



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2024-ZON-125 (Amended)
Property Address: 4460 & 4498 North Keystone Avenue (Approximate Addresses)
Location: Washington Township, Council District #8
Petitioner: Mark and Kim Crouch
Current Zoning: D-5 (W-1) and C-3 (W-1)
Request: Rezoning of 0.42-acre from the D-5 (W-1) and C-3 (W-1) districts to the C-5 (W-1) district to provide for commercial uses.
Current Land Use: Auto Repair
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR APRIL 10, 2025 HEARING EXAMINER

Staff further researched the subject site at 4498 North Keystone Avenue since it had a few variances granted in the past for a service station and truck parking per 55-V-595, 74-UV3-189, and 77-UV3-14. It was determined that a service station would not be able to be operated today since the service station was subject to the site plan submitted in 1955, which appears to have changed per the site plan on file and recent aerial images. This research was conducted due to the original request for a C-4 district that indicated a fueling station proposal.

The request was amended from the C-4 district to the C-5 district for the purpose of auto sales, which staff determined would not be supportable.

Staff's initial concerns with the previously proposed C-4 district did not change with the intensified C-5 rezoning request. Instead, it would be even more contradictory to the community commercial recommendation of the Comprehensive Plan that is supposed to serve nearby neighborhoods.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The C-5 district would align more with a regional commercial recommendation which provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods.

Although Keystone Avenue is categorized as an arterial street, 45th Street is a local street that still contains single-family dwellings that are unfortunately located in the I-1 zoning district but should be taken into consideration when contemplating the rezoning of the subject site.

Staff informed the petitioner's representative that a rezoning to the C-3 district would be the most intense zoning district that would be supportable at this location which would align with the community commercial recommendation of the Comprehensive Plan.

For these reasons, staff **recommends denial** of the request as amended.

ADDENUM FOR MARCH 13, 2025 HEARING EXAMINER

This petition was continued from the January 9, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.

The petition was amended to change the rezoning request from the C-4 district to the C-5 district. Staff wanted more time to determine if an existing variance of use would be applicable to the site. After speaking with the petitioner, they proposed the April 10, 2025 hearing date which staff was agreeable to. This petition was continued for cause from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of staff.

ADDENUM FOR JANUARY 9, 2025 HEARING EXAMINER

This petition was continued from the November 21, 2024 hearing to the January 9, 2025 hearing at the request of the petitioner. No new information was submitted to the case file.

November 21, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff's recommendation the 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. A 52-foot half right-of-way shall be dedicated along the frontage of Keystone Avenue, 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

The 0.42-acre subject site is developed with two commercial buildings currently utilized for a car repair and maintenance service business.

REZONING

The grant of the request would rezone the property from the D-5 (W-1) and C-3 (W-1) districts to the C-4 (W-1) district to allow for commercial uses.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

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.

WELLFIELD

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 is subject to Commission approval.

This site is specifically located within the Fall Creek W-1 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 52-foot half right-of-way along Keystone Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The southern subject parcel has historically been used as an office and the northern subject parcel was a fueling station with truck and trailer storage and rental. The site is currently operating an auto repair business with two commercial buildings on site.

Because of the existing Fall Creek W-1 Wellfield Protection District on site, staff is recommending denial of the rezoning to the C-4 district that allows uses that could cause additional contamination on the site. Furthermore, it is unclear to staff what type of business would be proposed on site although the site plan notes an existing gas station and fuel pumps that do not exist today.

If a fueling station were proposed, it would not be permitted since it is a prohibited use in the Wellfield Protection District. Additionally, the site would not be conducive for a fueling station if proposed since the site is difficult to exit considering the amount of traffic that runs along Keystone Avenue.

Staff recommended that the petitioner rezone to the C-3 district instead to align with the community commercial recommendation of the Comprehensive Plan and provide a less invasive district adjacent to the couple residential dwellings to the west.

GENERAL INFORMATION

Existing Zoning	D-5 (W-1) and C-3 (W-1)	
Existing Land Use	Auto Repair	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S	Automobile Sales
South:	C-3	Dental Office
East:	C-5	Retail
West:	I-1	Residential (Single-family dwelling)

Thoroughfare Plan		
Keystone Avenue	Primary Arterial Street	104-foot proposed right-of-way and 100-foot existing right-of-way.
45 th Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	October 3, 2024	
Site Plan (Amended)	N/A	
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

- Marion County Land Use Plan Pattern Book (2019).

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends community commercial development of the site.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- **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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - 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.
- **Large-Scale Offices, Retailing, and Personal or Professional Services**
 - Should be located along an arterial street.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - 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.
 - Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.
- A commercial rezoning of the site would align with this recommendation except for uses that would not be permitted in the wellfield protection district, which staff wants to prevent with the recommendation to lower the proposed commercial rezoning district to C-3.

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

92-Z-150; 4456 and 4460 North Keystone Avenue (subject site), Rezoning of 0.92 acre, being in the D-5 District, to the C-3 classification to conform zoning with the present uses, **approved**.

77-UV3-14; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted**.

74-UV3-189; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted, temporary for 2 years**.

72-UV1-136; 4498 North Keystone Avenue (subject site), Variance of use to allow open storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with exiting service station, **granted**.

71-V2-16; 4460 North Keystone Avenue (subject site), Variance of use, setbacks, side and transitional yard requirements to erect an office building with pole sign, **granted**.

55-V-595; 4498 Keystone Avenue (subject site), Variance of use and building line requirements to permit erection and operation of a service station with a pole sign at the northeast corner of the lot, and with off street parking and loading spaces provided, **granted**.

