



# Metropolitan Development Commission Hearing Examiner (August 10, 2023) Meeting Agenda

## Meeting Details

Notice is hereby given that the Hearing Examiner of the Metropolitan Development Commission will hold public hearings on:

**Date:** Thursday, August 10, 2023

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

**1. 2023-ZON-052 | 5745 Kentucky Avenue**

Decatur Township, Council District #20

Unicorp National Developments, Inc., by Joseph D. Calderon

Rezoning of 2.575 acres from the D-A district to the C-4 district to provide for a gas station/convenience store.

**\*\*Petitioner withdrawal of the petition and request for a partial refund of filing fees**

**2. 2023-ZON-057 | 6801 and 6921 Mills Road and 6912 Camby Road**

Decatur Township, Council District #20

Arbor Homes, by Caitlin Dopher

Rezoning of 106.721 acres from the D-A district to the D-4 district to provide for residential development.

**\*\*Staff request for a continuance to August 24, 2023**

**3. 2023-ZON-063 (2nd Amended) | 3855 & 3955 North Emerson Avenue, 5035 East 39th Street and 5070 Roselawn Avenue**

Lawrence and Washington Townships, Council Districts #9 and #13

Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen

Rezoning of 9.19 acres from the D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.

**\*\*Staff request for a continuance to September 14, 2023**

**4. 2023-ZON-068 | 510 and 555 Fairfield Avenue**

Center Township, Council District #9

GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen

Rezoning of 1.08 acres from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

**\*\*Petitioner request for a continuance to September 28, 2023**

**5. 2023-ZON-070 | 456 South Emerson Avenue**

Center Township, Council District #12

Marjorie Armour & Shane Brothers, by David Kingen

Rezoning of 0.42 acre from the D-5 district to the C-4 district to provide for commercial uses.

**\*\*Petitioner request for a continuance to September 28, 2023**

**6. 2023-CVR-832 / 2023-CPL-832 | 2144 East 12th Street**

Center Township, Council District #17

D-5

Bybee Holdings LLC, by Jynell D. Berkshire

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
  - b) Lot Two containing an area of 2,968 square feet and a lot width of 27.82 feet (40-foot lot width required);
- And the construction of a single-family dwelling on each lot, with:
- c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and
  - d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre into two lots.

**\*\*Petitioner request for continuance to August 24, 2023**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**7. 2023-MOD-015 | 3150 East Thompson Road**

Perry Township, Council District #24

C-3

Steven H. Huth & Linda J. Huth

Modification of the Commitments related to petition 85-Z-137 to terminate Commitments #1 and #4 to allow for a building addition to the existing flower shop, an access drive and additional parking (current commitments limit the use of the northern 100 feet of the property to office uses and require conformance with renderings from the 85-Z-137 hearing).

**8. 2023-ZON-071 | 707 and 711 East McCarty Street**

Center Township, Council District #16

Lindsay and Patrick Mullen, by Jason Wolfe

Rezoning of 0.26 acre from the I-3 (RC) district to the D-8 (RC) district to provide for a single-family dwelling.

**9. 2023-CZN-833 / 2023-CPL-833 | 3815 North Lawndale Avenue**

Pike Township, Council District #10

317 Realty Group LLC, by Jynell D. Berkshire

Rezoning of 1.192 acres from the D-7 District to the D-5II District to provide for single-family residential development.

Approval of a Subdivision Plat to be known as Lawndale Addition, dividing 1.192 acres into eight lots.

**10. 2023-CZN-839 / 2023-CVR-839 | 802 South West Street**

Center Township, Council District #16

McCarty West Associates, LLC, by Hannah Able

Rezoning of 0.25 acres from the I-4 (RC) district to the D-10 (RC) district to provide for multi-family dwelling uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-story, 21-unit multi-family building on a 10,931-square foot lot (minimum 12,000-square foot lot required for a medium apartment use), with a zero-foot corner side setback along McCarty Street (ten feet required), a zero-foot south side setback (five feet required), a zero-foot rear setback (ten feet required), with a Floor-Area Ratio



(FAR) of 1.35 (maximum 0.8 FAR permitted) and a Livability Space Ratio (LSR) of 0.48 (minimum 0.66 LSR required).

**11. 2023-CVC-840 / 2023-CVR-840 | 260 South Illinois Street (101 West Georgia Street), 201 South Capitol Avenue**

Center Township, Council District #16  
Capitol Improvement Board, by Aaron Hurt

Vacation of air-rights over a portion of South Capitol Avenue, for an overhead walkway, from a point 124.34 feet south of the southeast corner of Georgia Street and Capitol Avenue, of irregular Capitol shape (0.087 acres), west over the 90-foot right-of-way of Capitol Avenue and being between the elevations of 726.00 feet and 760.00 feet above sea level, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 40-story tall hotel, ballroom and parking garage encroaching into the Sky-Exposure Plane Two for Illinois Street, Georgia Street and Capitol Avenue.

**PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

**12. 2023-ZON-043 | 1400 Campbell Avenue**

Warren Township, Council District #19  
JAK Holdings Group, LLC, by Mark and Kim Crouch

Rezoning of 1.16 acres from the C-1 district to the D-7 district.

**13. 2023-ZON-056 | 3700 and 3818 South Post Road**

Franklin Township, Council District #18  
West Side Tractor Sales, by David A Retherford

Rezoning of 23.56 acres from the D-A and SU-43 districts to the C-S district to provide for a business headquarters and tractor and equipment sales and service.

**14. 2023-ZON-055 | 8850 East 21st Street**

Warren Township, Council District #19  
8850 Twenty First Street, Inc, by David E. Dearing

Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing.

**PETITIONS FOR PUBLIC HEARING (New Petitions):**

**15. 2023-ZON-061 | 5201 South Harding Street**

Perry Township, Council District #20  
Gurdeep Singh, by Pat Rooney

Rezoning of 0.75 acre from the I-2 and D-A districts to the C-7 district to provide for truck repair.

**16. 2023-CZN-838 / 2023-CVR-838A / 2023-CVR-838B | 5437 Greenfield Avenue**

Warren Township, Council District #12  
Glenroy Construction Co. Inc, by Brian J. Tuohy

Rezoning of 0.73 acre from the D-5 District to the I-2 District.

Special Exception to legally establish heavy outdoor storage associated with a commercial contractor in an I-2 Classification.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish heavy outdoor storage associated with a commercial contractor within the north transitional yard and the side and rear yard setbacks (30-foot transitional yard required, 10-foot side and rear setbacks required) and an existing perimeter fence topped with barbed wire (barbed wire fencing prohibited).

**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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@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) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

## STAFF REPORT

Item 1.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-052  
**Address:** 5745 Kentucky Avenue (*Approximate Address*)  
**Location:** Decatur Township, Council District #20  
**Petitioner:** Unicorp National Developments, Inc., by Joseph D. Calderon  
**Request:** Rezoning of 2.575 acres from the D-A district to the C-4 district to provide for a gas station/convenience store.

The Hearing Examiner acknowledged the timely automatic continuance that was filed by a registered neighborhood organization that continued this petition from the June 29, 2023 hearing, to the July 27, 2023 hearing, and continued the petition from the July 27, 2023 hearing, to the August 10, 2023 hearing, at the request of the petitioner's representative.

Staff received an e-mail from the petitioner's representative on July 31, 2023, **withdrawing the petition** and requesting a partial refund of the filing fees.

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## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-057  
**Address:** 6801 and 6921 Mills Road and 6912 Camby Road (*Approximate Addresses*)  
**Location:** Decatur Township, Council District #20  
**Petitioner:** Arbor Homes, by Caitlin Dopher  
**Request:** Rezoning of 106.721 acres from the D-A district to the D-4 district to provide for residential development.

Staff requests a **continuance from the August 10, 2023 hearing to the August 24, 2023 hearing** to allow time for further discussion with the petitioner.

Staff requested and was granted a continuance from the July 13, 2023 hearing to the August 10, 2023 hearing to allow time for the submission and review of a traffic impact study.

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## STAFF REPORT

Item 3.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-063 (2<sup>nd</sup> Amended)  
**Address:** 3855 & 3955 North Emerson Avenue, 5035 East 39<sup>th</sup> Street and 5070 Roselawn Avenue (*Approximate Addresses*)  
**Location:** Lawrence and Washington Townships, Council Districts #9 and #13  
**Petitioner:** Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen  
**Request:** Rezoning of 9.19 acres from the D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.

The Hearing Examiner continued this petition from the July 27, 2023 hearing, to the August 10, 2023 hearing, at the request of staff to provide additional time for required notice related to the amended request.

Subsequently, staff determined that the August 10, 2023 hearing would not provide the required time for published notice. The petitioner's representative has stated that he would not be available for the August 24, 2023 hearing, so staff is requesting a **continuance from the August 10, 2023 hearing to the September 14, 2023 hearing**, with notice.

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## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-068  
**Address:** 510 and 555 Fairfield Avenue (*Approximate Address*)  
**Location:** Center Township, Council District #9  
**Petitioner:** GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen  
**Request:** Rezoning of 1.08 acres from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

Staff requests a **continuance from the August 10, 2023 hearing to the September 28, 2023 hearing** to allow time for the petitioner to submit requested information and to allow the petitioner and the neighborhood organization additional time to discuss the request.

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## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-070  
**Address:** 456 South Emerson Avenue (*Approximate Address*)  
**Location:** Center Township, Council District #12  
**Petitioner:** Marjorie Armour & Shane Brothers, by David Kingen  
**Request:** Rezoning of 0.42 acre from the D-5 district to the C-4 district to provide for commercial uses.

The petitioner has requested a **continuance from the August 10, 2023 hearing to the September 28, 2023 hearing** to allow time for further discussions among the petitioner, neighborhood and staff.

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## STAFF REPORT

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

**Case Number:** 2023-CVR-832 / 2023-CPL-832 (Amended)  
**Address:** 2144 East 12th Street (Approximate Addresses)  
**Location:** Center Township, Council District #17  
**Zoning:** D-5  
**Petitioner:** Bybee Holdings LLC, by Jynell D. Berkshire  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
- b) Lot Two containing an area of 2,968 square feet;

And the construction of a single-family dwelling on each lot, with:

- c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and
- d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre in to two lots.

### August 10, 2023

The petitioner has requested a continuance for cause **from the August 10, 2023 hearing to the August 24, 2023 hearing** to allow more time for revisions to the site plan per staff suggestion.

### July 13, 2023

This petition was continued **from the July 13, 2023 to the August 10, 2023 hearing** to allow more time for revisions to the site plan.

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## STAFF REPORT

Item 7.

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

**Case Number:** 2023-MOD-015  
**Address:** 3150 East Thompson Road (*Approximate Address*)  
**Location:** Perry Township, Council District #24  
**Zoning:** C-3  
**Petitioner:** Steven H. Huth & Linda J. Huth  
**Request:** Modification of the Commitments related to petition 85-Z-137 to terminate Commitments #1 and #4 to allow for a building addition to the existing flower shop, an access drive and additional parking (current commitments limit the use of the northern 100 feet of the property to office uses and require conformance with renderings from the 85-Z-137 hearing).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 1.75-acre site, zoned C-3, is developed with a commercial building and associated parking lot. It is surrounded by single-family dwellings to the north and west, zoned D-2; a self-storage facility across Carson Avenue and commercial uses to the east, zoned C-S and C-3, respectively; and commercial uses to the south, across West Thompson Road, zoned C-3.

#### **MODIFICATION**

- ◇ This request would terminate Commitments #1 and #4 related to petition 85-Z-137 to allow for a 3,794-square-foot building addition to the existing flower shop and a modification of the site plan to provide for an access drive along Carson Avenue and additional parking.
- ◇ The current commitments limit the use of the northern 100 feet of the property to office uses and require conformance with renderings from the 85-Z-137.

(Continued)

- ◇ 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.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

*Conditions for All Land Use Types*

- 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 in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development

## **Planning Analysis**

- ◇ The use of this site as a flower shop has existed for approximately 38 years without apparent negative impact on the surrounding land uses. At the time of the 1985 rezoning, staff was concerned about the impact of a retail business on the residential uses to the west and north.
- ◇ Staff reviewed the violation file on this site to determine whether there were any complaints from the adjacent neighborhood. Because there were no complaints, staff believes operation of the site as a flower shop has had minimal impact in the area over the intervening years.
- ◇ During the site visit, staff observed the landscape buffer along the western property boundary and the privacy fence along the northern property boundary, both of which provide an appropriate buffer to the neighborhood.
- ◇ Because of the existing buffer and the fact that the 3,794-square-foot addition is not of significant size, staff supports this request.

## **GENERAL INFORMATION**

### **EXISTING ZONING AND LAND USE**

C-3                      Commercial uses

### **SURROUNDING ZONING AND LAND USE**

North -	D-2	Single-family dwelling
South -	C-3	Commercial uses
East -	C-S / C-3	Self-storage facility / commercial uses
West -	D-2	Single-family dwelling

(Continued)

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional office commercial. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of West Thompson Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 72-foot right-of-way and a proposed 90-foot right-of-way.  This portion of Carson Avenue is not designated in the Marion County Thoroughfare Plan.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated July 5, 2023

**ZONING HISTORY**

**86-Z-13; 73150 East Thompson Road**, requested rezoning of 1.77 acres, being in the D-2 district, to the C-3 classification to provide for the construction of a flower shop and an office building, **approved**.

**VICINITY**

**2019-ZON-080 / 2019-VAR-003; 3130 East Thompson Road and 3410 Rue Chanel (east of site)**, requested rezoning of 4.613 acres from the C-3 district to the C-S district to provide for a self-storage facility and C-3 uses and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 15-foot side buffer yards, **approved and granted**.

**2003-ZON-049; 3158 East Thompson Road (east of site)**, requested rezoning of 0.59 acre from, the D-2 District to the C-3 classification to legally establish a bank, with a drive-through, **approved**.

**91-Z-160; 3121 East Thompson Road (south of site)**, requested rezoning of 8.094 acres, being the C-3 District, to the C-4 classification to provide for commercial development, **approved**.

**91-UV3-68; 3145 East Thompson Road (south of site)**, requested a variance of use to provide for a bingo parlor, **granted**.

