

**METROPOLITAN DEVELOPMENT COMMISSION**

**Public Assembly Room  
2nd Floor City-County Building  
1:00 p.m.**

**JANUARY 4, 2012**

**PETITIONS FOR PUBLIC HEARING**

<b>2011-CZN-827</b>	<b>6450 GATEWAY DRIVE</b>	<b>2</b>
<b>2011-CVR-827</b>	<b>PIKE TOWNSHIP, CCD # 6</b>	

**PETITIONS OF NO APPEALS**

<b>2011-APP-013</b>	<b>1346 COUNTY LINE ROAD PERRY TOWNSHIP, CCD # 24</b>	<b>10</b>
<b>2010-ZON-091</b>	<b>10020 EAST 25<sup>th</sup> STREET WARREN TOWNSHIP, CCD # 18</b>	<b>11</b>
<b>2011-ZON-085</b>	<b>1015, 1315 AND 1335 WEST HANNA AVENUE PERRY TOWNSHIP, CCD # 22</b>	<b>11</b>
<b>2011-ZON-086</b>	<b>5334-5336 WEST MORRIS STREET WAYNE TOWNSHIP, CCD # 13</b>	<b>11</b>
<b>2011-ZON-087</b>	<b>5614 NORTH BROADWAY STREET WASHINGTON TOWNSHIP, CCD # 3</b>	<b>11</b>
<b>2011-CAP-830</b>	<b>7001 WEST 56<sup>th</sup> STREET PIKE TOWNSHIP, CCD # 6</b>	<b>12</b>
<b>2011-CAP-831</b>	<b>3919 AND 3949 SOUTH STATE AVENUE PERRY TOWNSHIP, CCD # 20</b>	<b>12</b>
<b>2011-CAP-832</b>	<b>3919 AND 3949 SOUTH STATE AVENUE PERRY TOWNSHIP, CCD # 20</b>	<b>12</b>
<b>2011-CAP-835A</b> <b>2011-CAP-835B</b>	<b>350 WEST 11<sup>th</sup> STREET, 355 WEST 16<sup>th</sup> STREET AND 1100 WEST MICHIGAN STREET, CENTER TOWNSHIP, CCD # 15</b>	<b>12</b>
<b>2011-ZON-016</b>	<b>426 EAST 16<sup>th</sup> STREET CENTER TOWNSHIP, CCD # 9</b>	<b>13</b>

**\* Automatic Continuance**

**\*\* Continuance Requested**

**\*\*\* Withdrawal**

**PART I**

**COMPANION PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,  
APPEAL FILED BY A REMONSTRATOR:**

2011-CZN-827  
2011-CVR-827

6450 GATEWAY DRIVE (*Approximate Address*)  
INDIANAPOLIS, PIKE TOWNSHIP  
COUNCIL DISTRICT # 6  
SF INDUSTRIAL PROPERTIES – Indianapolis LLC, by Brian J. Tuohy, requests  
Rezoning of 10.84 acres, from the C-3 and C-S Districts, to the C-7 classification to  
provide for heavy commercial uses.

Variance of development standards of the Commercial Zoning Ordinance to  
provide for outdoor storage higher than the fence, within zero feet of a protected  
district (outdoor storage and operations within 500 feet of a protected district shall  
be effectively screened by a solid wall or fence; the storage may not exceed the  
height of the fence, which must not be less than six feet tall and must not be  
greater than 10 feet tall).

## STAFF REPORT

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

**Case Number:** 2011-CZN-827 (Amended) and 2011-CVR-827  
**Address:** 6450 Gateway Drive (approximate address)  
**Location:** Pike Township, Council District #6  
**Petitioner:** SF Industrial Properties – Indianapolis, LLC  
**Request:** Rezoning of 9.127 acres, from the C-S District, to the C-S classification to provide for all C-5 uses and a portable storage container business and distribution center.

Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor storage higher than the fence, within zero feet of a protected district (outdoor storage and operations within 500 feet of a protected district shall be effectively screened by a solid wall or fence; the storage may not exceed the height of the fence, which must not be less than six feet tall and must not be greater than 10 feet tall).

