



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 14, 2024

Case Number: 2024-ZON-087 (Amended)

Property Address: 8201 and 8461 Rawles Avenue, 1402 and 1538 South Post Road and 1215 South Franklin Road

Location: Warren Township, Council District #20

Petitioner: Scannell Properties, LLC, by Misha Rabinowitch

Current Zoning: 1-3, SU-46 and D-A

Request: Rezoning of 138.56 acres from the I-3, SU-46 and D-A districts to the I-2 district to allow for an industrial park development.

Current Land Use: Industrial / Airport / Undeveloped

Staff Recommendations: Approval, subject to the commitments noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance request filed by a registered neighborhood organization that continued this petition from the September 12, 2024 hearing, to the October 10, 2024 hearing.

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing, at the request of staff to provide time for a Traffic Impact Analysis (TIA) to be conducted, submitted and reviewed by staff.

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:

1. Development of the site shall be in substantial compliance with the site plans (A and B) file-dated August 26, 2024. The final site plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), related to the preservation of trees.
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 tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
4. A 40-foot half right-of-way shall be dedicated along the frontage of South Franklin Road and Rawles Avenue and a 59.5-foot right-of-way along South Post 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

Rezoning

This 138.56-acre site, zoned I-3, SU-36 and D-A, is comprised of seven parcels, six of which are contiguous. The larger southernmost parcel is developed with an airport runway and the remaining parcels are undeveloped. It is surrounded by industrial uses and undeveloped land to the north, zoned I-3 and D-A; a railroad right-of-way to the south, zoned I-3, C-5 and I-4; undeveloped land and a single-family dwelling to the east, across south Post Road, zoned SU-16 and D-A, respectively; and a mobile home community to the west, across Franklin Road, zoned D-11 and single-family dwellings and religious uses, zoned D-2 and SU-1, respectively.

The seventh parcel (addressed as 8641 Rawles Avenue and approximately 38.9 acres) is undeveloped and surrounded by single-family dwellings to the north, across Rawles Avenue, zoned D-2; undeveloped land to the south, zoned D-A; a single-family dwelling and industrial uses to the east, zoned D-A and I-2, respectively; and religious uses and undeveloped land to the west, zoned SU-1 and D-A respectively.

Petition 86-Z-158 rezoned the airport property from the SU-4 district (Airport / Landing Field) to the "A" district (Airport Special Use) to reflect the Special Use Districts Zoning Ordinance update. Petition 86-Z-159 rezoned the narrow parcel at the southeastern corner of the site abutting the railroad right-of-way from the SU-4 district to the I-3-S district to also reflect the updated Ordinance.

Petition 91-UV3-118 provided for an addition to an existing barn with reduced setbacks.

Petition 94-Z-214 rezoned the western portion of the site to the "A" district to provide for expansion of the airport.

The request would rezone all parcels to the I-2 (Light Industrial District). “The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.”

The Comprehensive Plan recommends light industrial typology for the currently developed parcels on the southern portion of the site and rural and estate neighborhood typology for the undeveloped parcels, which are generally located on the northern portion of the site.

Traffic Impact Analysis

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

Capacity analysis occurs for four different scenarios. Scenario One is based on opening day 2026 background traffic volumes. Scenario Two is based on opening day 2026 background traffic volumes plus proposed development traffic volumes. Scenario Three is based on the Horizon year 2036 background traffic volumes. Scenario Four is based on horizon year 2036 background traffic volumes plus proposed development traffic volumes.

The study area consisted of Brookville Road, Franklin Road, Post Road, and Rawles Avenue/English Avenue. The existing intersections are Brookville Road and Franklin Road (signalized), Brookville Road and Post Road (signalized), Post Road and Wishmeyer Lane (unsignalized), Post Road and General Devices (unsignalized), and Franklin Road and Rawles Avenue (unsignalized).

Findings and Recommendations

- Brookville Road & Post Road - The intersection currently operates at or above acceptable levels of service during both peak hours for all scenarios, no improvements are recommended at this time.

