

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2022-CZN-862 / 2022-CVR-862 (Amended)  
**Address:** 5204, 5206 and 5216 South Harding Street (*Approximate Address*)  
**Location:** Perry Township, Council District #20  
**Petitioner:** Quiktrip Corporation, by J. Murray Clark  
**Request:** Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard of SR 37 (not permitted in front yard), with a 50-foot tall, 568.5-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), with fifteen street trees along Harding Street (29 required) and sixteen trees along SR 37 (23 required) and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

### ADDENDUM FOR APRIL 13, 2023, HEARING EXAMINER

This petition was continued from the March 9, 2023 hearing to the April 13, 2023 hearing at the request of the petitioner. New site and landscape plans, and a new sign elevation were submitted that resulted in an amendment to the request.

Staff **continues to recommend denial of these requests.** However, should the Hearing Examiner decide to approve the request staff asks that the following commitment be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Harding Street, 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).

The rezoning request was not amended. Staff recommends denial of the rezoning for the reasons found below in the November 10, 2022 Staff Report.

(Continued)

## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

Changes were made in the variance requests. This petition now requests seven variances of development standards to provide for

- a dumpster enclosure in the front yard of SR 37. A trash enclosure is not permitted in a front yard,
- sixteen street trees along SR 37 where 23 trees are required,
- fifteen street trees along Harding Street where 29 are required,
- a 50-foot tall, 568.5-square-foot pole sign. Maximum pole sign height is 20 feet tall and maximum pole sign area is 300 square feet, and
- a 23-foot tall, 109-square-foot free-standing incidental sign. Maximum incidental sign height is eight feet tall and maximum incidental sign area is 32 square feet.

Trash enclosures are not permitted in front yards. Trash enclosures in a front yard are frequently unsightly and disrespect passers-by and neighbors by forcing them to look at the site's trash. Because the subject site is roughly triangular with streets on two sides, the number of potential locations for a trash enclosure is limited. However, the site plan makes little attempt to locate the enclosures in an inconspicuous spot. Instead, they are placed along State Road 37.

The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. There is no apparent reason the required number of trees cannot be planted. This use will generate a significant amount of vehicle fumes compared to most uses that would be typically found in the Community Commercial typology. The site should be providing more trees rather than a deficient number of trees to mitigate the site's impact on air quality and urban heat.

The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. No reason for the lack of trees is given in the Findings of Fact.

A pole sign over double the permitted height and nearly double the permitted area has been requested. Freestanding signs in limited numbers can significantly help the motoring public identify destinations. However, unnecessarily large or tall signs tend to distract, confuse and disorient motorists while losing the effectiveness of commercial messages in a harsh sea of poles, colors, logos and words. This would be especially true in the subject area with its heavy, fast traffic and preponderance of large trucks.

Incidental signs are those whose purpose is secondary and incidental to the use of the site and carries no commercial message that is legible beyond the site. They are limited in size to 32 square feet and in height to eight feet. One of the incidental signs on this site provides directions to the users of the site, specifically truck drivers seeking to weigh their vehicle. It's proposed to be 109 square feet and 23 feet tall. The function

(Continued)

## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

of this sign is atypical of incidental signs and as such, must be taller and larger than typical incidental signs to be useful.

### **ADDENDUM FOR MARCH 9, 2023, HEARING EXAMINER**

This petition was continued from the December 15, 2022 hearing to the March 9, 2023 hearing at the request of the petitioner. No additional information has been supplied.

### **ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER**

This petition was continued from the November 10, 2022 hearing to the December 15, 2022 hearing.

### **November 10, 2022 Staff Report**

### **RECOMMENDATION**

Staff **recommends denial of these requests.** However, should the Hearing Examiner decide to approve the request staff asks that the following commitment be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Harding Street, 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**

- ◇ Historic aerial photography from 1937 indicates a farmstead on 5204 South Harding Street and a single-family dwelling at 5216 South Harding Street. By 1956 a dwelling on 5206 South Harding had been constructed as had a row of dwellings south along the east side of Harding Street. Those dwellings still stand today. In the mid-1960s State Road 37 was under construction along the west edge of the subject site and headed southwest across open farmland. By 1972 industrial uses were developed along the west side of Harding Street.