#### **ADDENDUM FOR JANUARY 4, 2012 METROPOLITAN DEVELOPMENT COMMISSION**

This case was recommended for approval by the Hearing Examiner at his December 15, 2011 hearing. A timely appeal of that decision was subsequently filed by a remonstrator. The Hearing Examiner's memorandum, file-dated December 21, 2011, has been submitted to the file and is included in this report as Exhibit "B". In the memorandum, the Hearing Examiner counters the remonstrators' contention that a site visit to an existing portable storage container business, in addition to the subject site, is necessary; and that the weight of vehicles transferring portable containers would be problematic.

A remonstrator has submitted a written request, file-dated December 27, 2011, to continue the case to the January 18, 2012 meeting of the Metropolitan Development Commission; a written motion to dismiss the case, file-dated December 28, 2011; and a written motion to require provision of additional public notice, file-dated December 28, 2011.

As of this writing, no additional materials have been submitted to the file, and staff's recommendation remains as indicated below.

#### **DECEMBER 15, 2011**

Following the petitioner's submittal of a timely automatic continuance, this case was continued, with additional notice, from the November 17, 2011 hearing to the December 15, 2011 hearing. Prior, a timely automatic continuance request was submitted by a registered neighborhood organization, continuing the matter from the October 27, 2011 hearing, to the November 17, 2011 hearing, without additional notice.

(Continued)

## **STAFF REPORT 2011-CZN-827 (Amended) and 2011-CVR-827 (Continued)**

### **RECOMMENDATIONS**

Staff **recommends approval** of these petitions, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A ten-foot tall opaque privacy fence shall be erected and maintained along the northern boundary of the outdoor storage area.

### **SUMMARY OF ISSUES**

The following information was considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 9.127-acre site is zoned C-S and is improved with a vacant big-box store – a former home improvement center. It is abutted to the west by Interstate 465; to the south by a mini-storage facility, zoned C-S, and a post office, zoned C-S and C-3; to the east by a plasma donation center and unimproved land, both zoned C-3; and to the north by a multifamily dwelling complex, zoned D-7 and D-P.
- ◇ The site was first improved, with the existing vacant home improvement center, following approval of petition 85-Z-148, which rezoned 8.6 acres from C-S to C-S to allow for all C-5 uses and wholesale sales.

#### **REZONING REQUEST**

- ◇ This rezoning request has been amended. Initially, the petition sought to rezone a 10.84-acre site from the C-S and C-3 Districts to the C-7 classification. The amended request seeks to rezone a 9.127-acre site from the C-S District, to the C-S classification, to allow for all C-5 uses and the specific portable storage container business and distribution center described in the amended petition documentation.
- ◇ The amended request would be similar to the prior approved C-S classification, and would also be consistent with the *Comprehensive Plan*, which proposes heavy commercial use, a land use category that typically corresponds to the C-5 or C-7 zoning classifications. Staff, therefore, recommends its approval, subject to the recommended petition modification relative to the companioned variance, as detailed below.

#### **VARIANCE REQUEST**

- ◇ The request also seeks a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor storage, within zero feet of the north-adjointing protected district, between the northern building line and the northern lot line, which would be taller than the existing fence. The Commercial Zoning Ordinance requires that any outdoor

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**STAFF REPORT 2011-CZN-827 (Amended) and 2011-CVR-827 (Continued)**

storage and operations within 500 feet of a protected district be no taller than an intervening and obscuring solid, six- to ten-foot tall wall or fence. The fence in question, along the north lot line, is approximately six feet tall, and, as a chain link fence, is substantially transparent.

- ◇ Petition materials indicate that outdoor-stored storage pods would be (maximally) single-stacked against the proposed fence, triple-stacked along the north building façade, and double-stacked in the area in between. Given the distance between the outdoor storage area and the adjoining multifamily dwellings and the relatively substantial vegetative buffering between the two, staff would regard the variance request as appropriate, given erection of a ten-foot tall, opaque privacy fence along the northern boundary of the outdoor storage area.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

C-S, C-3 Vacant commercial big-box structure

**SURROUNDING ZONING AND LAND USE**

North - D-7 Multifamily dwellings  
South - C-S, C-3 Mini-storage facility, post office  
East - C-3 Unimproved, plasma donation center  
West - C-S, PK-2 Interstate

**COMPREHENSIVE PLAN** Proposes heavy commercial use.

**THOROUGHFARE PLAN** Gateway Drive is not indicated on the Official Thoroughfare Plan.

**FLOODWAY/FLOODWAY FRINGE** This site is located in the floodway fringe of Mud Run.

**ZONING HISTORY**

**96-V2-21; 6450 Gateway Drive (subject site)**, requested variance of development standards of the Sign Regulations to provide for a 672-square foot, 67-foot tall, double-faced advertising sign, located within 600 feet of an interstate on-ramp and another existing advertising sign, **granted**.

