



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

August 15, 2024

<b>Case Number:</b>	2024-ZON-075
<b>Property Address:</b>	7015 Brookville Road (Approximate Address)
<b>Location:</b>	Warren Township, Council District #20
<b>Petitioner:</b>	Liberty Boatwrks, LLC, by Joseph D. Calderon
<b>Current Zoning:</b>	I-1
<b>Request:</b>	Rezoning of 2.85 acres from the I-1 district to the I-3 district to provide for boat sales and repair.
<b>Current Land Use:</b>	Industrial
<b>Staff Recommendations:</b>	Denial
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued from the July 25, 2024 hearing to August 15, 2024 hearing at the request of the petitioner.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 2.85-acre subject site is developed with a fueling station to the north, an equipment enclosure, and an industrial building measuring approximately 15, 250 square feet to the south.

The site is bordered to the west by a two-tenant space building and associated undeveloped wooded parcel, zoned I-1, an industrial business south, zoned I-1, a general contractor business east, zoned I-1, and a credit union north, zoned C-4.

**REZONING**

The request would rezone the property from the I-1 district to the I-3 district to allow for boat sales and repair.



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The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.

### **STAFF ANALYSIS**

The proposed boat sales and repair business would be classified under Other Vehicle Sales, Rental or Repair, which is only permitted in the C-7, I-3 and I-4 districts by right or the I-2 district if vacant for five consecutive years. An inherent characteristic of the use is the outdoor display of vehicles offered for sale which is considered a primary facet of the use. As a primary use, the display must meet the development standards as a primary use and not the standards associated with an accessory use.

The proposed I-3 district is a medium industrial district, which would not be consistent with the light industrial land use recommendation of the Comprehensive Plan. In staff's opinion, it would be too intense for the area which is currently being utilized as a buffer district from the D-A district to the west and the I-2 district further east of the site.

Granting the rezoning at this site could set a precedent to rezone other sites in this buffer area to districts greater than the light industrial recommendation. Thereby, nullifying the protection of non-invasive industrial uses that do not have intense impacts to the D-A protected district.

Additionally, the Pattern Book removes heavy commercial uses and retailing as land use recommendations in the light industrial typology when it falls within the Industrial Reserve Overlay, which this site does. The retailing aspect would have needed to be subordinate to and serving the primary uses of production, warehousing, and offices, which would not have been the case at this site.

Staff is concerned the site does not appear to have sufficient room for maneuverability and could have the potential for unordered outdoor storage of boats either waiting for repair, waiting for pick-up, or extra storage of boats to be sold. There could also be some difficulty with meeting the landscape requirements on site.

Lastly, the I-3 district would allow for a variety of intense uses that would not be appropriate at this location such as Truck Stop, Waste or Recycling Transfer Facility and Heavy Outdoor Storage to name a few uses. However, the petitioner has agreed per their proposed commitments to limit the uses to I-1



permitted primary any accessory uses in addition to medium manufacturing and other vehicle sales, rental, or repair of the I-3 district.

It was discovered that the existing fence has barbed wire on top, which is not permitted. The petitioner will need to have this removed unless they plan to file for a variance to have it remain.

For these reasons, staff is recommending denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-1	
<b>Existing Land Use</b>	Industrial	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	C-4 Commercial
	South:	I-1 Industrial
	East:	I-1 Industrial
	West:	I-1 Unknown
<b>Thoroughfare Plan</b>		
Brookville Road	Primary Arterial Street	112-foot proposed right-of-way and 296-foot existing right-of-way.
Brookville Way	Local Street	50-foot proposed right-of-way and 28-foot half right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 22, 2024	
<b>Site Plan (Amended)</b>	July 31, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	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 light industrial development of the site.
- 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.
- Light Industrial Uses are 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.
- The Pattern Book has the following land use recommendations that would apply:
- **Light Industrial Uses**
  - 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.
- **Heavy Commercial Uses**
  - Removed as a recommended land use where they would be adjacent to a living typology.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
  - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
  - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- Additionally, the site falls within the Industrial Reserve (IR) overlay, which 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.
- When the Industrial Reserve overlay is present, the Heavy Commercial Uses and Small-Scale Offices, Retailing, and Personal or Professional Services recommendation is removed. Our logistics and industry businesses provide opportunities for Indianapolis residents in the form of high-quality, well-paying, full-time employment while also supporting the tax base so that infrastructure can be built and maintained, and city services can be provided. However, undeveloped land that has the necessary proximity to transportation systems is dwindling. Once these large tracts of land are divided into smaller parcels, they become difficult to reassemble for large developments.