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## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

- ◇ The Comprehensive Land Use Plan (2018) recommends Community Commercial for the site. This land use category is intended for low intensity commercial uses that serve nearby neighborhoods.

### **ZONING**

- ◇ This petition requests a rezoning from the C-S district to the C-7 district. The C-S district allows for a customized list of permitted land uses, but also requires adherence to an approved site plan and development statement. For this site, Petition 2009-ZON-057 provided for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel. The C-3 uses are responsive to the Land Use Plan recommendation. Depending on its size and amenities the hotel might also be responsive to the Land Use Plan. The landscape supply operations might also fit into the Community Commercial typology depending on its operations and arrangement.
- ◇ The C-7 district is designed to provide for commercial uses that have qualities that are incompatible with less intense land uses. Examples of these qualities are outdoor storage and display of merchandise, and the outdoor parking and storage of trucks. Because of the character and intensity of these uses, this district should be located on major commercial arterial thoroughfares and near interstate interchanges, but not in close association with consumer commercial activities such as retailing, professional services, or restaurants. Due to the intensity of its uses, location of this district should never be adjacent to protected districts, such as dwellings, churches and schools.
- ◇ This request would locate the C-7 district across the street from single-family dwellings in the D-A zoning district. The Comprehensive Land Use Plan recommendation for the adjacent dwellings is Office Commercial. The petitioner has supplied a list of uses that they are willing to commit to excluding from the site (See below.). However, the remaining C-7 uses are not appropriate adjacent to either single-family dwellings or office development.

### **VARIANCES**

- ◇ This petition requests eight variances of development standards to provide for
  - a dumpster enclosure in the front yard with a five-foot setback along SR 37. A trash enclosure is not permitted in front yard and a ten-foot setback is required,
  - parking and drive aisles with a five-foot setback from SR 37. A ten-foot wide landscape area required,
  - thirteen street trees along SR 37 where 23 trees are required,

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## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

- fifteen street trees along Harding Street where 29 are required,
  - a 90-foot tall, 391-square-foot pole sign. Maximum pole sign height is 20 feet tall and maximum pole sign area is 300 square feet, and
  - a 23-foot tall, 109-square-foot free-standing incidental sign. Maximum incidental sign height is eight feet tall and maximum incidental sign area is 32 square feet.
- ◇ Trash enclosures are not permitted in front yards. Trash enclosures in a front yard are frequently unsightly and disrespect passers-by and neighbors by forcing them to look at the site's trash. Because the subject site is roughly triangular with streets on two sides, the number of potential locations for a trash enclosure is limited. However, the site plan makes no attempt to locate the enclosures in an inconspicuous spot. Instead, they are placed along State Road 37 and five feet closer to the right-of-way than a structure of any sort is permitted.
- ◇ The site plan depicts parking spaces and drive aisles within the required ten-foot landscape space along State Route 37. This site is an intense use that will generate a significant amount of traffic. The reduced landscape space detracts from the site's ability to adequately screen the site or provide the other aesthetic and environmental benefits conferred by landscaping. The lack of landscaping space along SR 37 is also an indication that the site would be overdeveloped.
- ◇ The lack of an adequately sized landscape strip plays into the further request to reduce the required number of street trees along SR 37 from 23 to 13. If an adequately sized landscape strip was provided, a compliant number of trees could be planted. This use will generate a significant amount of vehicle fumes compared to most uses that would be typically found in the Community Commercial typology. The site should be providing more trees rather than a deficient number of trees to mitigate the site's impact on air quality and urban heat.
- ◇ The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. No reason for the lack of trees is given in the Findings of Fact.
- ◇ A pole sign over four times the permitted height has been requested, presumably to allow it to be seen from I-465. Tall signs in close proximity to interstate interchanges were once permitted by the Ordinance. The tall interchange sign provision of the Ordinance was removed in 2019.
- ◇ The tall interchange sign provisions that were in place prior to 2019 allowed for signs up to 80 feet in height if they were within 1,320 feet of the intersection of the centerlines of the interstate and local street. The sign had to be at least 600 feet

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## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

from a protected district and could be no greater in area than that permitted for other freestanding signs on the site. The tall interchange sign could be the only pole or pylon sign on the site.

