



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 14, 2024

Case Number: 2024-ZON-093 / 2024-VAR-011 (Amended)
Property Address: 4410 Allisonville Road (Approximate Address)
Location: Washington Township, Council District #8
Petitioner: EZ-Stor LLC, by David Kingen & Emily Duncan
Current Zoning: C-S
Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine parking spaces (minimum 30 parking spaces required).
Current Land Use: Industrial
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This petition was continued from the September 26, 2024 hearing to the November 14, 2024 hearing at the request of the petitioner to allow additional time to make changes to the plans and provide to staff for review. No changes to the plans were submitted to the case file.

September 26, 2024

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff **recommends denial** of the requests.

If approved against staff's recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. An 82-foot half right-of-way shall be dedicated along the frontage of Allisonville 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).

PETITION OVERVIEW

LAND USE

This 3.25-acre site, zoned C-S, is developed with a self-storage facility. It is surrounded by commercial uses to the northwest, across Old Allisonville Road and west, zoned C-5; medical office and multi-family dwellings to the east, across Allisonville Road, zoned MU-1; Fall Creek, park, and multi-family dwellings, across Binford Boulevard, to the south, zoned PK-2, PK-1, and D-7.

Petition 2000-ZON-869 rezoned the site to the C-S (W-1) to provide for a self-storage, self-service automobile wash bays and an apartment for an on-site manager.

REZONING

This request would rezone C-S district to the C-S classification to provide for C-1 office uses, one dwelling unit for the on site manager and an expansion of the self-storage facility, see Development Statement.

“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.”

The Ordinance identifies the purposes of the C-S District:

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 Comprehensive Plan recommends office/industrial mixed-use. “The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology.”

Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.

This site is located in an environmentally sensitive area (100-year floodplain). “The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.”

The request would be consistent with the Comprehensive Plan recommendation, however, staff is concerned that the expansion would result in a site that would be covered with buildings and pavement, leaving little space for landscaping and buffering for surrounding land uses (park and residential). Furthermore, the area proposed for expansion is located in the 100-year floodplain.

Staff would not object to an appropriate and reasonable expansion that would provide more areas of landscaping and buffering, but as proposed, a site primarily of hard surface would not be supportable.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which 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 designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

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.



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

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 are 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 in W-1 Fall Creek 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.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of an 82-foot half right-of-way along Allisonville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for nine parking spaces when the Ordinance requires one parking space for every 30 units, for a total of 30 required parking spaces for the 875 units proposed. The information filed indicates that the requirement would be decreased by 21 spaces.



The petitioner’s representative has not provided a finding of fact that presents a practical difficulty for a reduction of parking spaces. Furthermore, staff believes there is not a practical difficulty in the use of the site if the required number of parking spaces would be provided.

STAFF ANALYSIS

The grant of the request would allow for a two-story building expansion of the self-storage facility that would include 546 new units on site, with a total of 875 units.

Staff has concerns with the proposal since it would significantly reduce the green space in the front yard and would remove the trees that are in front of the existing building. Additionally, the existing sidewalk would be removed with no indication on the proposed site plan that a new sidewalk installation would be proposed as required.

Lastly, staff determined that the newly proposed building would create a site is completely made up of pavement and buildings which would leave no green space for drainage purposed. The request for the reduction of parking spaces indicates the overdevelopment of the site since the increased number of required parking spaces would not be needed without the large expansion proposed on site.

Because the rezoning would be tied to the C-S Statement and the site plan, staff cannot recommend approval of the rezoning since it would allow for the expansion that is not supportable by staff.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Mini warehouses	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-5	Commercial
South:	D-7 / PK-1 / PK-2	Park and Multi-family dwellings
East:	MU-1	Medical Office and Multi-family dwellings
West:	C-5	Commercial
Thoroughfare Plan		
Old Allisonville Road	Local Street	48-foot proposed right-of-way and 74-foot existing right-of-way.
Allisonville Road	Secondary Arterial Street	126-foot proposed right-of-way and 82-foot existing right-of-way.
Binford Boulevard	Binford Boulevard	104-foot proposed right-of-way and 116-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	



Wellfield Protection Area	Yes
Site Plan	August 26, 2024
Site Plan (Amended)	N/A
Elevations	August 26, 2024
Elevations (Amended)	October 14, 2024
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	August 2, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Marion County Land Use Plan Pattern Book (2019) recommends office/industrial mixed-use development for the site.
- The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.
- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Light Industrial Uses**
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- **Small-Scale Retailing, and Personal or Professional Services**
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.

- Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.
- Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

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)

- Indy Moves Transportation Integration Plan (2018) proposes a complete streets multi-use path along Allisonville Road from Binford Boulevard to 56th Street.

ZONING HISTORY

Zoning History – Site

2019-CZN-826; 4410 Allisonville Road (subject site), Rezoning of 3.25 acres from the C-S district to the C-S district to provide for C-1 office uses and to expand a self-storage facility, **approved**.

2019-CVR-826; 4410 Allisonville Road (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for nine parking spaces, a 20.3-foot tall, 221-square foot freestanding pole sign, with a 140-square foot digital display equaling 63% of the sign area located 50 feet from the nearest protected district (maximum 20-foot height for pole signs, maximum 100-square foot digital display, pole sign not permitted with digital display, digital display cannot exceed 40% of sign area, 600-foot separation required). **withdrawn**.

2019-CVC-826; 4410 Allisonville Road (subject site), Vacation of an irregular portion of Binford Boulevard, being approximately 70 feet wide, consisting of 0.28 acre from the west right-of-way line of Allisonville Road to a point along the 70-foot right-of-way of Binford Boulevard 265.72 feet to the west, being a part of Lots 20, 21, 23, 24, 25 and 26 in Fall Creek Boulevard Addition recorded in Plat Book 20, Page 34 in the Office of the Recorder of Marion County, with a waiver of the assessment of benefits, **adopted**.

2013-VAC-010; 4410 Allisonville Road (subject site), Vacation of four-foot-wide utility easements along the east side of Lots Four to Eleven, along the west side of Lots 18-23, along the south side of Lot 21 and along the north side of Lots 23-24, **approved**.

2000-VAC-869; 4405 Allisonville Road (subject site), Vacation of the four utility easements: **approved**.

2000-ZON-869; 4405 Allisonville Road (subject site), Rezoning of 2.8 acres from the C-5 (W-1) district to the C-S (W-1) classification to provide for a self-storage facility, self-service automobile wash bays, and an apartment, **approved**.

96-VAC-22; 4407 Allisonville Road (subject site), Vacation of a utility easements, being approximately 8 feet in cumulative width, between Lots 4 through 11 and Lots 18 through 24 of Fall Creek Boulevard Addition, recorded in Plat book 20, page, 34, **withdrawn**.

Zoning History – Vicinity

2020-DV3-065; 4405 Allisonville Road (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 16.33-foot-tall building and façade transparencies ranging from seven percent to 24% (minimum 25-foot height and 40% transparency required), **void**.

2017-ZON-044; 2717 Anna Lane (east of site), Rezoning of 1.194 acres from the MU-1 (W-1) (FF) District to the C-3 (W-1) (FF) classification, **withdrawn**.



