



Metropolitan Development Commission (Thursday, January 2, 2025) Meeting Notice

Meeting Details

Notice is hereby given that the Metropolitan Development Commission of Indianapolis-Marion County, IN, will hold public hearings on:

Date: Thursday, January 02, 2025

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes: December 18, 2024

Policy Resolutions:

REAL ESTATE:

1. 2025-R-001

Metropolitan Development Commission authorizes the Department of Metropolitan Development to amend and reinstate an Interlocal Cooperation Agreement with the Capital Improvement Board (CIB).

2. 2025-R-002

Metropolitan Development Commission authorizes the Department of Metropolitan Development to acquire property and pay up to the average of two fair market appraisals to acquire and potentially dispose of the property at 51 S. New Jersey Street to facilitate redevelopment in the downtown area.

3. 2024-R-003

Authorizes DMD to amend agreement with RHC Shelby Street, LLC Development to reflect City/DMD's role as developer, to authorize acquisition of additional real estate necessary to the project and to reimburse RHC for remaining amounts due.

PLANNING:

4. 2025-P-001

Authorizes the Department of Metropolitan Development to enter into an Agreement with the Marion County Wellfield Education Corporation to provide for services to conduct general wellfield education and to register and provide targeted education for businesses that pose a potential risk to groundwater for a period of three years ending December 31, 2027 for an amount not to exceed \$110,000.00 per year.

5. 2025-P-002

Authorizes the Department of Metropolitan Development to enter into an Agreement with Mundell and Associates to provide for services of the Technically Qualified Person (TQP) as required by the Consolidated Zoning and

Subdivision Control Ordinance of Indianapolis-Marion County for a period of three years ending December 31, 2027 for an amount not to exceed \$90,000.00 per year.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

6. 2024-MOD-022 | 3985 Meadows Drive

Washington Township, Council District #8

D-P

The Health & Hospital Corporation of Marion County, by Joseph D. Calderon

Modification of Development Statement and Site Plan related to rezoning petition 2010-ZON-042, to amend the site plan and Development Statement to allow an EMS Headquarters (current site plan has a 15-acre Woods and Valley Area).

7. 2024-ZON-080 (2nd Amended) | 3720 East Washington Street

Center Township, Council District #18

Marybeth McShea

Rezoning of 0.14-acre from the C-1 (TOD) District to the D-8 (TOD) District to provide for a four-unit multi-family residential development.

8. 2024-ZON-097 | 6402 West Southport Road and 7300 South Mooresville Road

Decatur Township, Council District #21

Goose Creek Farms, LLC, by Domonic Dreyer

Rezoning of 48.4 acres from the D-A district to the D-4 district for a residential development.

****Petitioner request for continuance for cause to March 5, 2025**

9. 2024-ZON-128 | 8040 East Southport Road

Franklin Township, Council District #25

Kopetsky's Auto Wash, by Elizabeth Bentz Williams

Rezoning of 1.21 acres from the C-3 district to the C-4 district to provide for an automobile and light vehicle wash use.

10. 2024-ZON-133 | 629 and 655 West Hampton Drive

Washington Township, Council District #7

Butler University, by Brian J. Tuohy

Rezoning of 2.37 acres from the UQ-1 district to the C-S district to renovate Ross Hall Dormitory into a 105-room hotel, restaurant, and University-related uses as outlined in the C-S Statement.

11. 2024-CZN-839 | 7747 Mountain Stream Way

Warren Township, Council District #20

Moses Daly

Rezoning of 0.49-acre from the D-6II district to the D-5II district to provide for a single-family development.

12. 2024-CZN-844 (Amended) | 1366 West County Line Road

Perry Township, Council District #22

Eugene Gradient, Deborah Roush, Janet Massey, and Jenny Perry, by David Gilman

Rezoning of 3.77 acres from the D-A (W-5) district to the D-3 (W-5) district to provide for two single-family detached dwellings.

13. **2024-CAP-847 | 2001 West 86th Street**
Washington Township, Council District #1
St. Vincent Hospital and Health, by Kandyn Leach

Hospital District One Approval to provide for building identification and wayfinding signage for the Brain and Spine medical facility.

PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):

14. **2024-ZON-100 (Amended) | 3550 Division Street**
Perry Township, Council District # 22
KM International, Inc., by David Gilman

Rezoning of 5.09 acres from the D-4 district to the D-6 district to provide for residential development.

****Petition has been withdrawn**

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

15. REZONING PETITION RECOMMENDED FOR APPROVAL BY HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:

2024-ZON-127 | 6018 North Keystone Avenue
Washington Township, Council District #7
Evolution Process Service, LLC, by Rebekah Phillips

Rezoning of 0.219-acre from the D-3 district to the C-1 district, to provide for office uses.

16. REZONING PETITION RECOMMENDED FOR DENIAL BY HEARING EXAMINER, APPEAL FILED BY PETITIONER:

2024-ZON-050 | 3739 North Kitley Avenue
Warren Township, Council District #9
Patrium LLC, by Luis Gomez

Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.

17. REZONING PETITION RECOMMENDED FOR DENIAL BY HEARING EXAMINER, APPEAL FILED BY PETITIONER:

2024-ZON-124 | 10026 East 21st Street
Warren Township, Council District #15
Mitthoeffer Properties, by David D. Wilson

Rezoning of 0.46-acre from the C-3 district to the C-5 district, to provide for retail uses.

18. COMPANION PETITIONS TRANSFERRED TO THE MDC FOR INITIAL HEARING:

2024-ZON-096 / 2024-VAR-013 (2nd Amended) | 6158 West 10th Street
Wayne Township, Council District #16
Homes in Motion, LLC, by John Cross

Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of an existing accessory structure, with a total accessory structure size of 1,215.35 square feet (maximum 10% of the primary structure, or 141 square feet permitted), a six-foot-tall fence (maximum 3.5 feet

height required) and to permit outdoor storage and operations consisting of four trailers, one skid steer loader, one mini excavator and one mini backhoe (not permitted).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY INDIANA**

**APPROVING AN AMENDED AND RESTATED INTERLOCAL COOPERATION
AGREEMENT BETWEEN THE COMMISSION AND THE CAPITAL IMPROVEMENT
BOARD OF MANAGERS OF MARION COUNTY**

RESOLUTION NO. 2025-R-001

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), exists and operates under the provisions of IC 36-7-15.1, as amended from time to time (the "Act"); and

WHEREAS, the Commission has previously approved the execution of an Interlocal Cooperation Agreement between the Commission and the Capital Improvement Board of Managers of Marion County (the "CIB"), dated as of September 1, 2010 (the "Original Interlocal Agreement"); and

WHEREAS, under Indiana Code 36-7-15.1 ("MDC Act") the Commission is empowered, among other purposes, to promote the use of land in the manner that best serves the interests of the consolidated city and its inhabitants, both from the standpoint of human needs and economic values, to assess, clear, remediate, replan, and redevelop areas needing redevelopment to best serve the interests of Marion County and its citizens, to remedy and control obsolescence and deteriorated conditions of improvements, environmental contamination, faulty land use, shifting of population, and technological and social changes, to assess, clear, remediate, replan, and redevelop areas needing redevelopment for benefit the health, safety, morals, and welfare and to protect and increase property values in Marion County and the State of Indiana, and to assess, clear, remediate, replan, and redevelop of areas needing redevelopment under the MDC Act public uses and purposes for which public money may be spent and private property may be acquired ("MDC Purposes"); and

WHEREAS, Indiana Code Section 36-7-15.1-7(12) authorizes the Commission to expend, on behalf of a redevelopment district, all or any part of the money available for the MDC Purposes; and

WHEREAS, under Indiana Code 36-10-9 ("CIB Act") the CIB is empowered, among other purposes, to finance, own, lease, construct, equip, operate, and maintain capital improvements under the CIB Act and to do all other acts that the CIB considers necessary to promote and publicize the capital improvements, including the convention and visitor industry, and serve the commercial, industrial, and cultural interests of State of Indiana and its citizens and to assist, cooperate, and fund governmental, public, and private agencies and groups for these purposes ("CIB Purposes"); and

WHEREAS, under Indiana Code Section 36-7-15.1-26(b)(3)(J), allocated tax revenues collected by the Commission may be used to pay the costs of carrying out eligible efficiency projects within Marion County; and

WHEREAS, under Indiana Code Section 36-9-41-1.5, an eligible efficiency project includes a project necessary or useful to carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; and

WHEREAS, under Indiana Code Section 36-1-7, the CIB and Commission are authorized to enter into an interlocal cooperation agreement to undertake projects and activities necessary or useful in furtherance of their respective purposes including particularly economic development activities; and

WHEREAS, in furtherance of the CIB Purposes, the CIB operates numerous facilities that advance tourism and economic growth in Marion County and serve as tourism destinations (the "Facilities"); and

WHEREAS, the Facilities are located either within or in close proximity to the Consolidated Redevelopment Allocation Area (the "Allocation Area"), which is located in the downtown area of the City of Indianapolis, in Marion County; and

WHEREAS, the continuing and robust operation of the Facilities provide unique, extraordinary and immeasurable public economic, civic and social benefits that relate to the Allocation Area and mutually further the respective MDC Purposes and CIB Purposes including particularly economic development activities; and

WHEREAS, the Commission and the CIB desire to amend and restate the Original Interlocal Agreement to govern the relationship between the parties for calendar years after 2023; and

WHEREAS, the Commission has been presented at this meeting with a copy of an Amended and Restated Interlocal Agreement (the "Agreement") that (1) reduces the amount of funding transferred to the CIB from \$8,000,000 annually to \$5,000,000 annually and (2) recognizes the addition of the Signia Hotel and Convention Center Expansion Podium to the list of Facilities operated by the CIB; and

WHEREAS, the Commission desires to approve and authorize execution of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:

1. The Commission approves and authorizes the execution of the Agreement and authorizes the appropriate officers of the Commission and appropriate employees of the

Department of Metropolitan Development (the “Department”) to execute the Agreement and any other related or ancillary documents they deem necessary or advisable to further the purposes of this Resolution and the Agreement.

2. The Commission ratifies any actions taken by officers of the Commission or employees the Department in furtherance of the purposes of this Resolution and the Agreement.

3. This Resolution shall be in full force and effect immediately after its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana held on the 2nd day of January, 2025.