- **Post Road & Wishmeyer Lane** - The existing minor westbound approach to this intersection currently operates at or above acceptable levels of service during the AM peak hour of the background scenarios (Scenarios 1 and 3) but operates below acceptable levels of service in the PM peak hour. The addition of the eastbound approach and the site generated trips (in Scenarios 2 and 4) increases delay further at this approach. The proposed minor eastbound approach to this intersection also operates below acceptable levels of service in the PM peak hour (of Scenarios 2 and 4). The upstream traffic signal is expected to create adequate gaps for exiting vehicles. The eastbound approach should be built with two exiting lanes so that left-turning vehicles waiting for a gap do not cause right-turning vehicles additional delay. Since the excess delay will only occur during the PM peak hour, no further improvements are recommended at this time.
- **Post Road & General Devices** - The minor eastbound approach to this intersection operates at or above acceptable levels of service during all peaks in all scenarios. The minor westbound approach to this intersection currently operates at or above acceptable levels of service during both peak hours of the opening day background scenario (Scenario 1). However, in the horizon year background scenario (Scenario 3), the westbound approach operates below acceptable levels of service. The addition of site generated trips (in Scenarios 2 and 4) does not increase this delay significantly. Since the excess delay will only occur during the PM peak hour, no improvements are recommended at this time.
- **Post Road & Proposed Access A** - This intersection will be constructed with the proposed development. If the minor westbound approach to this intersection has only one exiting lane, then it will operate below acceptable level of service in the PM peak of the opening day scenario (Scenario 2). The minor westbound approach to this intersection should have an exclusive left-turn lane and an exclusive right-turn lane. With this configuration, the westbound approach will operate at or above acceptable levels of service during all scenarios except for the PM peak of the horizon year (Scenario 4).
- **Franklin Road & Rawles** - This intersection operates below acceptable levels of service during all peak hours in all scenarios with existing lane and traffic control conditions. An initial screening indicates this intersection will meet at least a peak-hour warrant for a traffic signal using the 2024 traffic counts for either the AM or the PM peak. This intersection should be improved to a traffic signal or a roundabout. It will operate at or above acceptable levels of service with either improvement.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along South Franklin Road and Rawles Avenue and a 59.5-foot half right-of-way along South Post Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff would note that the existing right-of-way along Post Road ranges between approximately 50 feet and 95 feet. It would be appropriate for the right-of-way to be consistent along the western side of South Post Road frontage. Additionally, commitments related to the 1994 rezoning required dedication of a 70-foot half right-of-way along South Franklin Road. Based current aerials that dedication has not occurred.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located on the northern portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site. All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

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.

Planning Analysis

As proposed, this request would be consistent with the Comprehensive Plan recommendation of light industrial uses and the industrial reserve for the southern portion of the site, currently developed as a private airport, but would not be consistent with the rural or estate recommendation for the northern parcels.

The parcel located in the middle of the site (addressed as 8201 Rawles Avenue) would be developed with industrial uses, rather than the Plan recommendation of rural or estate neighborhood typology. Because this parcel would be integrated into the proposed development along with the appropriate setbacks and buffering, staff believes light industrial development on this portion of the site would be supportable.

As originally filed, the site plan (file dated July 12, 2024) provided for industrial development on all the parcels. Amended site plans (A and B) filed on August 26, 2024, removed industrial development on the northernmost parcel (addressed as 8461 Rawles Avenue). Staff believes industrial development on this parcel would be wholly inappropriate because it is in proximity of a school, abuts religious uses and located within a residential neighborhood. Consequently, staff's support of this request would be subject to the site plans (A and B), file dated August 26, 2024, and would not support any industrial development on this parcel or any future modifications to allow for industrial development.



Site Plans (A and B), file dated August 26, 2024, are similar as it relates to the 73,500-square-foot building fronting on South Post Road, three buildings (40,000 and 50,000 square feet) abutting the railroad, a 279,500-square foot building in the center of the site, and a 105,000-square-foot building fronting on South Franklin Road.

The difference in the two site plans relate to development of the center of the site with an option for one 865,500-square foot building or three smaller buildings totaling 596,500-square feet. Obviously, these options indicate that development of this portion of the site is speculative and would respond to the needs of potential of future tenants.

