



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 13, 2024

Case Number: 2024-CZN-819 / 2024-CVR-819 (Amended)

Property Address: 8215 West Washington Street

Location: Wayne Township, Council District #17

Petitioner: Site 3 West, LLC, by Joseph D. Calderon

Current Zoning: SU-46

Request: Rezoning of 2.0 Acres from the SU-46 district to the I-1 district for light industrial uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings), approximately 140 feet from a protected district to the west and 400 feet from a protected district to the east (minimum separation of 500 feet required from a protected district) and a 10-foot side yard setback (30-foot side yard setback required).

Current Land Use: Vacant land

Staff Recommendations: Denial

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the May 23, 2024 hearing, to the June 13, 2024 hearing, with notice, at the request of staff, to provide time for an amendment to the request for a variance of development standards.

STAFF RECOMMENDATION

Denial. If approved, staff would request that approval be 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. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. 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 / receptacles provided for the proper disposal of trash and other waste.
3. Thirty-foot wide recorded transportation easement shall be provided prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

This 0.68-acre site, zoned SU-46 (Airport), is vacant and surrounded by undeveloped land to the north, across West Washington Street, zoned C-S; undeveloped land to the south, across North Perimeter Road (private street), zoned SU-46; assisted living facility to the east, zoned MU-1; and heavy commercial uses to the west, zoned C-7.

Petition 95-Z-169 rezoned the site to the C-7 district to provide for a commercial building and mini-warehousing

Petition 2021-ZON-068 requested rezoning of this site from the SU-46 district to the I-1 district but was withdrawn.

The request would rezone the site to the I-1 (Restricted Industrial) District. “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 Comprehensive Plan recommends office/industrial mixed-use typology.

As proposed, this request would not be consistent with the Plan recommendation. Based on the information that has been submitted, including the variances, the outdoor storage and operations would cause this use to be considered an I-3 or I-4 use, not a light industrial use. Furthermore, the lack of appropriate buffer would negatively impact the adjacent use (assisted living facility) to the east.

Staff also questions whether the amended site plan, file-dated May 13, 2024, would be able to meet the required Green Factor. Landscape is limited to a row of evergreen shrubs along the southern boundary.

Staff would also note that the site plan identifies a large portion of fencing as chain link when the Ordinance requires a maximum 10-foot-tall solid screening of outside storage and operations. This screening should include slats and evergreen landscaping.



Vandalia Trail

The Vandalia Trail is part of the National Road Heritage Trail that follows former rail corridors. This trail is planned as a multi-use trail that would connect 30 communities between Terre Haute and Richmond. The proposed alignment would run along the southern boundary of this site. Consequently, staff is requesting that a 30-foot wide recorded transportation easement be provided for future development of this amenity prior to the issuance of an Improvement Location Permit.

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;
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.

Variance of Development Standards

The variances request include three variances of development standards, all of which would not be supportable because of the impact of surrounding land uses, particularly the assisted living facility to the east.

The first variance would provide for 25,730 square feet of outdoor storage when the Ordinance limits outdoor storage to 25% of the gross floor area of all enclosed buildings. In this case the maximum amount of outdoor storage would be 8,805 square feet.

The purpose of development standards is to minimize the adverse impact on adjacent land uses. This request would allow around three times the amount permitted by the Ordinance.

For industrial uses, the Ordinance requires a minimum separation of 500 feet from a protected district. The second variance request would allow approximately 140 feet from a protected district to the west and 400 feet from a protected district to the east. Even though the protected district to the west has an existing heavy commercial use and the protected district to the east is a an approximately 40-foot by 332-foot area abutting North Perimeter Road, staff believes the assisted living facility would be heavily impacted by the proposed use and the lack of appropriate separation and buffer.

The third variance request would allow an approximately 60% reduction in the required side setback. The Ordinance requires a 30-foot side setback, and this request is for a 10-foot setback. Staff believes a reduction of this magnitude would be inappropriate and unacceptable.

Rezoning to the I-1 district might be supportable if all development standards would be met but the I-1 district combined with these three variance requests would push this use into a heavy industrial use, over develop this site and would be wholly inappropriate on this site. Almost the entire the site would be covered with pavement and buildings.

Additionally, no effort has been made to provide relief from this intense industrial use from the surrounding land uses, particularly the assisted living facility abutting this property to the east.

GENERAL INFORMATION

Existing Zoning	SU-46	
Existing Land Use	Vacant	
Comprehensive Plan	Office / Industrial Mixed Used	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-S Undeveloped land
	South:	SU-46 Undeveloped land
	East:	MU-1 Assisted living facility
	West:	C-7 Commercial uses
Thoroughfare Plan		
West Washington Street	Primary Arterial	Existing 115-foot right-of-way and proposed 120-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 13, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	May 13, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Office / Industrial Mixed-Use typology (Business Park). The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research, and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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*
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
 - *Light Industrial Uses (defined as 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.)*
 - 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.

Recommended land uses in the office / industrial mixed-use typology include light industrial uses, research / production of high-technology or biotechnology related goods, offices, small-scale retailing and personal / professional services, and hotels / motels / hostels.

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)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2021-ZON-068; 8215 West Washington Street, requested rezoning of 2.625 acres from the SU-46 district to the I-1 district, **withdrawn**.

95-Z-169; 8215 West Washing Street, requested rezoning of 3.8 acres, being in the D-3 district to the C-7 classification to provide for the placement of a commercial building and mini-warehousing, **approved**.
Vicinity

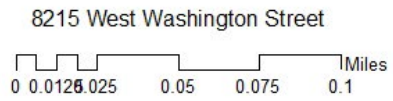
93-Z-1; 8302 West Washington Street (north of site), requested rezoning of .5 acres, being in the C-S district, to the C-S classification to provide for C-1 uses, **approved**.

