

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-021
Address: 3449 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: RIARS, LLC, by David Gilman
Request: Rezoning of 0.75 acre from the D-4 (FF) district to the C-3 (FF) district to provide for retail sales of accessories and parts for semi-tractors and trailers.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.

The Hearing Examiner continued this petition from the May 11, 2023 hearing, to the June 15, 2023 hearing, at the joint request of petitioner's representative and the registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends approval** of the 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. The following improvements shall be completed prior to the opening and operation of the proposed commercial uses: the parking areas shall be paved and striped; landscaping shall be installed; and the six-foot tall privacy fence along the northern and eastern site boundaries shall be installed.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.75-acre site, zoned D-4 (FF), is developed with commercial structures (currently vacant). It is surrounded by a single-family dwelling to the north and east, zoned D-4; single-family dwellings to the south, across Sumner Avenue, zoned D-4; and industrial uses to the west, across South Harding Street, zoned, I-4.

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- ◇ Aerial photography from 1937 appears to depict a commercial building on the corner with single-family dwelling to the north. By 1941, a single-family dwelling was constructed on the northern portion of the site. Additions to the commercial building in the 1960s and 70s connected the original commercial structure to the southern dwelling along with extensions to the east.
- ◇ Petition 89-UV1-117 provided for indoor storage of supplies. Petition 2021-ZON-066 requested development of the fueling station and convenience store. This request was denied.

REZONING

- ◇ This request would rezone the site from the D-4 (FF) District to the C-3 (FF) classification. “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 Comprehensive Plan recommends traditional neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ 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.

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- ◇ 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.

Small-Scale Offices, Retailing, and Personal or Professional Services

- 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 located at intersections and limited to an aggregate of 1 acre per intersection.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
- Should not include outdoor display of merchandise.
- Lots should be no larger than one and a half times the adjacent lots.

Overlays

- ◇ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ The entire site is located within the 100-year floodplain of Highland Creek

Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

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- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note, except for a small portion of the access drive along Ruth Drive, the entire site lies within the 100-year floodplain.
- ◇ Staff would also note the following uses are prohibited in the floodplain:
 - a. Jails;
 - b. Hospitals;
 - c. Assisted living facilities;
 - d. Nursing homes;
 - e. Laboratories;
 - f. Elementary, Middle or High Schools;
 - g. Daycare facilities;
 - h. Fire stations;
 - i. Emergency operation centers;
 - j. Police facilities;
 - k. Truck, train, or bus terminal, storage or maintenance facility;
 - l. Wrecking or salvage facility;
 - m. Gas, oil or propane storage facility;
 - n. Industrial laundry;
 - o. Hazardous waste handling or storage facility; and
 - p. Other public equipment storage facilities.

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.

Planning Analysis

- ◇ As proposed, the request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood, specifically small-scale retailing that is further defined as light general retail.
- ◇ Staff would also note that this site has historically been used commercially since the mid-1900's. The proposed commercial use would be a similar historical land use with minimal impact on the surrounding land uses.
- ◇ Staff understands that the existing structure would remain, with site improvements that would include parking lot paving, / striping, installation of landscaping and installation of a six-foot tall privacy fence along the northern and eastern site boundaries abutting the residential neighborhood. The petitioner's representative has agreed that these improvements would be completed prior to the opening of the business.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-4 Commercial uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	D-4	Single-family dwelling
South -	D-4	Single-family dwelling
East -	D-4	Single-family dwelling
West -	I-4	Industrial uses

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.
Marion County Land Use Pattern Book (2019).

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THOROUGHFARE PLAN	<p>This portion of South Harding Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 85-foot right-of-way and a proposed 102-foot right-of-way.</p> <p>This portion of Sumner Avenue is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 75-foot right-of-way and a proposed 80-foot right-of-way.</p>
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive overlay.
SITE PLAN	File-dated March 28, 2023

ZONING HISTORY

2021-ZON-066; 3449 South Harding Street, requested rezoning of 0.75 acre from the D-4 (FF) district to the C-S (FF) district to provide for a convenience store and gasoline station, **denied**.

89-UV1-117; 3448 South Harding Street, requested a variance of use to provide for indoor storage of supplies, **approved**.

VICINITY

2016-UV1-011; 3512 South Harding Street (southwest of site), requested a variance of use to provide for a construction business and the indoor parking and storage of construction vehicles, **approved**.

