

# City of Marion City Planning Commission

## Rezoning Request

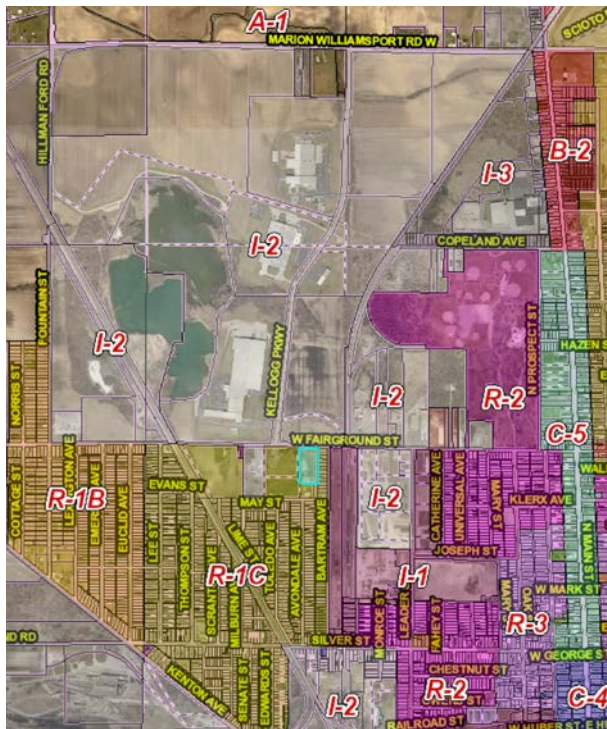
### Staff Report

May 13, 2021

**APPLICANT:** Josh Daniels & Co. LLC  
**LOCATION:** 583 W. Fairground St. (West of Bartram Ave.)  
**REQUEST:** Rezone Parcel # 122180000400, a vacant 2.624-acre parcel to I-1 Limited Industrial for use as a trucking company with truck repair services.  
**ZONING:** C-5 General Commercial

### BACKGROUND:

Due to the proximity to the C & O railroad and the Norfolk & Western railroad lines, the general area has been zoned C-5, I-1, and I-2. These districts have the least restrictive land uses in the zoning code. The parcel is located across the street from the Kellogg Parkway Dual Rail Industrial Park which is zone I-2. The new industry directly across the street in the Dual Industrial Park has a need of trucking services. As a result, Mr. Daniels has been approached by someone who desire to use the 2.624 acre for a trucking business to service the nearby industrial business. No specific site plan has been identified by the applicant yet. If one looks at the zoning map of the immediate vicinity it is obvious that the area is much more likely to have industrial growth than become a commercial center.



The parcel in question (aqua square above) is roughly 365' wide by 667' deep. The land to the south is the northern portion of a high-density residential neighborhood and Brandy Winfield Park on Blake Ave. Most of the residential development is in subdivisions south of the lot in question that were platted in the early 1900s. A little residential remains along this stretch of Fairground St. but that is not the norm. There are a few large residentially zoned parcels with old farm home scattered between industrial or commercial land. The land immediately to the east is a string of small single family homes facing Bartram Avenue built in the early 2000's. These particular houses were built in growing industrial area. On the East side of Bartram is a Nachurs Alpine Solutions (light industry making liquid plant food) is zoned I-1. Ohio Galvanizing was built on W. Fairground St. in 1997 and is zoned I-2.

The existing C-5 zone would allow for truck sales and truck repair just like one might typically find a car sales lot in a C-5 district elsewhere. According to the Zoning Code, the purpose of the C- 5 General Business District is:

*To identify and foster the stability of existing concentrations of general business within the municipality; to provide standards for the proper location and development of future business centers.*

A truck terminal is considered a non-manufacturing use first listed in the I-1 district. Therefore, rezoning the parcel is required to have a trucking business to serve the nearby manufacturing community.

The main difference between I-1 and I-2 are:

*I-1 Limited Industrial District. To provide for industrial uses which operate primarily within an enclosed structure and have a minimum of adverse effect on adjacent land due to noise, odor, dust, smoke, glare, or hazard.*

*I-2 General Industrial District. To provide for major and extensive industrial uses, requiring large sites, and having characteristics objectionable to other adjoining nonindustrial uses.*



**In favor of the request, we find:**

1. The general area is predominately industrial and is where industrial expansion is desired by CANDO.
2. The parcels along W. Fairground vary between R-1C, C-5, I-1, and I-2
3. I-1 permits only light manufacturing and other non-manufacturing uses such as vehicle storage, truck terminals, warehousing and storage and commercial uses intended to serve the industrial employees. Whereas the current zone would already permit restaurants, gas stations car lots and uses that might generate a lot of traffic or vehicles.
4. The parcel is only 2.6 acres and is not large enough to hold a large- scale operation.

Specific sections of the code help to prevent land use conflicts between industrial and residential uses. Specifically points 5, 6, 7 and 8 address this.

5. In the I-1 district the required side or rear yard setback from a residential lot would be based on the height and width of the building wall nearest the residential property (height + width/ 3) but not less than 25'. *The current setback in the C-5 is (height + width/ 4) but not less than 25'. Depending on the building size the zoning may have little effect on the required distance from the nearby homes.*
6. 1145.011 requires "that in the I-1 District, general vehicle storage facilities including impound lots and long-term storage of vehicles both owned or not owned by the property owner or tenant. If outdoors, vehicle storage facilities shall be secured by a perimeter fence and locking gate. This fence shall have a minimum height of 6 feet and be kept in good repair. An outdoor facility shall be lighted to provide for adequate lighting during nighttime hours."
7. 1153.024 says "No loading space shall be located closer than 25 feet to any lot in any residential district unless wholly within a completely enclosed building or unless separated from such Residential District lot by a wall, solid fence or hedge not less than six feet in height."
8. 1153.034 (E) says "Screening and landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district, by a solid fence, wall or hedge, which shall be approximately five feet in height unless located in a required front yard in which case it shall be approximately 3½ feet in height and shall be maintained in good condition without any advertising thereon."

**Against the request we find:**

1. The I-1 District permits some commercial, light industry and non-manufacturing uses. Not all uses would be a compatible with residential lots as close as 25 feet away.
2. The R-1C district requires that home sites have a minimum of 30' rear yard setbacks. Combined with the minimum side or rear yard of the I-1 district, the building may be as close as 55 feet from one another.
3. Depending on the number of vehicles and the hours of operation, a truck business could generate noise and vehicle exhaust which could be a nuisance to the adjoining homes.
4. The lot in question is surrounded on 3 sides by residential district and uses.

## **RECOMMENDATIONS:**

If the request were to rezone from R-1 Residential to I-1, it would be easier to comment on the vast differences. However, the current C-5 district already permits many uses that could generate excessive noise, traffic, light that could be a nuisance to the adjoining neighbors. The I-1 district may not be that much worse than the C-5 zoning.

The applicant does not have a specific plan for the parcel yet. Depending on exact layout, any negative impact of the use could be mitigated. Request that the applicant return at the next meeting to present a generalized site plan to City Planning Commission for review of building setbacks, parking and loading locations, fencing, and screening methods & locations. A clearer plan may make it easier for the members to determine if the rezoning will be disruptive to the homes.