Site access would be gained from two drives along South Post Road that would include General Devices (existing private street) and a proposed drive south of this street (opposite Wishmeyer Lane). A third access drive would be along South Franklin Road north of the railroad tracks.

GENERAL INFORMATION

Existing Zoning	I-3 / SU-46 / D-A	
Existing Land Use	Private airport / undeveloped land	
Comprehensive Plan	Rural and Estate Neighborhood / Industrial	
Surrounding Context	Zoning	Land Use
North:	I-4 / D-2	Industrial uses / single-family dwellings
South:	I-3 / C-5 / I-4	Railroad right-of-way
East:	SU-16 / D-A	Undeveloped land / single-family dwelling
West:	D-11 / D-2 / SU-2	Mobile home community / single-family dwelling / religious uses
Thoroughfare Plan		
Rawles Avenue	Primary Collector	Existing 68-foot right-of-way and proposed 80-foot right-of-way.
South Post Road	Primary Arterial	Existing 50-95-foot right-of-way and proposed 119-foot right-of-way.
South Franklin Road	Primary Arterial	Existing 34-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes. Environmentally Sensitive Areas / Industrial Reserve	
Wellfield Protection Area	No	

Site Plan	July 12, 2024
Site Plan (Amended)	August 26, 2024
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	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial and Rural and Estate Neighborhood typologies. 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 Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Light industrial uses (defined as industrial uses that create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.)*
 - 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.
- *Rural or Estate Neighborhood Typology*
 - Only the following land uses are recommended: detached housing, working farms, group homes, bed / breakfast and wind / solar farms.

Overlays

- This site is also located within two overlays, specifically the Environmentally Sensitive Areas (ES) Overlay and the Industrial Reserve (IR) Overlay. “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.”
- 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.

Much of the middle portion of the site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands.

- The Industrial Reserve (IR) 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.

The southern portion of the site abutting the railroad right-of-way and frontage along South Franklin Road is located within the Industrial Reserve overlay.

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 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 describe 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

94-Z-214; 1410 South Post Road, requested rezoning of 36.01 acres, being in the I-2 S and I-3 S districts to the "A" classification to provide for expansion of an existing private airport runway, **approved**.

91-UV3-118; 1538 South Post Road, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an addition to an existing barn with a reduced side yard setback, **granted**.

86-Z-159; 1538 South Post Road, rezoned (Commission initiated) 1.3 acres from the SU-4 (Landing field / Airport) district to the I-3-S classification, approved.

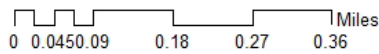
86-Z-158; 1410 South Post Road, rezoned (Commission initiated) 25.28 acres from the SU-4 and I-3-S district to the "A" (Airport) classification in anticipation of the Ordinance amendment of the Special Use Districts Zoning Ordinance, **approved**.

74-V1-40; 1477 South Franklin Road, requested a variance of setback and transitional yard requirements to permit erection of a warehouse and distribution operation for building materials, **granted**.