2005-ZON-016; 1309 West Sumner Avenue (southeast of site), requested the rezoning of 1.7 acres from the D-4 district to the C-S district to provide for truck and trailer sales and storage, **withdrawn**

2004-ZON-032; 3515 South Harding Street (south of site), requested the rezoning of 0.8 acre from the D-4 district to the I-2-S district, **approved**.

97-Z-172; 3512 South Harding Street (southwest of site), requested the rezoning of 1 acre from the C-3 district to the C-ID district, **withdrawn**.

95-UV1-77; 3501 South Harding Street (south of site), requested a variance of use to provide for a garage addition for indoor storage of equipment and supplies for a legally established, non-conforming window sales and contracting business, **approved**.

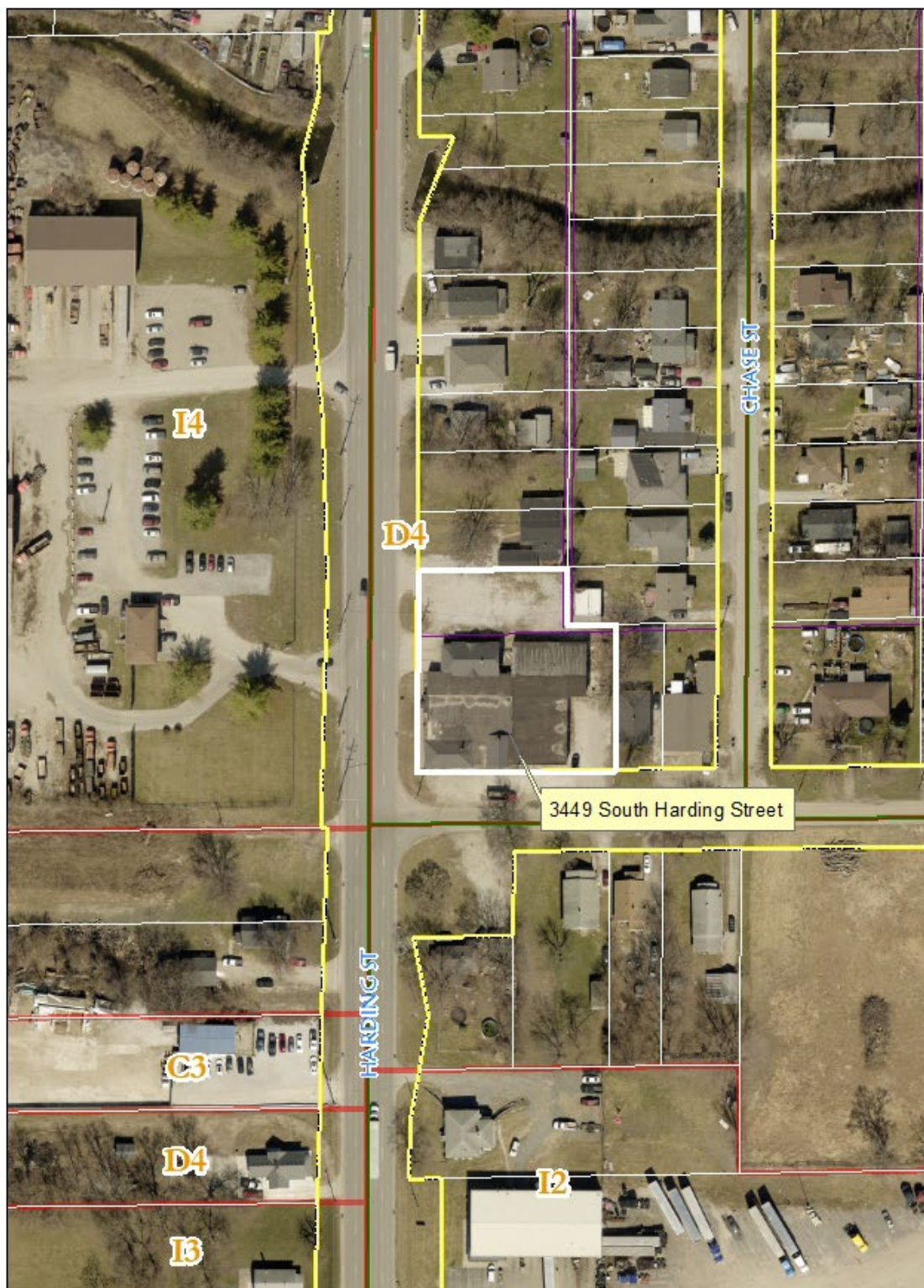
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88-Z-202; 3519 South Harding Street (south of site), requested the rezoning of 2.5 acres from the D-4 district to the I-2-S district, **approved**.