- ◇ An eighty-foot tall sign was permitted nearby at 1551 West Thompson Road in the late 1990s. This sign required a variance because it was approximately 1440 feet from the interchange.
- ◇ The proposed sign would not meet any of the 2019 provisions above. The proposed sign is 90 feet tall, roughly 2,600 feet from the interchange, roughly 550 feet from a protected district, is 91 square feet larger than the largest freestanding sign permitted on the site, and is one of two freestanding signs on the site. It would be more distant from the new I-69 interchange than from the remaining I-465 interchange.
- ◇ Freestanding signs in limited numbers can significantly help the motoring public identify destinations; however, unnecessarily large or tall signs tend to distract confuse and disorient motorists while losing the effectiveness of commercial messages in a harsh sea of poles, colors, logos and words. This would be especially true in the subject area with its heavy, fast traffic and preponderance of large trucks.
- ◇ Incidental signs are those whose purpose is secondary and incidental to the use of the site and carries no commercial message that is legible beyond the site. They are limited in size to 32 square feet and in height to eight feet. One of the incidental signs on this site provides directions to the users of the site, specifically truck drivers seeking to weigh their vehicle. It's proposed to be 109 square feet and 23 feet tall. The function of this sign is atypical of incidental signs and as such, must be taller and larger than typical incidental signs to be useful.

### **Traffic Impact Study**

- ◇ A traffic impact study was submitted with this petition. The study investigates how the traffic generated by this project would affect seven nearby intersections and the proposed access points to the site.
- ◇ This request comes at a unique time for this area with the coming of I-69 in the next two years. The opening of the new interstate will cause major shifts in the traffic flows in the vicinity. Among the changes will be a drop in traffic volumes on State Route 37 and its transfer in the responsibility to the City of Indianapolis.

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## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

- ◇ According to the study, the proposed development would generate 120 new trips during the peak morning hour and 100 new trips during the peak afternoon hour.
- ◇ The study determined that the proposed development would not generate enough traffic to reduce the operations of nearby intersections to unacceptable levels. The study also looked at the access and egress on the two proposed driveways on Harding Street. The study found that dedicated left turns lanes into the site are not warranted. It also found that a dedicated right turn lane from southbound Harding Street into the north driveway is warranted. A dedicated right turn lane from southbound Harding Street into the south driveway was not warranted. The driveways should each have three lanes: an inbound lane, a right-turn only outbound lane and a left-turn only outbound lane.
- ◇ The study made recommendations for the improvement of traffic flow in the vicinity upon the opening of I-69. These improvements include establishing a left-bound turn lane from northbound Harding Street to southbound S.R. 37 and retiming the stoplights in the area.
- ◇ A Department of Public Works traffic engineer was of the opinion that even after the opening of I-69 and S. R. 37 reverts to the City's responsibility, a driveway from this site directly onto S.R. 37 is unlikely to be permitted. However, the traffic engineer stated that a study would need to be done before a definite decision on this matter was made.
- ◇ The site plan does not show sidewalks along Harding Street or from Harding Street to the front of the proposed building. Staff notes that sidewalks in these locations will be required to be provided by the Ordinance.

## **GENERAL INFORMATION**

### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

C-S	Metro	Landscape materials supplier
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### **SURROUNDING ZONING AND LAND USE**

Northwest	I-3, I-4	Electrical contractor, truck sales
South	I-3	Construction contractor
East	C-7, D-A, I-2	Truck repair, single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Land Use Plan (2018) recommends Community Commercial.
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## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

### **THOROUGHFARE PLAN**

Harding Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 65 feet to 107 feet and an 80-foot proposed right-of-way.