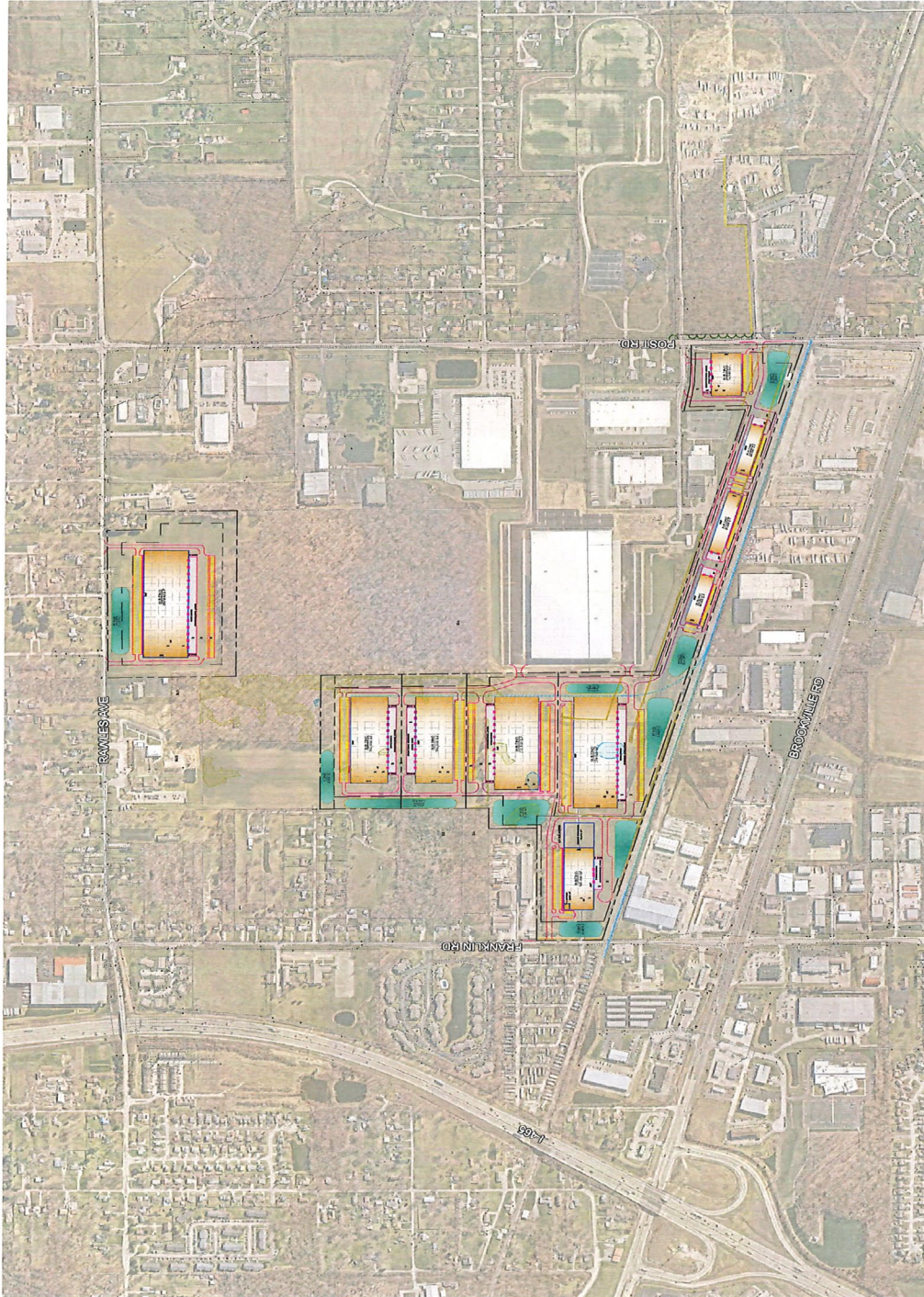
EXHIBITS



8201 and 8461 Rawles Avenue, 1402 and 1538 South Post Road and 1215 South Franklin Road