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY

President

Date

Secretary

Date

APPROVED AS TO LEGAL FORM AND
ADEQUACY:

Office of Corporation Counsel

Date

51 S. New Jersey Street
TIF Real Estate Acquisition/ Disposition

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION No. 2025-R-002
APPROPRIATING EXPENDITURE OF TAX
INCREMENT FINANCE REVENUE FUNDS**

WHEREAS, by authority of and pursuant to I.C. 36-7-15.1 (the "Redevelopment Act"), the Department of Metropolitan Development ("DMD") engages in acquisition and disposition of real estate as part of its redevelopment activities; and the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Redevelopment Commission of the Consolidated City Indianapolis, Indiana ("City"); and

WHEREAS, in that capacity, the MDC serves as the governing body of the City Redevelopment District ("District"); and

WHEREAS, the Redevelopment Act permits the MDC to designate allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues ("TIF Revenues"); and

WHEREAS, the MDC previously established the Consolidated Redevelopment Project Area ("**Project Area**,"), has designated the Project Area as an allocation area ("**Consolidated Redevelopment Allocation Area**") for the purpose of capturing TIF Revenues, has created an allocation fund ("**Consolidated Redevelopment Allocation Fund**") for the Project Area into which the TIF Revenues are deposited and has approved a Consolidated Redevelopment Project Area Plan ("**Plan**"); and

WHEREAS, the MDC desires for the Project Area and Allocation Area to be developed in order to serve the needs of the City and to produce increased tax revenues for the various taxing districts authorized to levy taxes within the Allocation Area; and

WHEREAS, the MDC has the power to reimburse the City for the cost of land to be acquired and redeveloped within the Project Area; and

WHEREAS, IC 36-7-15.1-26(b)(3)(G) authorizes the Redevelopment Commission to reimburse the Consolidated City for reasonable expenditures associated with local public improvements that are physically located in or physically connected to allocation areas; and

WHEREAS, pursuant to I.C. 36-7-15.1-2,6 and 7, the MDC is charged with the purpose and responsibilities of replanning and redevelopment to promote the use of land in the manner that best serves the interest of the Consolidated City of Indianapolis ("City") and its inhabitants including authority to acquire and dispose of real estate for redevelopment purposes on any terms that may be agreed upon; and

WHEREAS, to accomplish such redevelopment, the City requires the property located at 51 S. New Jersey St -Parcel 1098816 ("Property") to facilitate future development in the Project Area, necessary funds to pay for related redevelopment costs, MDC authority to enter in to contracts related to such redevelopment and to use unobligated funds from the Allocation Area and all other available funding sources to pay up to the average of two fair market appraisals for acquisition of such Property, related development costs, and authority to transfer the Property to the Capital Improvement Board as DMD determines to facilitate redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The MDC hereby authorizes expenditures of unobligated funds on deposit in the above Consolidated Redevelopment Allocation Fund to pay up to the average of two fair market appraisals for acquisition of such. The MDC hereby finds and determines that the Project will serve and benefit the Area in accordance with the Plan and will be of public utility and benefit.
2. The City Controller is hereby authorized to disburse the moneys from the Consolidated Redevelopment Allocation Fund for the expenditure described above. The Mayor and Controller of the City, the officers of the MDC and the Director of the DMD are hereby authorized and directed to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed, and approved.
3. This Resolution shall take effect immediately upon adoption by the MDC.

ADOPTED AND APPROVED at a meeting of the Metropolitan
Development
Commission of Marion County, Indiana, held on January 2, 2025.

Approved as to legal form and adequacy:

By: Sheila Kinney 12/19/2024

Sheila Kinney, Asst. Corp. Counsel

Date: _____

Metropolitan Development Commission:

By: _____

John J. Dillon III, President

Date: _____

Approved as to the availability of funding:

Abigail Hanson, City Controller

Housing Hub
Contracts/Real Estate Acquisition

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2025-R-003**

WHEREAS, the City of Indianapolis (“City”), Department of Metropolitan Development (“DMD”), by authority of and pursuant to I.C. 36-7-15.1, engages redevelopment activities within the Marion County Redevelopment District Area, Marion County, Indiana (“Project”); and

WHEREAS, Pursuant to I.C. 36-7-15.1, the Metropolitan Development Commission (“MDC”) acts as the redevelopment commission of the Consolidated City of Indianapolis (“City”); and, consistent with the policy and purpose of I.C. 36-7-15.1-6, has a duty to promote the use of land in the manner that best serves the interests of the City and its inhabitants from the standpoint of human needs and broad authority to foster beneficial redevelopment; and

WHEREAS, in order to carry out the duties described in I.C. 36-7-15.1, City/ DMD entered into an agreement (“Agreement”) with RHC Shelby Street, LLC Development (“RHC”) to serve as developer of low-barrier and supportive housing with related services for individual experiencing homelessness (“Project”) to support advancement of efforts to diversify and increase housing options in the City; and

WHEREAS, pursuant to the Agreement, RHC acquired real property as necessary to accommodate the planned facilities, including additional properties to facilitate deliveries and appropriate emergency access related to the facilities with associated (“Real Estate”); and

WHEREAS, subsequently, City/ DMD pursued and received grant funding from the State of Indiana and determined to assume responsibility for development of the Project, including acquisition of all Real Estate from RHC; and

WHEREAS, DMD has or will undertake all necessary due diligence preliminary to acquisition of the Real Estate and seeks MDC’s authority to amend the Agreement to reflect City/ DMD’s role as developer, to acquire the Real Estate to best serve the interests of the City, and to pay up to **\$353,556.06** over the original Project amount for the additional properties as described above and the associated broker and transfer costs.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. DMD is hereby authorized by the MDC to amend the Agreement to reflect City/ DMD’s role as developer, to authorize acquisition of additional real estate necessary to the Project, and to reimburse RHC for remaining amounts due related to acquisition of the Real Estate in an amount not-to-exceed **\$353,556.06** to be paid from all sources of funding available for such costs.
2. The Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof and hereby ratified, confirmed, and approved.

Approved as to Adequacy & Legal Form

Sheila Kinney

Sheila Kinney, Asst. Corp Counsel

Date: 12/26/2024

Metropolitan Development Commission

John J. Dillon III, President

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2025-P-001**

RESOLUTION 2025-P-0__ authorizes the Department of Metropolitan Development (“DMD”) to enter into a service agreement (“Service Agreement”) with the Marion County Wellfield Education Corporation to provide wellfield education and voluntary business registration in Marion County through December 31, 2027 in an amount not to exceed \$110,000 per year.

WHEREAS, City-County Council Special Resolution No. 69, 1997 authorizes the creation of a nonprofit corporation, the Marion County Wellfield Education Corporation, to carry out wellfield education and voluntary business registration to protect the quality of water drawn from public wells in Marion County; and

WHEREAS, the Marion County Wellfield Education Corporation, a nonprofit corporation registered with the State of Indiana and is a supporting organization to the City under the definition of IRS Code section 501(c)3, is qualified to conduct wellfield education and voluntary business registration in Marion County; and

WHEREAS, DMD’s Wellfield Protection Zoning Ordinance establishes authorization for the annual assessment of a Groundwater Protection Fee from each of the public water utilities that serve customers in Marion County to ensure funding for costs associated with wellfield education and voluntary business registration; and

WHEREAS, DMD desires to enter into a service agreement with the Marion County Wellfield Education Corporation to provide wellfield education and voluntary business registration in Marion County through December 31, 2027.

NOW THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission, that the Department of Metropolitan Development is hereby authorized to enter into a service agreement with the Marion County Wellfield Education Corporation to provide wellfield education and voluntary business registration in Marion County through December 31, 2027 in an amount not to exceed \$110,000.00 per year.

Dated: _____

John J. Dillon III, President
Metropolitan Development Commission

Approved as to Legal Form and Adequacy
this ___ day of January, 2025

Ethan L. Hudson
Assistant Corporation Counsel

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2025-P-002**

RESOLUTION 2025-P-00_ authorizes the Department of Metropolitan Development to negotiate and execute a service agreement with Mundell and Associates to provide Technically Qualified Person services, including site and development plan review for specified new construction in the city’s wellfields.

WHEREAS, the Wellfield Protection Secondary Zoning District requires a “Technically Qualified Person,” as defined by the Revised Code of the Consolidated City of Indianapolis and Marion County, Section 742-204, to review site and development plans for specified new construction in wellfield protection zoning districts in Indianapolis/Marion County; and

WHEREAS, the Department of Metropolitan Development’s Wellfield Protection Secondary Zoning District establishes authorization for the annual assessment of a Groundwater Protection Fee from each of the public water utilities that serve customers in Marion County to ensure funding for services provided by the Technically Qualified Person; and

WHEREAS, the Department of Metropolitan Development desires to enter into a Service Agreement with Mundell and Associates through December 31, 2027 in annual amount not to exceed \$90,000 for a total amount not to exceed \$270,000;

NOW THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission, that the Department of Metropolitan Development is hereby authorized to enter into a Service Agreement with Mundell and Associates for services provided by the Technically Qualified Person through December 31, 2027 in an annual amount not to exceed \$90,000 for a total amount not to exceed \$270,000.

Dated: _____

John J. Dillon III, President
Metropolitan Development Commission

Approved as to legal form and adequacy
this _____ day of January 2025.

Ethan Hudson
Assistant Corporation Counsel



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION

January 2, 2025

Case Number:	2024-ZON-127
Property Address:	6018 North Keystone Avenue (approximate addresses)
Location:	Washington Township, Council District #7
Petitioner:	Evolution Process Service, LLC, by Rebekah Phillips
Current Zoning:	D-3
Request:	Rezoning of 0.219 acres from the D-3 district to the C-1 district, to provide for office uses.
Current Land Use:	Office
Staff Recommendations:	Approval with a commitment.
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 2, 2025, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on December 12, 2024. After a full hearing, the Hearing Examiner recommended approval of the request. Subsequently, a remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

ADDENDUM FOR DECEMBER 12, 2024 HEARING EXAMINER

This petition was continued for cause from the November 14, 2024 hearing to the December 12, 2024 hearing at the request of a remonstrator.

November 14, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning 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. A 52-foot half right-of-way shall be dedicated along the frontage of Keystone Avenue, 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).



**Department of Metropolitan Development
Division of Planning
Current Planning**

PETITION OVERVIEW

LAND USE

The 0.219-acre site is developed with a single-family attached dwelling that was historically approved multiple times for office uses by multiple use variances. The site was recently split from the single-family attached dwelling to the south which was also historically used for commercial offices and rezoned recently to the C-1 district.

This site is in the block southwest of the Glendale Mall in the Broad Ripple Neighborhood.

