

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-026
Address: 6501 Brookville Road (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Brookville Mart, Inc., by Cindy Thrasher
Request: Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

ADDENDUM FOR JULY 13, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing, at the request of the petitioner's representative.

June 15, 2023

The Hearing Examiner acknowledged an automatic continuance filed by a registered neighborhood organization that continued this petition from the May 11, 2023 hearing, to the June 15, 2023 hearing.

RECOMMENDATIONS

Staff **recommends approval** of this request, 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 / receptables provided for the proper disposal of trash and other waste
2. A 56-foot half right-of-way shall be dedicated along the frontage of Brookville Road and a 40-foot half right-of-way along the frontage of South Kitley 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).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 2.9-acre site, zoned I-3, is comprised of three parcels, and developed with an industrial building (vacant) and parking lot. It is surrounded by commercial, industrial, and residential uses to the north; across Brookville Road, zoned C-7, I-3 and D-11, respectively; railroad right-of-way to the east and south, zoned I-3; and industrial uses to the west, across Kitley Avenue, zoned I-4.

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REZONING

- ◇ This request would rezone the site from the I-3 District to the C-4 classification. “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.”
- ◇ The Comprehensive Plan recommends heavy commercial typology. “The Heavy Commercial typology provides for consumer-oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.”
- ◇ 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:

Heavy Commercial Uses

- Should be located along an arterial or collector streets

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;

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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.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along Brookville Road and a 40-foot half right-of-way along South Kitley Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Planning Analysis

- ◇ The request would be generally consistent with the Comprehensive Plan recommendation of heavy commercial. The proposed use would not be considered a heavy commercial use but would be permitted in a heavy commercial district and would be compatible with surrounding commercial and industrial uses.
- ◇ Because of the anticipated redevelopment of the site, and the likely demolition of the existing structure, staff believes there would be minimal development impediments on this site. Consequently, staff would not support any development standards variances associated with the proposed use, including a waiver of sidewalks along both street frontages.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3 Industrial uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	C-7 / I-3 / D-11	Commercial uses / industrial uses / mobile home park
South -	I-3	Railroad right-of-way
East -	I-3	Railroad right-of-way
West -	I-4	Industrial uses

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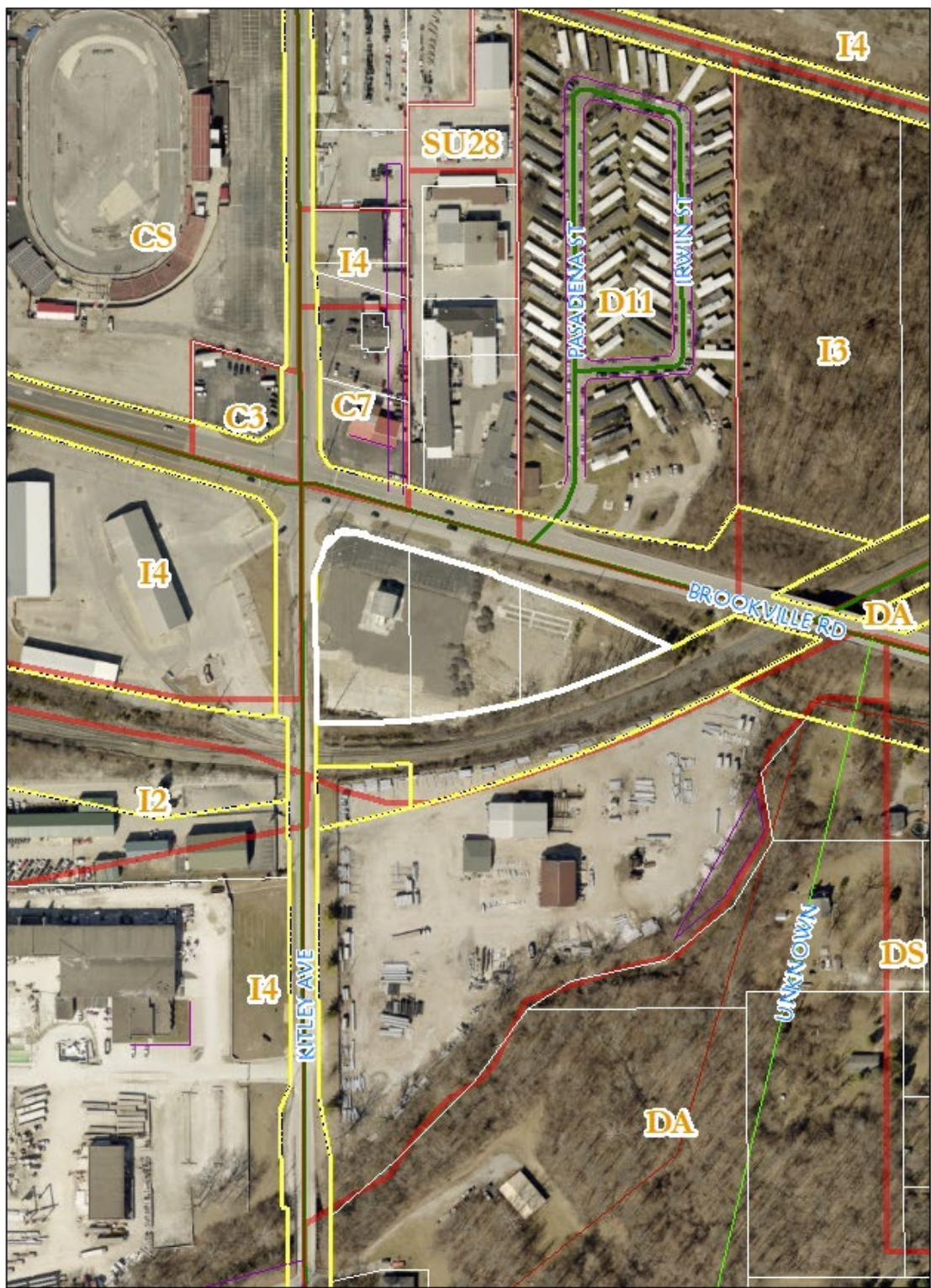
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COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy commercial typology. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of Brookville Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 105-foot right-of-way and a proposed 112-foot right-of-way. This portion of South Kitley Avenue is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 70-foot right-of-way and a proposed 80-foot right-of-way
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site.

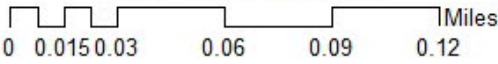
ZONING HISTORY

None.

kb



6501 brookville rd





View looking west along Brookville Road



View looking east along Brookville Road



View looking north along South Kitley Avenue



View looking northwest across intersection of Brookville Road and South Kitley Avenue



View of site looking southeast across Brookville Road



View of site looking south across Brookville Road



View of site looking south across Brookville Road



View of site looking east across South Kitley Avenue



View of site looking east across South Kitley Avenue



View of site looking east across South Kitley Avenue



View of southern boundary of site looking east across South Kitley Avenue