**90-UV3-98; 3183 East Thompson Road (east of site)**, requested a variance of use to provide for a catering and banquet hall, **granted**.

**83-UV1-114; 3151 East Thompson Road (south of site)**, requested a variance of use to provide for a six-bay self-service car wash, **granted**.

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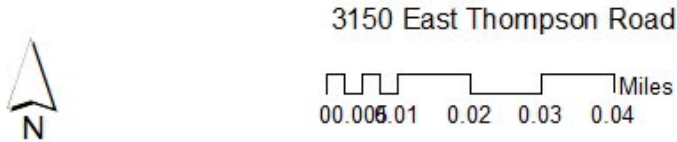
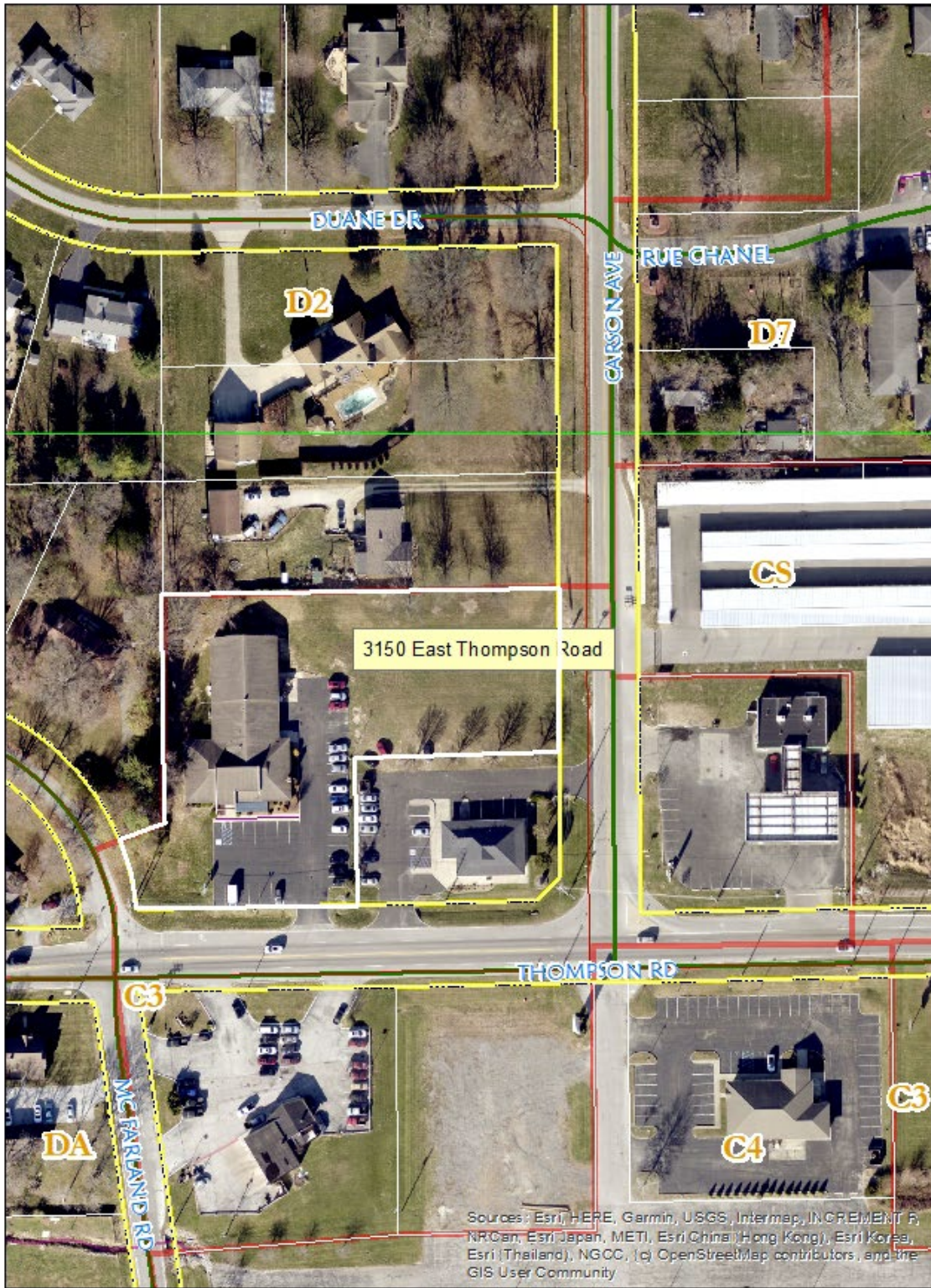
**81-V2-15; 3137 East Thompson Road (south of site)**, requested a variance of development standards of the Sign Regulations to add a panel to an existing sign, **granted**.

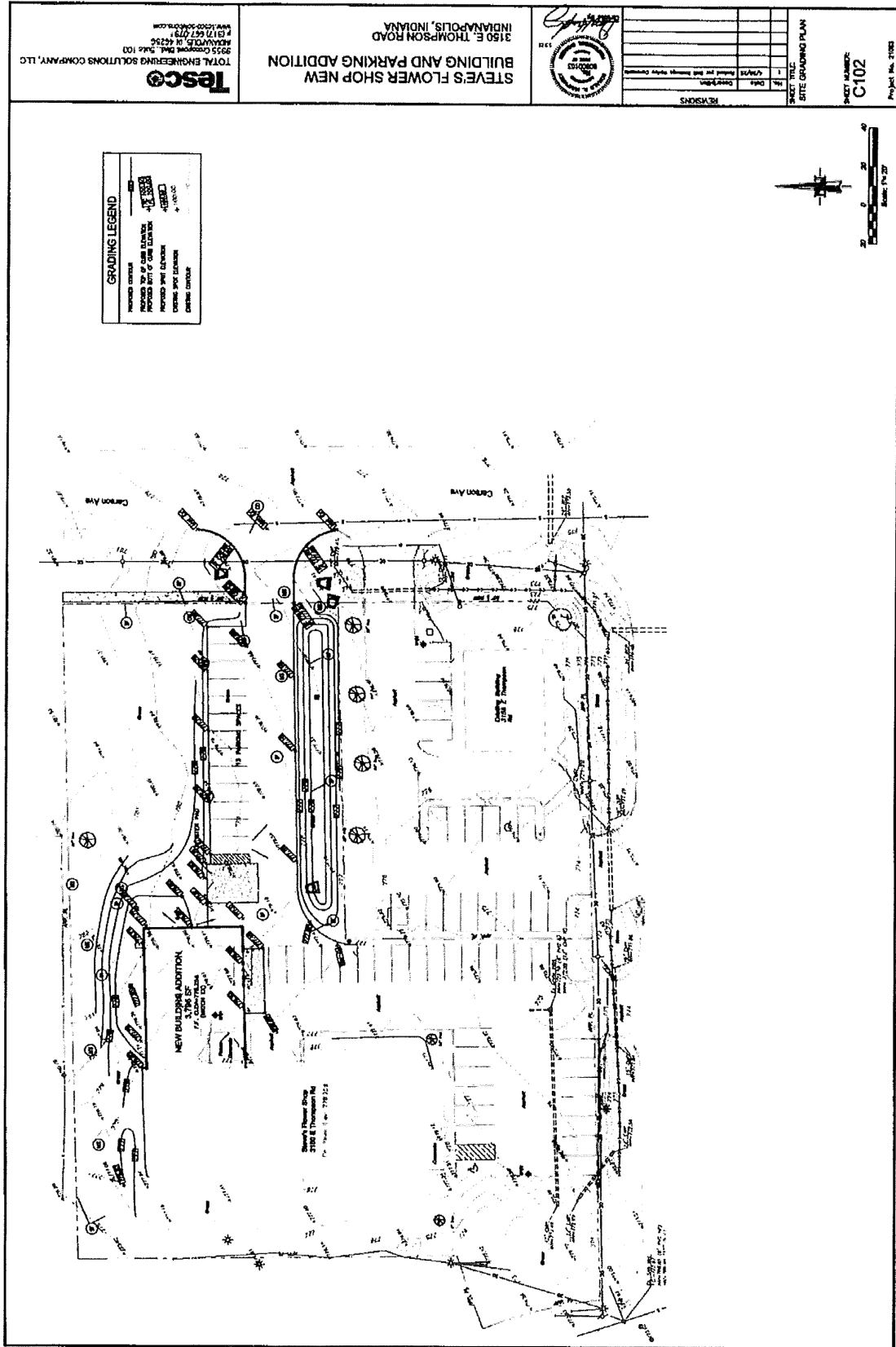
**77-Z-56; 3423 East Thompson Road (east of site)**, requested rezoning of 3.68 acres, being in the D-6 District to the C-3 classification to provide for a medical clinic, **approved**.

**77-Z-55; 3329 East Thompson Road (east of site)**, requested rezoning of 0.67 acre, being in the D-6 District, to the D-3 classification to provide for a single-family dwelling, **approved**.

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View looking east along East Thompson Road



View looking west along East Thompson Road





View looking north along Carson Avenue



View looking south along Carson Avenue





View of site looking north



View of site looking northwest



View of proposed building addition looking northwest



View from site looking east





View from site looking south



View of site from adjoining property to the east looking southwest





View of site and adjoining neighbor looking west across Carson Avenue



View of site looking west across Carson Avenue

## STAFF REPORT

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

**Case Number:** 2023-ZON-071  
**Address:** 707 and 711 East McCarty Street (approximate addresses)  
**Location:** Center Township, Council District #16  
**Petitioner:** Lindsay and Patrick Mullen, by Jason Wolfe  
**Request:** Rezoning of 0.26-acre from the I-3 (RC) district to the D-8 (RC) district to provide for a single-family dwelling.

### **RECOMMENDATIONS**

Staff **recommends approval** of the petition.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is zoned I-3 (RC) and is developed with two historic single-family dwellings, within the Holy Rosary / Danish Church Historic District, a district recognized on the *National Register of Historic Places*. 707 East McCarty Street is adjacent to the original Trinity Danish Lutheran Church and was constructed in 1872, according to the *National Register of Historic Places* nomination form. This historic district is not a locally designated historic district by the Indianapolis Historic Preservation Commission.

#### **REZONING**

- ◇ This petition would rezone this site from the I-3 (RC) district to the D-8 (RC) district to legalize residential uses and to conform with the zoning that is common for single- and two-family dwellings in this neighborhood.
- ◇ The Comprehensive Plan recommends Traditional Neighborhood uses, which would support a mix of housing types and small-scale commercial uses. Typology standards suggest locating townhomes at intersections near neighborhood-serving retail. This portion of McCarty Street is residential, with a park to the west, however, this street carries traffic between two major arterials, Virginia Avenue and East Street. The Comprehensive Plan suggests that commercial uses are preferred as part of a mixed-use building, located at intersections, and limited to an aggregate of one acre. This petition does not propose mixed uses. The proposed rezoning would be consistent with the land use plan recommendations. Therefore, staff is recommending approval of the rezoning.

(Continued)



**STAFF REPORT 2023-ZON-071 (Continued)****REGIONAL CENTER**

- ◇ The site is located within the Regional Center overlay district. Design of all demolitions and new construction in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning, or in the case of High Impact Regional Center cases, approval is subject to the review of the Regional Center Hearing Examiner and approval of the Metropolitan Development Commission. A Regional Center Approval petition has been filed, through 2023-REG-064, for the demolition of the two dwellings and for construction of one, single-family dwelling and is scheduled before the Regional Center Hearing Examiner on August 10, 2023.

**GENERAL INFORMATION****EXISTING ZONING, CONTEXT AREA, AND LAND USE**

I-3 (RC)    Compact                      Two single-family dwellings

**SURROUNDING ZONING AND LAND USE**

North	- D-8 (RC)	Residential
South	- D-8 (RC)	Residential
East	- I-3 (RC)	Undeveloped
West	- D-8 (RC)	Single-family dwelling and vacant church

**COMPREHENSIVE PLAN**

The Comprehensive Plan of Marion County recommends Traditional Neighborhood development.

**THOROUGHFARE PLAN**

The Official Thoroughfare Plan for Marion County indicates that McCarty Street is a Primary Arterial, with an existing and proposed 78-foot right-of-way.

**ZONING HISTORY - SITE**

**2023-REG-064; 707 and 711 East McCarty Street**, requested Regional Center Approval to provide for demolition of two single-family dwellings and one accessory use structure and for construction of one single-family dwelling and one accessory use structure, **pending**.

**ZONING HISTORY - VICINITY**

**2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810; 809 Noble Street**, requested a rezoning of 0.53-acre from the I-3 (RC) to the D-8 (RC) district, a variance of development standards of the Consolidated Zoning Ordinance to provide for 3.8-foot and 5.7-foot rear setbacks, a 1.75-foot north side yard setback for proposed Lot Two and approval of a subdivision plat to be known as Padbros Noble Street Addition, subdividing 0.53-acre into two lots, **approved**.