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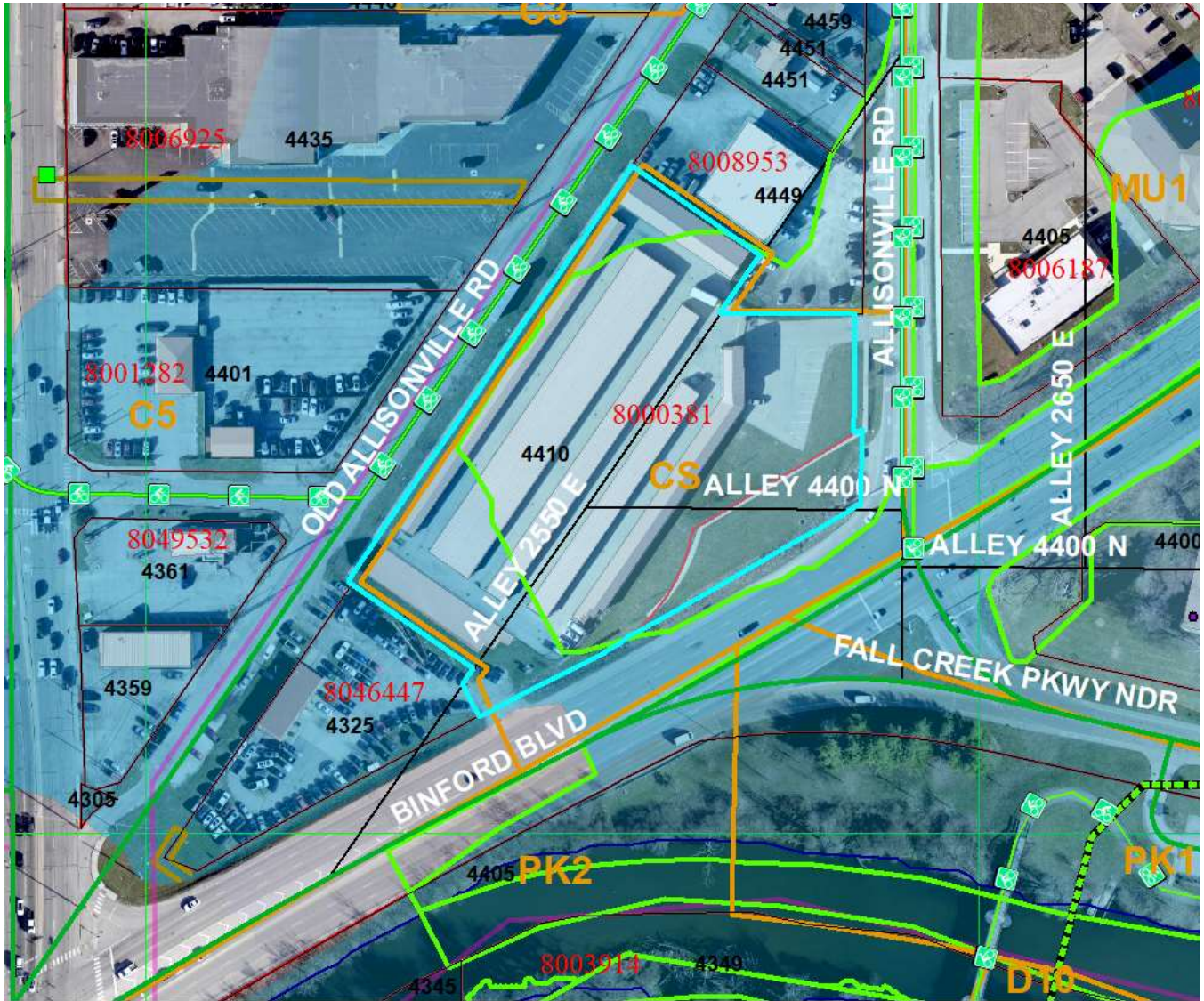
93-UV1-17; 4446 Allisonville Road (north of site), Variance of use of the Commercial Zoning Ordinance to provide for the continued operation of an automobile sales service and repair shop including body work, **approved**.