State Route 37 is classified in the Official Thoroughfare Plan for Marion County, Indiana as an Expressway. The plan does not propose a future right-of-way width.

### **FLOODWAY / FLOODWAY FRINGE**

This site is not located within a floodway or floodway fringe.

### **WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

### **STREAM PROTECTION CORRIDOR**

This site is not located within a Stream Protection Corridor.

## **ZONING HISTORY – SITE**

**2009-ZON-057; 5204, 5206 & 5216 South Harding Street**, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel, **approved**.

**2007-ZON-851 / 2007-CAP-851; 5202, 5206 & 5216 South Harding Street**, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for C-3 uses and an extended stay hotel, **approved**.

**90-Z-12; 5202 South Harding Street**, requested the rezoning of 5.3 acres from the I-2-U district to the C-S district to provide a construction company, display of model homes, outdoor storage, retail sales associated with a construction company and manufacturing of homes, **approved**.

**89-Z-132; 5202 South Harding Street**, requested a variance to provide for a second business sign structure, **approved**.

**89-UV1-30; 5202 South Harding Street**, requested a variance of use to provide for five model homes and sales office, **approved**.

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## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**

### **ZONING HISTORY – VICINITY**

**2022-ZON-045; 1600 West Thompson Road (northwest of site)**, requested the rezoning of 3.2 acres from the C-4 district to the I-3 district, **approved**.

**2018-UV3-024; 5201 South Harding Street (east of site)**, requested a variance of use to provide for a transport company and a variance of development standards to provide for deficient maneuvering space, the storage of tractor trailers and deficient setbacks and transitional yard, **denied**.

**2014-ZON-074; 1600 West Thompson Road (northwest of site)**, requested the rezoning of 3.2 acres from the I-3-S district to the C-4 district, **approved**.

**2007-ZON-051; 5191 Harding Lane (east of site)**, requested the rezoning of 0.9 acre from the I-2-S district to the C-7 district, **approved**.

**98-Z-225; 4950 Harding Lane (east of site)**, requested the rezoning of 2.5 acres from the C-4 district to the C-7 district, **approved**.

**94-UV1-68; 1631 West Thompson Road (west of site)**, requested a variance of use to provide for commercial truck and trailer servicing, repair, sales and leasing and the sale of truck parts, **approved**.

**94-Z-45; 1631 West Thompson Road (northwest of site)**, requested the rezoning of 22.9 acres from the I-4-S district to the C-7 district, **withdrawn**.

