



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

March 28, 2024

Case Number: 2023-ZON-125
Property Address: 4027 West 10th Street
Location: Wayne Township; Council District #16
Petitioner: Insight Engineering by Don Fisher
Current Zoning: I-3 / I-4
Request: Rezoning of 1.75 acres from the I-3 and I-4 districts to the C-4 district to provide for community commercial uses.
Current Land Use: Commercial use (vacant)
Staff Recommendations: Recommends Approval, subject to commitments
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the February 15, 2024 hearing, to the March 28, 2024 hearing to provide additional time to resolve the property boundary issue.

It has been determined that as initially proposed, existing improvements (trash enclosure, asphalt and curbs) encroach into the trail property. Consequently, those existing features shall be removed as this site is redeveloped. An amended site plan, file-dated March 19, 2024, has been submitted that depicts the new property boundary abutting the trail but does not show removal of these items. Staff will be requesting Administrator Approval of the final site plan that removes these items and restores the area prior to the opening of the new proposed use.

Staff continues to **recommend 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. 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.
2. A final site plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit that depicts removal of existing items (trash enclosure, asphalt and curbs) encroaching into the abutting property and the area restored by: 1) Backfilling with top soil to match surrounding grade to ensure positive drainage; and 2) Applying seed and straw to the finished grade



The Hearing Examiner continued this petition from the January 25, 2024 hearing, to the February 15, 2024 hearing, at the request of staff to provide additional time for discussions with staff related to the B&O Trail along the southern boundary of this site.

Due to inconsistencies in the legal description of this site and the legal description associated with the B&O Trail, staff is requesting a **continuance from the February 15, 2024 hearing to the March 14, 2024 hearing**. Staff has requested that the Marion County Surveyor conduct a survey of the site to determine and establish the site boundaries of this requested rezoning.

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. 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.
2. Development of the site shall be in substantial compliance with the amended site plan file-dated January 11, 2024

PETITION OVERVIEW

This 1.75-acre site is comprised of two parcels developed with a one-story commercial building with a drive through and associated parking. It is surrounded by industrial uses to the north, across West 10th Street, zoned SZ-2 (Town of Speedway); the B & O Trail / industrial uses to the south, zoned I-4; industrial uses to the east, zoned I-4; and industrial uses to the west, zoned I-3.

Rezoning

The C-4 District (Community - Regional) 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.

As proposed, the rezoning request would not be consistent with the Comprehensive Plan recommendation of office commercial but given the surrounding industrial uses, staff believes that a more intense commercial use would not be detrimental to the surrounding land uses. Additionally, the plan recommendation may have considered the previous use as a credit union during the planning process.



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

Staff would note that the Comprehensive Plan recommends heavy industrial typology to the north, south and west of the site with community commercial typology. The community commercial typology contemplates C-3 and C-4 uses, depending on the surrounding land uses.

The amended site plan provides for a 4,500-square-foot building at the southeast corner of the site. Four fueling stations (eight gas pumps) would be available and located north of the new structure and east of the existing structure, with a new access drive to the east of the two existing access drives. No information has been submitted regarding proposed uses of the existing building.

The B&O Trail Corridor abuts this site along the southern boundary. The amended site plan, file-dated January 11, 2024, responded to staff requests related to appropriate integration between the proposed use of this site and the B&O Trail, that included relocation of the trash enclosure and a small picnic area adjacent to the bike parking, north of the trail.

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

Existing Zoning	I-3 / I-4	
Existing Land Use	Commercial uses (vacant)	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Land Use
North:	SZ-2 (Town of Speedway)	Industrial uses
South:	I-3 / I-4	B & O Trail / Industrial uses
East:	I-3	Industrial uses
West:	I-4	Industrial uses
Thoroughfare Plan		
West 10th Street	Marion County Thoroughfare Plan (2019)	This portion of West 10th Street is designated as a primary arterial with an existing 100-105-foot right-of-way and a proposed 78-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	The southwestern area of the site is located within the unregulated 500-year floodplain.	
Overlay	This site is not located within an overlay.	
Wellfield Protection Area	This site is not located within a wellfield protection area.	
Site Plan	January 3, 2024	
Site Plan (Amended)	January 11, 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 Land Use Plan for Indianapolis and Marion County (2018) recommends office commercial typology for the site.
- 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.

