

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-061
Address: 5201 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Gurdeep Singh, by Pat Rooney
Request: Rezoning of 0.75 acre from the I-2 and D-A districts to the C-7 district to provide for truck repair.

ADDENDUM FOR OCTOBER 12, 2023, HEARING EXAMINER

The petitioner requested a continuance from the August 10, 2023, hearing to the October 12, 2023, hearing. Due to the length of the continuance and the pending Ordinance violations on the site, staff requested that this be the only continuance granted to the petition. The Hearing Examiner granted the continued with this stipulation.

Staff would like to clarify a statement in point two in the Land Use section. It was stated in the August 10 Staff Report that the site is “fully paved.” The back yard is actually covered in layers of gravel and not hard surfaced with concrete or asphalt.

August 10, 2023, Staff Report

RECOMMENDATION

Staff **recommends denial of this request.** However, should the Hearing Examiner recommend approval of the request, staff would request that the following commitment be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Harding Street, 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).

(Continued)

STAFF REPORT 2023-ZON-061 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography indicates that by 1956 a dwelling had been constructed on the subject site. It was the northernmost of a row of dwellings south along the east side of Harding Street. Those dwellings still stand today. In the mid-1960s State Road 37 was under construction to the west. By 2000 an industrial use had been developed on the parcel to the east and by 2010, an industrial use had been established on the parcel to the north.
- ◇ Historic aerial photography also indicates that by 2010 the backyard of the subject site was being used for industrial or heavy commercial uses in apparent violation of the zoning ordinance. The backyard is now essentially fully paved and is being used for truck parking. The site has been the subject of numerous code violations dating from 2014 to the present.

ZONING

- ◇ This petition requests a rezoning from the I-2 and D-A districts to the C-7 district. The I-2 district is light industrial district. The portion of the subject site that's zoned I-2 is a remnant of a much larger tract that once extended north to Thompson Road and east to the Indiana Railroad tracks. The I-2 zoning of the original tract dates back to at least 1959. The D-A district is a residential district that permits agriculture and large-lot dwellings.
- ◇ The C-7 district is designed to provide for commercial uses that have qualities that are incompatible with less intense land uses. Examples of these qualities are outdoor storage and display of merchandise, and the outdoor parking and storage of trucks. Because of the character and intensity of these uses, this district should be located on major commercial arterial thoroughfares and near interstate interchanges, but not in close association with consumer commercial activities such as retailing, professional services, or restaurants. Due to the intensity of its uses, location of this district should never be adjacent to protected districts, such as dwellings, churches, and schools.
- ◇ This request would locate the C-7 district abutting a single-family dwelling in the D-A zoning district. The Comprehensive Land Use Plan recommendation for the adjacent dwelling is Office Commercial.

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STAFF REPORT 2023-ZON-061 (Continued)

- ◇ A recent petition on the site adjacent across Harding Street that sought rezoning to the C-7 district was denied by the Hearing Examiner and the Metropolitan Development Commission. The petition is currently pending before the City-County Council.
- ◇ Due to the plan recommendation, abutting residential use and the recent denial of a C-7 request on an adjacent site, site recommends denial of this petition.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A, I-2	Metro	Single-family dwelling, truck parking
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SURROUNDING ZONING AND LAND USE

North	C-7	Automobile body shop
South	D-A	Single-family dwelling
East	C-7	Truck repair
West	C-7, D-A, I-2	Landscape materials sales, single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Land Use Plan (2018) recommends Office Commercial.
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THOROUGHFARE PLAN	Harding Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 65 feet to 78 feet and an 80-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	This northeast corner of this site is located within the floodway fringe of Haueisen Ditch.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.
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STAFF REPORT 2023-ZON-061 (Continued)

ZONING HISTORY – SITE

2018-UV3-024; 5201 South Harding Street, requested a variance of use to provide for a transport company and a variance of development standards to provide for deficient maneuvering space, the storage of tractor trailers and deficient setbacks and transitional yard, **denied**.

ZONING HISTORY – VICINITY

2022-CZN-862 / 2022-CVR-862; 5204, 5206 & 5216 South Harding Street (west of site), requested the rezoning of 5.327 acres from the C-S district to C-7 district and variances of development standards to provide for a dumpster enclosure in the front yard of SR 37, a 50-foot tall freestanding sign, deficient landscaping along Harding Street and SR 37, and a 23-foot tall, 109-square-foot free-standing incidental sign, **pending**.