REZONING

The request would rezone the property from the D-3 district to the C-1 district to provide for office uses.

The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 52-foot half right-of-way along Keystone Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.



STAFF ANALYSIS

The subject site has been used for offices since it was granted a use variance in 1987. Rezoning to the C-1 district would align the zoning to the existing use and allow for site development without additional variances so long as new development complies with C-1 standards.

The Comprehensive Plan recommendation for this site is office commercial uses. The C-1 district is the office buffer district, which is appropriate for transitions between residential and commercial districts. Therefore, staff is supportive of the rezoning to C-1.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Office	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Land Use
	North:	D-3 Commercial
	South:	C-1 Commercial
	East:	SU-2 School
	West:	D-3 Residential (Single-family dwellings)
Thoroughfare Plan		
Keystone Avenue	Primary Arterial	100-foot existing right-of-way and 104-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS
 Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)



Department of Metropolitan Development
Division of Planning
Current Planning

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends community commercial development 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 request would align with this recommendation.

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)

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Site

2022-CPL-851; 6008 North Keystone Avenue (subject site), approval of a plat to be known as Replat of a Part of Lot 25 and Lot 26 in Kesslerwood, dividing 0.56-acre into two lots, **approved**.

2022-CVR-851; 6008 North Keystone Avenue (subject site), Variance to provide for two 64-foot-wide lots, **approved**.

2022-PLT-050; 6008 North Keystone Avenue (subject site), Approval of a Subdivision Plat to be known as Replat of a Part of Lot 25 and of Lot 26 in Kesslerwood, dividing 0.56-acre into two lots, **withdrawn**.

2009-SE1-002; 6018 North Keystone Avenue (subject site), Special exception to provide for religious uses with a ground sign in the D-3 district, **granted**.

87-UV2-46; 6008 North Keystone Avenue (subject site), Variance to provide for office uses with parking and signs, **approved**.

87-Z-16; 5930 – 6048 North Keystone Avenue (subject site), Rezoning of 3.7 acres from the D-3 and C-1 district to the C-3 district, **denied**.

81-UV2-24; 6008 North Keystone Avenue (subject site), Variance of use to provide for continued use of offices, **granted for temporary period, expiring August 8, 1986**.

78-UV1-89; 6008 North Keystone Avenue (subject site), Variance of use to provide for continued use of offices, **granted for temporary period, expiring August 8, 1981**.

74-UV2-135; 6008 North Keystone Avenue (subject site), Variance of use to provide for continued use of offices, **granted for temporary period, expiring October 15, 1977**.

Zoning History - Vicinity

2024-DV2-029; 6008 North Keystone Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an externally illuminated monument sign (illumination disallowed within 50 feet of a protected district) with a seven-foot north transitional yard setback (10-foot transitional yard required), **granted**.

2023-ZON-113; 6008 North Keystone Avenue (south of site), Rezoning of 0.33 acre from the D-3 district to the C-1 district to provide for office uses, **approved**.

2023-UV2-013; 6008 North Keystone Avenue (south of site), Variance to permit a seven-foot-tall, 32-square foot monument sign, **withdrawn**.



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2018-ZON-011; 6038 North Keystone Avenue (north of site), Rezoning of 0.24 acre from the D-3 and C-1 districts to the C-1 district, **approved.**

2011-UV1-026; 5944 North Keystone Avenue (south of site), Variance to provide for a salon and beauty spa, with massage and with accessory retail sales of beauty and hair care products, **approved.**

2010-ZON-070; 2424 Kessler Boulevard East Drive (east of site), Rezoning of 9.62 acres from the D-3 district to the SU-2 district, **approved.**

2010-ZON-037; 5944 North Keystone Avenue (south of site), Rezoning of 0.29 acre from the D-3 district to the C-1 district, **approved.**

2006-ZON-094; 5950 North Keystone Avenue (south of site), Rezoning of 0.2858 acre, from the D-3 District, to the C-1 district, **approved.**

2003-UV1-024; 6028 North Keystone Avenue (north of site), Variance to legally establish a real estate and insurance office, a parking lot with a zero-foot south side yard setback and a 9.7-foot north side yard setback, and a three-foot by twelve-foot ground sign, **approved.**

94-UV2-103; 5936 North Keystone Avenue (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the construction of a two-story, 14-unit apartment building (not permitted), **granted.**

91-Z-36; 5910 – 5944 North Keystone Avenue (south of site), Rezoning of 1.39 acres, being in the D-3 District, to the C-1 classification to provide for office uses, **approved.**

88-UV1-153; 6038 North Keystone Avenue (north of site), Variance to provide for an existing building to be used for a security office and travel agency office and one pole sign, **approved.**

88-UV1-56; 5944 North Keystone Avenue (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of an existing house for use of an office and a variance of development standards of the Sign Regulations to provide for a double-faced pole sign for identification, **granted.**

88-V2-118; 5950 North Keystone Avenue (south of site), Variance to provide for four-foot-tall shingle sign for a home occupation, **approved.**

84-Z-74; 6048 North Keystone Avenue (north of site), Rezoning of 0.26 acre from the D-3 district to the C-1 district, **approved.**

EXHIBITS





HEARING EXAMINER'S MEMO

MEMORANDUM OF EXAMINER'S DECISION

2024-ZON-127

6018 North Keystone Avenue

The petition requests the rezoning of 0.219 acre from the D-3 district to the C-1 district to provide for office uses.

Your Hearing Examiner visited the site prior to the hearing and noted the mixture of office buffer uses along the west side of Keystone Avenue. A school is east of Keystone Avenue, and residences are west of the site.

The petitioner's representative recounted that the site has been used as office buffer uses for about 50 years. Although a curb cut is shared with the pest control business to the south, the office on the subject site is not related to that business. The representative said that the requested C-1 district is consistent with other businesses in the area and conforms with the Comp Plan.

A remonstrator submitted a letter and attended the hearing remotely via Zoom. As a property owner adjacent to the west, the remonstrator expressed concern with a lack of buffer, the mural on the front of the building, the potential for weapons on the site, and the increase of strangers in the area.

Staff opined that the requested C-1 district is consistent with the predominant zoning along the west side of this corridor and complies with the Comp Plan recommendation of office commercial use.

In your Hearing Examiner's opinion, the requested C-1 district allows uses similar to adjacent uses and is consistent with the use of the site for the last 50 years. It is an appropriate buffer between the residential uses to the west and the busy Keystone corridor. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on January 2, 2025

- PLAN OF OPERATION -

Petitioner, J&C Gregory Real Estate, LLC f/k/a Evolution Process Service, LLC, submits the following plan of operation in support of its rezoning petition with respect to the property commonly known as 6018 N. Keystone Ave., Indianapolis, Indiana 46220.

Business:

The office building is owned by J&C Gregory Real Estate LLC f/k/a Evolution Process Service, LLC (“Owner”). Owner currently rents the Property to Deposition Solutions, LLC d/b/a Lexitas (“Lexitas”), who operates a process service company out of the building.

Workforce:

Approximately 3 employees work at the building at a time. Employees use the parking lot on the property while at the building.

Clients and Customers:

Clients of Lexitas are residents and business owners in the greater Indianapolis area who are in need of a process server. Clients very rarely visit the building in person.

Processes Conducted on Site:

The employees use the facility to run the operations of Lexitas.

Materials Used:

Lexitas uses typical office supplies and office furniture to operate the business.

Shipping and Receiving:

Very minimal shipping and receiving occurs. Lexitas occasionally receives office supply deliveries.

Waste:

Standard trash for an office is disposed of appropriately.



Photo of the subject site looking west onto the site.



Photo of the site's street frontage along Kessler Avenue looking south.



Photo of the rear yard of the subject site looking west.



Photo of the rear yard of the subject site looking south.



Photo of the commercial property south of the site.



Photo of the residential property north of the site.



Photo of the school across Keystone Avenue to the east.



METROPOLITAN DEVELOPMENT COMMISSION **January 2, 2025**

Case Number: 2024-ZON-050
Property Address: 3739 North Kitley Avenue
Location: Warren Township, Council District #9
Petitioner: Patrium LLC, by Luis Gomez
Current Zoning: D-3 (TOD)
Request: Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.
Current Land Use: Undeveloped
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 2, 2025, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on December 12, 2024. After a full hearing, the Hearing Examiner recommended denial of the request. Subsequently, the petitioner filed an appeal of the Hearing Examiner’s decision. A memorandum of her recommendation is attached.

ADDENDUM FOR DECEOMBER 12, 2024 HEARING EXAMINER

This petition was continued from the November 14, 2024 hearing to the December 12, 2024 hearing at the request of the staff due to the petitioner’s absence at the hearing. If the petitioner fails to attend the next hearing, then staff will request that the petition be dismissed by the Hearing Examiner.

As proposed, staff continues to **recommend denial**.

Staff **would recommend approval of the rezoning** 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. Th A 40-foot transitional yard shall be proposed along the southern property boundary and a 30-foot transitional yard shall be proposed along the eastern property boundary that abuts the protected district.
2. The proposed building shall be relocated to the southwest corner of the side adjacent to the 40-foot transitional yard.
3. All development standards of the C-7 district shall be met.



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4. A final landscape plan shall be submitted for Administrative Approval prior to the issuance of an Improvement Location Permit that shows all landscape requirements to be met in addition to the increased transitional yards as requested by staff and that increased evergreen landscaping be installed in the transitional yards.

ADDENDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This petition was continued from the October 24, 2024 hearing to the November 14, 2024 hearing at the request of the petitioner. As suggested by the Hearing Examiner on September 12th, a site plan was submitted to staff for review on October 24, 2024. As proposed, staff would continue to recommend denial.

Staff still has concerns with the commercial use encroaching closer to the dwellings than currently exists. However, if the transitional yards were increased to 40 feet on the south side and 30 feet on the east site, with the office building relocated to the southwest portion of the site adjacent to a 40-foot south transitional yard to act as a buffer from the outdoor storage that would be relocated along the northern portion of the site, then the request could be supportable.

Staff would not support any variances for the proposed C-7 zoning district which means all development standards such as lighting, landscaping including Green Factor, and transparency requirements would need to be met.

Staff **would recommend approval of the rezoning** 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. Th A 40-foot transitional yard shall be proposed along the southern property boundary and a 30-foot transitional yard shall be proposed along the eastern property boundary that abuts the protected district.
2. The proposed building shall be relocated to the southwest corner of the side adjacent to the 40-foot transitional yard.
3. All development standards of the C-7 district shall be met.
4. A final landscape plan shall be submitted for Administrative Approval prior to the issuance of an Improvement Location Permit that shows all landscape requirements to be met in addition to the increased transitional yards as requested by staff and that increased evergreen landscaping be installed in the transitional yards.