**85-Z-148; 6450 Gateway Drive (includes subject site)**, requested rezoning to C-S to allow for all C-5 uses and wholesale sales, **approved**.

**80-V2-7; 6500 Gateway Drive (subject site)**, requested variance of development standards of the SDZO to provide for an arcade within 500 feet of a protected district, **granted**.

**79-Z-176; 6500 Gateway Drive (subject site)**, requested rezoning of seven acres from C-S to C-5 to provide for construction of a multipurpose recreation center, **approved**.

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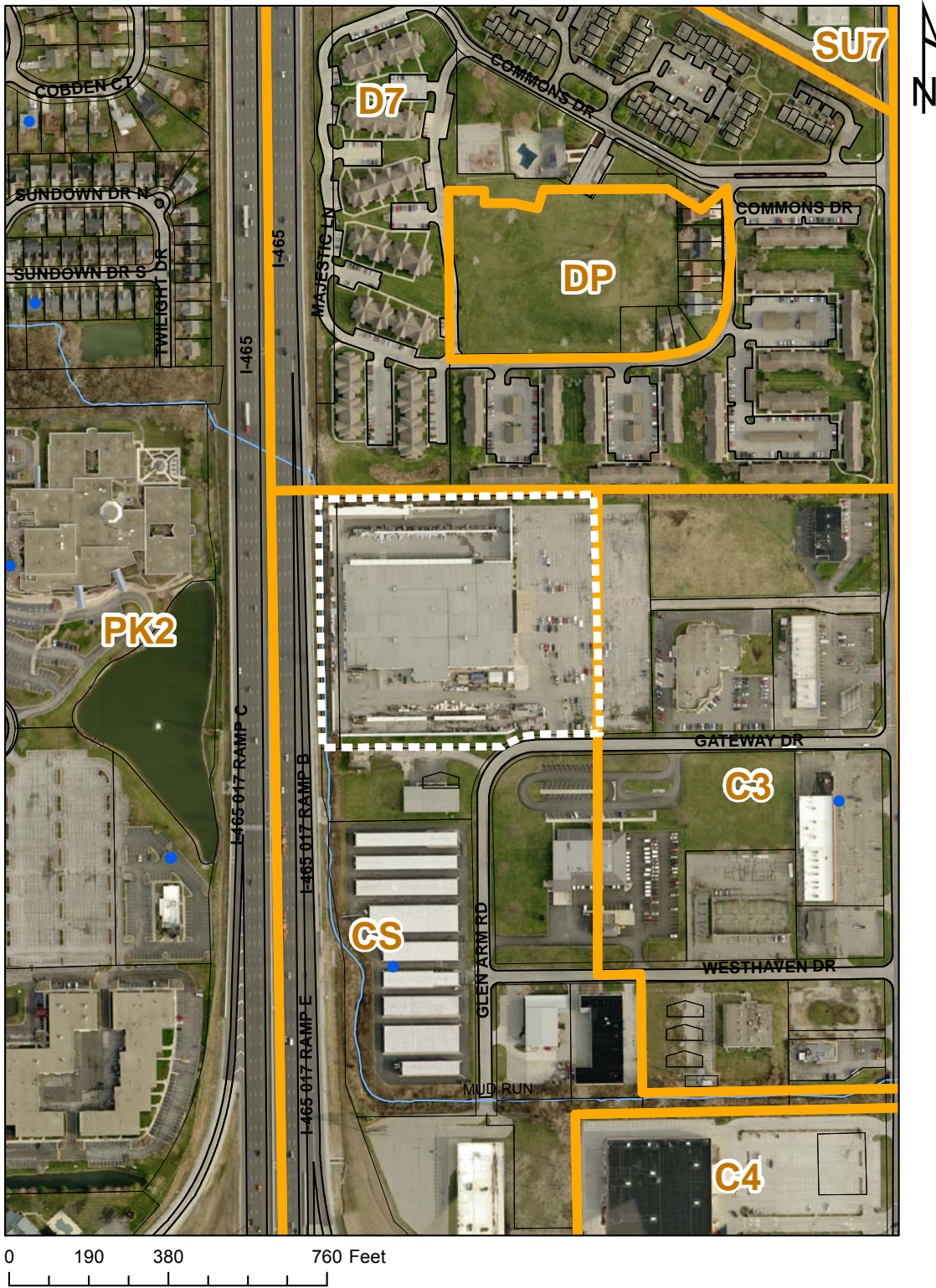
**STAFF REPORT 2011-CZN-827 (Amended) and 2011-CVR-827 (Continued)**

