

## **STAFF REPORT**

### **Department of Metropolitan Development Division of Planning Current Planning Section**

**Case Number:** 2022-ZON-085  
**Address:** 4505 South Harding Street (*Approximate Address*)  
**Location:** Perry Township, Council District #20  
**Petitioner:** Harding Street, Inc., by David Kingen and Emily Duncan  
**Request:** Rezoning of 5.22 acres from the MU-1 (FF) district to the I-3 (FF) district.

#### **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, to provide time for the petitioner's representative to provide additional information that had been previously requested by staff.

#### **ADDENDUM FOR OCTOBER 27, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the September 15, 2022 hearing, to the October 27, 2022 hearing, at the request of the petitioner's representative.

#### **September 15, 2022**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the August 11, 2022 hearing, to the September 15, 2022 hearing.

#### **RECOMMENDATIONS**

Staff **recommends denial** of the request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 5.22-acre site, zoned MU-1 (FF), is developed with a vacant motel. It is surrounded by industrial uses to the north, zoned I-3 (FF); commercial uses to the south, zoned C-5 (FF) and C-7 (FF); undeveloped land to the east, zoned I-4; and commercial uses to the west, across South Harding Street, zoned C-7(FF).
- ◇ Petitions 2021-CZN-842 / 2022 CVR-842; 4050 South Harding Street, requested rezoning of this site to the I-3 (FF) district and a variance of development to legally establish zero-foot north and south side and east rear yards. The petitions were withdrawn.

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## **STAFF REPORT 2022-ZON-085 (Continued)**

### **REZONING**

- ◇ This request would rezone the site from MU-1 (FF) District to the I-3 (FF) classification to provide for industrial uses. “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.”
- ◇ The Comprehensive Plan recommends Community Commercial typology. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

#### *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.
- ◇ Because industrial uses are not a recommended land use within community commercial typology, there are no recommended policies or development guidelines.

### **Overlays**

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas. “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.
- ◇ This entire site is located within the 100-year flood plain of White River.

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## STAFF REPORT 2022-ZON-085 (Continued)

### **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.
- ◇ 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 (I-3 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would 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.
- ◇ Furthermore, staff has concerns with the following uses that would be permitted should this request be approved:
  - Agricultural machinery and equipment sales, rental or repair
  - Agricultural uses, buildings and structures
  - Processing and packaging of food and beverages
  - Auctioneering and liquidating services
  - Dry cleaning plant
  - Outdoor advertising off-premises sign
  - Commercial and building contractors
  - Heavy Equipment sales, service or repair
  - Light, medium and heavy manufacturing
  - Automobile and vehicles storage or auction
  - Automobile, motorcycle and light vehicle service or repair

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**STAFF REPORT 2022-ZON-085 (Continued)**

- Recycling station
- Waste or recycling transfer facility
- Heavy outdoor storage
- Self-storage facility
- Warehousing, wholesaling and distribution

**Planning Analysis**

- ◇ As proposed, the request would not be consistent with the Comprehensive Plan recommendation of community commercial. Staff requested more information on the proposed use for further consideration and review but no additional documents have been submitted by the petitioner’s representative. Admittedly, information on specific uses is not required but given the environmental sensitive overlay and the inconsistency with the Plan recommendation, staff believes it would be appropriate for the petitioner’s representative to provide more information.
- ◇ Because of the location within the floodplain of White River, many permitted industrial uses would be detrimental and could negatively impact surrounding land uses and the water quality of the White River.
- ◇ Redevelopment of this site would be appropriate but without more information, staff does not believe I-3 industrial uses on this site would be supportable.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

MU-2 (FF)	Vacant motel
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**SURROUNDING ZONING AND LAND USE**

North -	I-3 (FF)	Industrial uses
South -	C-5 (FF) / C-7 (FF)	Commercial uses
East -	I-4 (FF)	Undeveloped land
West -	C-7 (FF)	Commercial uses

**COMPREHENSIVE LAND USE PLAN**

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.

**THOROUGHFARE PLAN**

This portion of South Harding Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 226-foot right-of-way and a proposed 102-foot right-of-way.

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## **STAFF REPORT 2022-ZON-085 (Continued)**

CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive area (100-year floodplain of White River)

### **ZONING HISTORY**

**2021-CZN-842 / 2022 CVR-842; 4505 South Harding Street**, requested rezoning of 5.22 acres from the MU-1 (FF) district to the I-3 (FF) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish zero-foot north and south side and east rear yards, **withdrawn**.

### **VICINITY**

**2012-CZN-813 / 2012-CVR-813; 4585, 4600 and 4800 South Harding Street (south of site)**, requested rezoning of 37.11 acres from the C-2 (FF), C-3 (FF), C-5 (FF), C-7 (FF) and I-3-S (FF) Districts to the I-4-S (FF) classification to provide for a motor truck terminal and a variance of use and development standards of the Industrial Zoning Ordinance to provide for truck and truck-related sales and to provide for a 15-foot north side lot line, a zero-foot front yard, without landscaping, zero-foot side yards lines abutting the parcel shown as an exception (addressed as 4585 (Parcel 5028528) 4603 and 4605 South Harding Street), on the site plan submitted to the file, and a zero-foot south side lot line, **approved and granted**.

**2009-SE1-005; 4607 South Harding Street (south of site)**, requested special exception of the Commercial Zoning Ordinance to provide for an amusement arcade, **granted**.

**98-V2-14; 4584 South Harding (south of site)**, requested variance of development standards of the Sign Regulations to provide for an off-premises advertising sign, **granted**.

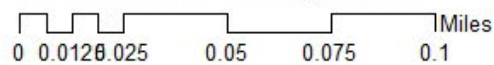
**91-SE2-1 / 91-UV2-36; 4507 South Harding Street (south of site)**, requested the approval of an Industrial Special Exception to permit the construction and use of an asphalt plan and a variance of use of the Flood Control District Zoning Ordinance to permit development on a lot that does not have all-weather access above the 100-year floodplain elevations, and a variance of development standards to permit development on a lot that does not have direct access to a public street, **granted**.

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4505 South Harding Street







View of site looking north from site entrance



View of site looking southeast



View of site looking southeast



View of site looking north





View of site looking west



View from site looking west



View from site looking south



View from site looking south





View from site looking south