ADDENDUM FOR OCTOBER 24, 2024 HEARING EXAMINER

This petition was continued from the September 12, 2024 hearing to the October 24, 2024 hearing at the request of the petitioner. No new information was provided to the case file.

ADDENDUM FOR SEPTEMBER 12, 2024 HEARING EXAMINER

This petition was continued from the August 29, 2024 hearing to the September 12, 2024 hearing at the request of the petitioner to allow additional time to work with a registered neighborhood organization.

August 29, 2024



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This petition was continued from the July 11, 2024 hearing to the July 25, 2024 hearing at the request of the petitioner to provide sufficient time to meet the mailing notice requirement.

Staff did not have an objection to this first continuance request by the petitioner.

This petition was automatically continued from the July 25, 2024 hearing, to the August 29, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 1.22-acre subject site is comprised of two undeveloped parcels that are bordered to the east with a single-family dwelling, zoned D-3, to the south by single-family dwellings, zoned D-3, to the west across Kitley Avenue with a concrete contractor business, zoned I-4 and I-2, and a drywall contractor business to the north, zoned C-7.

REZONING

The request would rezone the site from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.

The D-3 district provides for low to medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because



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of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

Staff Analysis

Staff determined that the proposed C-7 district and use of a commercial contractor would not be appropriate at this location with two of the boundaries bordering single-family dwellings that should be protected from intense uses and the zoning districts as proposed.

Additionally, the C-7 zoning district would not align with the suburban neighborhood recommendation of the Comprehensive Plan. The subject site is different from the concrete contractor to the west which is recommended for light industrial development and the drywall contractor to the north recommended for community commercial development.

There are concerns with the potential outdoor storage of materials and vehicles on site that would be permitted if rezoned. The impact of exterior lighting that would likely be installed to assist with the video surveillance is also incompatible with the area recommendation.

Instead, approval of the rezoning would be a commercial encroachment into the residential area since the site could be developed with a single-family dwelling having significant separation from the heavy commercial district to the north. This would ensure some protection from the commercial use and would not negatively affect three other residential properties that border this site.

Given the negative impact the commercial district could have on the abutting dwellings, staff is recommending denial of the request.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-7 Drywall Contractor Business
	South:	D-3 Residential (Single-family dwelling)
	East:	C-7 / D-3 Residential (Single-family dwelling)
	West:	I-2 / D-3 Concrete Contractor Business
Thoroughfare Plan		
Kitley Avenue	Local Street	48-foot proposed right-of-way and 90-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	



Overlay	Yes
Wellfield Protection Area	No
Site Plan	April 17, 2024
Site Plan (Amended)	October 24, 2024
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The subject site is recommended for suburban neighborhood development by the Comprehensive Plan.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest station is within a ½ mile northeast of the site at the 38th Street and Shadeland Avenue intersection.
- The station is classified as the District Center Typology that would have a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and with structured parking only with an active first floor.



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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)

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Vicinity

2022-CZN-857A; 3766 North Kitley Avenue (west of site), Rezoning from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District, **approved.**

2022-CZN-857B; 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (west of site), Rezoning to the I-2 (TOD) District, **approved.**

2022-CVR-857; 3766 North Kitley Avenue (west of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district), **approved.**

2022-CZN-857B; 3730, 3740 & 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (west of site)

93-Z-46; 3730 North Kitley Avenue (west of site) Rezoning of 5.3 acres from the D-3 district to the I-2-S district, **approved.**

76-UV1-39; 3724 North Kitley Avenue (southwest of site), Variance of use and Development Standards to modify previous variance granted for general vehicle repair, as per plans filed, off-street parking provided, **denied.**

EXHIBITS





HEARING EXAMINER'S MEMO

MEMORANDUM OF EXAMINER'S DECISION

2024-ZON-050

3739 North Kitley Avenue

The petition requests the rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) district to provide for a commercial contractor.

Your Hearing Examiner visited the site prior to the hearing and noted residential use abutting it on the south and on the east. There are several contractor businesses west and north of the site.

The petitioner's representative explained that he had worked with Warren Township Development Association and neighbors, and both groups supported the petition with the building being located at the northwest corner of the site. The representative questioned why staff recommended that the building be located at the southwest corner of the site with setbacks more than required by the C-7 district along the south and east property lines.

Staff stated that C-7 allows uses that typically have major outdoor storage and/or parking, and it should not be adjacent to protected districts. Although staff suggested locating the building at the southwest corner of the site and doubling the transitional yards along the south and east boundaries as a way to lessen impact on the adjacent protected districts, staff firmly opposed C-7.

In your Hearing Examiner's opinion, the requested C-7 district is not appropriate adjacent to the protected districts, and heavy commercial use is not the highest and best use of the site. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on January 2, 2025

AMENDED SITE PLAN



PATRIUM

Design-build | General Contracting | Construction Management | PM

Patrium LLC Plan of Operation for 3739 N. Kitley Avenue Rezoning

- **Workforce.** Indicate the number of employees or volunteers associated with the business or be gleaned from a solid business plan. Therefore, an applicant should also consider & identify the potential for growth. Do they work on-site? When do they work? How do they get to the work-site? If they drive, where do they park? What form of security is utilized?
 - ❖ 3739 N. Kitley Avenue is a vacant lot located adjacent to the Specialty Contractor (Framing and Drywall) and two (2) residential dwellings. The site at 3739 N Kitley Ave will be used in conjunction with the office space at 3749 N Kitley Ave.
 - ❖ Patrium LLC is a construction management company. The employees drive to work and are able to park in the office parking lot located at 3749 N. Kitley Avenue. The staff works on-site and sometimes off-site with varying hours, usually Monday through Saturday from 7:00 am until 6:00 pm.
 - ❖ The property is currently under audio and video surveillance, with plans to add fencing across the front of the property to enclose all four sides.
- **Clients & Customers.** Indicate who are typical customers and clients. Do they come to the site? If so, when and how many? Where do they park?
 - ❖ The site at 3739 N Kitley does not have regular visits from clients or customers; they are usually hosted at the office at 3749 N Kitley Ave.
- **Processes conducted on Site.** Describe what is actually done by the business or organization, on-site and off-site. What happens outside? What are the safety & security measures taken by the business or organization?
 - ❖ Patrium LLC is a construction management company with daily operations to include but not limited to ensuring construction projects stay on schedule, quality standards are met, safety protocols are followed, and material/equipment is at correct offsite locations. On-site duties include managing the above listed items.
- **Materials Used.** List the types of materials used for the operation. Are any hazardous materials used? Indicate the applicable safety & security measures. Shipping & Receiving. How are materials shipped or received? Size of vehicle? What time of day? Frequency?
 - ❖ Patrium LLC will be using the site at 3739 N Kitley to house and store equipment, and construction materials.

PATRIUM

Design-build | General Contracting | Construction Management | PM

- ❖ Materials will be shipped by various material suppliers, such as Ferguson Supply or OldCastle-Northfield. They are received by staff on site during regular business hours.
- ❖ Safety and Security measures will include audio and video surveillance 24/7.
- Waste. Indicate the types of waste generated. How is it handled? By whom? Is hazardous waste generated? Is a recycling program implemented?
 - ❖ We generate general office and light construction waste: eg. paper, food, wood trim, drywall scrap. These items will be disposed of in a dumpster that would be placed on the property at 3739 N. Kitley Ave. which would be picked up by Waste Management Inc.
 - ❖ There would not be any hazardous waste generated.
 - ❖ We do use a recycling program for any e-waste we may have.

PATRIUM



Northern property boundary of the subject site looking east.



Photo of the subject site looking east.



Photo of the subject site looking east.



Southern property boundary of the subject site looking east.



Photo of the subject site street frontage looking northeast.



Photo of a single-family dwelling south of the site.



Photo of single-family dwellings southwest of the site.



Photo of the concrete contractor business looking north.



Photo of the concrete contractor business looking northwest.



Photo of the concrete contractor business to the west.



Photo of the drywall contractor business to the north.



METROPOLITAN DEVELOPMENT COMMISSION **January 2, 2025**

Case Number: 2024-ZON-124

Property Address: 10026 East 21st Street

Location: Warren Township, Council District #15

Petitioner: Mitthoeffer Properties, by David D. Wilson

Current Zoning: D-4 and C-3

Request: Rezoning on 0.46 acre from the D-4 and C-3 districts to the C-5 district to provide for retail uses.

Current Land Use: Vacant property

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the November 14, 2024 hearing, to the December 12, 2024 hearing.

This petition was heard by the Hearing Examiner on December 12, 2024. After a full hearing, the Hearing Examiner recommended denial of the rezoning. Subsequently, the petitioner filed an appeal of the Hearing Examiner’s decision. A memorandum of her recommendation is attached.

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. A 59.5-foot half right-of-way shall be dedicated along the frontage of East 21st 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).
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 / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 0.46-acre site, zoned D-4 and C-3, is developed with a vacant commercial office and associated parking. It is surrounded by a parking lot to the north, zoned C-3; a single-family dwelling to the east, zoned D-4; commercial uses to the west, zoned C-3; and a single-family to the south, across East 21st Street, zoned D-4.

REZONING

The request would rezone the site to the C-5 (General Commercial) District. “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and **should avoid locating adjacent to protected districts.**”

The Comprehensive Plan recommends office commercial typology for the site. This typology serves as an appropriate buffer from the more intense commercial uses to the west and north. The previous office use was consistent with the Plan recommendation. However, the existing parking lot encroaches approximately 26 feet into the right-of-way of East 21st Street, leaving no space for the required landscaping along the street frontage.

The request referenced display of used cars, which would be vehicle-related operations that would require the C-5 district, which would not be consistent with the Plan recommendation of office commercial. The C-5 district would allow for encroachment of intense and inappropriate commercial uses into the residential neighborhood that would be detrimental and negatively impact the adjacent land uses.

Staff would note that the C-5 district would allow for 60 primary uses and 22 accessory uses, many of which would not be appropriate or acceptable for the surrounding residential neighborhood. See Exhibit A.

Removing the pavement and parking out of the right-of-way along with the requested dedication of right-of-way (below) would leave little room for display of used vehicles. Staff believes this is further evidence that a C-5 district would not be supportable or appropriate for this site.



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Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along East 21st Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

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 receptables for proper disposal of trash and other waste.