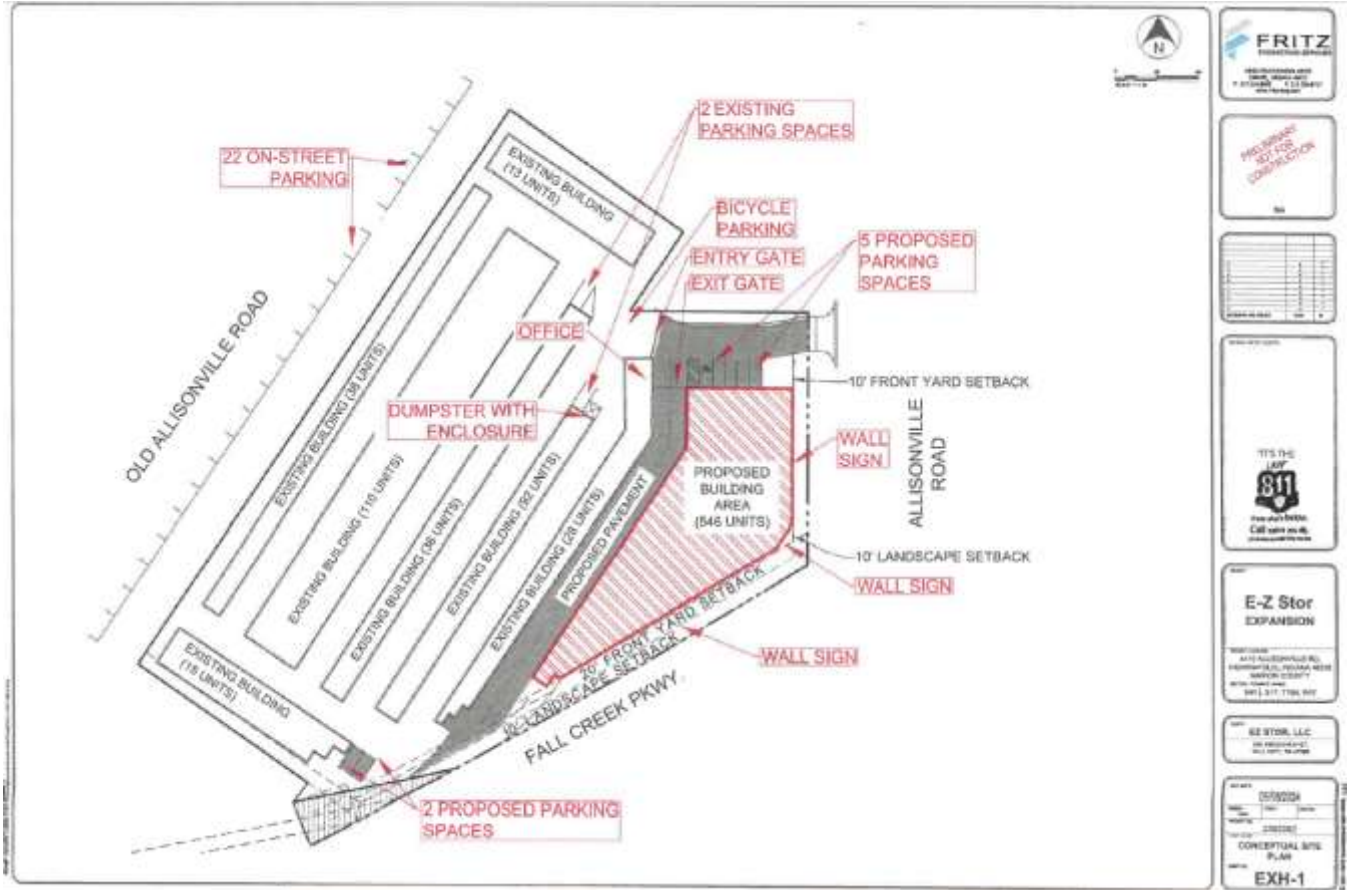
91-UV1-141; 4359 North Keystone Avenue (southwest of site), Variance of development standards of the Commercial Zoning Ordinance to permit a building addition resulting in a setback of 28 feet from the centerline of Allisonville Road (70-foot setback from centerline required), **denied**.

89-UV1-109; 4446 Allisonville Road (north of site), Variance of use of the Commercial Zoning Ordinance to provide for operation of an automobile sales, service and repair shop including body work, **approved for three years**.

85-V2-127; 4359 North Keystone Avenue (southwest of site), Variance of development standards to permit a building addition located within the required setback, **granted**.