**2019-ZON-063; 741 Greer Street**, requested a rezoning of 0.261-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

(Continued)

**STAFF REPORT 2023-ZON-071 (Continued)**

**2018-ZON-096; 822 Wright Street**, requested a rezoning of 0.20-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

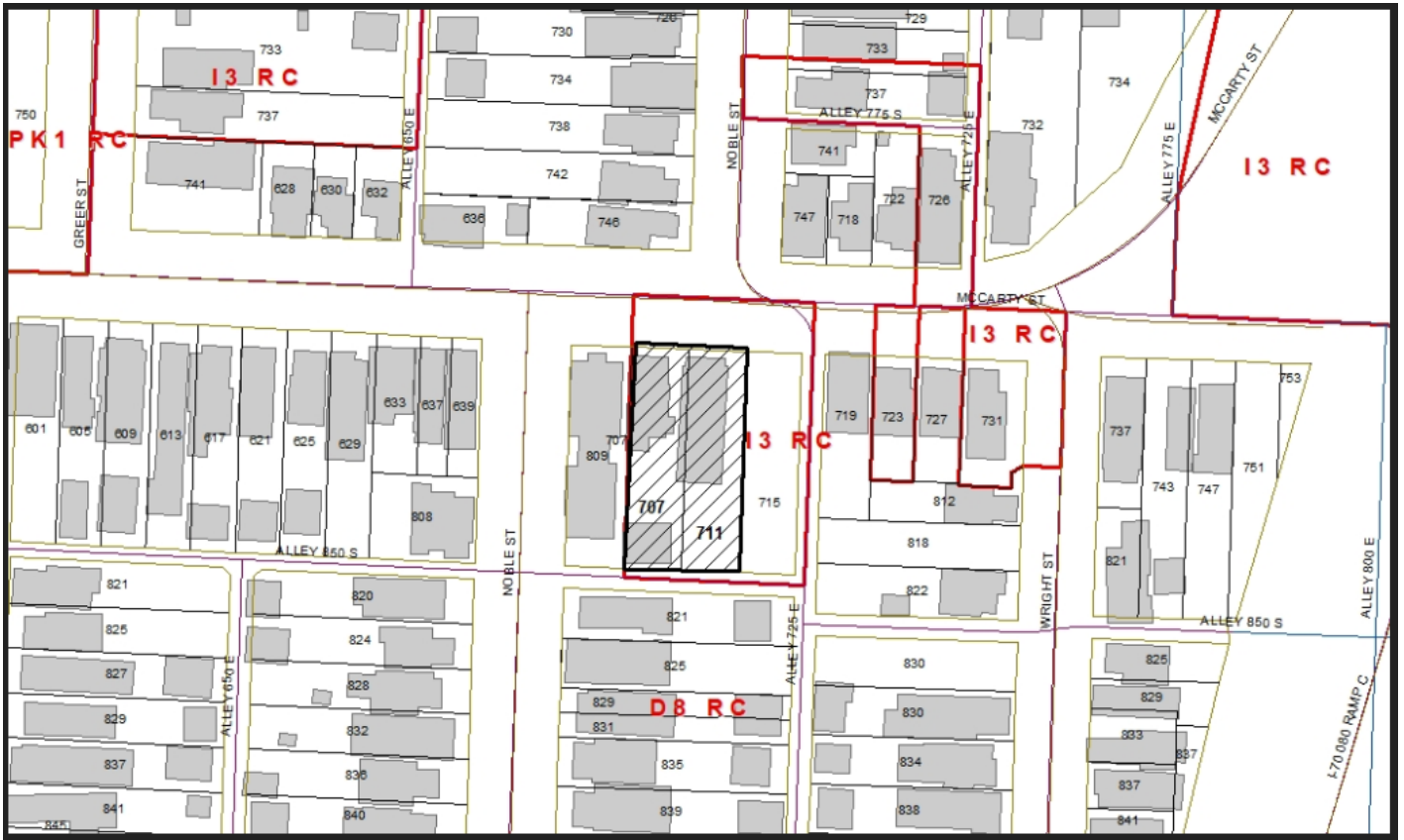
**2018-HOV-086; 726 Noble Street**, requested a variance of development standards of the Consolidated Subdivision and Zoning Ordinance to provide for four feet between buildings, **granted**.

**95-HOV-116; 707 East McCarty Street**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance, to provide for an accessory use structure, with an aggregate side yard setback of eight feet (minimum 10 feet required), **granted**.

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**2023-ZON-071 Area Maps**





**2023-ZON-071 Photos**



Views of both structures, with top photo also showing former Trinity Danish Lutheran Church





View of 707 East McCarty Street





View of 711 East McCarty Street





View of existing structures east of the site (top); and view of 711 East McCarty from the alley south of the site





View of the rear of 707 East McCarty Street

## STAFF REPORT

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

**Case Number:** 2023-CZN-833 / 2023-CPL-833  
**Address:** 3815 North Lawndale Avenue (*Approximate Address*)  
**Location:** Pike Township, Council District #10  
**Petitioner:** 317 Realty Group LLC, by Jynell D. Berkshire  
**Requests:** Rezoning of 1.192 acres from the D-7 District to the D-5II District to provide for single-family residential development.

**Approval of a Subdivision Plat to be known as Lawndale Addition, dividing 1.192 acres into eight lots.**

This petition was automatically continued from the **July 13, 2023 hearing to the August 10, 2023 hearing.**

### RECOMMENDATIONS

Staff recommends **approval of the rezoning** petition.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 1, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

(Continued)

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

- ◇ The subject site is zoned D-7 and is undeveloped.
- ◇ This petition would rezone this property to the D-5II district, and subdivide the property into eight lots for development of single-family detached dwellings.

**REZONING**

- ◇ This petition would rezone this site from the D-7 district to the D-5II district. The D-7 district is intended for multi-family or attached dwellings. The D-5II district would allow for single-family detached or attached dwellings of low to medium density.
- ◇ The D-5II district is recommended for multiple comprehensive plan pattern book recommendations, including the Suburban Neighborhood development typology. The rezoning request would be supported by the ordinance per Table 741.103.1 and the comprehensive plan. Therefore, staff is recommending approval.

**PLAT**

- ◇ The plat would subdivide the subject site into eight lots ranging from 5,346 square feet to 8,068 square feet. The proposed plat meets the standards of the D-5II zoning classifications for detached houses-small lot as proposed in the companion rezoning.

**TRAFFIC / STREETS**

- ◇ The proposed lots would front on Lawndale Avenue. No new streets are proposed as part of this petition.

**SIDEWALKS**

- ◇ Sidewalks are required along Lawndale Avenue.

**GENERAL INFORMATION**

**EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-7	Metro	Undeveloped
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**SURROUNDING ZONING AND LAND USE**

North	D-7	Single-Family Residential
South	D-7	Multi-Family Residential
East	D-7	Multi-Family Residential
West	D-7 / C-1	Single-Family Residential / Commercial

(Continued)



**2023-CZN-833 / 2023-CPL-833 STAFF REPORT (Continued)**

COMPREHENSIVE LAND USE PLAN Suburban Neighborhood

THOROUGHFARE PLAN

Lawndale Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

PRELIMINARY PLAT

File-dated June 1, 2023

**ZONING HISTORY – SITE**

None

**ZONING HISTORY – VICINITY**

**84-UV2-105, 3808 Lawndale Avenue**, variance to provide for a car stereo installation business, denied.

**84-Z-18, 3808 Lawndale Avenue**, rezoning of 0.3 acre from the D-7 district to the C-1 district, approved.

**64-P-63, Approval** of a subdivision to be known as Gateway West, 9<sup>th</sup> Section.

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**2023-CZN-833 / 2023-CPL-833 Aerial Map**







Subject site proposed lots one through three, viewed from Lawndale Avenue, looking southwest



Subject site viewed from Lawndale Avenue, looking south. Approximate locations of lots three through five





Proposed Lots four through eight and north of site, looking east



View of proposed Lot One frontage on Lawndale Avenue and south of site, looking east



## STAFF REPORT

Item 10.

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

**Case Number:** 2023-CZN-839 / 2023-CVR-839  
**Address:** 802 South West Street (Approximate Address)  
**Location:** Center Township, Council District #16  
**Petitioner:** McCarty West Associates, LLC, by Hannah Able  
**Request:** Rezoning of 0.25-acre from the I-4 (RC) district to the D-10 (RC) district to provide for multi-family dwelling uses.  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-story, 21-unit multi-family building on a 10,931-square foot lot (minimum 12,000-square foot lot required for a medium apartment use), a zero-foot corner side setback along McCarty Street (ten feet required), a zero-foot south side setback (five feet required), a zero-foot rear setback (ten feet required), with a Floor-Area Ratio (FAR) of 1.35 (maximum 0.8 FAR permitted) and a Livability Space Ratio (LSR) of 0.48 (minimum 0.66 LSR required).

### RECOMMENDATIONS

Staff **recommends approval** of the rezoning request.

Staff **recommends approval** of the variance of development standards request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 0.25-acre site, zoned I-4 (RC), is developed with a vacant two-story commercial building and surface parking. It was most recently used as a bar. The structure dates to at least 1915 and, at one time, was a residential structure. The 1915 Sanborn Fire Insurance Map of the site shows that the structure housed 'tenements'. There is no indication of how many units were in the structure at that time. This map also notes that there were three other residential structures on the site, one a duplex, and two single-family dwellings, for a total of four other dwellings on the site. These three structures were demolished many years ago.
- ◇ The site is surrounded by light industrial, limited commercial uses and surface parking areas. To the north is surface parking and a vehicle storage structure. To the west is the Marion County Coroner's office. To the south and east are light industrial uses.

#### **REZONING**

- ◇ This request would rezone the site from the I-4 (RC) District to the D-10 (RC) classification, for multi-family dwellings. The existing structure would be demolished. "The D-10 district is intended for high density housing formats, in moderate- or large-scale multi-unit building types. This district can be used at transitions and urban centers and corridors, including the high-density residential
- (Continued)



recommendations of the Comprehensive Plan, and the City Neighborhood and Urban Mixed-Use Typologies of the Land Use Pattern Book.”

- ◇ The Comprehensive Plan recommends office / industrial mixed-use typology. “The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research, and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology.”
- ◇ The request would not comply with the Plan. However, recent development proposals in the area include a large mixed-use development a few blocks north of this site that includes an entertainment complex, multi-family dwellings, retail uses and hotels. The site is also near Lucas Oil Stadium. When Lucas Oil Stadium was planned, the area to the south of the stadium, including near this site, was considered to have the potential of mixed-uses, including residential, commercial retail. Staff believes that this rezoning would be an acceptable deviation of the Plan and recommends approval of the request.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for four-story building, with ground level space for a leasing office, amenities, and a lobby. Additionally, surface parking for 22 spaces would be provided. Bicycle parking is also noted on the site plan, but specifics on the location of those spaces are not shown.
- ◇ A number of variances are requested, due to the small size of the site, which causes the difficulty in meeting D-10 development standards. The Ordinance does provide relief for sites in the Regional Center from meeting typical front yard setbacks. The approved plan can set the front yard setbacks, per the Ordinance.
- ◇ The Ordinance requires that medium apartment uses be located on a lot with a minimum size of 12,000 square feet, and with ten-foot corner side yard setbacks, five-foot side yard setbacks and ten-foot rear yard setbacks. Additionally, the floor area ratio cannot exceed 0.8 and the livability space ratio is required to be a minimum of 0.66.
- ◇ The request would provide for the structure to encroach into the corner side yard, side yard and rear yard, plus would provide for a floor area ratio of 1.35 and a livability space ratio of 0.48. These deficiencies relate entirely to the size of the lot in comparison to the density of the proposed use. Developed lots within the Regional Center are commonly the highest density of sites within the city. Higher density can lead to decreased use of vehicles, especially within walking or biking distance of downtown offices, entertainment facilities and recreation areas. Therefore, staff supports the requested variances.

## **SITE PLAN**

- ◇ The submitted site plan indicates that the on-site parking area would be accessed directly from McCarty Street. The Ordinance requires lots that have less than 200 feet of lot frontage to have parking areas accessed from an improved alley. An improved alley is located directly west of the site, therefore, the site plan would be required to be altered to reflect the Ordinance requirement.

(Continued)

REGIONAL CENTER OVERLAY DISTRICT

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning, or in the case of a High Impact case, the approval of the Metropolitan Development Commission is required. As of this writing, a Regional Center Approval petition has not been filed for this request.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA AND LAND USE

I-4 (RC) Compact Vacant tavern

SURROUNDING ZONING AND LAND USE

North -	I-4 (RC)	Commercial / surface parking
South -	I-4 (RC)	Light industrial
East -	I-3 (RC)	Light industrial
West -	I-4 (RC)	Marion County Coroner

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office / industrial mixed-use typology.

THOROUGHFARE PLAN

This portion of West Street is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 48-foot right-of-way. McCarty Street is designated as a primary arterial with an existing and proposed 88-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

SITE PLAN

File-dated June 26, 2023

ZONING HISTORY – SITE

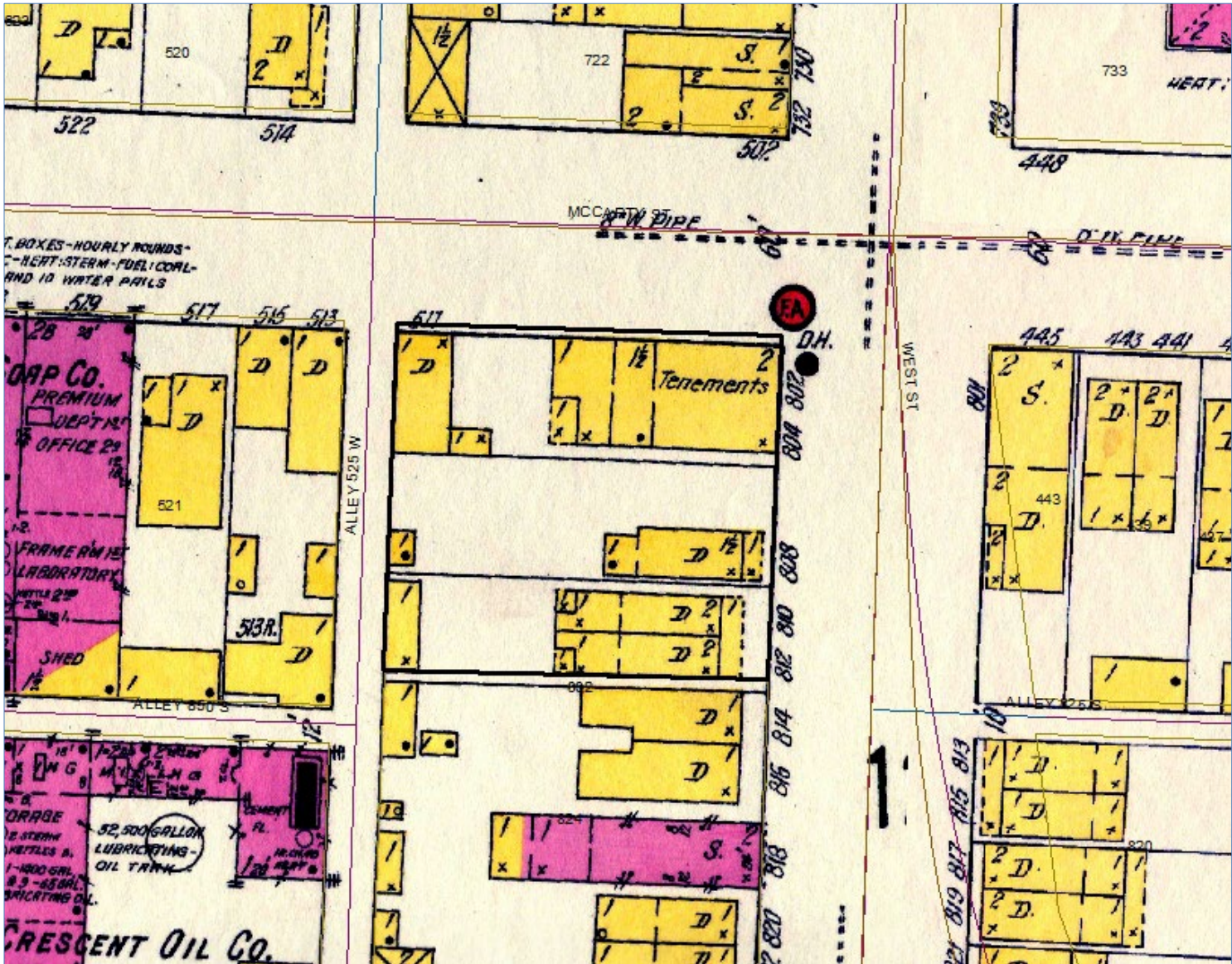
None.