2009-ZON-057; 5204, 5206 & 5216 South Harding Street (west of site), requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel, **approved**.

2007-ZON-851 / 2007-CAP-851; 5202, 5206 & 5216 South Harding Street (west of site), requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for C-3 uses and an extended stay hotel, **approved**.

2007-ZON-051; 5191 Harding Lane (north of site), requested the rezoning of 0.9 acre from the I-2-S district to the C-7 district, **approved**.

2006-DV1-030; 5191 South Harding Street (east of site), requested a variance of development standards to provide for an over-sized pole sign, **approved**.

98-Z-225; 4950 Harding Lane (north of site), requested the rezoning of 2.5 acres from the C-4 district to the C-7 district, **approved**.

96-Z-231; 5191 South Harding Street (east of site), requested the rezoning of 3.2 acres from the I-2-S district to the C-7 district, **approved**.

90-Z-12; 5202 South Harding Street (west of site), requested the rezoning of 5.3 acres from the I-2-U district to the C-S district to provide a construction company, display of model homes, outdoor storage, retail sales associated with a construction company and manufacturing of homes, **approved**.

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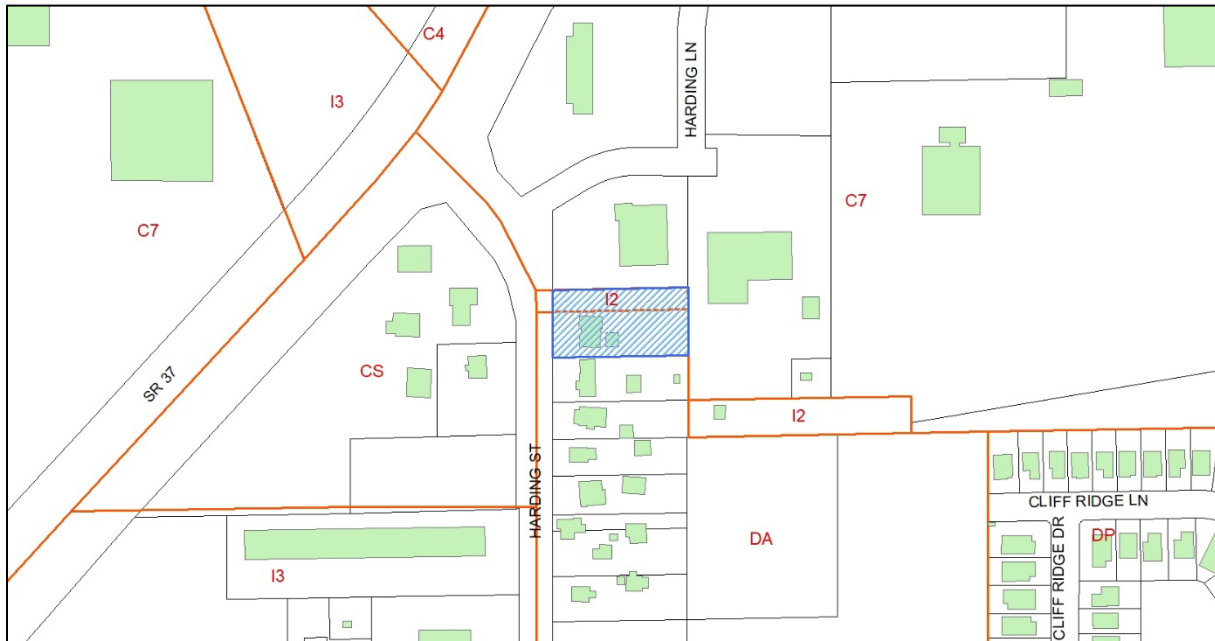
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89-Z-132; 5202 South Harding Street (west of site), requested a variance to provide for a second business sign structure, **approved**.

89-UV1-30; 5202 South Harding Street (west of site), requested a variance of use to provide for five model homes and sales office, **approved**.