Pattern Book / Land Use Plan

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- The following elements of the Pattern Book apply to this site:

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
- The Pattern Book does not provide guidance in this typology for the contemplated use as a fueling station / convenience store that would generally be appropriate in a community commercial typology.

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)

- Both the Pedal Indy Bicycle Plan (2018) and Indy Greenways Full Circle Plan (2014) identify the B&O Trail Corridor as an opportunity to provide a key east / west connection from Hendricks County to downtown.



ZONING HISTORY

2006-UV1-001; 4027 West 10th Street, variance of use to provide for a drive-through banking facility in I-4-U, **granted**.

VICINITY

2008-ZON-119; 1045, 1201, 1245, 1255, & 1555 MAIN STREET, 1304 Olin Avenue, 1111, 1400, & 1500 Polco Street, 3970, 3980, 4000, 4200, 4300, 4520, And 4700 West 10th Street, 3805, 4501, 4513, 4601, 4665, 4725, 4745, 4747, and 4790 West 16th Street (north of site), requested rezoning of 53 lots (382 acres) from D3, C3, C4, CS and I4U to SZ2, **approved**.

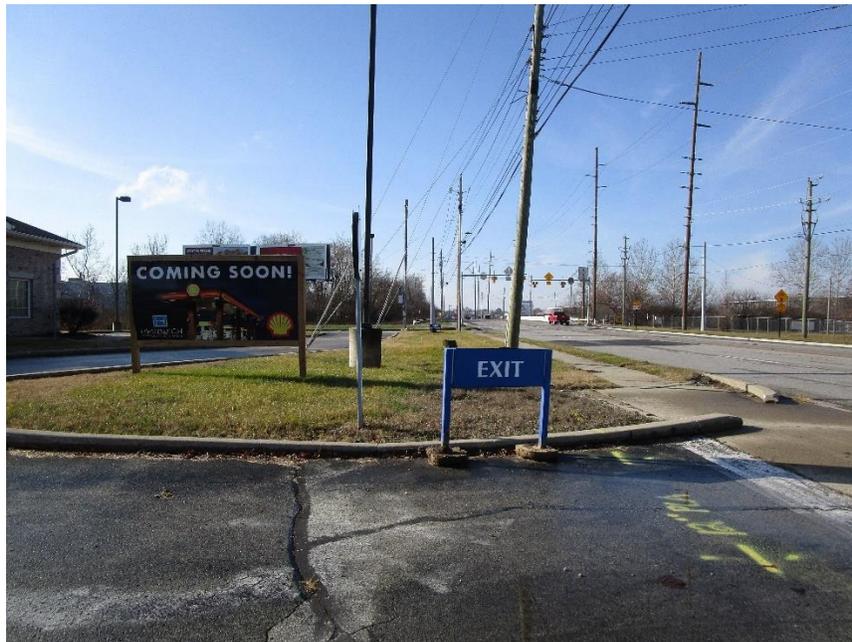
98-Z-59; 3971 West 10th Street (east of site), requested the rezoning of 0.269 acre, being in the D-5 District, to the C-ID classification to provide for commercial-industrial uses including the operation of a welding shop, **approved**.

94-Z-24; 3977 West 10th Street (east of site), requested the rezoning of 0.98-acre, being in the D-5 District, to the C-ID classification to provide for commercial and / or industrial uses, **approved**.

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View looking east along West 10th Street



View looking west along West 10th Street



View of site looking east



View of site looking northeast



View of canopy to be removed looking south



View from site looking north across West 10th Street



View from site looking north across West 10th Street



View of site looking west



View from site looking west



View from site looking southwest



View from site looking southwest



View from site looking south



View from site looking east



View from site looking southeast