



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 23, 2024

**Case Number:** 2024-ZON-049  
**Property Address:** 2514, 2534, 2548, 2614, 2618 and 2620 West 16th Street  
**Location:** Wayne Township Council District #12  
**Petitioner:** Benjamin Hughes, Randall Hughes and Speedway Body Shop, Inc., by S. Gregor Zubek  
**Current Zoning:** D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts  
**Request:** Rezoning of 2.013 acres from the D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts to the C-4 (W-5) district to provide for community-regional commercial uses.  
**Current Land Use:** Automobile repair / vacant property  
**Staff Recommendations:** Approval, subject to the commitment noted below:  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Approval, 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:

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.

**PETITION OVERVIEW**

This 2.013-acre site, zoned D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts, is comprised of eight contiguous parcels, some which are vacant. It is surrounded by residential uses to the north, zoned D-5 (W-5); commercial uses to the south, across West 16th Street, zoned C-5 (W-5); commercial uses and residential uses to the east, zoned C-5 (W-5) and D-5 (W-5), respectively; and residential and commercial uses to the west, across Holmes Avenue, zoned D-5 (W-5) and C-3 (W-5), respectively.

Petition 64-V-33 provided for an addition to an existing building for automobile repair. Subsequently, petitions 78-UV2-62 and 90-UV1-147 provided for further building expansions.



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

The request would rezone the site to the C-4 (Community-Regional) District. “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.”

The Near West Neighborhood Land Use Plan recommends community commercial and the C-4 District.

As proposed, this request would be consistent with the Neighborhood Plan recommendations and its historical commercial use. Community commercial is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses.

Commercial uses surround the site on the east, south and west. As future development of the site occurs, however, the required buffers for the abutting neighbors to the north would include an eight-foot rear setback, plus the 12-foot-wide east / west alley (20 feet total), along with other required development standards that would improve the sight and mitigate the impact of this use on those residential uses.

Staff would note that except for a few shrubs along a portion of the 16th Street frontage, the site is devoid of landscaping. Furthermore, barbed wire has been installed on portions of the fence, which is prohibited. Staff would strongly encourage the property owner to make improvements to the site that would comply with the current development standards for the C-4 district.

#### Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located within W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

Staff would note the following uses are prohibited in the floodplain:

- a. Jails;
- b. Hospitals;
- c. Assisted living facilities;
- d. Nursing homes;
- e. Laboratories;
- f. Elementary, Middle or High Schools;
- g. Daycare facilities;
- h. Fire stations;
- i. Emergency operation centers;
- j. Police facilities;
- k. Truck, train, or bus terminal, storage or maintenance facility;
- l. Wrecking or salvage facility;
- m. Gas, oil or propane storage facility;
- n. Industrial laundry;
- o. Hazardous waste handling or storage facility; and
- p. Other public equipment storage facilities.



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>	D-5 (W-5), C-3 (W-5) and C-5 (W-5)	
<b>Existing Land Use</b>	Automobile repair / vacant land	
<b>Comprehensive Plan</b>	Community Commercial / C-4	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5 (W-5)	Residential uses
South:	C-5 (W-5)	Commercial uses
East:	D-5 (W-5) / C-5 (W-5)	Single-family dwelling / commercial uses
West:	D-5 (W-5) / C-3 (W-3)	Residential uses / Commercial uses

Thoroughfare Plan		
West 16th Street	Primary arterial	Existing 90-foot right-of-way and proposed 104-foot right-of-way.
Holmes Avenue	Local Street	Existing 48-foot right-of-way and proposed 48-foot right-of-way.
West 17th Street	Local Street	Existing 48-foot right-of-way and proposed 48-foot right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<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**

- Not Applicable to the Site.

**Pattern Book / Land Use Plan**

- Not Applicable to the Site.

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan (2014) recommends community commercial with the following description: This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the use. The uses in the land use category are designed to fulfill a broad range of retail, personal, professional, and business services and are either free standing or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:
  - Maximum Gross Floor Area: 125,000 square feet
  - Maximum Acreage: 25 acres
  - Service Area Radius: 2 miles
  - Location: On an arterial or at the intersection of an arterial with a collector.
  - Maximum Outlots: 3

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database

## ZONING HISTORY

**90-UV1-147; 2534 West 16th Street**, requested a variance of use of the Dwelling Districts Zoning Ordinance to permit an addition to an existing body shop, **granted**.

**80-UV3-56; 2616-2618 West 16th Street**, requested a variance of use and development standards to permit the existing building to remain as a tavern, **granted**.

**78-UV2-62; 2534 West 16th Street**, requested a variance of use and development standards to permit an addition to the front of an existing building for offices for automobile body repairs shop, **granted**.