86-Z-182; 3402 South Harding Street (west of site), requested the rezoning of 13.67 acres from the 1-4-S district to the I-5-S district, **withdrawn**.

kb



3449 South Harding Street

0 0.0075 0.015 0.03 0.045 0.06 Miles

Lots 222-226 in Richland Section B Reliable Realty Company's 9th Addition, an Addition to the City of Indianapolis in Marion County, Indiana as per plat thereof recorded in Plat Book 19, page 177 in the Office of the Recorder of Marion County, Indiana.

1. INSPECT WITHIN 24 HOURS OF EACH RAIN EVENT IN EXCESS OF 1/2 INCH AND AT LEAST ONCE EVERY SEVEN CALENDAR DAYS. IMMEDIATELY REPAIR SIGNS OF EROSION.
2. REMOVE SEDIMENT AND PLACE IN A STABILIZED AREA.
3. TOP DRESS WITH ADDITIONAL STONE AS NEEDED.
4. INSTALL #2 STONE

BOUNDARY	EXISTING GRADE	PROPOSED GRADE	OVERLAND DRAINAGE FLOW
LOT LINE			
CENTERLINE			
CONTOUR MAJOR			
CONTOUR MINOR			
U.L.S.E. = BUILDING SETBACK LINE			
U.L.S.E. = UTILITY AND DRAINAGE EASEMENT			
U.L.S.E. = SQUARE FEET			

EROSION CONTROL BARRIER (SILT FENCE OR EQUIVALENT) SHALL BE INSTALLED AROUND THE ENTIRE PERIMETER OF THE PROPERTY PRIOR TO COMMENCEMENT OF ANY EARTHWORK, AND SHALL BE MAINTAINED IN PLACE FOR THE ENTIRE DURATION OF CONSTRUCTION.

1. INSPECT WITHIN 24 HOURS OF EACH RAIN EVENT IN EXCESS OF 1/2" INCH AND AT LEAST ONCE EVERY SEVEN CALENDAR DAYS.
2. IF BARBER STAYS TO RECOUPLES, OR IN ANY WAY BECOMES INEFFICIENT, REPLACE THE ATTACHED POINT OR UNWIND IT.
3. REMOVE DEPOSITS TO MAINTAIN THE BARBER AT THE HEIGHT OF THE BARBER AT ITS LOWEST POINT OR CAUSING THE BARBER TO BULGE.
4. MAKE SURE THE BARBER IS NOT UNDERMINING THE BARBER DURING CLEAN OUT.
5. AFTER THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED, REMOVE THE BARBER AND SEDIMENT DEPOSITS, BRING THE DISTURBED AREA TO THE SAME LEVEL AS THE UNDISTURBED AREA.

The accuracy of the flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in the location or elevation of the referenced flood insurance rate data. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the referenced County, Map Number 1339702033P dated April 19, 2015, has been described root elevation line within Zone "X" on the base flood flood elevation has been determined by graphic plotting only. No field surveying was performed to determine this zone and no elevation certificate may be needed to verify this determination or apply for a variance from the Federal Management Agency.

LOT AREA = --- SQUARE FEET
FOOTPRINT AREAS = --- SQ. FT.
TOTAL NET OPEN SPACE = ---%
STREET FRONTAGE = ---'

THIS SITE PLAN WAS PREPARED BASED ON INFORMATION TAKEN FROM DEEDS, MARION COUNTY GIS, AND THE CLIENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY AXIS OF ANY DISCREPANCIES.

DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARD PLAN 16-01 OF THE DEPARTMENT OF RESIDENTIAL DRIVEWAYS SHALL OF PUBLIC WORKS STANDARDS FOR STREET AND BRIDGE DESIGN & CONSTRUCTION.

Gentle swales required to be constructed (or to be protected if existing) along side lot lines during construction and to remain post construction to direct sheet drained watershed towards front and back of and not towards existing or proposed residence.