EXHIBITS







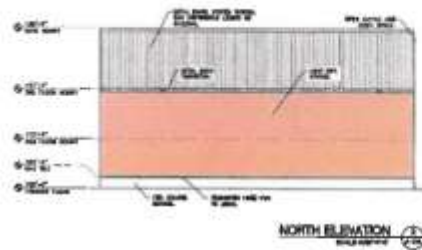
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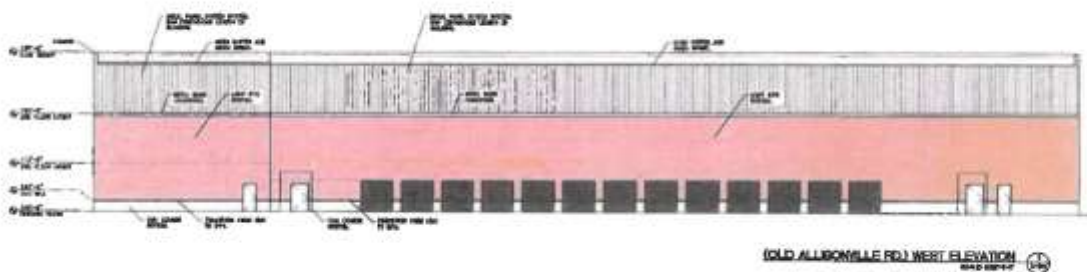
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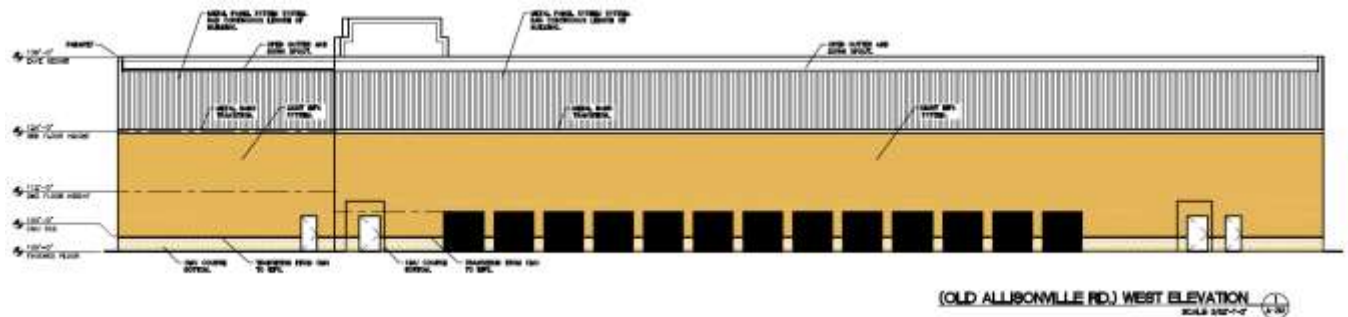
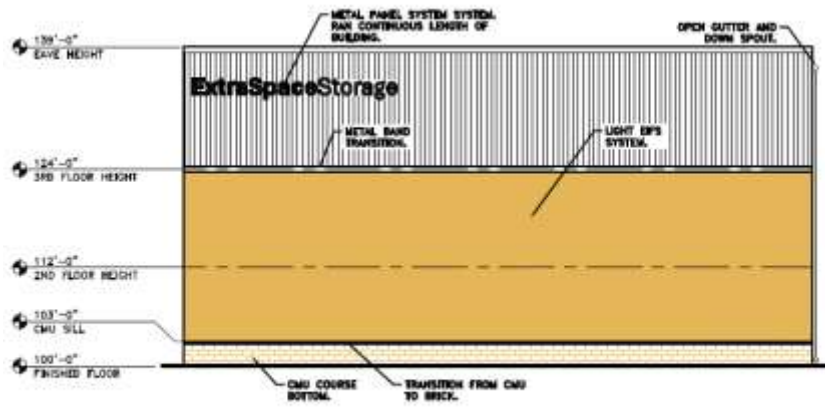
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Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:

The history of this site and other similar self-storage facilities is that there is an abundance of onsite parking per the code; when in reality very little onsite parking is needed on the site to conduct the business that is generated as few persons visit the site whether they are prospective users or existing users of the self-storage units.

