

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-117
Address: 6105 Southeastern Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Tim Hedinger, by David Gilman
Request: Rezoning of 2.07 acres from the C-3 and C-S districts to the C-S district to provide the expansion of a self-storage use and to terminate all commitments approved under rezoning petition 95-Z-6.

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the October 27, 2022 hearing, to the November 10, 2022 hearing, at the request of the petitioner's representative.

October 27, 2022

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. Development of the site shall be in substantial compliance with the site plan and Development Statement (Plan of Operation), both file-dated September 15, 2022.
2. A landscape plan and elevations of proposed buildings shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).
3. The existing tree buffer along the southern and western boundary of this site shall be preserved and maintained.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 2.07-acre site, zoned C-3 and C-S, is developed with a commercial building and three self-storage buildings. It is surrounded by undeveloped land to the north, across Southeastern Avenue, zoned C-S; single-family dwellings to the south, zoned D-3; industrial uses to the east, zoned C-S; and commercial uses and undeveloped land to the west, zoned C-3.
- ◇ Petition 95-Z-6 rezoned the southern portion of the site from the C-3 to the C-S classification to provide for a self-storage facility.

(Continued)

STAFF REPORT 2022-ZON-117 (Continued)

REZONING

- ◇ This request would rezone the site from the C-3 and C-S Districts to the C-S classification to provide for the expansion of a self-storage use and a wrecker and tow truck sales business and to terminate all commitments approved under rezoning petition 95-Z-6. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."
- ◇ The Special Commercial district (C-S) is established for the following purposes:
 - 1. To encourage:
 - i. A more creative approach in land planning.
 - ii. Superior site and structural design and development.
 - iii. An efficient and desirable use of open space.
 - 2. To provide for a use of land with high functional value.
 - 3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
 - 4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
 - 5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.
- ◇ The Comprehensive Plan recommends suburban neighborhood. "The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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."
- ◇ This request would not be consistent with the Comprehensive Plan but given the auto-related commercial uses to the west, the industrial uses to the north and east, and the proximity of Interstate 74, staff believes that the proposed use would not be impactful to the existing uses. Furthermore, the existing buffers would mitigate the impact of the proposed use on those abutting land uses. Staff also believes that because of the surrounding land uses, it would be unlikely that the uses permitted in the suburban neighborhood would occur on this site as it has been developed.

(Continued)

STAFF REPORT 2022-ZON-117 (Continued)

Plan of Operation / C-S Statement

- ◇ The Plan of Operation, file-dated September 8, 2022 and the Development Statement, file-dated September 15, 2022, are the same documents with different titles and dates. Because the rezoning to the C-S district requires a C-S Statement, staff will comment only on the Development Statement.
- ◇ The Development Statement states that additional property has been acquired and the owner proposes to expand the wrecker and tow truck sales business.
- ◇ A portion of one of the existing self-storage buildings would be demolished to allow for construction of an 80-foot by 80-foot storage building that would provide for storage of larger trucks and equipment.
- ◇ There would be between 10 and 15 employees. Hours of operation would be 8:00 a.m. to 5:00 p.m., Monday through Friday; 8:00 a.m. to 2:00 p.m. on Saturday; and closed on Sunday.
- ◇ The Plan also indicates that traffic associated with the proposed use would be minimal because most of the sales would occur by appointment.
- ◇ Proposed signage would be in accordance with the Sign Regulations and shall not include billboard advertising signs or digital signs.

Site Plan

- ◇ The site plan, file-dated September 15, 2022, includes the existing site development to the east and incorporates this site that depicts the demolition of the northern portion of the larger self-storage building and identifies the location of proposed new 6,400-square foot building located behind the existing building.
- ◇ The existing access drive would remain in the current location.

Planning Analysis

- ◇ As proposed, staff believes this request would be a reasonable and supportable expansion of an existing use that would not negatively impact the surrounding land uses.
- ◇ Staff does, however, believe the existing landscape areas along the western and southern boundary should remain and be maintained to provide an appropriate buffer particularly to the abutting residential uses to the south. If necessary, additional landscaping should be installed to preserve and maintain that buffer.

(Continued)

STAFF REPORT 2022-ZON-117 (Continued)

- ◇ Staff also believes that the 1995 commitments would no longer be applicable to the current use and / or has been satisfied during the intervening years. See Exhibit A.
- ◇ Staff would note that a sidewalk has been installed along the Southeastern Avenue frontage outside the existing right-of-way and on private property.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 / C-S

Commercial use

SURROUNDING ZONING AND LAND USE

North - C-S

Industrial uses / offices

South - D-3

Single-family dwellings

East - C-S

Industrial uses

West - C-3

Auto-related commercial uses / undeveloped land

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood.

THOROUGHFARE PLAN

This portion of Southeastern Avenue is designated in the Marion County Thoroughfare Plan as a freeway, with an existing 180-foot right-of-way and proposed 102-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There are no overlays for this site.