ZONING HISTORY – VICINITY

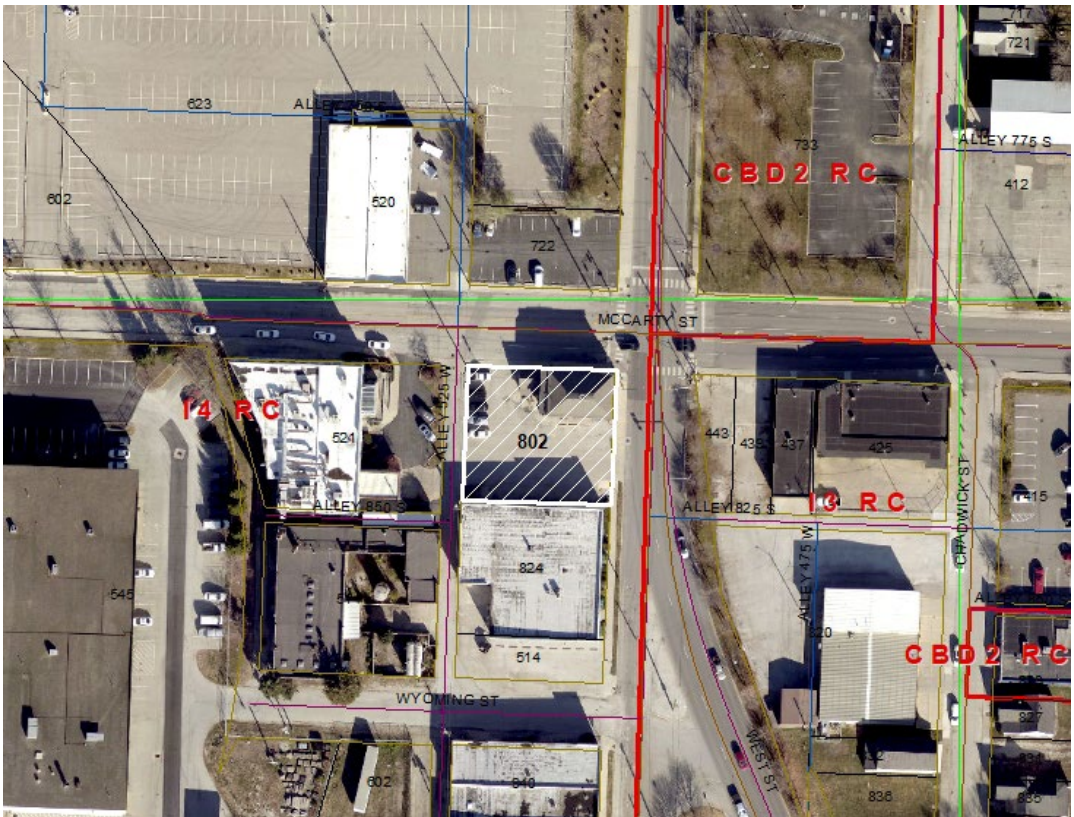
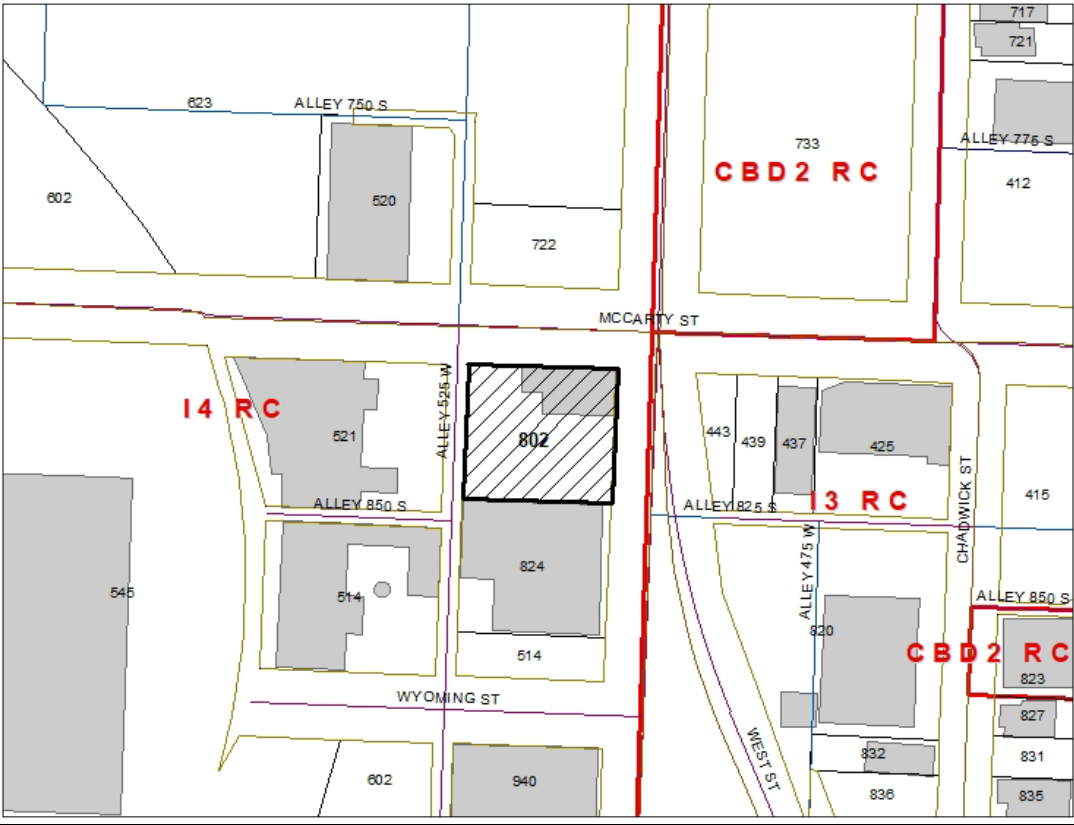
None.

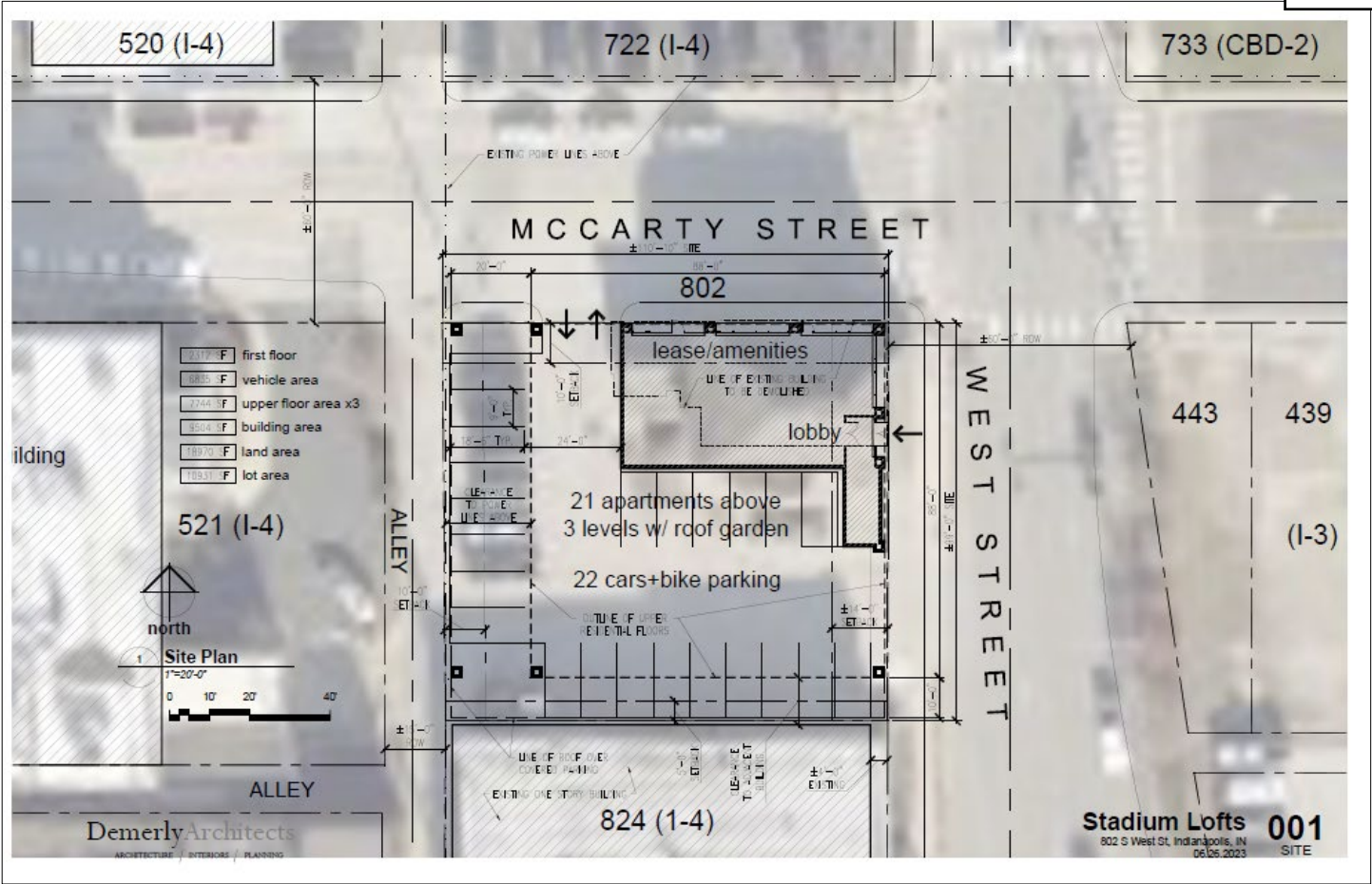
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Views of the site from McCarty Street and West Street intersection





Views of the site from McCarty Street





View of the alley directly west of the site





Views of the site from West Street, south of McCarty Street

## STAFF REPORT

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

**Case Number:** 2023-CVC-840 / 2023-CVR-840  
**Address:** 260 South Illinois Street (101 West Georgia Street), 201 South Capitol Avenue (Approximate Addresses)  
**Location:** Center Township, Council District #16  
**Petitioner:** Capitol Improvement Board, by Aaron Hurt  
**Request:** Vacation of air-rights over a portion of South Capitol Avenue, for an overhead walkway, from a point 124.34 feet south of the southeast corner of Georgia Street and Capitol Avenue, of irregular shape (0.087 acres), west over the 90-foot right-of-way of Capitol Avenue and being between the elevations of 726.00 feet and 760.00 feet above sea level, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 40-story tall hotel, ballroom and parking garage encroaching into the Sky-Exposure Plane Two for Illinois Street, Georgia Street and Capitol Avenue.

### **RECOMMENDATIONS**

Staff recommends **approval of the variance** petition.

Staff recommends **approval of the vacation** petition and provides the following motion:

**RECOMMENDED MOTION (approval):** That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-840; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **SITE / LAND USE**

- ◇ This 3.57-acre site is Pan Am Plaza, constructed in 1987, and consists of two structures and a large outdoor recreational space. The two structures were formerly ice rink facilities. Currently, the larger of the two structures is used for musical events. Additionally, beneath the outdoor plaza and the two structures is a 1,200-space parking facility. Adjacent to the site, on the northwest corner of the block, is a 12-story office building, which is not part of this request.

(Continued)

## **STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)**

- ◇ West of the site is the Indiana Convention Center. North of the site is a church and a parking garage with retail uses on the ground floor. To the east is a hotel and the historic Union Station Grand Hall building. To the south is the Union Station train shed and a hotel. Additionally, to the south is vacated Louisiana Street, which provides access to the Union Station hotel entrance. This portion of Louisiana Street was vacated in 1986, through 86-VAC-16.
- ◇ The proposed development would be a 40-story, 800-room hotel, with a 50,000 square foot ballroom and a parking garage. The main pedestrian entrance to the structure would be at the southwest corner of the Illinois Street and Georgia Street intersection. Vehicles would enter the site via access from Capitol Avenue or Illinois Street, via a proposed 'thru drive' to a pick-up and drop-off area and to the proposed parking garage within the structure.

### **REQUESTS**

- ◇ The vacation request would provide for a vacation of air rights above Capitol Avenue for a proposed elevated skywalk that would link the Indiana Convention Center to the proposed development.
- ◇ The variance request would provide for building encroachments into the Sky Exposure Plane Two requirements, along Illinois Street, Georgia Street and Capitol Avenue.