GENERAL INFORMATION

Existing Zoning	C-3 / D-4
Existing Land Use	Commercial office (vacant)
Comprehensive Plan	Office Commercial



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Surrounding Context	Zoning	Land Use
North:	C-3	Commercial uses
South:	D-4	Single-family dwelling
East:	D-4	Single-family dwelling
West:	C-3	Commercial uses
Thoroughfare Plan		
East 21 st Street	Primary arterial	Existing 90-foot right-of-way and proposed 119-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Office Commercial typology. The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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.



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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 – Office Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Master planned developments more than two acres should include pedestrian amenities for passive and active recreation internal to the development.
- Small-Scale Offices, Retailing, and Personal or Professional Services (*defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.*)
 - Appropriate as a primary use only in major employment centers.
 - Outdoor display of merchandise should be limited.
 - **If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.**
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

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.



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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 describe 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



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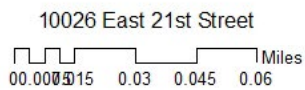
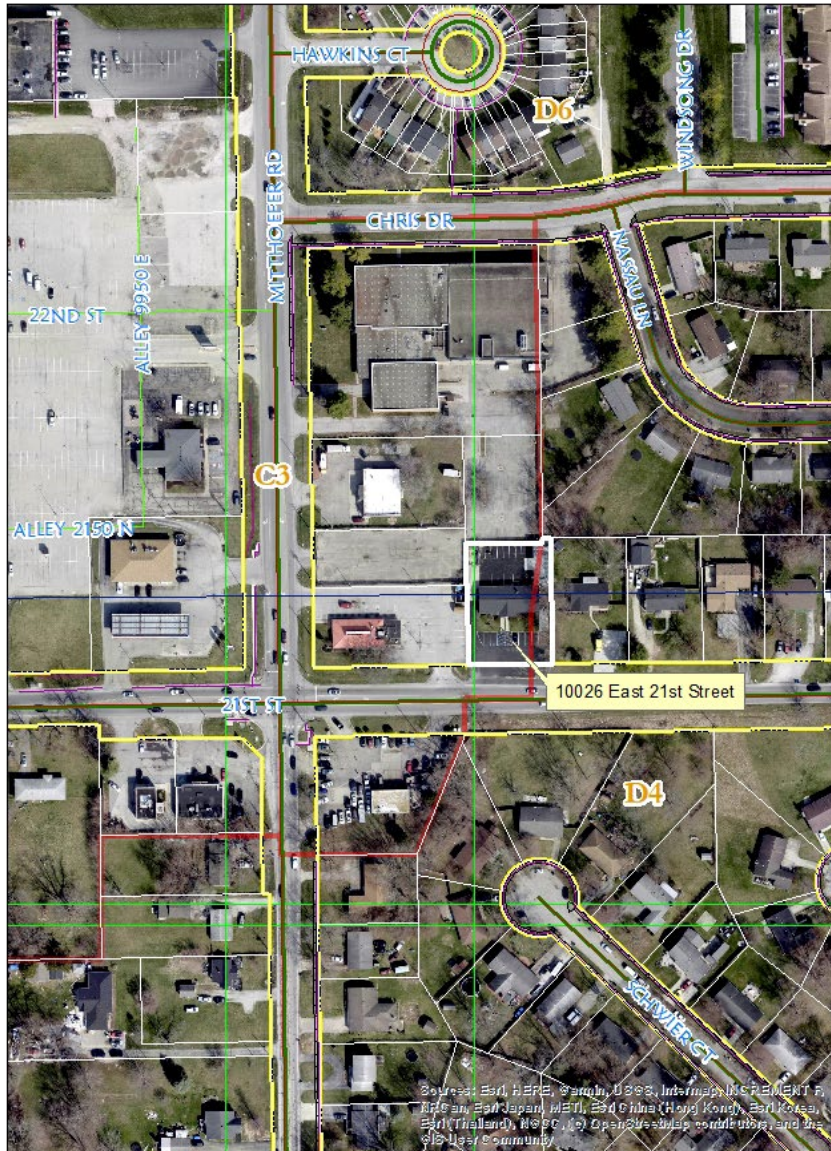
ZONING HISTORY

2003-UV3-038; 9936 and 9942 East 21st Street (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a convenience store and gasoline station, with an automatic and self-service car wash, **granted**.

82-UV3-027, 9942 East 21st Street (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a gasoline service station with a six-bay car wash, **granted**.

66-Z-3; 9942 East 21st Street (west of site), requested rezoning of one acre from the B-3 district to the B-4 district to provide for the construction of a gasoline service station, **approved**.

EXHIBITS





MEMORANDUM OF EXAMINER'S DECISION

2024-ZON-124

10026 East 21st Street

The petition requests the rezoning of 0.46 acre from the D-4 and C-3 districts to the C-5 district to provide for retail uses.

Your Hearing Examiner visited the site prior to the hearing and noted a commercial building with the balance of the site hard surfaced. Single family residences abut the site on the northeast and east and are south of 21st Street, and commercial uses are west and north of it.

The petitioner explained that the building was constructed about 40 years ago. He obtained the site several months ago and has been trying to improve it. He has several tenants in the building, and wants to sell cars on the site, with about 10 cars displayed on 21st Street. He wants to provide affordable means of transportation for neighbors, and he wants to mentor youth in the area.

Although remonstrators did not attend the hearing, there was a letter of opposition from Warren Township Development Association.

Staff stated that C-5 is too intense for this site, it should not be located adjacent to a protected district, and it does not conform with the Comp Plan recommendation of office buffer uses. Staff also expressed concern that the site is paved into the right-of-way and auto display is proposed in the right-of-way.

While your Hearing Examiner applauds the petitioner's desire to improve the site and better the community, the requested C-5 is not consistent with the area and would allow uses that are not appropriate adjacent to protected districts. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on January 2, 2025



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EXHIBIT A

Daily emergency shelter
Business, art, or other post-secondary proprietary school
Club or lodge
Community Center
Greenway
Museum, Library or Art Gallery
Public safety facility or Post Office
Religious Uses
Vocational, technical or industrial school or training facility
Hospital
Medical or Dental Offices, Centers Clinic
Medical or Dental Laboratories
Plasma (Blood) Center
Substance Abuse Treatment Facility
Animal care, Boarding
Artisan food and beverage
Famers' Market
Check Cashing or Validation Service
Consumer Services or Repair of Consumer Goods
Financial and Insurance Services
Hair and Body Care Salon or Service
Laundromats
Mortuary, Funeral Home
Outdoor Advertising off-premises
Printing Services
Tattoo Parlor
Adult Entertainment Business



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Bar or Tavern
Eating Establishment or Food Preparation
Indoor Recreation and Entertainment
Indoor Spectator Venue
Night Club or Cabaret
Hotel, Motel or Hostel
Office: Business, Professional or Government
Outdoor Recreation and Entertainment
Agricultural Sciences R and D
Clean energy R and D
Information technology R and D
Life Sciences R and D
Logistics R and D
Adult Entertainment Business: Retail
Department Store
Firearm Sales
On-going Fireworks sales,
Grocery Store
Liquor Store
Pawn shop
Light general retail
Heavy General retail
Local Power Generating Facility
Substations and Utility Distribution
Wireless Communications
Automobile and Light Vehicle Wash
Automobile Fueling Station
Automobile, Motorcycle, and Light Vehicle Sales or Rental



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Automobile, Motorcycle, and Light Vehicle Service or Repair

Commercial parking lot

Commercial parking garage

Transit Center

Recycling Station

Accessory Uses

Amateur Radio Antenna

Automated Teller Machine (ATM)

Automobile Rental Station

Bicycle Sharing

Day Care Center or Nursery School

Drive-through

Garden as a primary use

Game Courts

On-going Outdoor display and Sales

Outdoor Storage and Operations

Non-residential Outdoor Seating or Patio

Personal garden

Pick-up Station for Dry Cleaning or Laundry

Recycling Collection Point

Renewable Energy Facility Solar and Geothermal

Renewable Energy Facility Wind

Satellite Dish Antenna

Sidewalk Café

Swimming Pool or Hot Tub

Ground Transportation and Accessories

Outside Vending Machine or Self-serve Kiosk

Walk-up Window



View looking west along East 21st Street



View looking east along East 21st Street



View of site looking northwest



View of site looking north



View of site looking northeast



View from site looking south across East 21st Street



View from site looking southwest across East 21st Street



METROPOLITAN DEVELOPMENT COMMISSION **January 2, 2025**

Case Number: 2024-ZON-096 / 2024-VAR-013 (2nd Amended)

Property Address: 6158 West 10th Street (Approximate Address)

Location: Wayne Township, Council District #16

Petitioner: Homes in Motion, LLC, by John Cross

Current Zoning: D-3 (W-1)

Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office.

Request:

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an expansion of an existing accessory structure, with a total accessory structure size of 1,215.35 square feet (maximum 10% of the primary structure, or 141 square feet permitted), a six-foot-tall fence (maximum 3.5 feet height required) and to permit outdoor storage and operations consisting of four trailers, one skid steer loader, one mini excavator and one mini backhoe (not permitted).

Current Land Use: Office

Staff Recommendations: Approval of rezoning with commitments. Denial of variances.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JANUARY 2, 2025, METROPOLITAN DEVELOPMENT COMMISSION

This petition was continued for cause from the December 18, 2024 hearing to the January 2, 2025 hearing at the request of staff.

The petition was amended to include a variance of development standards to expand an existing detached garage to exceed the maximum size permitted in the proposed C-1 district. The request also outlined the anticipated vehicles and equipment to be included as outdoor storage.

Per Table 743-306-1: Maximum Accessory Square Footage Total, the proposed C-1 district, if granted, would have a maximum square footage of all accessory buildings of 10% of the total gross floor area of all primary buildings.

According to calculations provided by the petitioner, the primary building measures approximately 1,419.6 square feet. The maximum square footage permitted for accessory buildings on site would be 141 square feet (10% of the primary building area) where 1,215.35 square feet would be proposed or 85.7% of the primary building area.



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The petitioner provided the following three commitments:

1. The variance will not run with the land.
2. The outdoor storage shall always be within enclosed fence portion shown on the site plan.
3. The outdoor storage is only allowed for the 4 trailers, 1 skid steer, 1 mini excavator and 1 mini backhoe, or reasonable replacements of the same if needed, and will only be stored in area shown on site plan.

Although the petitioner would propose three self-imposed commitments, staff is not supportive of the variance requests because they would be for items that would not relate to the primary office use of the site. Instead, the variances requested would be for uses and development standards that would not be required if the office use was the only use on site.