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:

The surrounding uses will be enhanced with less asphalt for parking on this site and thus more land dedicated to lawn and landscaping and thus the area adjacent shall be enhanced and would be affected in a positive manner.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

If this specific use on this site were to provide all of the required parking, which is not needed; then the result would be less lawn and landscaping on the site and more asphalt on the site providing parking that would never or very rarely be used.

DECISION

Development Statement

Petitioner seeks to Modify previously approved and adopted Development Statement for 4410 Allisonville R as follows:

Uses:

Self Storage Number of units shall increase a minimum of 329 (existing) to 875 (proposed)

C-1 Office Uses

One dwelling unit for the on site manager

Building: One primary building for all the uses with 46,800 square feet existing to 56,472 square feet proposed

Parking: Office use, patrons and employees of self storage facility and manager of the self storage facility; Nine (9) on site per site plan on file

Provide and maintain five (5) on site bike parking spaces per site plan on file

Signs:

Three (3) Wall signs per site plan on file

Landscaping:

Erect and maintain and supplement existing perimeter landscaping and ornamental fencing per site plan and elevations on file

Exterior finish of elevations:

Replace existing exterior finish of masonry and brick with masonry, brick stucco and corrugated metal

Trash:

Dumpster with enclosure

Safety and security:

Entry Gate with keypad security system, surveillance cameras around the perimeter of the site. New exit gate only

2019 D-P

Development Statement:

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

- C-1 office uses
- Self storage facility (329 units existing; 310 more units proposed)

Buildings:

- One (1) proposed addition to the existing primary building at the facility with no changes to the additional five (5) buildings; with existing square feet and proposed square feet to be added.

Parking:

- Retail: Four (4) off street parking provided.
- Self-Storage: Five (5) off street parking spaces provided; with one (1) being an ADA parking space.
- Provide five (5) on site bike parking spaces

Signs:

- One (1) free standing pylon or monument signs (one per street frontage), with digital components per the site plan and sign elevation on file
- Wall signage shall comply with the Sign Regulations

Landscaping:

- Maintain and supplement existing perimeter landscaping and ornamental fencing per site plan on file.
-

Exterior finish:

- Maintain existing exterior finish for the addition

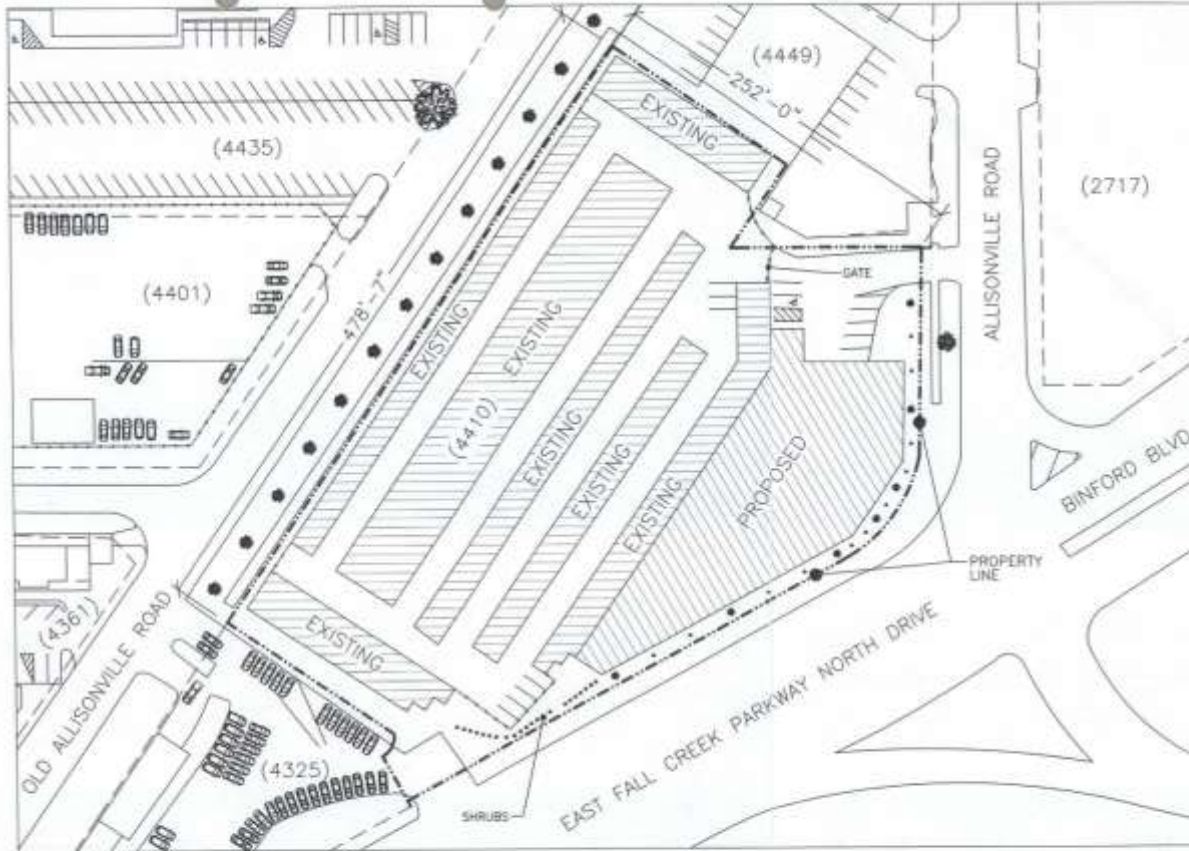
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Metropolitan Development