### **VARIANCE**

- ◇ This petition seeks to permit the building to encroach into the Sky Exposure Plane Two development standard for this proposed hotel development. The Sky Exposure Plane development standard is intended to provide a mechanism to control height of structures near the street to allow sunlight to sidewalks. Specifically, the standard for Sky Exposure Plane Two is that, from the centerline of the street, an incline of 60 degrees from the ground to a vertical elevation of 200 feet, then continue vertically at an angle of 90 degrees. For reference, see the staff exhibit below.
- ◇ The proposed encroachment would be significant along Georgia Street, as the tallest portion of the structure would be fairly close to the street. However, this section of the structure would be narrow, which would allow large areas of sunlight to Georgia Street. It should be noted that Georgia Street is a pedestrian-oriented streetscape, with amenities for large gatherings and a wide central space between the travel lanes.
- ◇ The proposed encroachment would also be significant along Illinois Street, as a large area of the tallest portion of the building would cast shadows to the street level below, due to the orientation of the building. The site plans indicate that there would be a landscaped space for pedestrians between the building and the sidewalk along Illinois Street. The separation from the building to the sidewalk would vary along the street frontage, due to the design of the structure.

(Continued)



## **STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)**

- ◇ The submitted elevation along Capitol Avenue indicates that the structure would not encroach into the Sky Exposure Plane Two standard.
- ◇ Sky Exposure Plane Two standards do not apply along private streets, therefore, a variance for this standard is not required along vacated Louisiana Street.

### **PLANNING ANALYSIS**

- ◇ The building would encroach upon the Sky Exposure Plane Two standards in two areas, along Illinois Street and along Georgia Street. Mitigating design features are proposed to reduce the impacts with large public gathering areas or narrow portions of the building that would not meet this standard. Significant design alterations would be necessary to avoid encroaching into this development standard, which, staff believes, would be a practical difficulty.

### **VACATION**

- ◇ This request would provide for the vacation of the air rights over Capitol Avenue for a proposed elevated skywalk that would link the Indiana Convention Center to the proposed hotel development. The skywalk would be irregularly shaped, with the widest portion connected to the hotel building, narrowing as it crosses over Capitol Avenue.
- ◇ The downtown has numerous elevated skywalks, which link Lucas Oil Stadium and the Indiana Convention Center to hotels, Circle Centre Mall, and parking garages. This request would increase this existing network and would be in the public interest, therefore, staff recommends approval of the proposed vacation.

### **PROCEDURE**

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, \*82, 191 N.E.2d 786, \*\*791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

(Continued)

## **STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)**

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

### **ASSESSMENT OF BENEFITS**

- ◇ A waiver of the assessment of benefits would be appropriate in that the proposed right-of-way vacation would not affect any improved right-of-way.

### **REGIONAL CENTER OVERLAY DISTRICT**

- ◇ The site lies within the Regional Center overlay district. In this designated area, design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed, through 2023-REG-059 and is scheduled for public hearing on August 10, 2023, however, this petition will likely be continued to August 24, 2023.

### **GENERAL INFORMATION**

#### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

CBD-2 (RC)	Compact	Two structures, outdoor plaza, and underground parking garage
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#### **SURROUNDING ZONING AND LAND USE**

North	CBD-2 (RC)	Church / parking garage / commercial retail
South	CBD-2 (IHPC)	Union Station train shed / hotel
East	CBD-2 (IHPC)	Union Station Grand Hall / hotel
West	CBD-2 (RC)	Indiana Convention Center

COMPREHENSIVE LAND USE PLAN	The Center Township Land Use Plan recommends Core mixed use development
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TRANSIT-ORIENTED DEVELOPMENT	The site lies within the Transit-Oriented Development Overlay.
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THOROUGHFARE PLAN	Illinois Street and Capitol Avenue are both classified in the Official Thoroughfare Plan for Marion County, Indiana as primary arterials, with 78-foot existing and proposed rights-of-way. Georgia Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 56-foot existing and proposed right-of-way. Louisiana Street is vacated, via 86-VAC-16.
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DEVELOPMENT PLANS	File-dated July 6, 2023
FINDINGS OF FACT	File-dated July 6, 2023 (Vacation and Variance)
SITE PLAN	File-dated July 6, 2023
VACATION SURVEY	File-dated July 6, 2023
	(Continued)

**STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)****ZONING HISTORY – SITE**

**2023-REG-059; 260 South Illinois Street (101 West Georgia Street), and 201 South Capitol Avenue**, requested Regional Center Approval to provide for demolition of an existing parking garage, ice rink and outdoor plaza, and for the construction of a 40-story hotel, convention and ballroom space and outdoor amenities, **pending**.

**ZONING HISTORY – VICINITY**

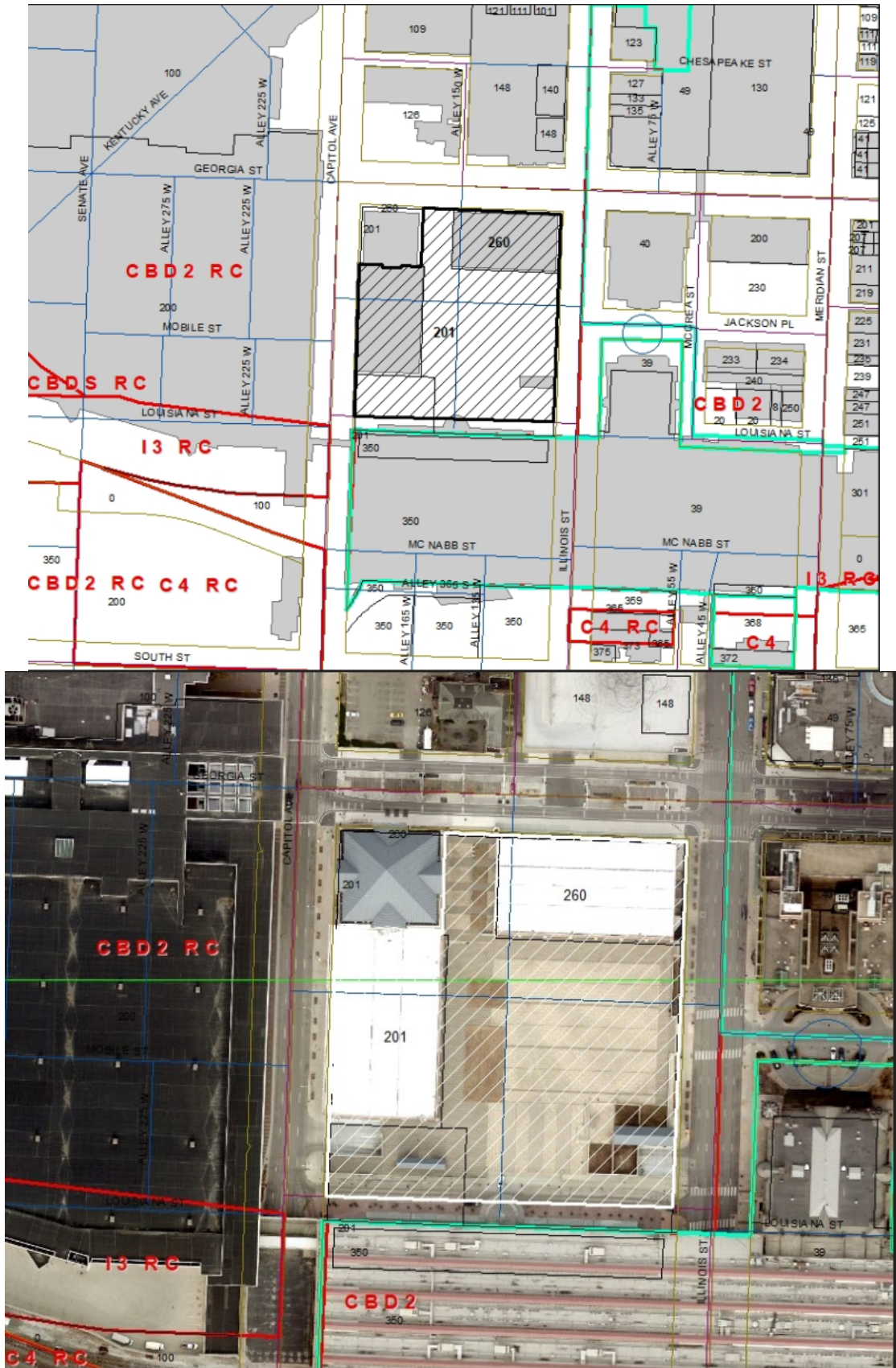
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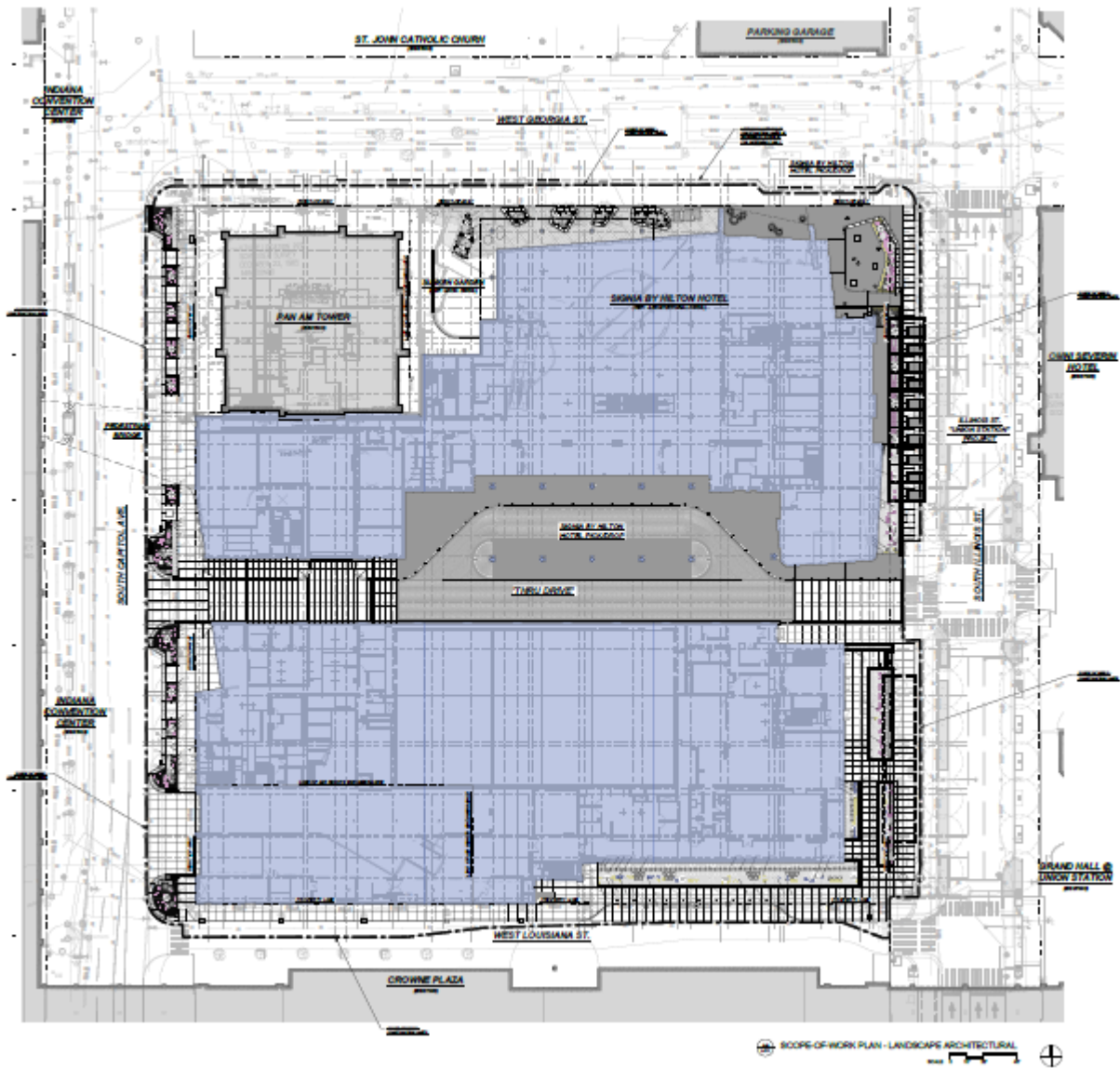
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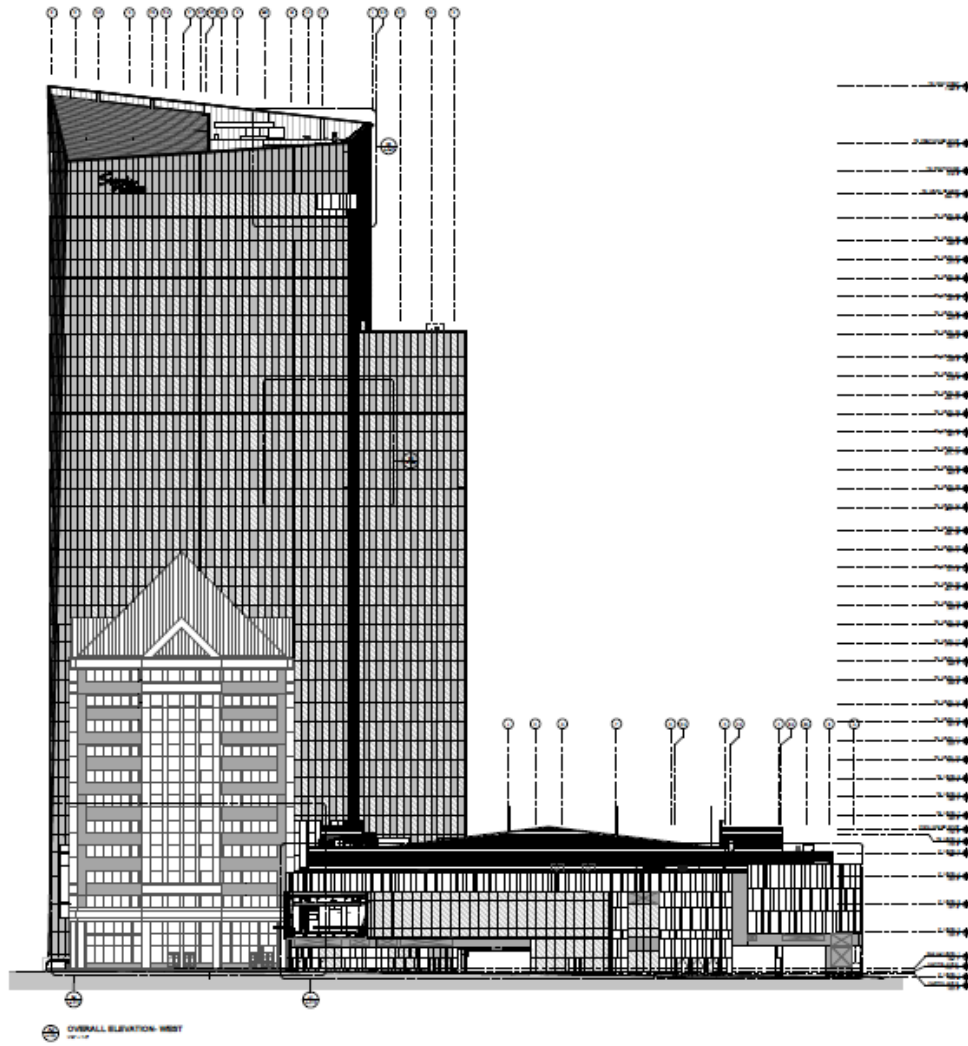
**STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Exhibits)**