Staff **continues to recommend approval** of the rezoning 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. A 56-foot half right-of-way shall be dedicated along the frontage of 10th 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).
2. A 40-foot half right-of-way shall be dedicated along the frontage of High School Road, 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).
3. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road. At a minimum the section of the driveway in the right-of-way shall be removed in addition to 20 feet west of the eastern property boundary that would comprise of the 20-foot transitional yard requirement.
4. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
5. A revised plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.

Staff **recommends denial** of the variance requests.



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ADDEMDUM FOR DECEMBER 18, 2024 METROPOLITAN DEVELOPMENT COMMISSION

This petition was transferred from the November 14, 2024 hearing of the Hearing Examiner to the December 18, 2024 hearing of the Metropolitan Development Commission for initial hearing at the request of the Hearing Examiner. This petition was to be amended and required new notice.

Staff requested a continuance for cause from the December 18, 2024 hearing to the January 2, 2025 hearing of the Metropolitan Development Commission with new notice due to an error by staff. The Legal Notice deadline for the December 18, 2024 hearing before the Metropolitan Development Commission was missed and notices for the January 2, 2025 hearing were provided and mailed.

ADDEMDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This request was amended to include a six-foot tall fence and to allow outdoor storage and operations on site.

Fences are limited to 3.5 feet in the front yard in the C-1 district where the proposal would have a six-foot fence in the front yard of Vinewood Street and High School Road per the final site plan provided in the staff report.

Staff did not find that a practical difficulty exists to grant approval of the six-foot fence when the fence could align with the northern building façade and could be relocated behind the building.

Outdoor storage and operations are not permitted as primary or accessory uses in the C-1 district. The use is only permitted as an accessory use in the more intense districts such as C-5, C-7, and all industrial districts.

Because the use of the primary building is for office use, staff did not find that it calls for outdoor storage and operations. Per the amended plan of operation dated November 6, 2024, the owner's personal vehicles to be stored would include four (4) trailers. Staff determined these commercial vehicles would not be appropriate to store on site since they would not be associated with the business.

Staff would note that the proposed final site plan also shows a garage addition that would expand an existing garage in the front yard, which is not permitted.

Staff **recommends denial** of the variance requests.

Staff **recommends approval** of the rezoning 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. A 56-foot half right-of-way shall be dedicated along the frontage of 10th 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).
2. A 40-foot half right-of-way shall be dedicated along the frontage of High School Road, 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-



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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).

3. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road. At a minimum the section of the driveway in the right-of-way shall be removed in addition to 20 feet west of the eastern property boundary that would comprise of the 20-foot transitional yard requirement.
4. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
5. A revised plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.

ADDEMDUM FOR SEPTEMBER 26, 2024 HEARING EXAMINER

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner.

The petitioner provided an updated site plan and a plan of operation both file-dated September 12, 2024, that showed some changes to the proposal. First, the site plan shows the closure of the eastern driveway with bollards, that staff would not support since the intent would be to eliminate the driveway in its entirety, which staff clarified in a commitment for the pavement to be removed within a six-month timeframe. Second, the fence would be relocated to align with the location of the existing detached garage but would still require a variance for it to be in the front yard of the primary building. Third, the gravel parking area would be shown to be paved with new asphalt, but it is still unclear whether all the proposed pavement is necessary for a small office use. Fourth, the outdoor storage would still be proposed on site, which would require a variance of use to be filed and staff would not support this request since it would not relate to the business on site and it not permitted in the C-1 district that is proposed to be next to single-family dwellings.

Staff still finds that a C-1 zoning district would be appropriate, but only for office use subject to the seven commitments outlined in the staff report.

September 12, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** 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. A 56-foot half right-of-way shall be dedicated along the frontage of 10th 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



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- 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).
2. A 40-foot half right-of-way shall be dedicated along the frontage of High School Road, 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).
 3. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road.
 4. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
 5. There shall be no outdoor storage of equipment or commercial vehicles on site.
 6. The six-foot tall privacy fence in the front yard shall be removed or reduced to three feet in height within 60 days of approval of the request.
 7. A plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.

PETITION OVERVIEW

LAND USE

The subject site is developed with a single-family dwelling, detached garage, paved parking, gravel parking lot, and enclosed fenced in area. A real estate office, one 24-square foot ground sign, and two 15-square foot wall signs were approved per 2019-UV2-005.

The property is surrounded to the west, north and east by single-family dwellings zoned D-3 and commercial uses to the south zoned C-5.

REZONING

The request would rezone the property from the D-3 district to the C-1 district for a real estate office. The proposal would include a second driveway and parking lot.

The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and



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facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along 10th Street and a 40-foot half right-of-way along High School Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The site is currently used as a real estate office per a use variance granted in 2019. Rezoning to the C-1 district would align the existing use with the correct zoning district instead of it continuing to operate under a use variance. In staff's opinion, the continued business operation with the corrected zoning district would not adversely affect the surrounding residential properties.

With the C-1 zoning district being a buffer district between more intense uses, such as medium or heavy commercial uses, and less intense uses, such as residential uses, the proposed C-1 rezoning would allow for a buffer between the C-5 district to the south and D-3 district to the north.

The suburban neighborhood recommendation of the Comprehensive Plan supports a variety of neighborhood-serving businesses, institutions, and amenities which means the zoning district and use would align with this recommendation.

However, staff has a few concerns that were made apparent during the site visit. The site was subject to a site plan that preserved much of the site as open space. The area west and north of the primary building has been enclosed with a six-foot tall privacy fence and layered with gravel for storage of equipment and commercial vehicles as shown in the site photos.

The six-foot tall fence would not be permitted in the front yard of High School Road and would need to be reduced to the permitted three-foot height or completely removed from the site. Staff would not support a variance for the six-foot tall fence to remain in the front yard.



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The outdoor storage of commercial equipment and vehicles would need to be eliminated from the site since outdoor storage is not permitted in the C-1 district.

Any area proposed for parking and maneuverability would need to be paved since gravel parking lots are not permitted in commercial districts.

Lastly, staff would request that the driveway off Vinewood Street be closed leaving the only access to the site from High School Road since it is a dangerous intersection to attempt to access the driveway when traveling north on Vinewood Street.

If the petitioner is agreeable to commitments to correct the fence on site, eliminate the outdoor storage, pave the parking lot, and remove the driveway along Vinewood Avenue, then staff would be supportive of the C-1 rezoning request. A plan of operation should be submitted for staff review and approval to confirm the business operation on site is permitted since there are many concerning factors on site. Approval shall be subject to said plan of operation to be submitted.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Office	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-3 Residential (Single-family dwelling)
	South:	C-5 Commercial
	East:	D-3 Residential (Single-family dwelling)
	West:	D-3 Residential (Single-family dwelling)
Thoroughfare Plan		
10 th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	August 11, 2024	
Site Plan (Amended)	September 12, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	



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Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends suburban neighborhood development for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.



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- Office uses are contemplated within the suburban neighborhood typology, which is why staff determined the request would be supportable.

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)

- Indy Moves Plans Indy Moves Transportation Integration Plan (2018) proposes an off-street multi-use path from Railroad Trailacks to Beachway Drive.



ZONING HISTORY

Zoning History - Site

2019-UV2-005; 6158 West 10th Street (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a real estate office (not permitted) and one 24-square foot ground sign and two 15-square foot wall signs (ground signs permitted for subdivision and projects only, one wall sign permitted and sign area of three percent of façade permitted), **approved**.

99-UV1-160; 6158 West 10th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an assisted transportation business for handicapped persons, with parking for 2 vans in a detached garage, **denied**.

Zoning History - Vicinity

2006-DV2-016; 1010 Center Drive (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 13-foot tall, 766-square foot detached garage located between the established front building line and the right-of-way (not permitted), **granted**.

99-V3-6; 6112 Mount Auburn Drive (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the constructions of a 936-square foot detached accessory garage, being 80% of the primary structure, **granted**.

94-VAC-26; 1001-1009 Mount Auburn Drive North (west of site), Vacation of a portion of unimproved Mount Auburn Drive, being 50 (+/-) feet in width, from the northern right-of-way line of West 10th Street to the southern right-of-way line of North High School Road, **granted**.

90-Z-225; 5909 West 10th Street (south of site), Rezoning of 19.3 acres, being in the C-5 District, to the C-5 classification to provide for commercial development, **approved**.

86-UV1-152; 6025 West 10th Street (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the outside storage, sales, and processing of firewood, **withdrawn**.

79-Z-104; 6025 West 10th Street (south of site), Rezoning of 10.2 acres, being in an A-2 and an SU-34 zoning districts, to a C-5 classification to provide for operation of a flower shop, **approved**.

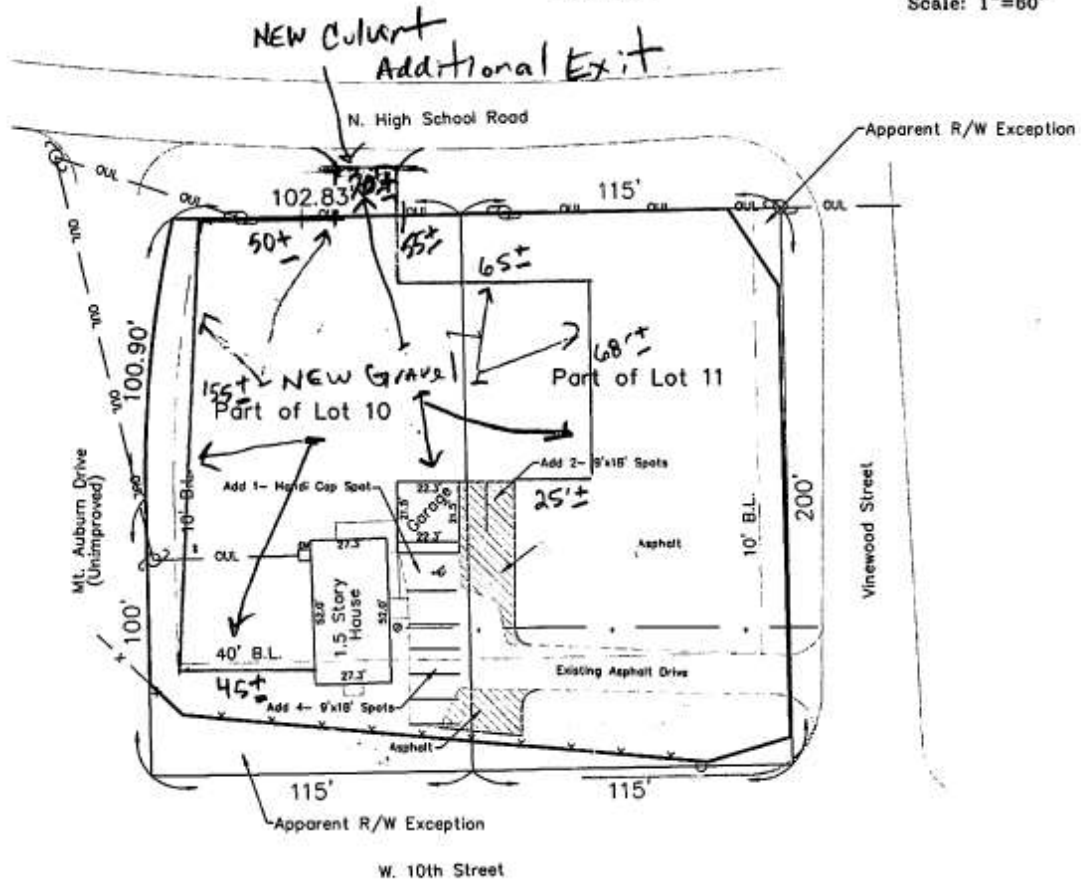
70-UV3-34; 1010 North High School Road (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general office use, within an existing building, **granted**.