SITE PLAN

File-dated September 15, 2022

DEVELOPMENT STATEMENT AND PLAN OF OPERATION

File-dated September 15, 2022 and September 8, 2022

ZONING HISTORY

2019-ZON-098; 6105 Southeastern Avenue, requested rezoning of 2.57 acres from the C-3 and C-S districts to the C-S district to provide for a wrecker and tow truck sales business, **approved**.

2005-ZON-080; 6215 Southeastern Avenue, requested rezoning of 2.285 acres from the C-S District to the C-S classification to provide for an outdoor stage with live entertainment with operations limited to Sundays from 1:00 p.m. until sunset from May until September in addition to the existing mini-warehouse facility permitted by petition 95-Z-6, **denied**.

(Continued)

STAFF REPORT 2022-ZON-117 (Continued)

2002-UV1-013; 6125 Southeastern Avenue, requested a variance of use of the Commercial Zoning Ordinance to provide for weekend live entertainment in an existing 9,960-square foot restaurant and to legally establish a landscaping strip located within the right-of-way of Southeastern Avenue, **granted**.

95-Z-6, 95-CV-2; 6105 Southeastern Avenue, requested rezoning of 2.285 acres, being in the C-3 District, to the C-S classification to provide for the installation of a mini-warehouse facility, deck and patio business and a Variance of Development Standards to allow access to the mini-warehouse facility from a 30-foot wide access easement, **approved and granted**.

VICINITY

2016-UV1-009; 6033 Southeastern Avenue (west of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for automobile sales and display with a parking area with a reduced front setback, **granted**.

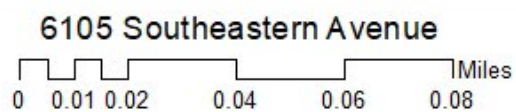
2014-ZON-022; 6300 Southeastern Avenue, 2402 Hunter Road and 6221 East Raymond Street (north of site), requested rezoning of 133.5 acres, being in the D-A and C-S districts, to the C-S classification to provide for an industrial use, including corporate offices, light and heavy vehicle and equipment sales and rental, light and heavy vehicle and equipment service, repair and storage facilities, new and used vehicle and equipment parts sales, service and storage, outdoor display and storage of light and heavy vehicles, equipment, machines and parts, with accessory uses and operations including, welding shops, wash bays, fuel islands, sandblast shops, painting booths, test facilities, cold storage areas, outdoor equipment and machinery test area, outdoor equipment and machinery staging area, trash compactor and old tractor storage / museum building, **approved**.

96-Z-227, 6202 Southeastern Avenue (north of site); requested rezoning 43 acres, from D-A to C-S, to provide for 84 acres of regional and highway-oriented commercial development and light industrial development, 43 acres of multi-family residential development, and 21 acres for an assisted living facility, **approved**.

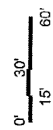
86-UV3-115, 6101 Southeastern Avenue (west of site); requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor sales and display of lawn furniture and parking located along the existing right-of-way of Southeastern Avenue, **granted**.

77-UV2-119, 6033 Southeastern Avenue (west of site); requested variance of use of the Commercial Zoning Ordinance to provide for retail and wholesale of fencing supplies, with outdoor storage and a pole sign, **granted**.

71-Z-113, 6201 Southeastern Avenue (east of site); requested rezoning of three acres, from A-2 to SU-34, to provide for a masonic lodge, **approved**.



LOT 2 OF HEDINGER'S SOUTHEASTERN
AVENUE SUBDIVISION RECORDED UNDER
INSTRUMENT NUMBER A 202100036150, IN
THE OFFICE OF THE RECORDER OF
MARION COUNTY, INDIANA.



SCALE: 1" = 60'

6105 SOUTHEASTERN AVE.

PROPOSED SITE & DEVELOPMENT PLAN



Cross References:

1995-0052570

2003-0104546

2020-0003358

Development Statement

6105 Southeastern Avenue

September 15, 2022

BACKGROUND

The subject property was granted a CS rezoning in 1995, under petition 95-Z-06, to allow for a self-storage warehouse development. The site was again rezoned CS under petition 2019-ZON-098 to allow for a wrecker and tow truck sales business.

The owner has developed the wrecker and tow truck sales business and has since acquired the adjacent lot to the west. That site is developed with 2 rows of self-storage buildings (presently unoccupied). The owner proposes to construct a larger 80 X 80 storage building to replace the northern end of these storage units. The lot and buildings will continue to be used for self-storage or personal storage for the business. A new site plan and elevations are on file.

PROPOSAL

The petitioner owns a wrecker and tow truck sales business approved in 2019 and would like to expand this business to include the adjacent lot to the west. This lot is part of the original CS and developed with 2 rows of self-storage buildings (presently unoccupied).