Zoning History - Vicinity

2023-UV2-006; 2320 Duke Street (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a rubber press, a Heavy Manufacturing operation (not permitted), **granted**.

2013-ZON-010; 4530 North Keystone Avenue (northwest of site), Rezoning of 2.9 acres, from the I-1-S (W-1) and D-5 (W-1) Districts to the C-S (W-1) classification to provide for I-2 uses and the rental of trucks, vans and trailers and the repair and maintenance of said vehicles, **approved**.

2008-ZON-827; 4510 North Keystone Avenue (north of site), Rezoning of 0.5 acre, from the D-5 (W-1) and I-2-S (W-1) Districts to the C-4 (W-1) classification to provide for general commercial uses, **approved with commitments**.

2003-UV3-035; 2219 East 45th Street (west of site), Variance of Use of the Industrial Zoning Ordinance to provide for a printing shop, **approved**.

99-HOV-32; 2301 East 46th Street (west of site), Variance of development standards to provide for an addition to a training center with a 16-foot front yard setback and a 13.6 side-yard setback, **granted**.



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97-UV1-63; 2320 East Duke Street (southwest of site), Variance of use of the Industrial Zoning Ordinance to provide for the operation of a mechanical contractor, within an existing building, **granted**.

85-Z-153; 4502 North Keystone Avenue (north of site), Rezoning 0.713 acre, being in the D-5 and I-1-S district, to the C-S classification, to permit all uses I the C-5 and I-2-S districts except for gas station, live adult entertainment arcades and adult bookstores, **approved**.

84-UV3-18; 7301 North Illinois Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the expansion and remodeling of an existing guest house on a lot zoned for single-family dwellings only, **withdrawn**.

76-UV1-146; 2301 East 45th Street (north of site), Variance of use and Development Standards to permit storage and parking of new and used automobiles, in connection with existing auto sales and repair on north side of street, **denied**.

EXHIBITS







Photo of the subject site at 4460 North Keystone Avenue.

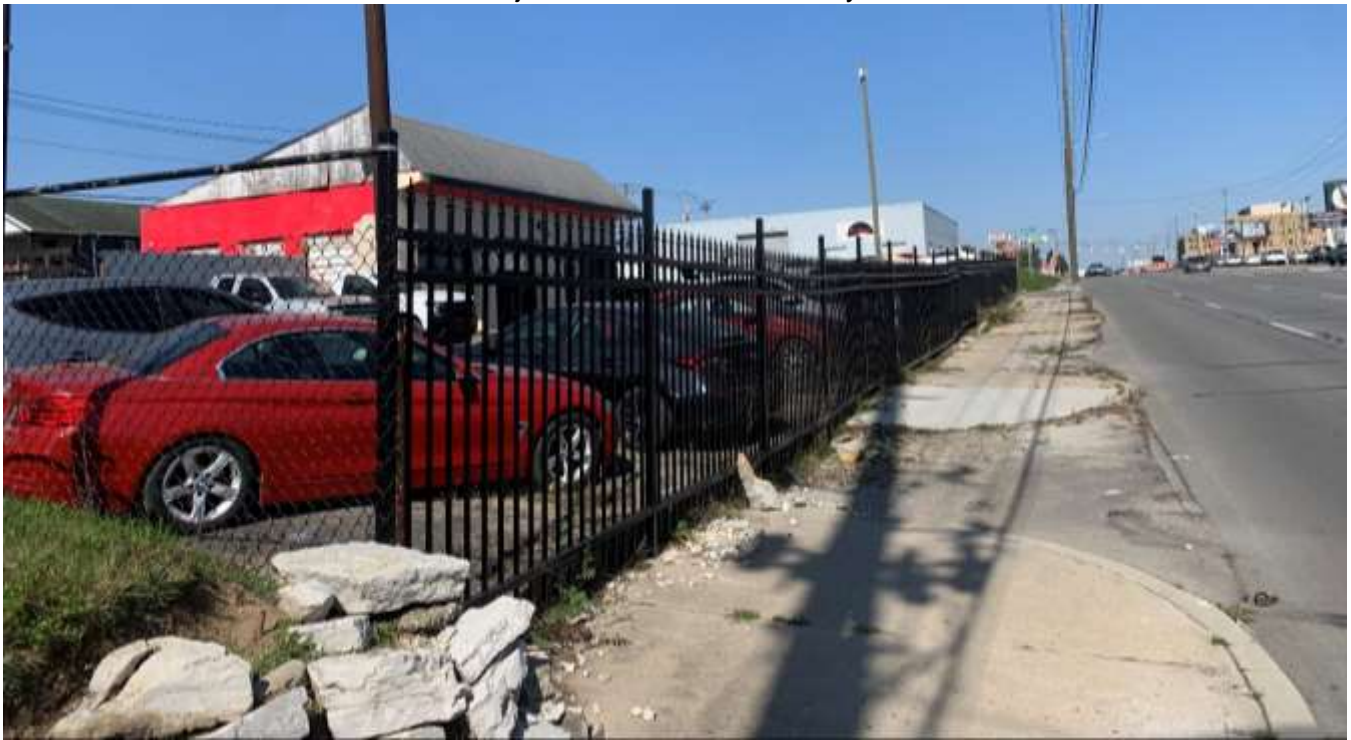


Photo of the subject site's street frontage looking north along Keystone Avenue.



Photo of the subject site's street frontage looking south along Keystone Avenue.



Photo of the subject site looking south from 45th Street.



Photo of the subject site looking southeast from 45th Street.



Photo of the single-family dwelling west of the site.



Photo of a commercial shopping strip east of the site.



Photo of the dentist office south of the site zoned C-3.