SITE PLAN

"THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT."

Note: Improvement locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Legend	
R/W	Right-of-Way
⊙	Gas Meter
—OUL—	Overhead Utility Line
⊕	Utility Pole
- x - x -	Fence±
⊞	Electric Meter
—G—	Buried Gas Line
○	Signal Pole



HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com



PREPARED: February 7, 2019

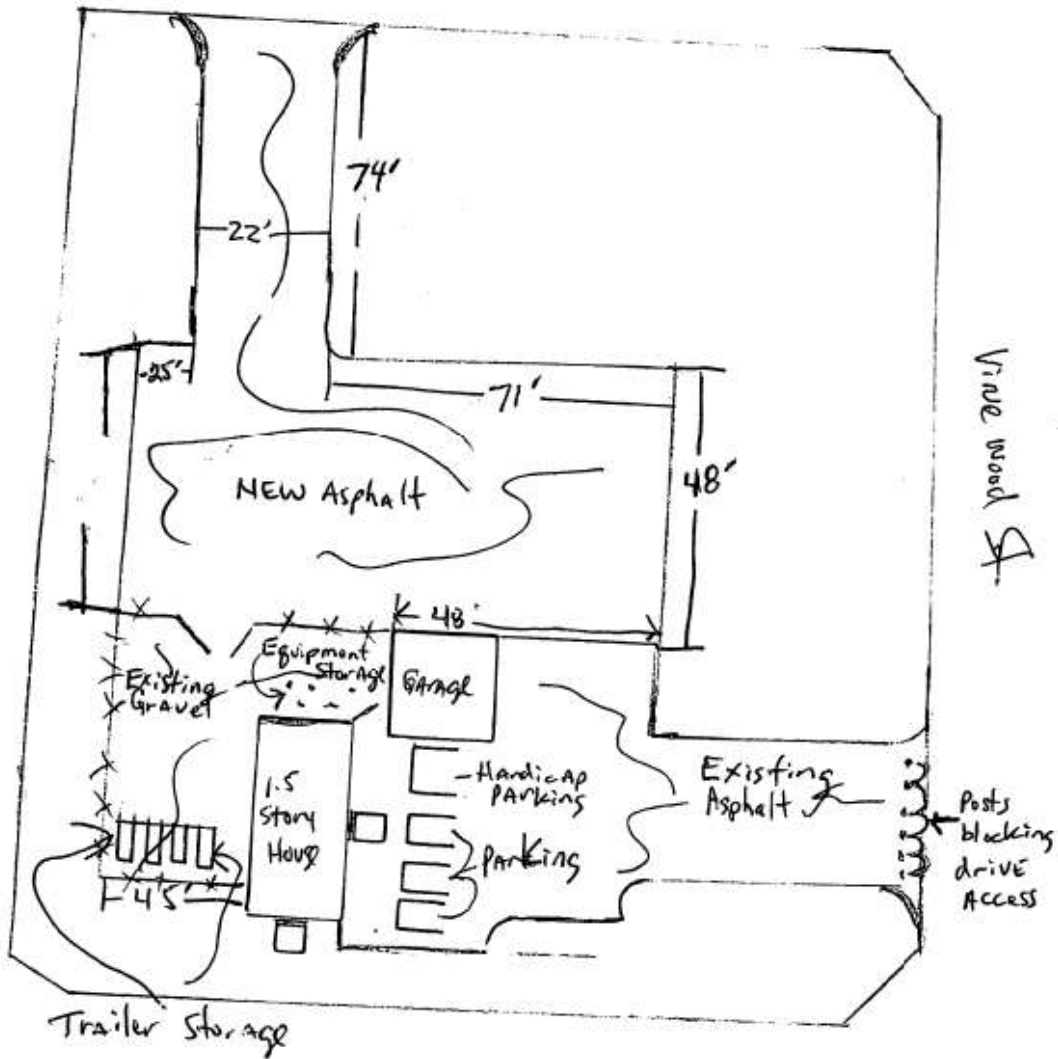
Chad L. Brown
Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Job No.: 190123
Sheet 2 of 2

AMENDED SITE PLAN

6158W. 10th St.
Indpls, IN 46224
Proposed Layout

↑ N
not to scale

N. High School Rd.

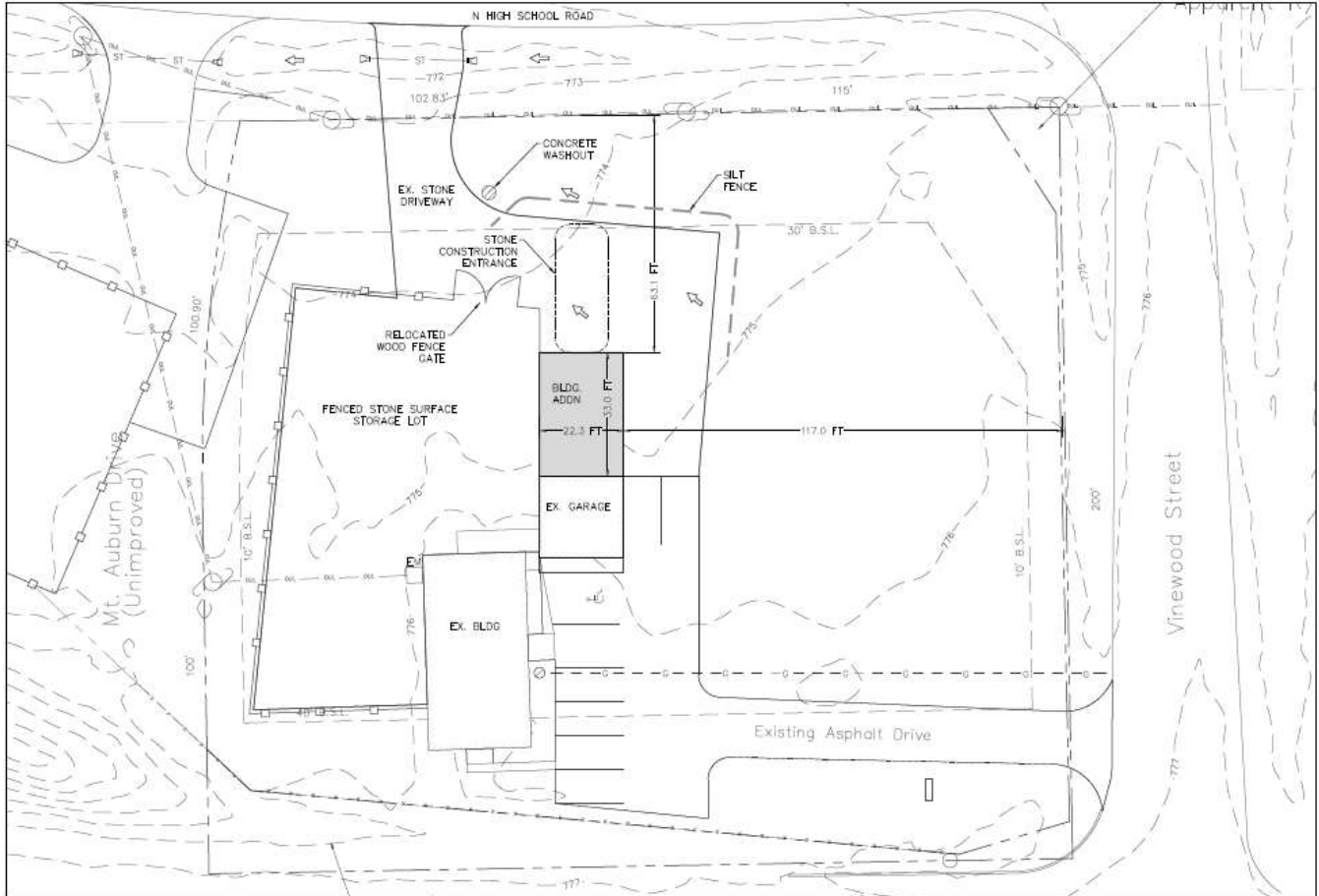


Existing privacy fence



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FINAL SITE PLAN





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Variance of Developmental Standards: To meet dwelling district and C-1 developmental standards, the following variance is requested:

1. Six (6) foot maximum height of fence in northern front yard (3.5 feet required). *See* Table 744-510-2.
2. To legally establish an accessory building with maximum square footage of 85.7% of the total gross floor area of all primary buildings (10% permitted). *See* Tale 743-306-1.
 - a. Existing House: $52 \times 27.3 = 1,419.6$ sq. ft. $\rightarrow 10\% = 141$
 - b. Existing Garage: $21.5 \times 22.3 = 479.45$ sq. ft.
 - c. Accessory Structure Addition: $33 \times 22.3 = 735.9$ sq. ft.
 - d. Total Accessory Structure = $1,215.35$ sq. ft. (85.7% coverage)

Variance of Use: To permit limited Outdoor Storage and Operations at the property. *See* Table 743-1.