SITE PLAN – July 12, 2024



SCANNELL CONSULTANTS **Kimley»Horn**

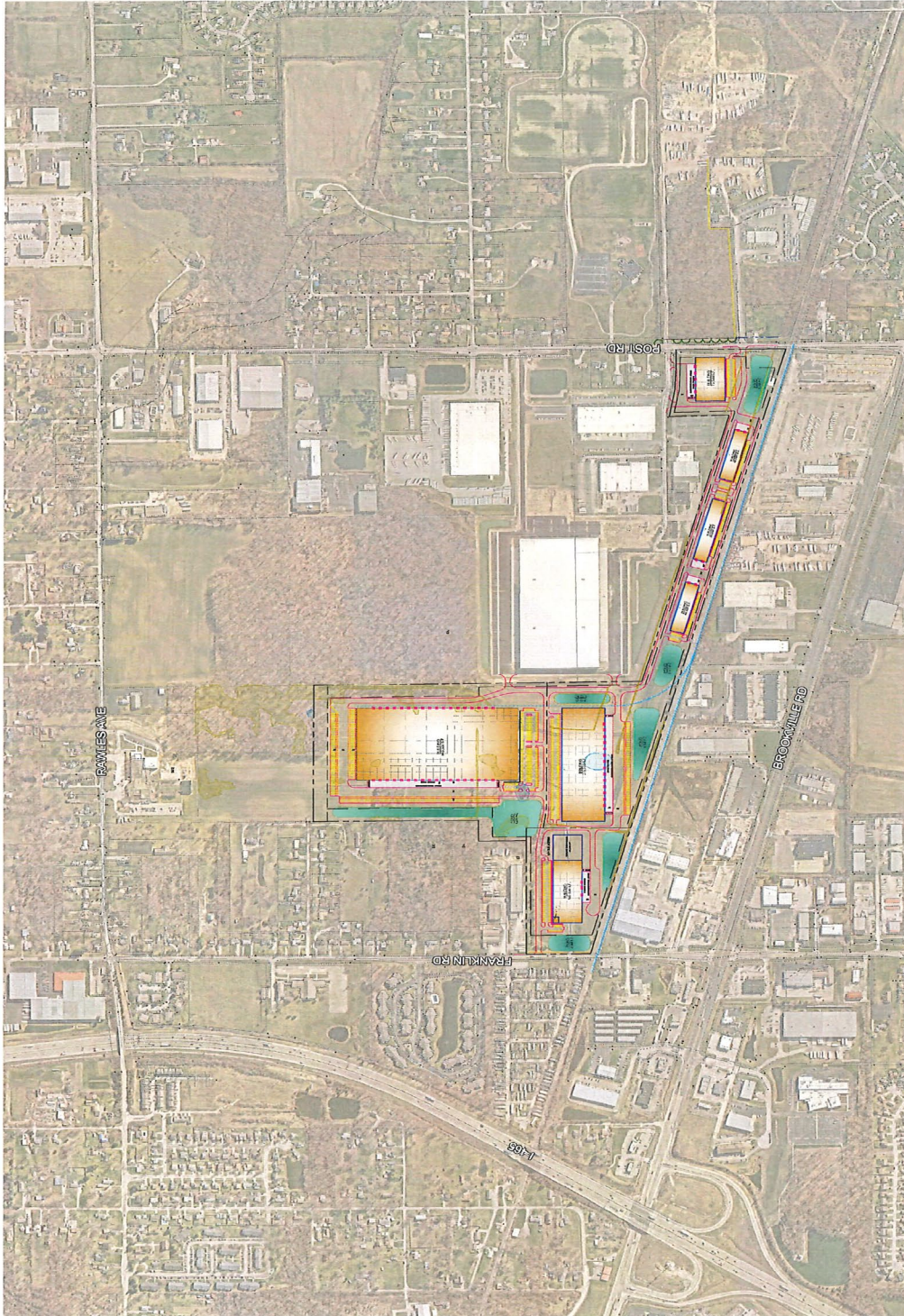
POST ROAD AIRPORT BUSINESS PARK

SITE EXHIBIT

SCALE: 1" = 500'

