four of 98-Z-76 to provide for the expansion of the western warehouse building (development shall be substantially compliant with the site plan file-dated April 9, 1998), **approved**.

2020-ZON-080; 4105 and 4151 East 96th Street (subject site), Rezoning of 28.6 acres from the C-S (FF) district to the C-S (FF) district to provide for offices; warehousing; shipping and receiving; commercial and building contractors; assembly/modification; retail and wholesale sales with showroom; training and technology center; and conference/meeting rooms, **withdrawn**.

2018-CZN-861 / 2018-CAP-861; 4151 East 96th Street (subject site), Rezoning of 28.6 acres from the C-S district to the C-S district to add the sales, rental and repair of light vehicles, and mini-warehouses to the list of approved uses from 98-Z-76, and a modification of commitments to legally establish two signs and to provide for a third sign with a height of ten feet, **withdrawn**.

2018-UV1-004; 4151 East 96th Street (subject site), Variance of use to provide for the parking of vehicles for a temporary period, **approved**.

99-V1-20; 4151 East 96th Street (subject site), Variance of use to provide for building construction in a floodway, **approved**.

98-Z-76; 4301 East 96th Street (subject site), Rezoning of 19.7 acres from the C-S district to the C-S district to provide for retail sales, training center, offices, and warehousing, **approved**.

86-V3-20; 4301 East 96th Street (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the expansion of an office-warehouse with paved parking and loading area located at 10 feet from the rear property line (15 feet required), **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

85-Z-128A; 4301 East 96th Street (subject site), Rezoning of 102 acres from the A-2 district to the C-S district to provide for warehousing, distribution, offices, and multi-family dwellings, **approved**.

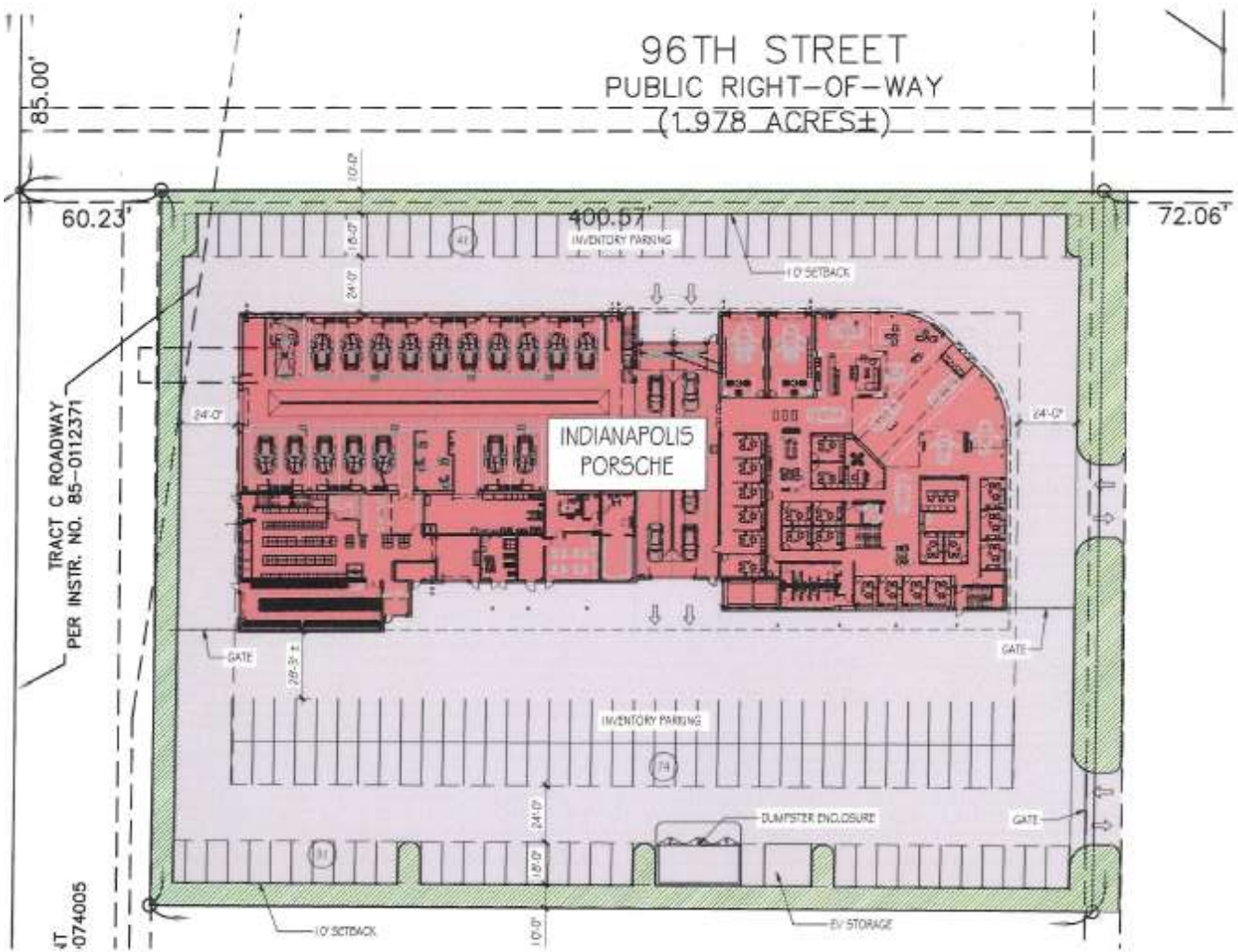
ZONING HISTORY – VICINITY

2011-ZON-003; 9265 Counselors Row, 9229 Delegates Row, 3665, 3750, 3850, 3939, and 3950 Priority Way, South Drive and 9190 Priority Way, West Drive (south of site), Rezoning of 49.5 acres from the C-S district to the C-S district to add educational uses to those permitted by 80-Z-91A, **approved**.