JUL 31 2019

Division of Planning

2019 Site Plan



SITE DATA	
PROPERTY - 124,256 S.F.	
329 UNITS EXISTING	
5'x10'	QTY-79
7'x10'	QTY-19
10'x10'	QTY-75
10'x15'	QTY-38
10'x20'	QTY-60
10'x25'	QTY-33
10'x30'	QTY-25
310 UNITS PROPOSED	
5'x10'	QTY-70
7'x10'	QTY-70
10'x10'	QTY-100
10'x15'	QTY-40
10'x20'	QTY-10
10'x25'	QTY-10
10'x30'	QTY-10

Metropolitan Development
 JUL 31 2019
 Division of Planning

08 25.JUL.2019	4410 ALLISONVILLE ROAD - PROPOSED SITE PLAN	0 50' 100'	
02/02	PROJECT: 4410 ALLISONVILLE ROAD	DRAWN BY : MAL	

FOR ZONING GRAPHIC
 REPRESENTATION ON



Department of Metropolitan Development
Division of Planning
Current Planning

2000-ZON-869 COMMITMENTS

Case # . 2000 - ZON - 869
(4)
2001-008462

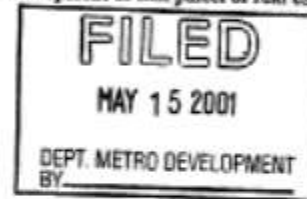
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STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (insert here or attach)
(Attached)



Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. An amended site plan shall be submitted for, and subject to, Administrator's approval prior to the issuance of an Improvement Location Permit. Said site plan shall indicate a minimum 20-foot setback from Binford Boulevard, ingress and egress only from Allisonville Road within 20 feet of the north property line, and extensive landscape treatment along Binford Boulevard. (At the ingress/egress point, Allisonville Road is also known as Temple Avenue.)
3. Elevations of the Binford Boulevard frontage shall be submitted for, and subject to, Administrator's approval prior to obtaining an Improvement Location Permit. Said elevations shall include masonry or brick finished facades along Binford Boulevard.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