JULY 12, 2024

SITE PLAN A – August 26, 2024



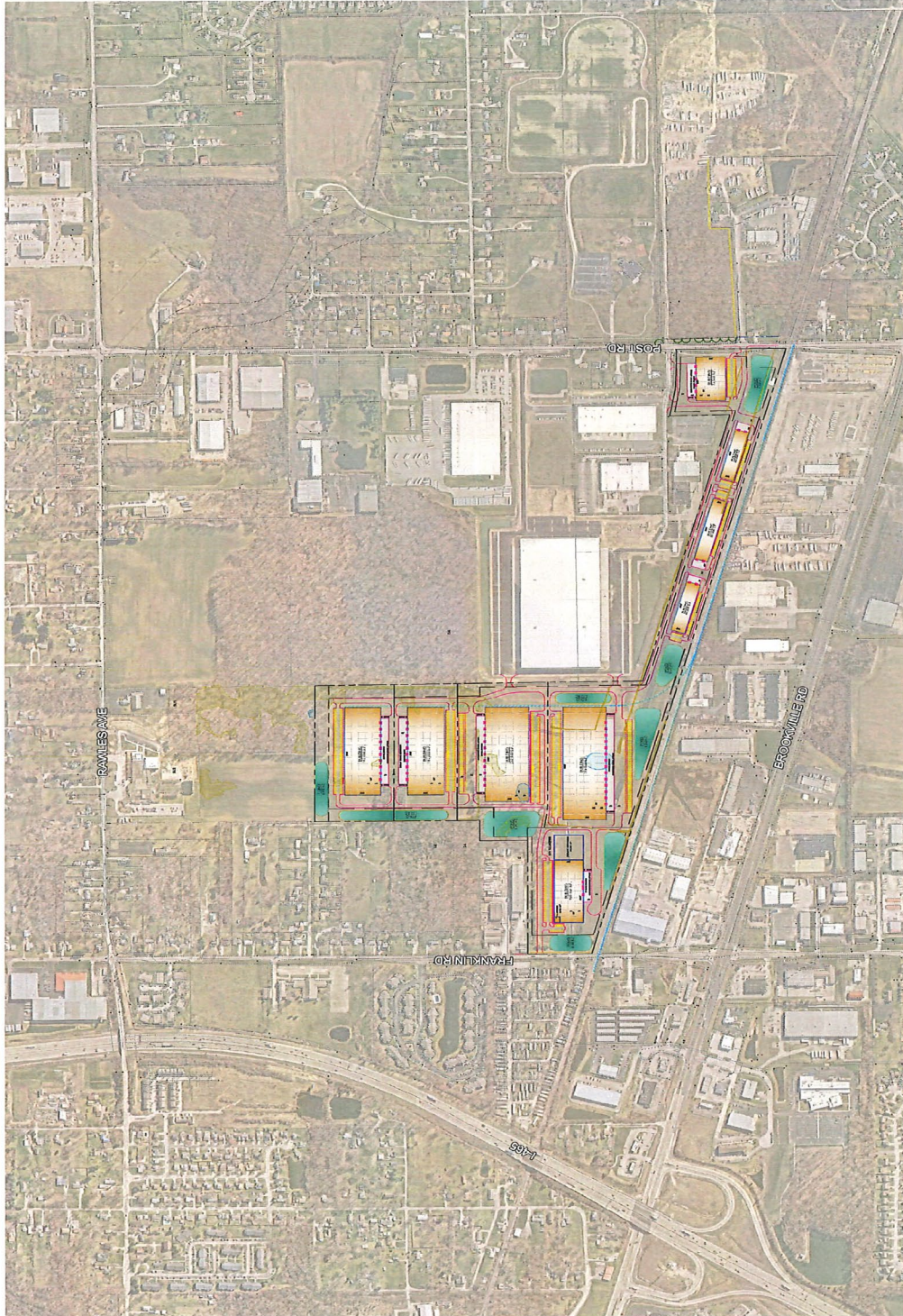
SCANNELL & PARTNERS
Kimley»Horn

POST ROAD AIRPORT BUSINESS PARK

SITE EXHIBIT
August 26, 2024

Scale: 1" = 100'
North Arrow

SITE PLAN B – August 26, 2024



SCANNELL CONSULTANTS  **Kimley»Horn** **POST ROAD AIRPORT BUSINESS PARK** **SITE EXHIBIT**   August 22, 2024

EXHIBIT A

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city’s Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking west along Rawles Avenue



View looking east along Rawles Avenue



View of site looking south across Rawles Avenue



View of site looking south across Rawles Avenue



View of site looking south across Rawles Avenue



View looking north along South Franklin Road



View looking south along South Franklin Road



View of site looking southeast from South Franklin Road



View of site looking east across South Franklin Road



View looking south along South Post Road



View looking north along South Post Road



View of site looking south



View of site looking south



View of site looking south



View of site looking southwest



View of site looking west



View of site looking south



View of site looking south



View looking west at adjacent property to the north



View looking east along General Devices Road at adjacent property to the north



View from site looking north across General Devices