Additionally, once noncompatible land uses are developed, the value for industry, and the jobs it supports, become threatened. Land for industrial uses needs to be preserved so that these job-creators can continue to grow and thrive.

**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

**2012-UV1-010; 7005 Brookville Road** (subject site); Variance of use and development standards of the Industrial Zoning Ordinance to provide for a natural gas fueling station (not permitted), with a canopy having a 12-foot east side setback and an equipment enclosure having a 16-foot east side setback (30-foot side setback required), **granted**.

### Zoning History - Vicinity

**2021-ZON-056; 7035 Brookville Road** (east of site), Rezoning of 1.15 acres from the I-1 district to the I-2 district, **approved**.

**2019-ZON-048; 6920 Brookville Road** (northwest of site), Rezoning of 0.9 acre from the D-A (FW) (FF) district to the I-2 (FW) (FF) classification, **approved**.

**2010-CZN-809 / 2010-CVR-809; 6923 Brookville Road** (west of site), Rezoning of 1.24 acres, from the D-A district to the I-1-S classification to provide for light industrial uses and variance of use and development standards of the Industrial Zoning Ordinance to provide for a heating and air conditioning and sewage component contractor, with related equipment storage in a reconstructed building, with a 6.8-foot west side transitional yard, **granted**.

**2011-CZN-807 / 2011-CVR-807; 7002 Brookville Road** (northwest of site), Rezoning of 2.14 acres from the C-4 District to the I-2-S classification to provide for a restoration contractor and a variance of development standards of the Industrial Zoning Ordinance to provide for a 7,500-square foot building with a nine-foot east side setback and a 20-foot west side setback, **approved and granted**.

**2002-ZON-082; 6920 Brookville Road** (northwest of site), Rezone 1.01 acres from D-A (FF) to C-5 (FF) to provide for automobile sales, **withdrawn**.

**96-Z-81; 6911 Brookville Road** (west of site), Rezoning of 1.4 acres, being in the D-A District, to the I-3-S classification to provide for industrial development including the manufacture of security equipment, **approved**.

**88-Z-33; 7001 Brookville Road** (east of site), Rezoning of 45.7 acres from the A-2 District to the I-2-S classification to provide for an industrial park, **approved**.

**2003-UV2-008; 1215 Brookville Way** (east of site), Variance of use of the Industrial Zoning Ordinance to provide for administrative medical offices and general office uses (not permitted), **dismissed**.

**98-UV1-37; 7002 Brookville Road** (northwest of site), Variance of use of the Commercial Zoning Ordinance to provide for the operation of a towing service and repossession lot (not permitted), **granted**.

