

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-095
Address: 2936 North Mitthoefer Road (*Approximate Address*)
Location: Warren Township, Council District #14
Petitioner: KC Brothers, Inc., Joseph D. Calderon
Request: Rezoning of 0.855 acres from the C-3 district to the C-4 district to legally establish an automobile fueling station.

This petition was automatically continued from the October 26, 2023 hearing, to the November 16, 2023 hearing at the request of a registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.855-acre subject site is developed with an automobile fueling station and convenience store that was constructed between 2012 and 2013 per historical aerial images. At the time, the use was permitted in the C-3 district but was later removed from the list of permitted uses in 2016 with the adoption of Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance.
- ◇ The site is bordered to the west and south by a self-storage facility, zoned C-S, to the north by a wholesale florist, split zoned I-3 and C-3, and to the east by a gas station, zoned C-4.

REZONING

- ◇ The request would rezone the property from the C-3 district to the C-4 district to legally establish an automobile fueling station.
- ◇ The site is zoned C-3, which 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.

(Continued)

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- ◇ The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The Comprehensive Plan recommends community commercial development for the southern portion of the site. 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 site has historically been used as an automobile fueling station since at least 1990 according to historic aerial images.

Staff Analysis

- ◇ The rezoning request would allow for the continued operation of an automobile fueling station on a correctly zoned C-4 district since it was constructed and operated in the C-3 district when it was permitted prior to the 2016 adopted Zoning Ordinance changes.
- ◇ Because the C-4 district would not negatively affect the surrounding industrial and commercial properties, would align with the community commercial recommendation of the Comprehensive Plan, staff is supportive of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3	Metro	Commercial (Fuel station)
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SURROUNDING ZONING AND LAND USE

North	C-3 / I-2	Industrial (Wholesale florist)
South	C-S	Self-storage facility
East	C-4 /C-3	Commercial (Fuel station) / Undeveloped
West	C-S	Self-storage facility

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial development.

THOROUGHFARE PLAN

Mitthoefer Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 95-foot existing right-of-way and an 80-foot proposed right-of-way.

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THOROUGHFARE PLAN

30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 110-foot existing right-of-way and an 80-foot proposed right-of-way.

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.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

84-Z-16; 9905 East 30th Street (subject site), Rezoning of 0.918 acre, being in the C-3 and D-6II Districts to the C-3 classification to correct a map error, **approved**.

ZONING HISTORY – VICINITY

2019-CZN-851; 9920 East 30th Street (north of site), Rezoning of 6.8 acres from the C-3 district to the I-2 district, **approved**.

2003-ZON-834; 9920 East 30th Street (north of site), Rezoning of 7.34 acres, being in the I-3-S District, to the C-3 classification to provide for a supermarket and pharmacy, **approved**.