CONTRACT (BY/ FOR)

INDIANAPOLIS  
CONVENTION  
CENTER HOTELS  
AND BALLROOM  
101 W Georgia St  
Indianapolis, IN 46225

Owner  
Indianapolis Convention Center  
101 W Georgia St  
Indianapolis, IN 46225

Architect  
Skidmore, Owings & Merrill  
111 W Wacker Drive  
Chicago, IL 60601

Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Interior Designer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Structural Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Mechanical Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Electrical Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Plumbing Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Fire Protection Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Acoustical Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Environmental Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Transportation Engineer  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Construction Manager  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

General Contractor  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Interior Contractor  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Exterior Contractor  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Landscaping Contractor  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

Signage Contractor  
HKS  
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AV Contractor  
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Security Contractor  
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Chicago, IL 60601

Energy Contractor  
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Other Contractor  
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Chicago, IL 60601

Construction Manager  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

General Contractor  
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Interior Contractor  
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Exterior Contractor  
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Security Contractor  
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Energy Contractor  
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Other Contractor  
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Construction Manager  
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General Contractor  
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Interior Contractor  
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Exterior Contractor  
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Landscaping Contractor  
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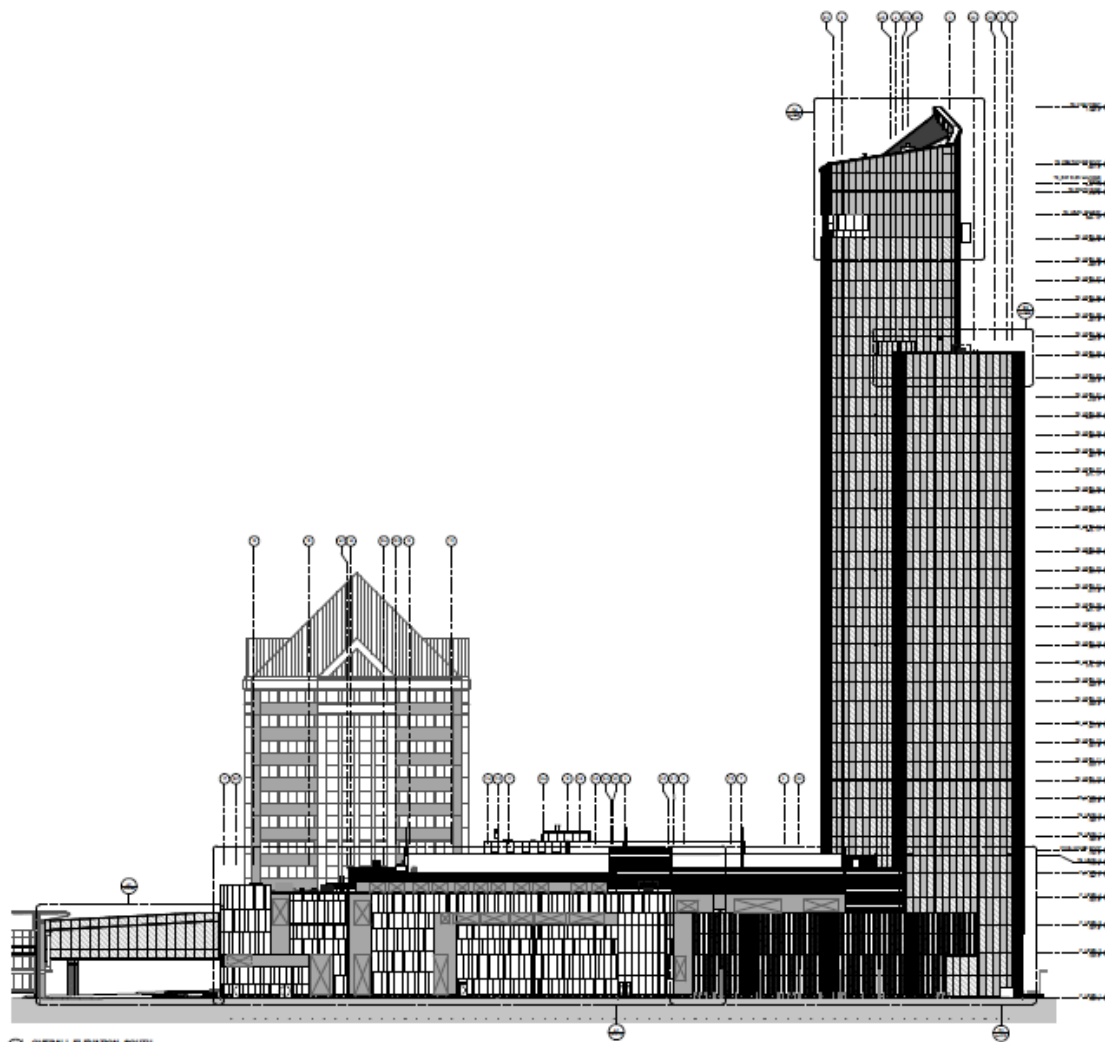
Energy Contractor  
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111 W Wacker Drive  
Chicago, IL 60601

Other Contractor  
HKS  
111 W Wacker Drive  
Chicago, IL 60601

OVERALL ELEVATIONS ARE  
FOR ORIENTATION ONLY.  
REFERENCES A-XI SERVED  
DRAWINGS FOR EXTERIOR  
SYSTEMS.

OVERALL ELEVATION -  
WEST

A-202



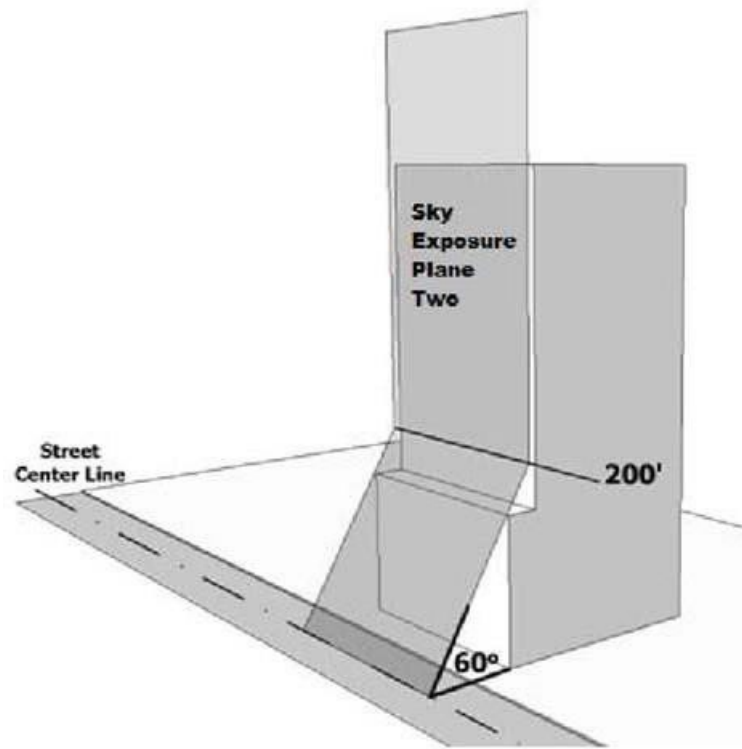
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REFERENCE A-300 SERIES  
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SYSTEMS.

OVERALL ELEVATION -  
FOOT

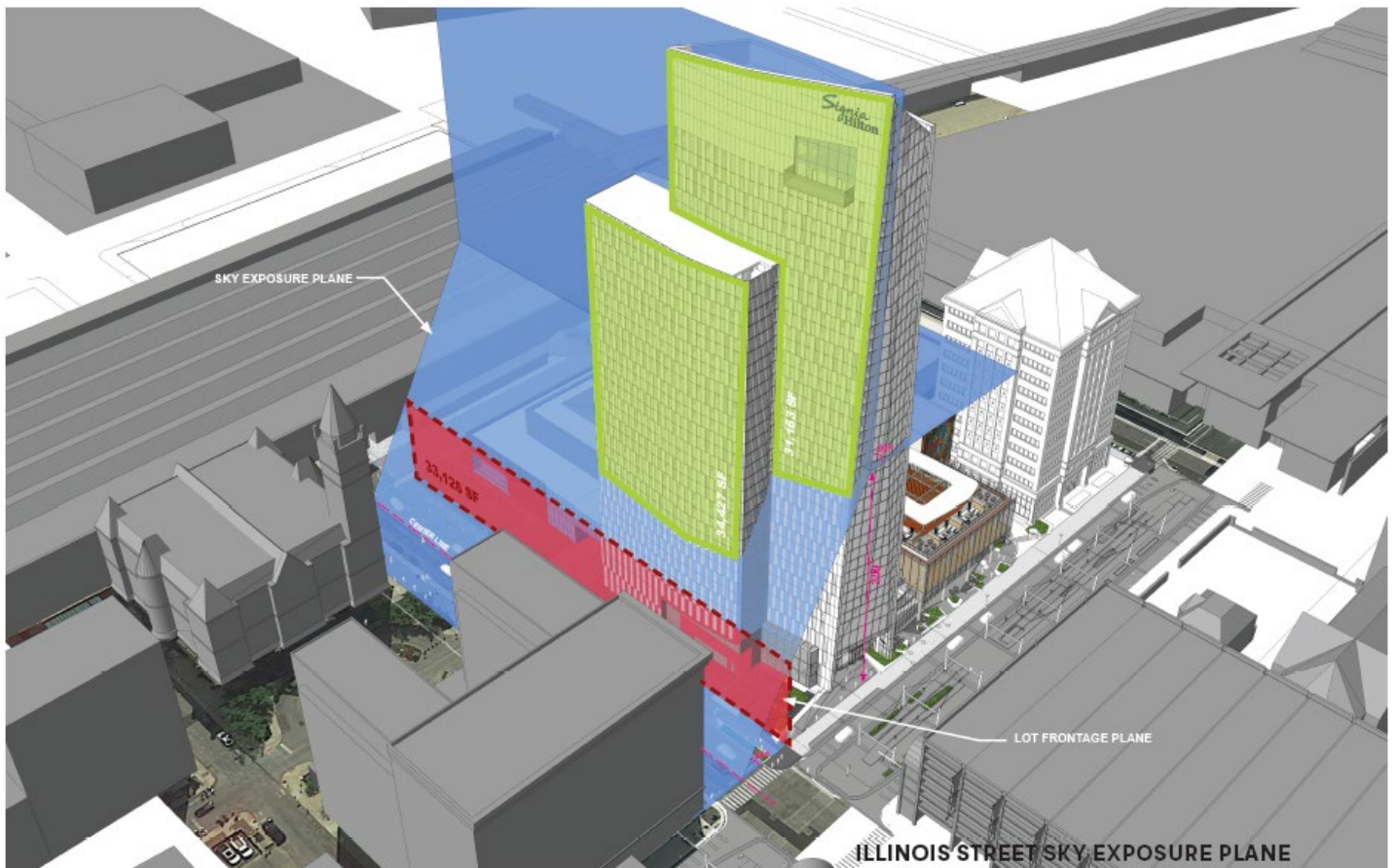
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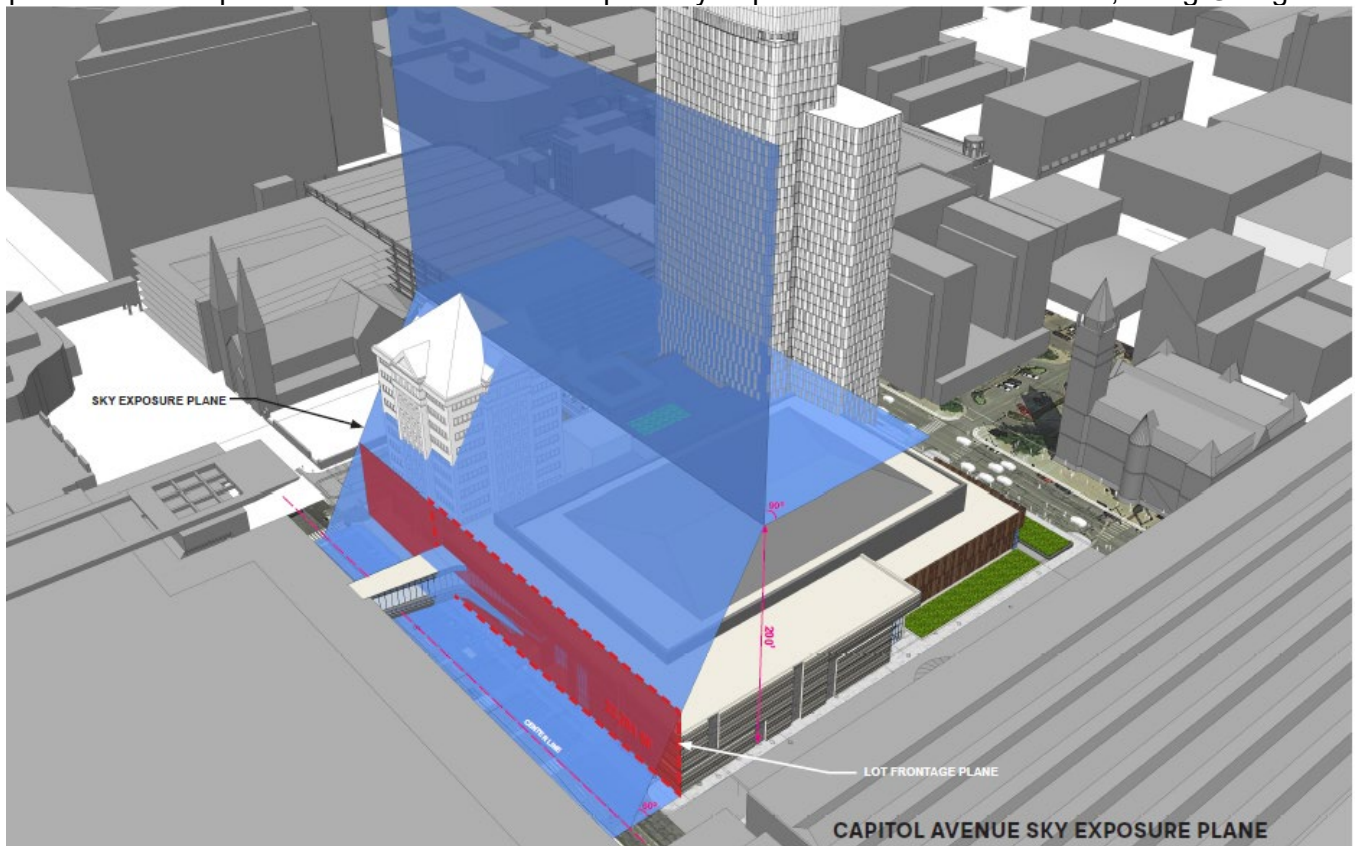
Sky Exposure Plane Two diagram (from Ordinance)