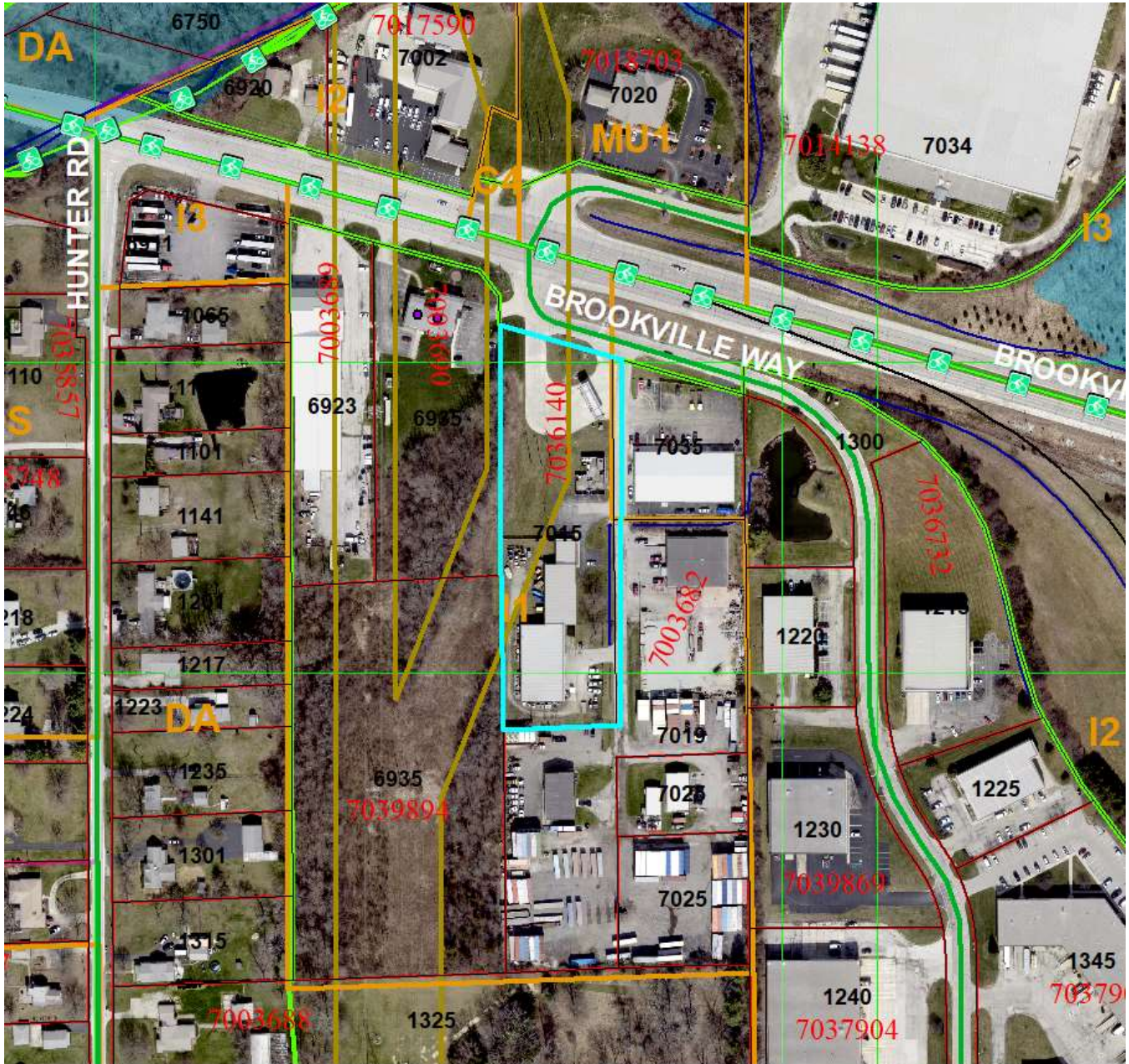


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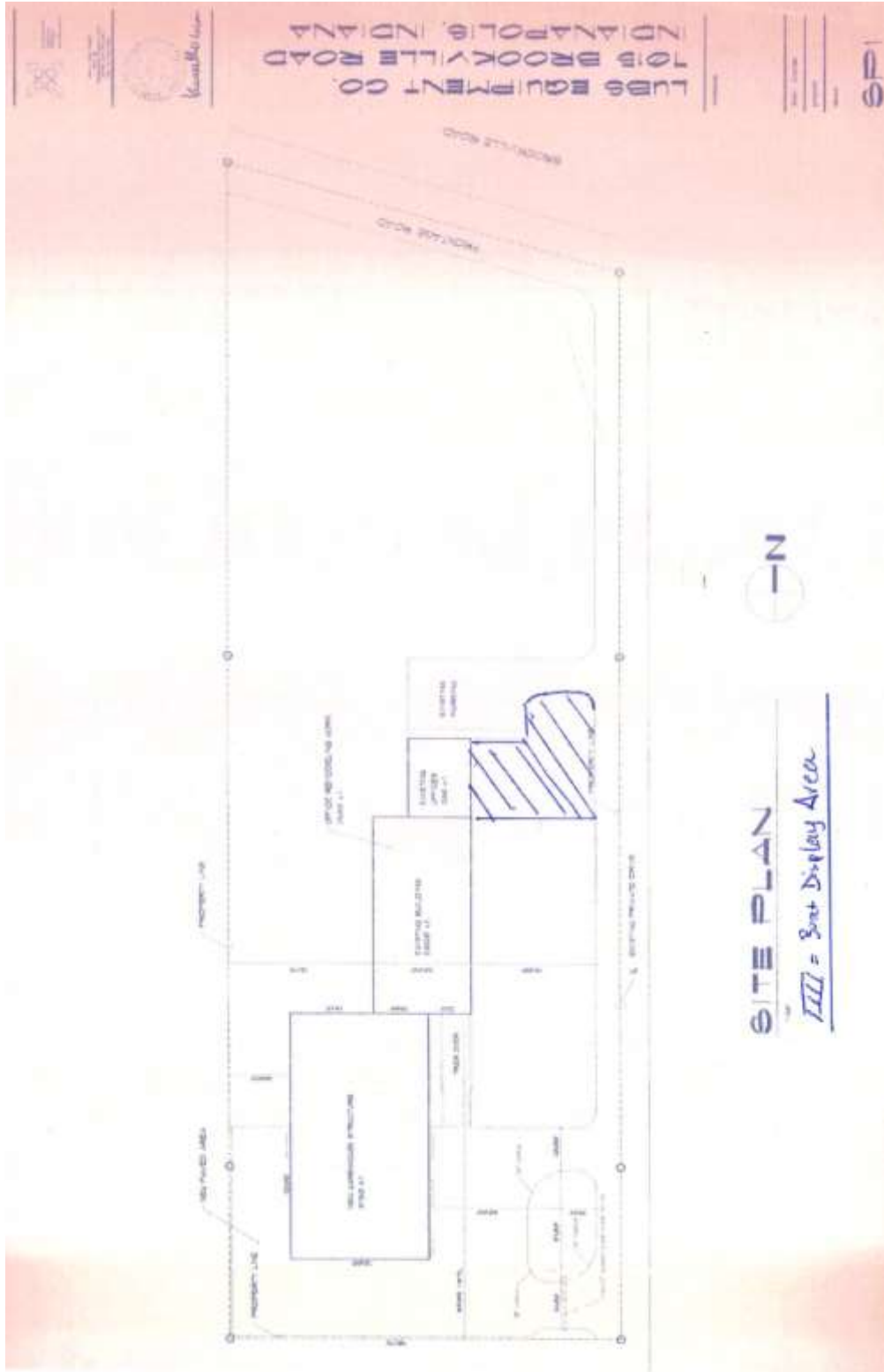
**97-UV1-47; 6920 Brookville Road** (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a general contractor (not permitted) within an existing 24 by 28 detached garage associated with an existing single-family residence, **granted.**

**88-SE2-7; 7001 Brookville Road** (east of site), Industrial Special Exception to provide for the development of an industrial park with either public or private interior access roads, and outside operations, servicing, processing and storage of materials or products within five hundred feet of the residential districts to the west and south of the park, **granted.**