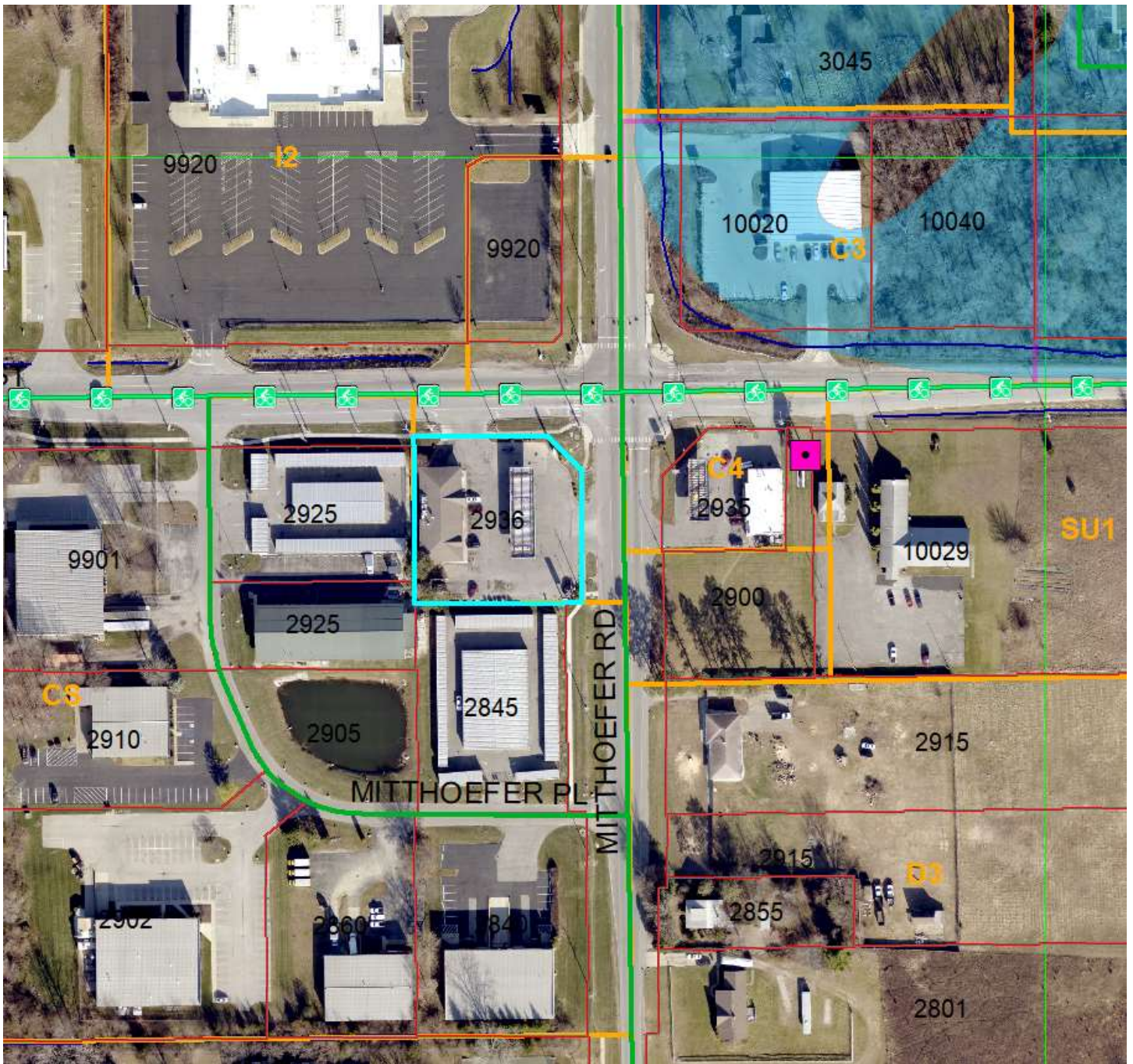
97-Z-188; 2950 North Mitthoefer Road (south of site), Rezoning of 2.2 acres, being in the C-S District, to the C-S classification to provide for light retail commercial uses or light industrial uses, **approved**.

92-Z-28; 9903 East 30th Street (south of site), Rezoning of 11.54 acres, being in the C-3 district, to the C-S classification to provide for a mixed-use complex, including retail, service, or light industrial uses, **approved**.

72-Z-147; 2935 North Mitthoefer Road (east of site), Rezoning of 0.92 acre, being in the D-3 district, to the C-4 classification to provide for a gasoline service station, **approved**.

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2023-ZON-095; Location Map



2023-ZON-095; Photographs



Photo of the Subject Property: 2936 North Mitthoefer Road



Photo of the Subject Property: 2936 North Mitthoefer Road



Photo of the self-storage facility west of the site.