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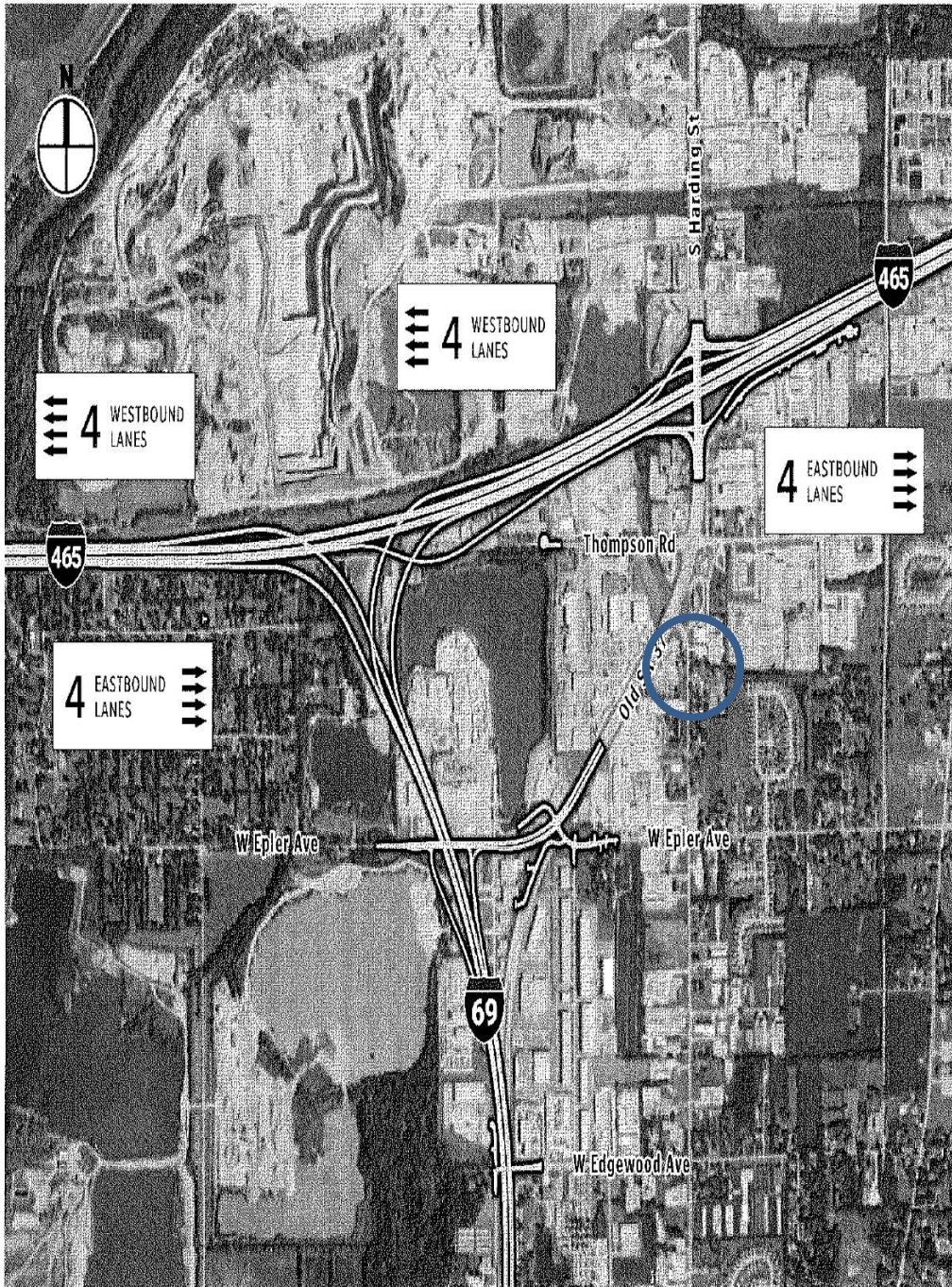
STAFF REPORT 2023-ZON-061, Location



STAFF REPORT 2023-ZON-061, Aerial photograph (2022)



STOP 11 RD to I-465



Subject site is in the blue circle.

STAFF REPORT 2023-ZON-061, Photographs



Looking southeast across Harding Street at the subject site and neighbors to the south.



Looking east across the northern section of the site.



Looking east at the neighbor to the north.



Looking east from Harding Street and the southern border of the site.



Looking south along Harding Street.



Looking along Harding Street.



Looking west at the neighbor to the west.