2000-ZON-869 SITE PLAN

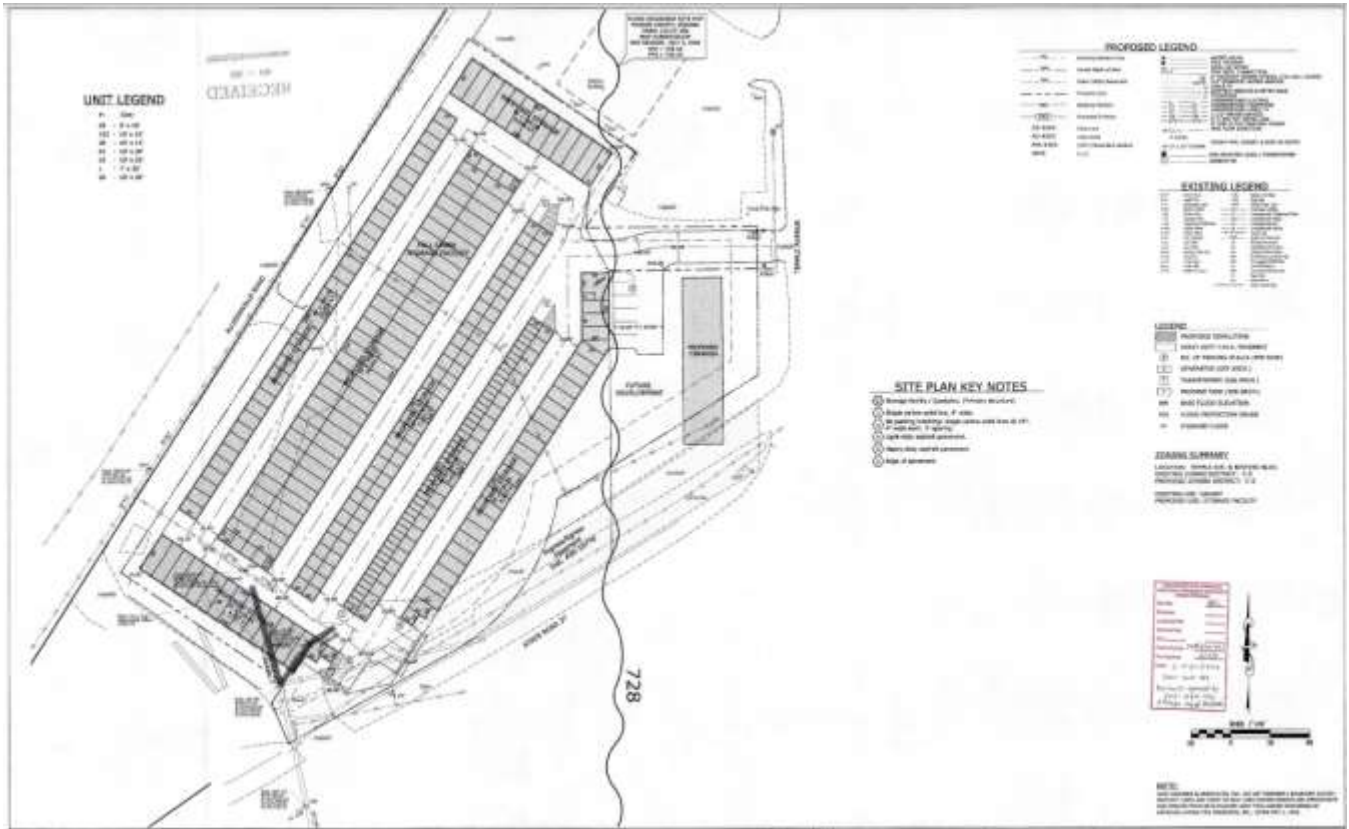




Photo of the subject site looking north.



Photo of the subject site looking northwest.



Photo of the subject site looking west.



Photo of the subject site looking southwest.



Photo of the street frontage along Binford Boulevard looking northeast.



Photo of the street frontage along Binford Boulevard looking southwest.



Photo of the southwestern property boundary and existing storage building.



Photo of the northwestern property boundary and existing storage buildings along Old Allisonville Road.



Photo of the storage facility looking northeast.



Photo of the storage facility looking northwest from Binford Boulevard.



Photo of Fall Creek across Binford Boulevard looking south.



Medical office and multifamily dwellings east of the site.



Commercial uses north of the site.



Photo of the commercial use southwest of the site.



Photo of the commercial uses northwest of the site across Old Allisonville Road.