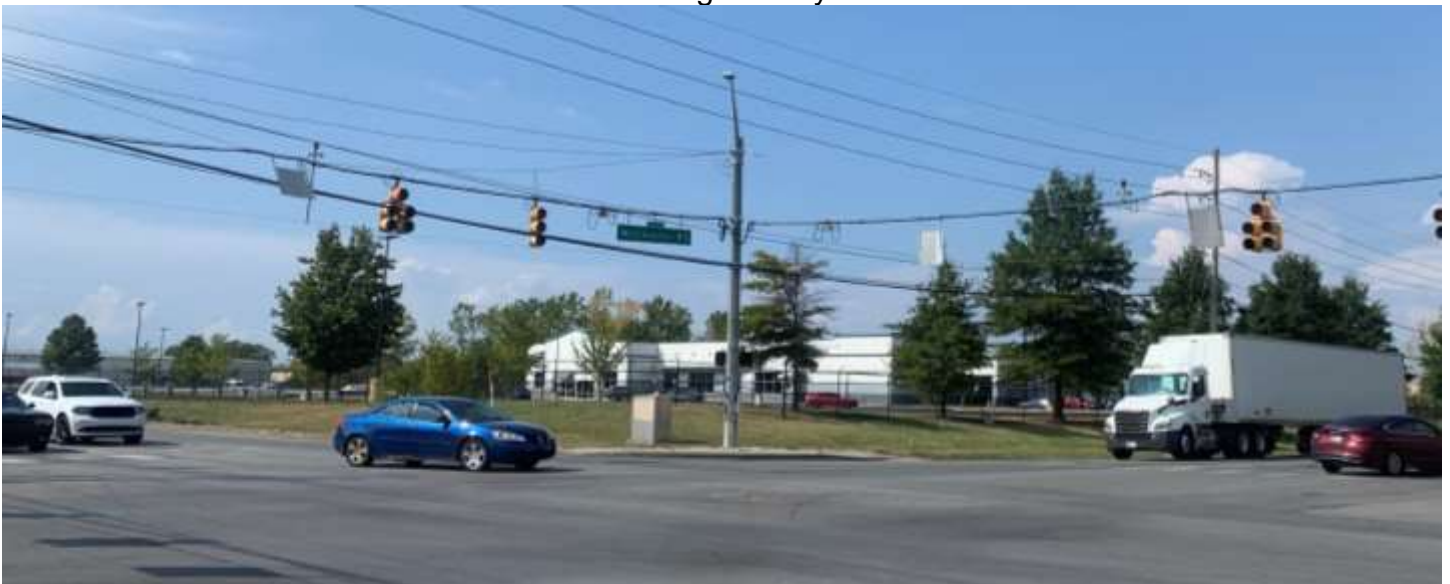


Photo of the wholesale florist north of the site.

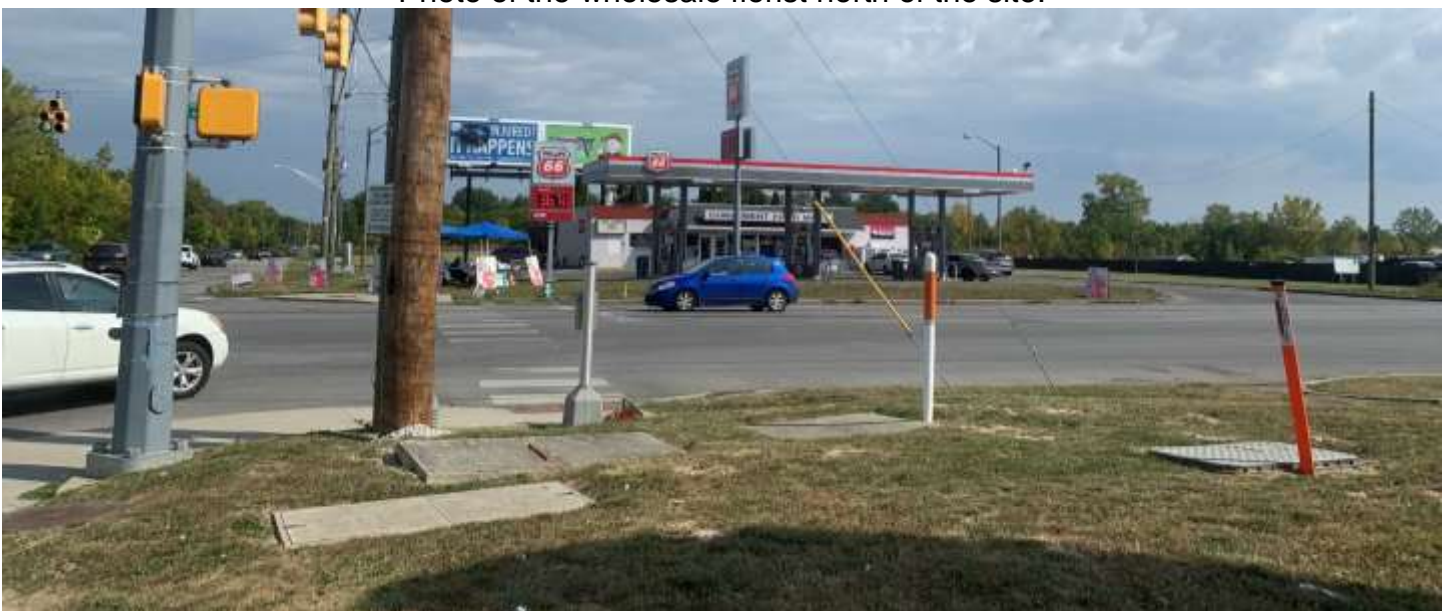


Photo of the gas station east of the subject site.