85-Z-128B; 4301 East 96th Street (east and south of site), Rezoning of 68 acres from the A-2 district to the D-7 district, **approved**.

80-Z-91A; 3801 East 96th Street (west and south of site), Rezoning of 187.10 acres, being in A-2, SU-23, and GSB secondary districts, to C-S classification to provide for the construction and operation of an office, commercial, industrial research, light industrial, and service complex, **approved**.

80-Z-91B; 9650 North River Road (south of site), Rezoning of 61.14 acres, being in A-2, SU-23, and GSB Secondary districts to total GSB Secondary classification to relocate gravel-sand-borrow operation, **approved**.



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Site Plan
 OPTION 1
 8/13/2024

Indianapolis
 2025-2034
 INDIANAPOLIS
 1700002



Amendment to C-S Development Statement

Introduction: Petitioner, Tom Wood, Inc., seeks to rezone approximately 4.03 acres of property commonly known as 4105 and 4151 East 96th Street (the “Subject Property”) as shown on the Concept Plan attached as Exhibit “A” in order to facilitate relocation of Tom Wood Porsche to the Subject Property. The Subject property is also referred to as Lots 2 and 3 in the proposed East 96th Street Development Secondary Plat.

Zoning: The Subject Property is currently zoned C-S, most recently as part of Case No. 2023-CZN-869. In order to develop the Subject Property as an Auto Dealership, the C-S Development Statement filed as part of 2023-CZN-869 needs to be amended solely to add the proposed use.

The following proposed permitted primary uses of Lots 2 or 3 shall be as follows:

- a) Medical or Dental Office, Center, or Clinic
- b) Hair and Body Care Salon or Service
- c) Financial and Insurance Services
- d) Consumer Services, repair of Consumer Goods
- e) Offices (Business, Professional or Government)
- f) Eating Establishment or Food Preparation, including brewery, distillery, tap room
- g) Indoor Recreation/Entertainment
- h) Retail, Light and Heavy General
- i) Hotel, Motel
- j) Day Care Center, Nursery School
- k) Automobile Sales

Permitted Accessory Uses of the Subject Property shall include the following:

- 1) Wireless Communication Facilities
- 2) Game Courts
- 3) Outdoor Storage (limited to Lot 1 only, to a maximum of twenty-five percent (25%) of total square footage of all buildings on Lot 1)
- 4) Outdoor Display and Sales, Temporary
- 5) Outdoor Seating or Patio
- 6) Renewable Energy Facility, Solar, Geothermal or Wind

- 7) Satellite Dish Antenna
- 8) Sign(s)
- 9) Temporary Construction Yard, Office, or Equipment Storage
- 10) Temporary Outdoor Event (no more than fifteen (15) consecutive days in any sixty (60) day period)
- 11) Vending Machines/Self-Serve Kiosk (outside)
- 12) Sidewalk Café/Food Trucks
- 13) Walk-up Window
- 14) Drive Through
- 15) Automobile, Motorcycle and Light Vehicle Service or Repair (in conjunction with Automobile Sales use described above)
- 16) Outdoor Display and Sales, Ongoing (in conjunction with the Automobile Sales described above)

Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance.

Landscaping plans are not yet fully developed for Lots 2 and 3. Prior to obtaining an improvement location permit for a new building, a detailed landscaping plan, consistent with that required for commercial uses set forth in Ch. 744, Art. V of the Zoning Ordinance, shall be submitted for Administrator's Approval. Off-street parking shall conform to the requirements set forth in Ch. 744, Art. IV of the Zoning Ordinance.

Signs:

The following sign types shall be permitted for Lots 2 and 3:

- 1) Monument (Business identification) Sign not to exceed twelve (12) feet in height and no more than one (1) for each lot
- 2) Ground (Business identification) Sign, in lieu of a monument sign, and no more than one (1) for each lot
- 3) Wall Signs, Awning, Canopy and Window Signs
- 4) Incidental, Temporary, and Other Signs as would otherwise be permitted in a commercial zoning district



Phasing of Development:

The project may be developed as generally shown on the conceptual site plan submitted with the C-S Rezoning Petition and this C-S Development Statement (the "Concept Plan"); provided, however, prior to applying for an Improvement Location Permit for a new building/development of a lot, a final site and development plan, consistent with the standards contained in this C-S Statement, shall be tendered for Administrators Approval.



Photo of the proposed location of the dealership looking south across 96th Street.



Photo of the proposed location of the dealership looking east from the western most driveway.



Photo of the other outlot east of the proposed dealership location.



Close up of the eastern outlot.



Photo of the commercial uses west of the site.



Photo of a car rental business north of the site in Hamilton County.



Photo of a car dealership north of the site in Hamilton County.