**64-V-33; 2534 West 16th Street**, requested a variance of use for an addition to an existing building for auto repair, **granted**.

## VICINITY

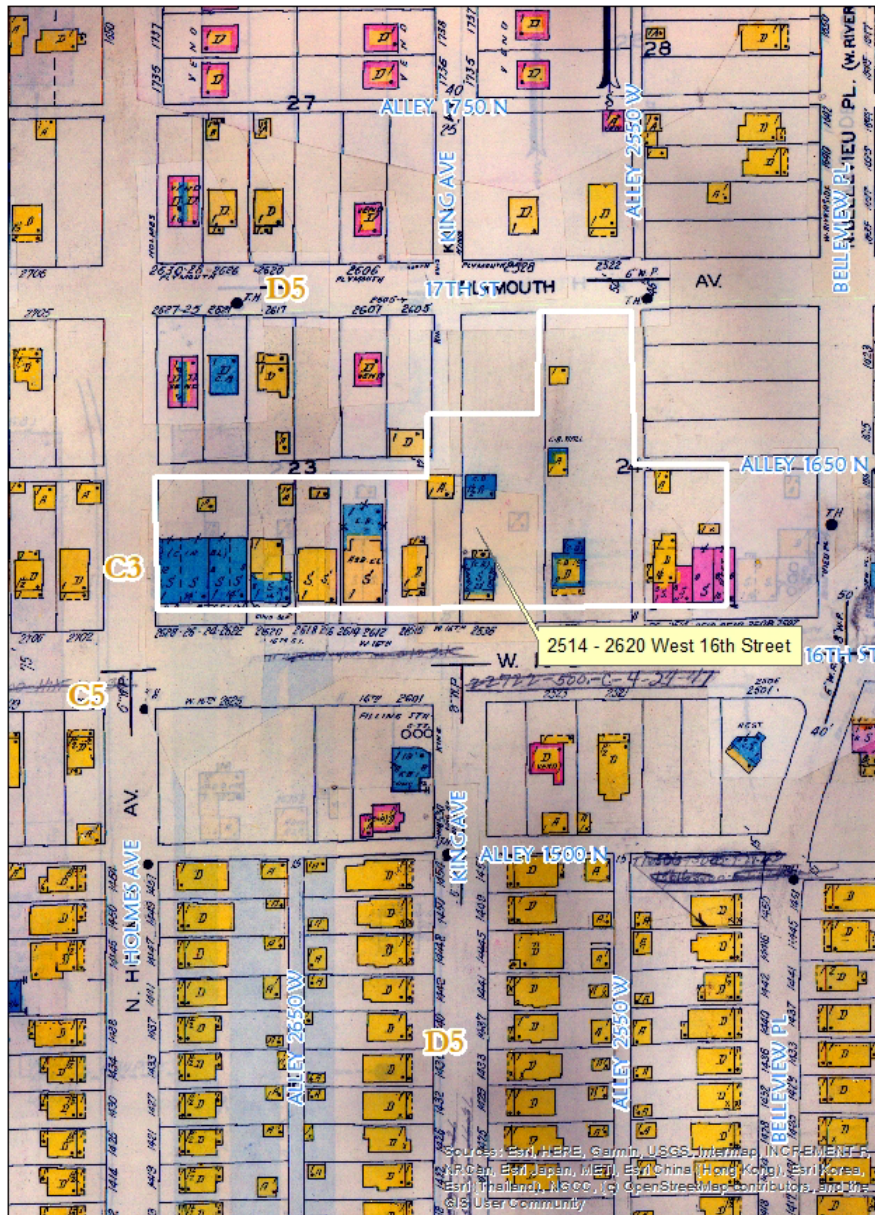
**2007-DV3-034; 1626 North Belleview Place (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,500-square foot attached garage addition, with reduced setback, **granted**.



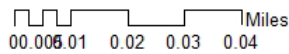




Sanborn Map 1915



2514-2620 West 16th Street







View looking east along West 16th Street



View looking west along West 16th Street





View of site looking north across West 16th Street



View of site looking northeast across West 16th Street





View of site looking west across Bellevue Place



View of site looking south across West 17th Street





View of site looking south across West 17th Street



View of site and adjacent residence looking south across West 17th Street





View from site looking north along Holmes Avenue



View of site looking east across Holmes Avenue





View from site looking north at single-family dwellings



View from site looking northeast





View from site looking east



View from site looking west





View from site looking southwest



View from site looking southwest across intersection of West 16th Street and Holmes Avenue



View from site looking west across Holmes Avenue