The owner proposes to petition for a new CS zoning classification to include this adjacent lot for his wrecker and tow truck sales business. The existing buildings will be used for self-storage and business storage. The owner proposes a new 80 X 80 storage building to store larger trucks and equipment.

Workforce

The proposed truck sales business employees approximately 10-15 persons per largest work shift.

The business hours are from 8am to 5pm Monday through Friday; 8am to 2pm on Saturday and closed on Sundays.

Off-Street Parking

There is ample off-street parking provided at the subject site (see site plan on file).

Clients and Customers

Much of the customer business is by appointment, however, walk in customers would be allowed. The proposed use would generate a minimal amount of traffic, since much of the truck sales business activity could be conducted over the phone or on-line.

Business Activity/Security Measures

There is a new security fence around the vehicle storage area and a gate at the business entrance.

Shipping and Receiving

The business would receive materials from UPS or a FedEx type of delivery service. The new wreckers and tow trucks are driven to the site or delivered on flat bed trailers. There would be no hazardous materials stored or delivered to the site.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. The owner would continue to participate in a recycling program.

Signage

Signs shall be permitted for the building and a pylon sign along the Southeastern frontage in accordance with the Consolidated Zoning and Subdivision Ordinance (CZSO). There will be no EVMS permitted.

Prior Written Commitments or Agreements

1. The Written Zoning Commitments (*Commitments*) recorded under Instrument Number 1995-00525570 are hereby nulled and void. These Commitments are crossed referenced with this Development Statement.
2. The Agreement for Construction of Sanitary Sewer Under Private Contract (*Agreement*) recorded under Instrument Number 2003-0104546, has been fully executed by David L. Munn, prior owner, on November 20, 2002, and is deemed fully satisfied by the City of Indianapolis, Department of Public Works. This Agreement is crossed referenced with this Development Statement.

Cross References:

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2003-0104546

2020-0003358

**Plan of Operation
6105 Southeastern Avenue
September 8, 2022**

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EXHIBIT A

COMMITMENTS

NOTE: ARTICLE VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

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. 36-7-4-607, 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:

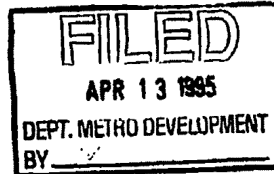
Legal Description: See Exhibit A, attached hereto and by this reference incorporated herein.

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. A landscape plan showing the proposed landscaping of the entire site with additional landscape elements in the southern transitional yard shall be submitted for and subject to Administrator's Approval prior to the issuance of the first Improvement Location Permit. Said landscaping shall indicate spacing, species and size of the landscape elements. The landscaping along the south, east and west perimeters and the privacy fencing along the south and east property lines shall be completed in conjunction with the completion of the first phase of mini-warehousing structures and maintained at all times thereafter.
3. The site shall be developed in conformance with the site plan and building elevations, file-dated February 24, 1995, as amended by the provision of additional landscaping located in the south transitional yard.
4. Petitioner shall, prior to or at the time of issuance of the first Improvement Location Permit, provide plans and specifications for a water retention area of not less than 12,000 gallons usable water for fire protection purposes with a 20 foot unobstructed access to water retention area from a public right-of-way and with a commercially acceptable Dry Hydrant for quick drafting applications.
5. Upon installation of Indianapolis Water Company mains along Southeastern Ave., the owner shall extend a main into the northwest corner of the storage facility and provide a wet fire hydrant.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other persons acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A", which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the adoption of rezoning petition # 95-Z-6 by the City-County Council changing the zoning classification of the real estate from a C-3 zoning classification to a C-S zoning classification and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.



Inst # 1995-0052570

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of the owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments) and,
4. _____

The undersigned hereby authorizes the Division of Development Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 95-Z-6.

IN WITNESS WHEREOF, owner has executed this instrument this 9th day of March, 1995.

Signature David J. Munn
Printed David J. Munn

Signature _____
Printed _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared David J. Munn, owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9th day of March, 1995.

Signature Judi A. LeMond
Printed Judi A. LeMond
County of Residence Morgan

My Commission expires:
April 1, 1998

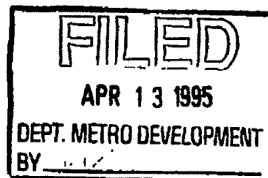
This instrument was prepared by William F. LeMond, Attorney at Law.

file 4232
code 3/95MUNN.2

MD-171b (revised 2/24/86)

5271/jh

95-2-6





View looking east along Southeastern Avenue



View looking west along Southeastern Avenue



View of site looking south



View of site looking south



View of site looking west



View looking south at adjacent property



View from site looking southeast at adjacent property



View from northern portion of the site looking west at adjacent land uses



View of sidewalk looking south on adjacent property



View of sidewalk looking north on adjacent property