**70-Z-5; 6450 Gateway Drive (includes subject site)**, requested rezoning of 28 acres from B-3 to C-S to provide for a distribution center inclusive of warehousing, small assembly and packaging, computer center, technical data processing and offices, **approved**.

DLH

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# 2011-CZN/CVR-827, 6450 Gateway Drive



**EXHIBIT "A"**  
**AMENDED PROPOSED COMMITMENTS (file-dated November 18, 2011)**

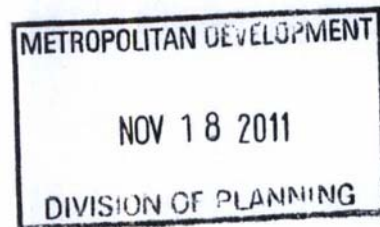
EXHIBIT 1

PROPOSED COMMITMENTS

Address: 6450 Gateway Drive

Petitioner proposes that the proposed distribution/storage business to be located on the north side of the site shall be operated in accordance with the following proposed commitments:

1. Approximately forty percent (40%) of the existing 105,000 s.f. building shall be utilized for the indoor storage of storage containers and related items which containers are approximately 8' wide, 7½' tall and 16' long (the "Containers").
2. The outdoor storage of the Containers and other items on the site shall be permitted in accordance with the following commitments:
  - a. Directly adjacent to and along the existing fence located along the northern border of the site (the "Fence"), the Containers shall not be stacked higher than one (1) unit.
  - b. On the asphalt area located between the Fence and the north side of the building, the Containers shall not be stacked higher than two (2) units.
  - c. Directly adjacent to and along the north side of the building, the Containers shall not be stacked higher than three (3) units.
3. Vinyl slats shall be inserted in the Fence with such slats extending from the point on the Fence which is directly in line with the northwest corner of the building eastward to a point on the Fence which is directly in line with the northeast corner of the building.
4. The lighting of the site shall not exceed the illumination provided by existing lighting on the building and existing lighting within the parking lot area.



**EXHIBIT "B"**  
**HEARING EXAMINER'S MEMORANDUM**  
**(file-dated December 21, 2011)**

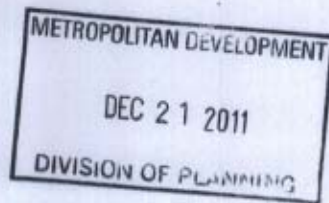
MEMORANDUM OF EXAMINER'S DECISION

2011-CZN-827 (Amended) and 2011-CVR-827

6450 Gateway Drive  
(Approximate address)

This parcel of 9.127 acres is a former Menards store which the petitioner seeks to provide for C-5 uses and a portable storage container business and distribution center. The only remonstrators were individuals who have no property within a mile of the subject real estate and have views that were in opposition to the staff and to the Pike Township Residents Association. The remonstrators felt that it was absolutely necessary for the staff to view the current business location of the petitioner in order to make their recommendation. The Hearing Examiner felt that was unnecessary. The remonstrators were also concerned about the alleged weight of the loaded vehicles involved in the transference of the storage containers, and how that would effect concrete or asphalt streets in this area. There was no expert testimony, however, dealing with any adverse effects of weight on streets as this was only conjecture on behalf of the remonstrators. For all those reasons, and because the proper legal criteria was met, the Hearing Examiner recommended that both of the petitions be approved.

For Commission Hearing  
January 4, 2012



**PART II**

**APPROVAL PETITIONS RECOMMEND FOR APPROVAL BY THE HEARING EXAMINER, NO APPEALS FILED:**

2011-APP-013

1346 COUNTY LINE ROAD (*Approximate Address*)

INDIANAPOLIS, PERRY TOWNSHIP

COUNCIL DISTRICT # 24

MCKESSON SPECIALTY HEALTH, by Kristen Kohl, requests Hospital District Two approval to provide for a 52.04-square foot wall sign on the south façade of the building.