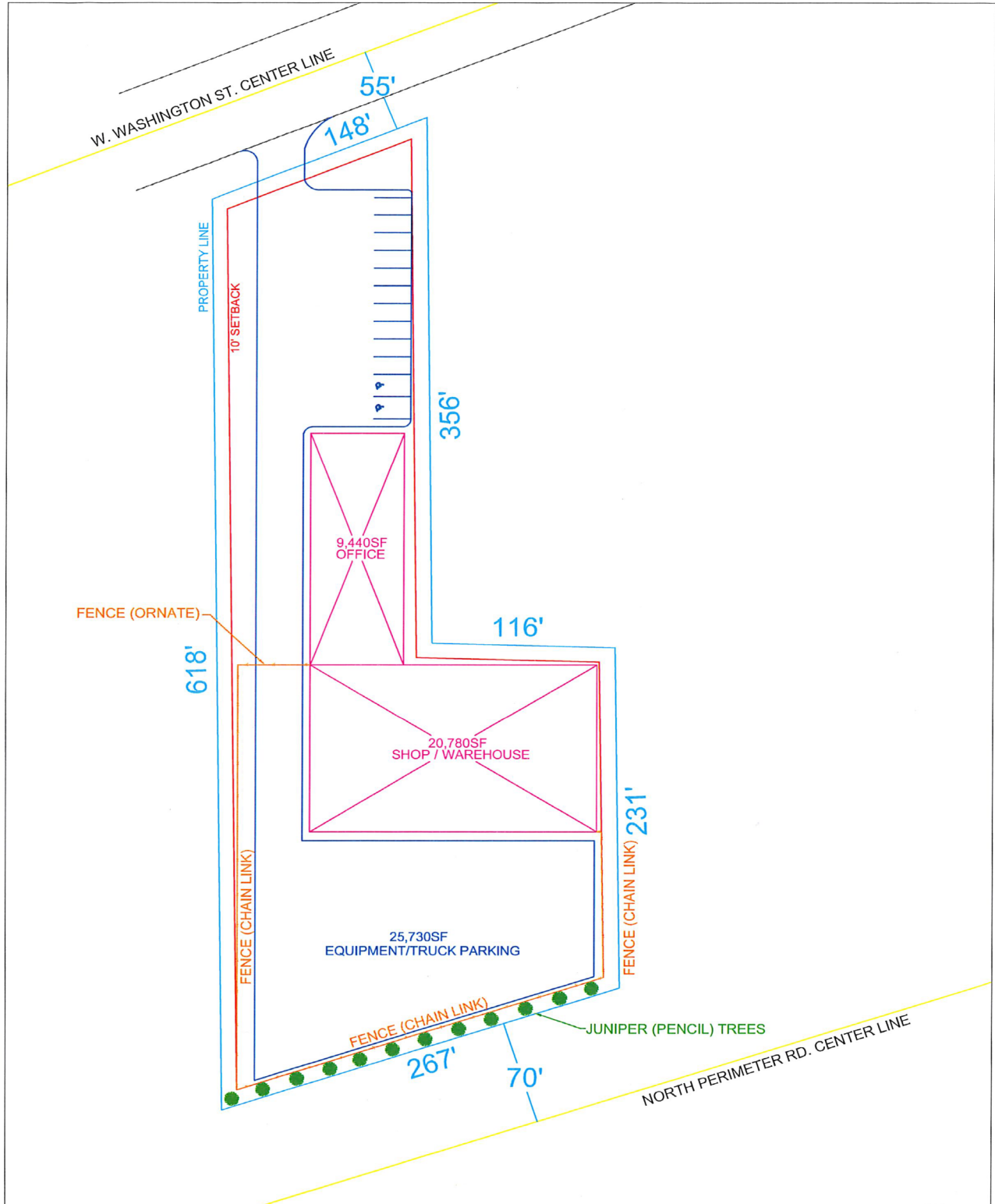
89-Z-214; 8302 West Washington Street (north of site), requested rezoning of 47.5 acres, being in the A-2, C-3 and C-2 districts, to the C-S classification to provide for commercial and industrial development **approved**.

80-Z-87; 8305 West Washington Street (west of site), requested rezoning of 2.4 acres, being in the D-3 district, to the C-7 classification to provide for the construction and operation of a lumber yard with storage and sale of construction material and supplies, **withdrawn**.

70-Z-197; 8300 block of West Washington Street (west of site), requested rezoning of 3.18 acres, being in the D-3 district, to the C-7 classification to provide for the display, sales, and service of travel trailers, **approved**.

EXHIBITS







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 outside storage will be effectively screened and oriented to the rear of the property, and not be steadily visible from West Washington Street. The outside storage will not be located in any clear sight triangle.

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 outside storage will be located to the rear of the property and will not interfere with access to or visibility of any adjoining property.

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

the shape of the property limits the side of the building, and the amount of outside storage limited to 25% of the gross floor area of the building is impractical for a general contractor, which is a permitted use in I-1, and is the proposed use.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking east along West Washington Street



View looking west along West Washington Street



View of site looking north across PNorth Perimeter Road



View of site looking northwest across North Perimeter Road



View of site looking southeast across West Washington Street



View of site looking southeast across West Washington Street



View of site looking southwest from adjacent property to the east (assisted living facility)

Enter any photographs or site plans