EXHIBITS

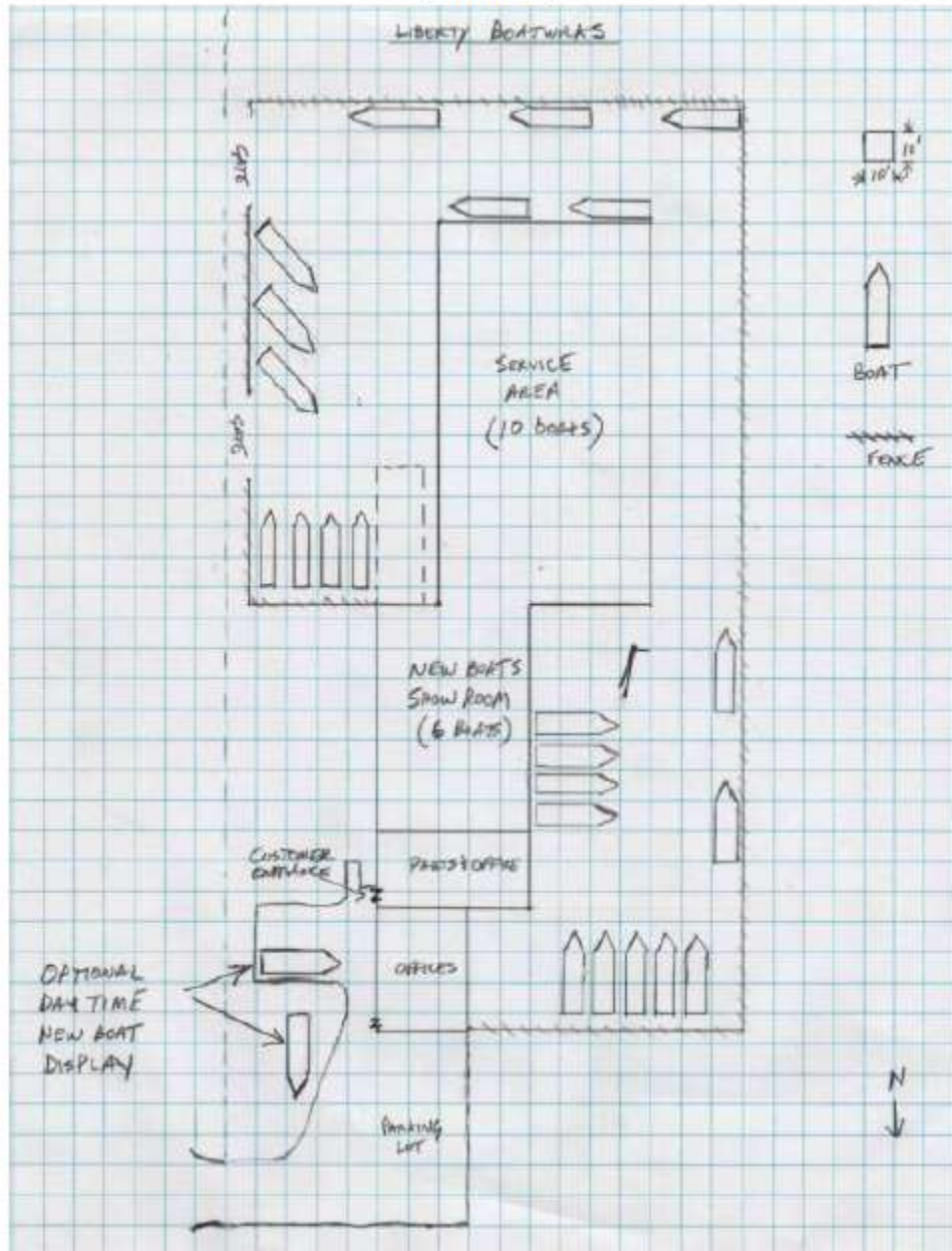






Site Plan

Exhibit "C"



Amended Site Plan



Exhibit "B"

PLAN OF OPERATION

LIBERTY BOATWRKS, LLC

2024-ZON-075

7015 BROOKVILLE ROAD

<u>USE:</u>	Sale of new fishing boats, used boats taken in trade. Repair of fishing and other boats, including sale/installation of accessories. Typically, 6 new boats are available for sale and 3-8 boats undergoing repair on any given day. Projected Maximums: 12 boats for sale and 15 undergoing repair. The sales and service areas are shown on the site plan.
<u>HOURS OF OPERATION:</u>	Monday through Friday   7:00 a.m. – 4:30 p.m. Saturday   Appointment Only
<u>NUMBER OF EMPLOYEES:</u>	Currently, 4 employees
<u>INDOOR / OUTDOOR ACTIVITY:</u>	All repair and most sales take place indoors. Some boats awaiting repair/pick-up will be stored outdoors, and there may be 1-3 boats for sale displayed outside during business hours but not overnight, in the location shown on the site plan.
<u>DELIVERIES:</u>	New boats delivered infrequently (1-2 times a month).
<u>CUSTOMER TRANSACTIONS:</u>	1-2 per day on average.



## STATEMENT OF COMMITMENTS

### COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

**Legal Description:** See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

#### **Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The boat dealership using the Subject Property shall be operated in substantial accordance with the Plan of Operation attached hereto as Exhibit "B".
3. Outdoor display/storage areas shall be limited to those shown on the Site Plan attached hereto as Exhibit "C".
4. The use of the Subject Property shall be limited to the following uses as described in Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance:
  - a) All I-1 permitted uses, including accessory uses;
  - b) The following I-3 permitted uses
    - i. Medium Manufacturing
    - ii. Other Vehicle Sales, Rental or Repair (including the boat dealership and boat repair operation now known as Liberty Boatwrks)



Photo of the subject site.



Photo of the subject site looking west.



Photo of the fenced in area west of the site.



Photo of the fenced in area east of the building.



Photo of the fenced in area east of the building that leads to the rear of the site.



Photo of a fueling station at the north end of the site.



Photo of an industrial business east of the site.



Photo of a business northeast of the site.



Photo of the property north of the site.