**PART III**

**REZONING PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, NO APPEALS FILED:**

- 2010-ZON-091      10020 EAST 25<sup>TH</sup> STREET (*Approximate Addresses*)  
INDIANAPOLIS, WARREN TOWNSHIP  
COUNCIL DISTRICT # 18  
SHARON YATES, by David Kingen, requests Rezoning of 1.875 acres, from the D-3 District, to the C-3 classification to provide for commercial retail uses.
- 2011-ZON-085      1015, 1315 AND 1335 WEST HANNA AVENUE (*Approximate Address*)  
INDIANAPOLIS, PERRY TOWNSHIP  
COUNCIL DISTRICT # 22  
GTS PROPERTIES, LLC., TRUCKNET PROPERTIES, LLC., AND TKO SOUTH, LLC., by David Kingen, requests Rezoning of 47.28 acres, from the I-2-S (FF) and I-3-S (FW) (FF) Districts, to the I-3-S (FW) (FF) classification.
- 2011-ZON-086      5334-5336 WEST MORRIS STREET (*Approximate Address*)  
INDIANAPOLIS, WAYNE TOWNSHIP  
COUNCIL DISTRICT # 13  
WAYNE TOWNSHIP FIRE DEPARTMENT, by Jeffrey M. Bellamy, requests Rezoning of 0.90 acre, from the C-3 district, to the SU-9 classification to provide for a parking lot for the Wayne Township government center.
- 2011-ZON-087      5614 NORTH BROADWAY STREET (*Approximate Address*)  
INDIANAPOLIS, WASHINGTON TOWNSHIP  
COUNCIL DISTRICT # 3  
GREATER HARVEST CHURCH TRUST, by Sharon Henady, requests Rezoning of 0.25 acre, from the SU-1 District, to the D-3 classification to legally establish a single-family dwelling.

**PART IV**

**COMPANION PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, NO APPEALS FILED:**

- 2011-CAP-830      7001 WEST 56<sup>TH</sup> STREET (*Approximate Addresses*)  
INDIANAPOLIS, PIKE TOWNSHIP  
COUNCIL DISTRICT # 6  
AT & T MOBILITY, by Matthew M. Price, requests Park District-Two to provide for a temporary wireless communication facility, with a 45-foot tall wood pole.
- 2011-CAP-831      3919 AND 3949 SOUTH STATE AVENUE (*Approximate Addresses*)  
INDIANAPOLIS, PERRY TOWNSHIP  
COUNCIL DISTRICT # 20  
AT & T MOBILITY, by Matthew M. Price, requests University Quarter-One Approval to provide for a temporary wireless communication facility, with a 65-foot tall wood pole.
- 2011-CAP-832      3919 AND 3949 SOUTH STATE AVENUE (*Approximate Addresses*)  
INDIANAPOLIS, PERRY TOWNSHIP  
COUNCIL DISTRICT # 20  
VERIZON WIRELESS, by Elizabeth B. Williams, requests University Quarter-One Approval to provide for a temporary wireless communication facility, with a 100-foot tall monopole tower.
- 2011-CAP-835A      350 WEST 11<sup>TH</sup> STREET, 355 WEST 16<sup>TH</sup> STREET AND 1100 WEST  
2011-CAP-835B      MICHIGAN STREET (*Approximate Address*)  
INDIANAPOLIS, CENTER TOWNSHIP  
COUNCIL DISTRICT # 15  
CLARIAN HEALTH PARTNERS INC., by David Kingen, requests Hospital District One Approval to provide for a 1,760-square foot banner on the south façade of an building at 355 West 16<sup>th</sup> Street and to provide for 464.1-square foot signs on each side of the people mover  
  
University Quarter One Approval to provide for 464.1 square feet of sign area on each side of the people mover.

**PART V**

**REZONING PETITIONS RECOMMENDED FOR APPROVAL BY THE INDIANAPOLIS HISTORICAL PRESERVATION COMMISSION, NO APPEALS FILED:**

2011-ZON-016      426 EAST 16<sup>TH</sup> STREET (*Approximate Address*)  
INDIANAPOLIS, CENTER TOWNSHIP  
COUNCIL DISTRICT # 9  
ISAM SAMARA, by David Kingen, requests Rezoning of 0.39 acres, from the C-4 District to the C-3 classification.