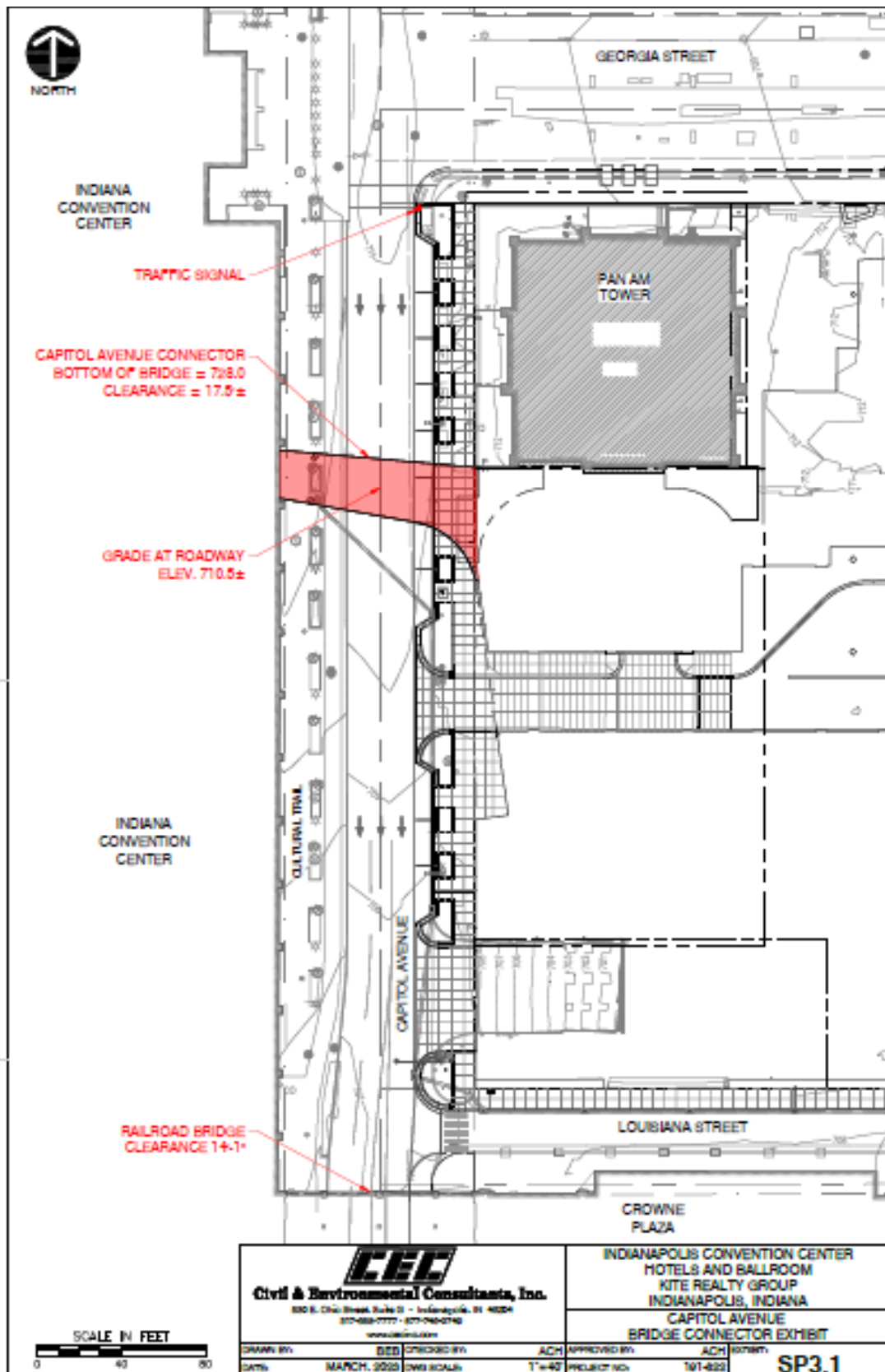
Proposed structure portion that would encroach upon Sky Exposure Plane Two standard, along Illinois Street



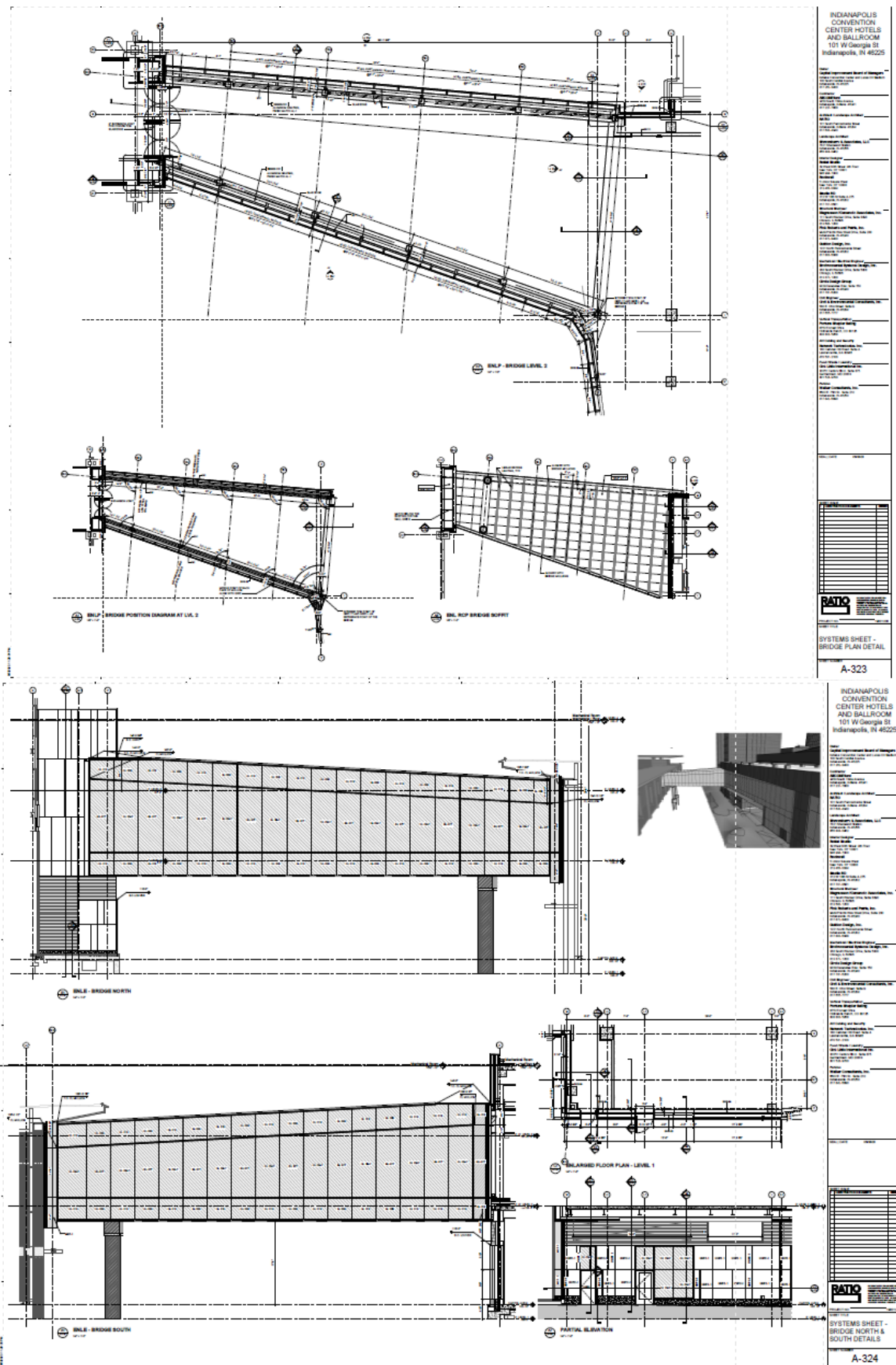
Proposed structure portion that would encroach upon Sky Exposure Plane Two standard, along Georgia Street



Sky Exposure Plane Two exhibit along Capitol Avenue







**STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Photos)**



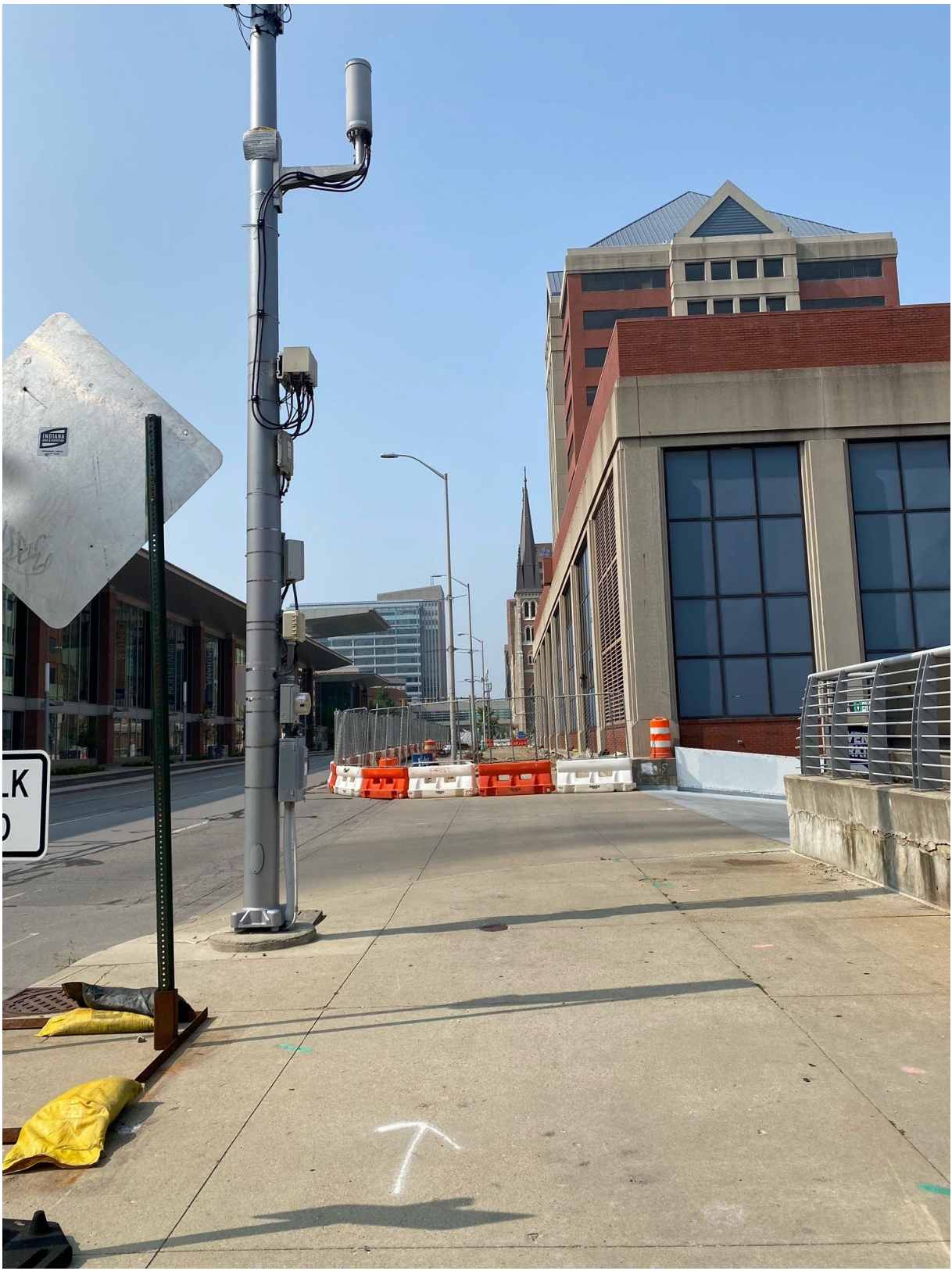
View of site from Georgia Street, near Illinois Street, looking south





View of site from Georgia Street looking south





View of Capitol Avenue looking north – site is to the right of the photo





View of vacated Louisiana Street and site looking east toward Union Station Grand Hall



View of site from vacated Louisiana Street looking north





View of existing parking garage entrance along Illinois Street



View of site along Illinois Street looking north

## STAFF REPORT

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

**Case Number:** 2023-ZON-043  
**Address:** 1400 Campbell Avenue (*Approximate Addresses*)  
**Location:** Warren Township, Council District #19  
**Petitioner:** JAK Holdings Group, LLC, by Mark and Kim Crouch  
**Request:** Rezoning of 1.16 acres from the C-1 district to the D-7 district.