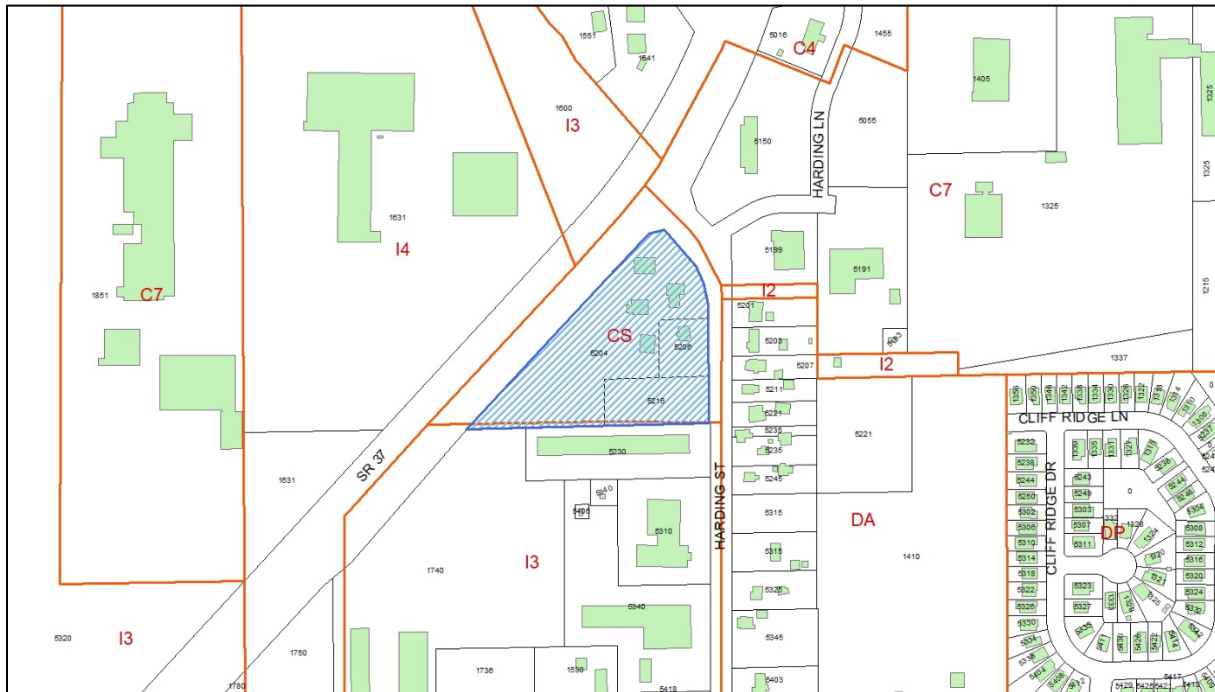
**87-UV3-82; 1631 West Thompson Road (west of site)**, requested a variance of use to provide for a mobile structure as a temporary facility, **approved**.

**83-Z-241; 1751 West Thompson Road (northwest of site)**, requested the rezoning of twenty acres from the I-3-S district to the I-4-S district, **approved**.

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## STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Location



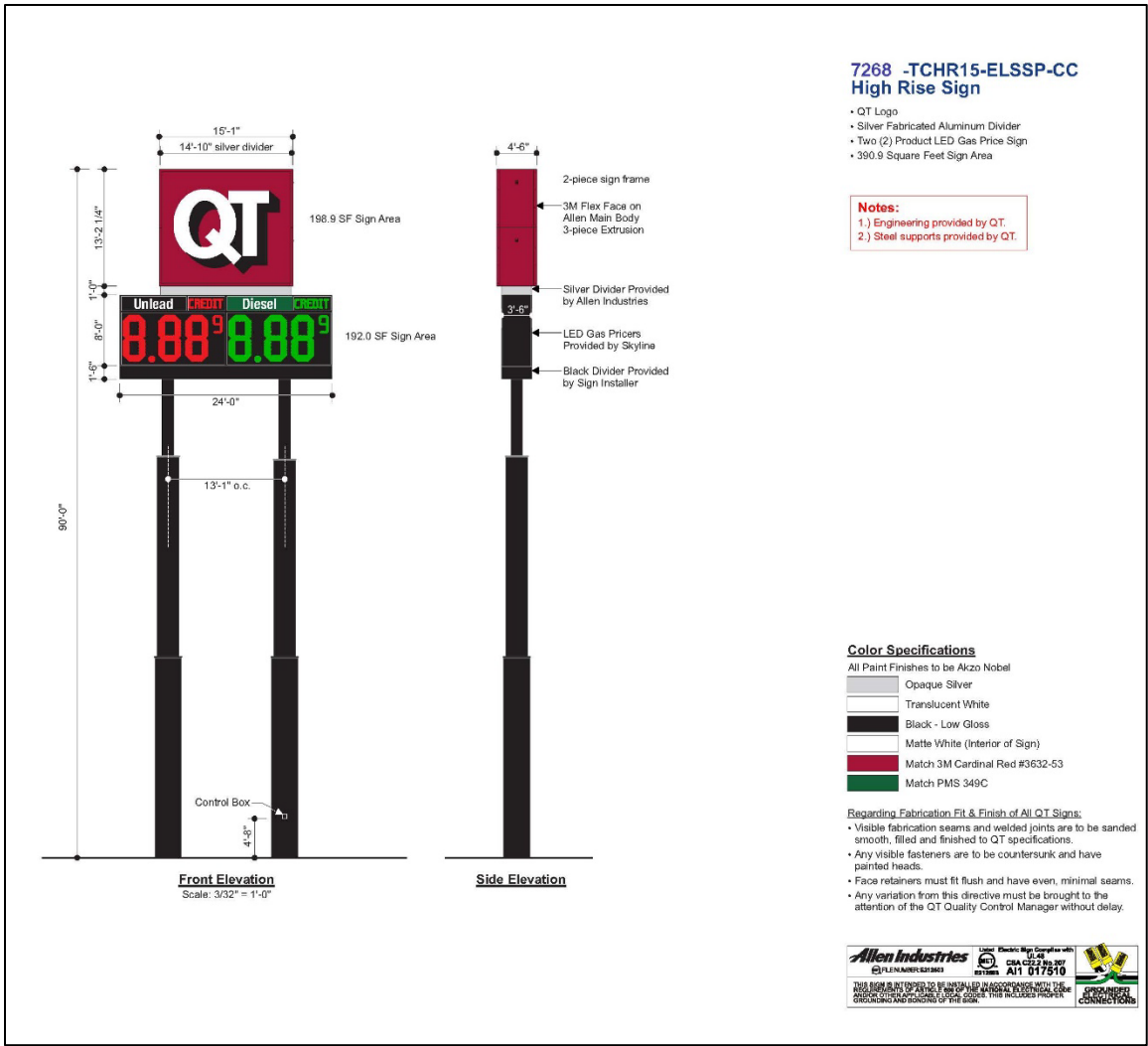
## STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Aerial photograph (2021)