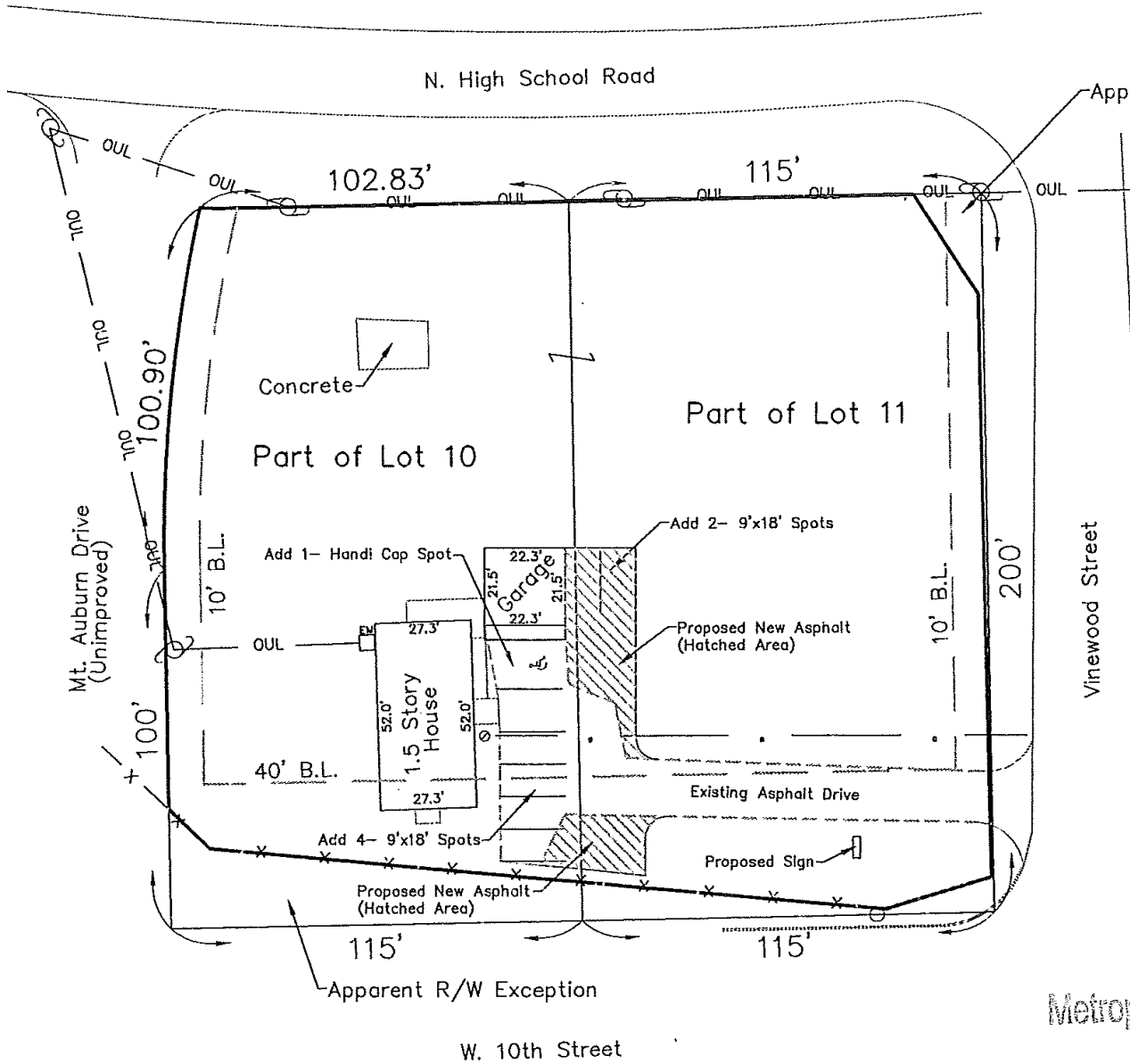
To limit the impact of this use Petitioner proposes the following commitments:

1. The variance will not run with the land.
2. The outdoor storage shall always be within enclosed fence portion shown on the site plan.
3. The outdoor storage is only allowed for the 4 trailers, 1 skid steer, 1 mini excavator and 1 mini backhoe, or reasonable replacements of the same if needed, and will only be stored in area shown on site plan.



Department of Metropolitan Development
 Division of Planning
 Current Planning

2019-UV2-005 Site Plan



Metro



Department of Metropolitan Development
Division of Planning
Current Planning

Plan of operation

September 2024

Use: Operation of a real estate sales business at 6158 W 10th St., Indianapolis, In 46214, with minor accessory storage of trailers and equipment outside within fenced area.

Owner.

Homes In Motion LLC

6158 W. 10th St.

Indianapolis, IN 46214

Occupying Tenant.

Canon Real Estate Services LLC

6158 W. 10th St.

Indianapolis, IN 46214

Homes In Motion LLC and Canon Real Estate Services LLC are owned by the same principal.

Description of the property.

- 1.The improvements on 6158 W 10 Th St consists of a 1252 square foot, 3 bed room, 1 bath single family home with a ¾ unfinished basement and a two car detached garage.
- 2.Access to the proposed office entrance has standard steps with hand rails and a handicap ramp for safe access.

Security.

- 1.The property is equipped with a 24 hour monitored alarm system, lighting on all four sides of the improvement and twenty four hour night vision video surveillance.

Business operations.

- 1.Hours of operation Monday through Friday 8AM to 5 PM.
- 2.The living area will be use as a reception area and two of the bedrooms will be used as offices and the third for storage.
3. 3 employees occupy the space, two real estate agents and one receptionist.
4. Low to no client volume. Clients are met away from the office typically.

Limited Outdoor Storage.

Storage of owner's equipment for projects. 4 trailers, 1 skid steer, 1 mini excavator and 1 mini backhoe. The equipment and trailers don't move for weeks or even months at a time.



AMENDED PLAN OF OPERATION

Updated Plan of Operation

November 6 2024

Petition No. 2024-ZON-096 / 2024-VAR-013 (Amended)

Use: Operation of a real estate sales business at 6158 W 10th St., Indianapolis, In 46214, with minor accessory storage of trailers and equipment outside within fenced area.

Owner.

Homes In Motion LLC
6158 W. 10th St.
Indianapolis, IN 46214

Occupying Tenant.

Canon Real Estate Services LLC
6158 W. 10th St.
Indianapolis, IN 46214

Homes In Motion LLC and Canon Real Estate Services LLC are owned by the same principal.

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Business operations.

- 1.Hours of operation Monday through Friday 8AM to 5 PM.
- 2.The living area will be use as a reception area and two of the bedrooms will be used as offices and the third for storage.
- 3. 3 employees occupy the space, two real estate agents and one receptionist.
- 4. Low to no client volume. Clients are met away from the office typically.

Limited Outdoor Storage.

Storage of owner’s equipment for projects. 4 trailers.

The trailers don't move for weeks or even months at a time. Owner uses the trailers for purposes unrelated to the real estate office. The equipment is not used at the property but is stored for convenience and transported when needed elsewhere and then returned. The storage area is kept nicely and screened by the fence. Petitioner intends to file a variance of use for this limited storage and would commit that it would not run with the land but would terminate with current ownership.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

the outdoor storage is limited to certain equipment and will be screened and enclosed within a 6-foot fence. The equipment is not used at the property but only stored and transported away so there is no operational impact on the surrounding area.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the variance is limited in scope and duration and will not run with the land. The storage is screened and located within an enclosed fence so is not viewable from surrounding properties. The storage is adequately distanced from residential dwellings and will not impact any property values.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The equipment is used in relation to petitioner's other real estate business ventures. Typically the equipment remains at the property in storage and is only transported as needed. The property does not permit outdoor storage so the variance of use is needed.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the equipment is adequately screened from surrounding properties. The property's proximity to 10th Street and 465 makes the property suitable for such limited storage. The storage will not negatively impact surrounding owners. Petitioner has no other location to store the equipment. The variance will not run with the land which lessens future use of the property.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

Petitioner operates a real estate office at the property and also runs a real estate investment company. The equipment is used in correlation with the real estate investment business. While not ancillary to the property use, it is a light increase of use on the property. Given the property's close location to 10th Street and 465 the variance will not have any substantial impact on the comprehensive plan. The variance will not run the land.

DECISION



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 fence will be in line with the existing garage on the property and no closer to N High School Rd than the fence on the western property. The subject property technically has three front yards and is a corner lot. The fence height and location would not be inconsistent with other corner lot properties that can permit exceptions to the fence height maximum standard. In addition the fence height will benefit the area by providing screening for the limited outdoor storage. The primary building is 1,419 sq. ft. and existing garage is 479 sq. ft. which is small coverage on the 1 acre lot. The expanded accessory building size (1,215.35 sq. ft.) poses no harm injurious impact as it will be used for storage and comparable to an expansion of the primary building.

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 fence height is consistent with the fence height on the western property and northern property. The subject property is surrounded on the north, east, and south by streets giving the property three front yards. The property front door faces south so the north side is not used as an entrance. The fence will be in line with the garage so will have no negative impact on surrounding properties but instead will provide a benefit of screening. The expanded accessory building will not negatively impact the area as the lot is large enough to fit the proposed size. The result is comparable to having a larger primary building but will permit additional storage of equipment instead of being stored outdoors.

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 is surrounded by streets on the north, east, and west meaning the property has three front yards. The property has a limited area in the side yard for a fence. The fence is used partially for outdoor storage and is needed for additional space. The fence will not be closer to the road than the garage. Side yards allow 6 foot fences and the location of the fence, being in line with the garage, is akin to a side yard location making the 6-foot height standard acceptable. For the accessory building, the lot was constructed for residential use and the garage will be enlarged. The lot was not constructed under C-1 standards. The primary structure is smaller and expansion of the accessory building is more practical given the layout of the improvements and intended use for the needed expansion (storage).

DECISION



Subject site street frontage along 10th Street.



Subject site street frontage along 10th Street.



Driveway off Vinewood Street.



Subject site looking west from Vinewood Drive entrance drive and existing sign.



Photo of the existing residential building to be used as an office.



Photo of the existing detached garage looking north on site.



Photo of the gravel drive and six-foot tall fence in the front yard of North High School Road.



Photo of the gravel area looking south on the site.



Photo of the proposed new drive from North High School Road looking west on the site.



Photo of the fenced in storage area.



Photo of the fenced in storage area, equipment, vehicles, and trailers.



Photo of the fenced in storage area, equipment, vehicles, and trailers.



Photo of the street frontage along North High School Road looking east.



Photo of the street frontage along Vinewood Drive looking south.



Photo of the single-family dwelling west of the site.



Photo of the single-family dwelling northwest of the site.



Photo of the single-family dwelling north of the site.



Photo of the single-family dwelling east of the site.