THE LOCATION OF UTILITY LATERALS
ARE SCHEMATIC IN NATURE AND
SHOULD BE VERIFIED IN THE FIELD

BUILDER MUST MAINTAIN
10' SEPARATION BETWEEN
WATER & SANITARY LATERALS



Donna B. Scott

RELIABLE REALTY
COMPANY'S 9TH ADDITION

M / E Residential, LLC

NORTHEAST QUARTER
OF SECTION 27
TOWNSHIP 15 NORTH
RANGE 3 EAST
PERRY TOWNSHIP
MARION COUNTY

AXIS
SURVEYING, LLC

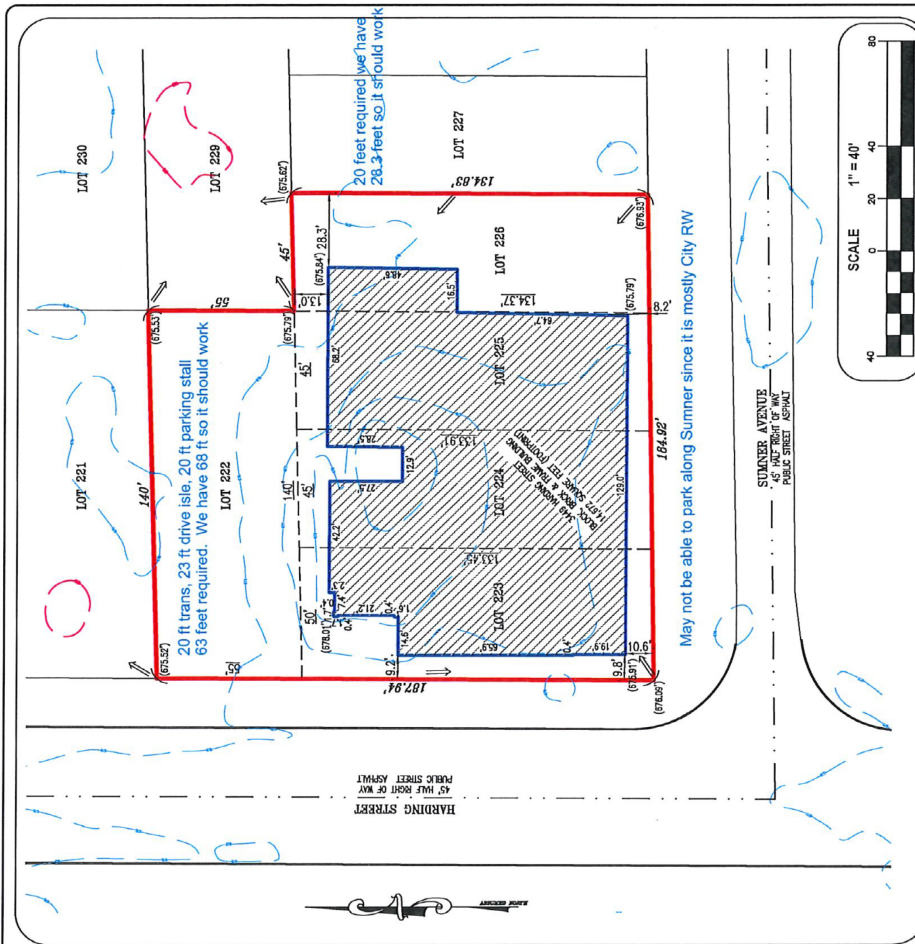
Complete Surveying Services for Commercial - Residential

(317) 841-1506 - www.AXISIndy.com P.O. BOX 502369 - Indianapolis, IN 46250

DRAWN BY: R. STOHLER

CHECKED BY:

ISSUE DATE: 09-27-2022



May not be able to park along Sumner since it is mostly City RW

SUMNER AVENUE
45' HALF-RIGHT-OF-WAY
PUBLIC STREET ASPHALT

SCALE 1" = 40'





View looking south along South Harding Street



View looking north along South Harding Street



View of site looking east across South Harding Avenue



View of site looking northeast across South Harding Street



View of site looking east



View of site looking south



View of site looking north across West Sumner Avenue



View of site looking north across West Sumner Avenue



View of site and abutting dwelling to the east looking north across West Sumner Avenue