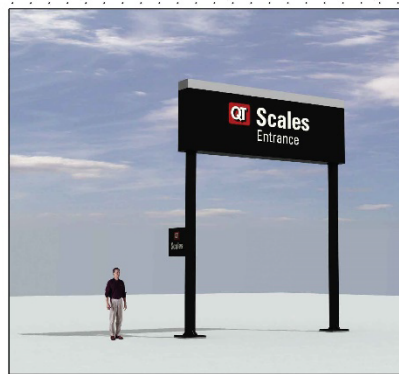
[illegible]

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STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Sign elevations







**QuikTrip®**



Vertical  
Pole Sign  
TC Scales

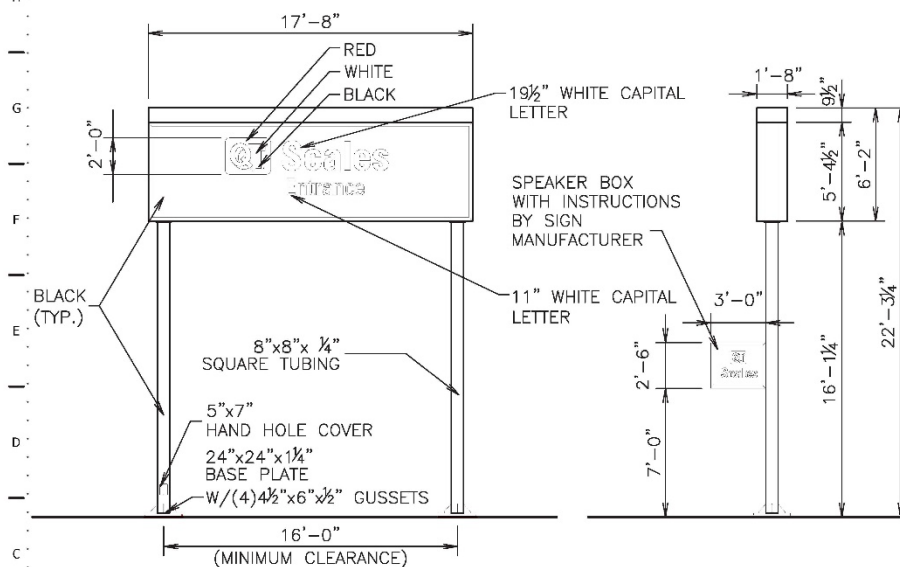
NOTES
DRAWN BY
ISSUE DATE 11/07/12

SQUARE FOOTAGE	TYPEFACE	NA
	INSIDE CAN	NA
	ENTIRE SIGN	96

SCALE:
$1/8" = 1'-0"$
SERIAL NUMBER:
TC Scales
STORE NUMBER:

\\Vault\_QTL\_bran\Presentation\Elevations\Signage\Misc Signs\TC Scale Sign.dwg - 1400 PlotDate: 12/11/2014 11:05 AM - Kim, Joe

REVERSE SIDE



**SPECIFICATIONS:**

### Sign Face

Sign Face  
Paniflex Face, Background 3M Opaque Black Vinyl, Univers 47 Condensed Light-Bold and Univers 55 Font 3M White Vinyl.

LOGO

Red; Screen Painted to match 3M 3632-53 Cardinal Red Vinyl, White; Screen Painted to match 3M White Vinyl Substrate, Black; Screen Painted to match 3M Black Vinyl.

### Sign Cabinet

Aluminum Construction, Internally illuminated with GE Tetra PowerStrip DS65/GE PS24 Power Supplies. Painted Akzo Noble, Black Low Gloss. Accent Trim section painted 1st surface Akzo Noble Silver-Low Gloss.

## **STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Findings of Fact**

Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA**

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The grant will not be injurious to the community because the property is ideally situated for use as a truck stop, as it is located at the corner of an expressway and a primary collector, and is nearby to other heavy commercial and industrial type uses. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

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2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The grant will not substantially adversely effect the area adjacent to the property because the real estate is already operating with a heavy commercial / industrial type use, and is nearby to other heavy commercial and industrial type uses. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

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3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The property has two frontages, and in order for the truck stop to function with the greatest efficiency and provide the best utilized signage, the property needs the grant of the development standards variances. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

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**DECISION**

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

_____	_____
_____	_____
_____	_____

**STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Proposed list of excluded uses.**

**QuikTrip Store #7268  
5204, 5206, 5216 S. Harding St.**

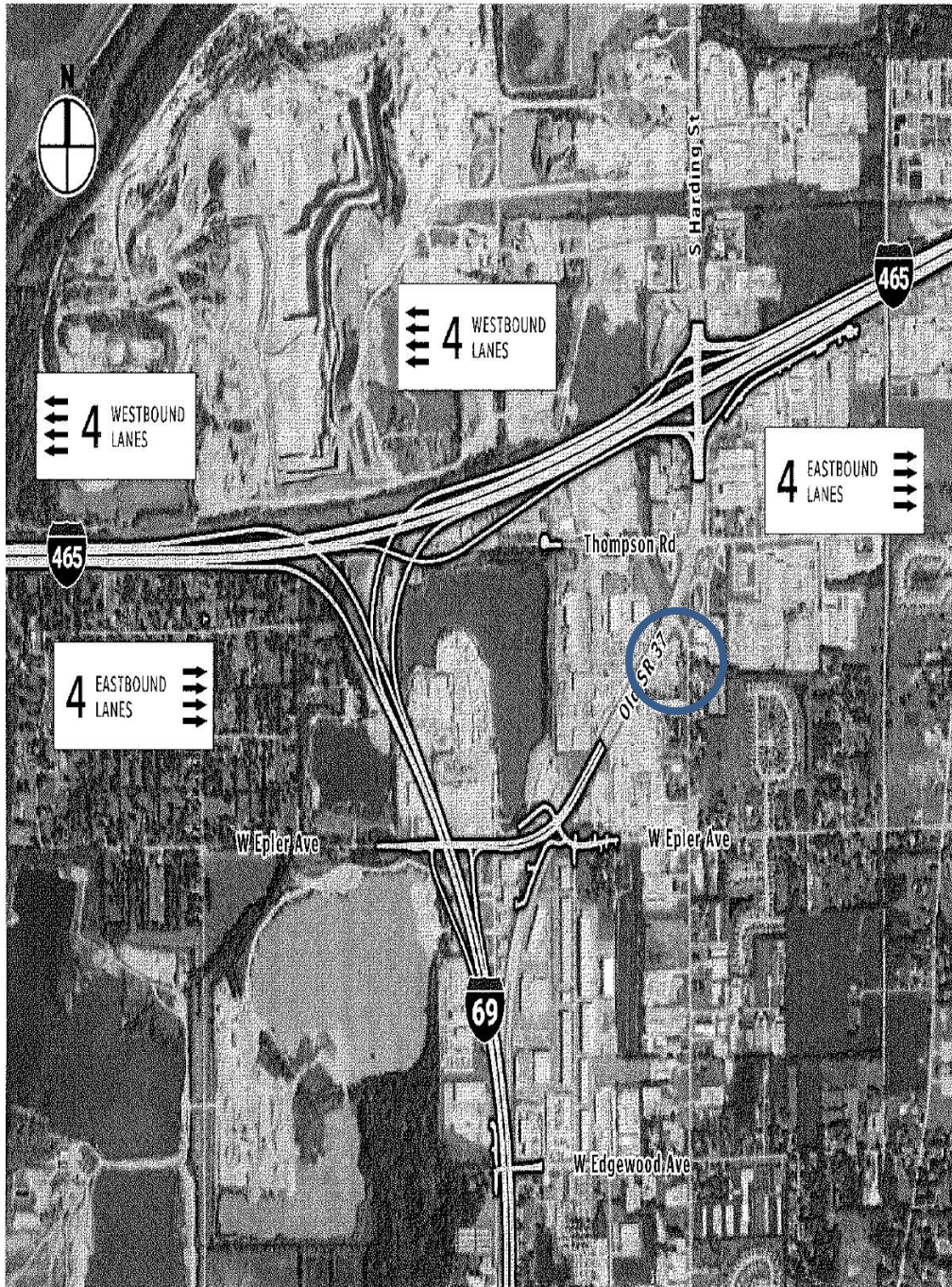
Rezoning of real estate from C-S district to C-7 district for use as a Truck Stop.

**List of prohibited uses:**

- Agricultural Machinery and Equipment Sales, Rental, or Repair
- Auctioneering and Liquidating Services
- Dry Cleaning Plant or Industrial Laundry
- Adult Entertainment Business
- Bar or Tavern
- Night Club or Cabaret
- Commercial and Building Contractors
- Heavy Equipment Sales, Service or Repair
- Adult Entertainment Business: Retail
- Firearm Sales
- Fireworks Sales, On-going
- Liquor Store
- Pawn Shop
- Automobile and Light Vehicle Wash
- Automobile and Vehicle Storage or Auction
- Automobile, Motorcycle, and Light Vehicle Sales or Rental
- Automobile, Motorcycle, and Light Vehicle Service or Repair
- Heavy Vehicle Wash
- Motorsports Industry
- Other Vehicle Sales, Rental or Repair
- Truck or Heavy Vehicle Sales, Rental, or Repair
- Recycling Station
- Mini-Warehouses (Self-Storage Facility)
- Warehousing, Wholesaling and Distribution



## STOP 11 RD to I-465



Subject site is in the blue circle.



**STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Photographs**



Looking south across the southwest portion of the subject site.



Looking southeast from SR 37 across the central section of the site.



Looking southwest along the site's frontage on SR 37.



Looking south at the northern point of the site from Harding Street.





Looking west at the site from Harding Street.



Looking west at the site from Harding Street.





Looking southwest across the southern portion of the site. The industrial building in the background is the neighbor to the south.



Looking southeast along Harding Street at the neighboring dwellings to the east.



Looking east from the site across Harding Street.



Looking north from the site across Harding Street.





Looking north at the intersection of Harding Street and SR 37 toward the I-465 interchange.



Looking southwest along SR 37 to the neighbor to the west.