The Hearing Examiner acknowledged the automatic continuance that was filed by a registered neighborhood organization that continued this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing. The Hearing Examiner continued this petition from the July 13, 2023 hearing, to the August 10, 2023 hearing, to provide time for the petitioner's representative to provide additional information for review and consideration.

### **RECOMMENDATIONS**

Staff **recommends denial** of this request,

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 tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
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.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 1.16-acre site, zoned C-1, is comprised of seven undeveloped parcels. It is surrounded by a single-family dwelling to the north, multi-family dwellings to the west, across Campbell Avenue, and multi-family dwellings to the south across East 14<sup>th</sup> Street, all zoned D-7; and commercial development to the east, zoned C-3.

(Continued)



- ◇ Petitions 85-Z-19 / 85-CV-3, rezoned the site from the D-7 District to the C-1 classification to provide for office uses.

## **REZONING**

- ◇ This request would rezone the site from the C-1 District to the D-7 classification. “The D-7 district is intended for medium density residential development, accommodating multifamily dwellings, triplex, fourplex, two-family and single- family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents’ needs, must be developed to answer the demands of the higher density of residents.”

The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”

- ◇ The Comprehensive Plan recommends community commercial typology. “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 Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

### *Conditions for All Land Use Types*

- 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.
- ◇ The Pattern Book does not provide guidance for residential development within the community commercial typology but does include recommendations for small-scale and large-scale offices, retailing and personal or professional services; small-scale and large-scale schools, places of worship, neighborhood- serving institutions/infrastructure, and other places of assembly; and small-scale parks.

## **Tree Preservation / Heritage Tree Conservation**

- ◇ There are significant amounts of natural vegetation and trees located along the eastern boundary of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.

(Continued)

- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

### **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;

(Continued)

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

### **Site Plan**

- ◇ The site plan, file-dated July 24, 2023, provides for five fourplexes for a total of 20 dwelling units, with 33 parking spaces and four bike racks along the frontage of Campbell Avenue.
- ◇ Amenity areas include a picnic area on the southern portion of the site and a playground area on the northern portion of the site.

### **Planning Analysis**

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology. This site was zoned to the C-1 district in 1985 for commercial office use but has remained undeveloped for 38 years. Because of this, staff questions whether commercial uses would be viable on this site and believes residential uses might be more appropriate, if developed appropriately.
- ◇ Staff believes that an undeveloped parcel would have minimal encumbrances that would require development standard variances.
- ◇ Staff believes the request could be compatible with residential development to the north, west and south, if appropriately developed in a manner that would comply with development standards of the D-7 district, including, but not limited to, required development amenities of a maximum floor area ratio of 0.70 and minimum livability space ratio of 0.95.
- ◇ The amended site plan indicates a density of approximately 21 units per acre. The Ordinance provides for a typical density for the D-7 district of 12 to 15 units per acre.
- ◇ As proposed, a minimum of three variances would be required that would include maneuvering within the right-of-way along Campbell Avenue and a dumpster in the front yard of East 14<sup>th</sup> Street and within the clear sight triangle.
- ◇ Maneuvering within the right-of-way results in pedestrian and vehicular conflicts that present serious safety issues. Compounding the safety issue is the location of the dumpster (requires an enclosure) within the clear sight triangle.

(Continued)



- ◇ Less impactful variances may be acceptable, but staff would not support variances that would result in less than safe situations for all the residents living within this area, as well as visitors and guests.
- ◇ Consideration should be given not only to the rezoning but also whether the site can appropriately accommodate proposed development of the site that would not be impactful to surrounding land uses, require minimal variances and provide a safe environment. Consequently, staff does not support the rezoning.

**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

C-1                      Undeveloped

**SURROUNDING ZONING AND LAND USE**

North -	D-7	Single-family dwelling
South -	D-7	Multi-family dwelling
East -	C-3	Commercial uses
West -	D-7	Multi-family dwellings

**COMPREHENSIVE PLAN**

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.

Marion County Land Use Pattern Book (2019).

Infill Housing Guidelines (2021)

**THOROUGHFARE PLAN**

This portion of Campbell Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

This portion of East 14<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 35-foot right-of-way and a proposed 48-foot right-of-way.

**CONTEXT AREA**

This site is located within the compact context area.

**OVERLAY**

There is no overlay for this site.

**SITE PLAN**

File-dated May 9, 2023

**SITE PLAN - AMENDED**

File-dated July 24, 2023

**ZONING HISTORY**

**85-Z-19 / 85-CV-3; 1401 North Campbell Avenue**, requested rezoning of 1.2 acres, being in the D-7 district, to the C-1 classification to provide for the construction of an 8,280 square foot office building and a variance of transitional yard requirement to permit parking in the required front yard along the south property line and the required side yard along the east property line, **approved and granted**.

(Continued)

**VICINITY**

**85-Z-222; 1520 North Arlington Avenue (northeast of site)**, requested rezoning of 0.68 acre, being in the C03 and D-7 districts, to the C-3 classification to permit neighborhood retail use, **approved**.

**82-Z-96; 1420 North Arlington Avenue (east of stie)**, requested rezoning of 0.16 acre being in the D-7 district, to the C-3 classification to provide for expansion of Taco Bell, **approved**.

**72-Z-110; 1425 North Arlington Avenue (east of site)**, requested rezoning of 0.73 acre, being in the D-7 District, to the C-3 classification to permit construction and operation of a restaurant, **approved**.

**63-V-264; 1408 North Campbell Avenue (west of site)**, requested a variance of lot area requirement to permit erection of a four-family apartment house, **granted**.

**59-V-562; 1416 North Campbell Avenue (west of site)**, requested a variance of lot area requirements to permit construction of two four-family apartment houses, **granted**.

kb

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## Heritage Tree Conservation

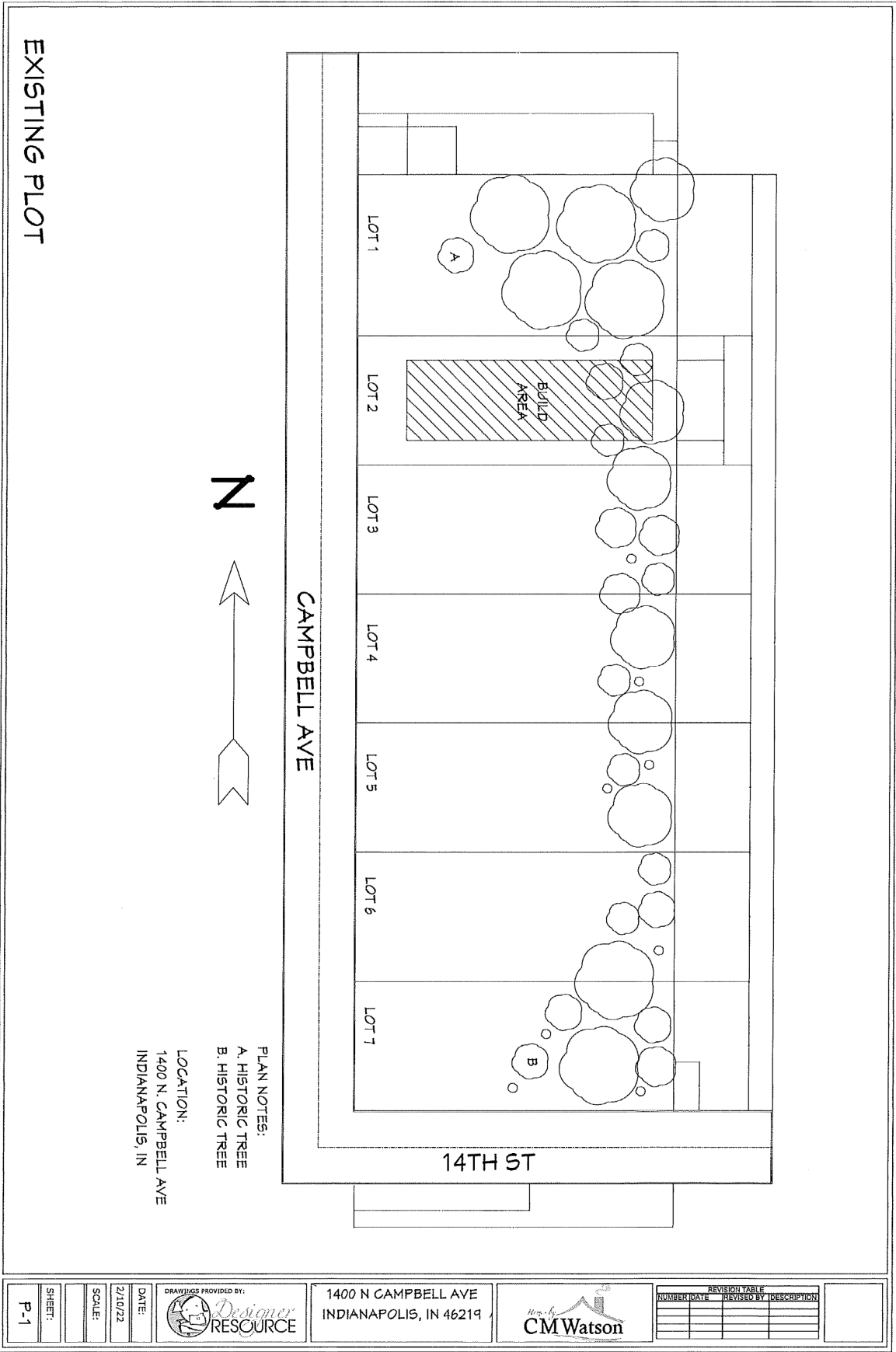
Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

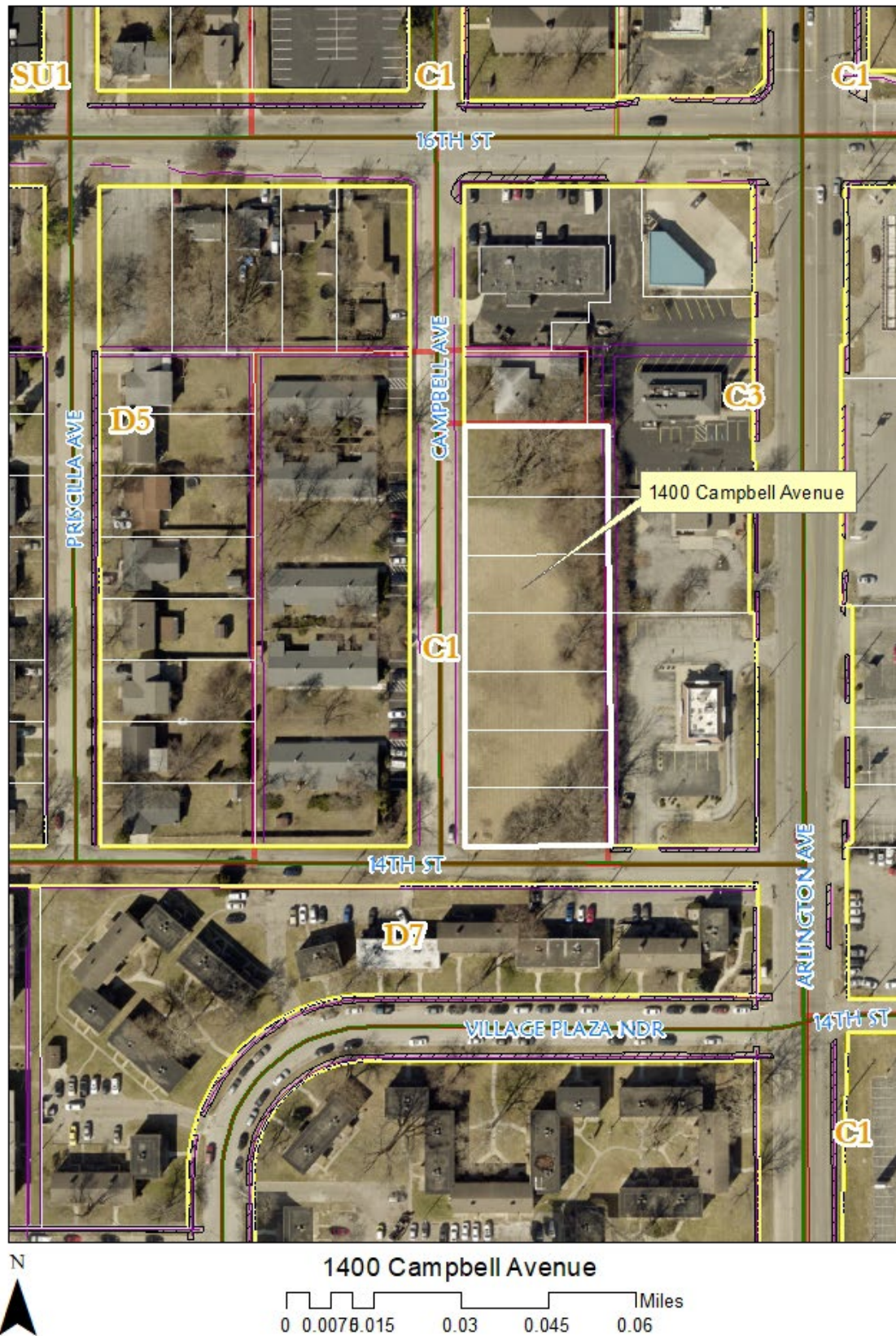
1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

<b>Table 744-503-3: Replacement Trees</b>		
<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1













View looking north along North Campbell Avenue



View looking south along Campbell Avenue





View looking southeast at intersection of East 14<sup>th</sup> Street and Campbell Avenue



View looking west along East 14<sup>th</sup> Street





View from site looking west across East 14<sup>th</sup> Street



View from site looking west across East 14<sup>th</sup> Street





View of site looking east across Campbell Avenue



View of site looking east across Campbell Avenue





View of site looking east across Campbell Avenue



View of site looking north





View of site looking north across East 14<sup>th</sup> Street



View of site and adjacent commercial use to the east looking north across East 14<sup>th</sup> Street





View of site looking northwest across East 14<sup>th</sup> Street

## STAFF REPORT

Item 13.

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

**Case Number:** 2023-ZON-056  
**Address:** 3700 and 3818 South Post Road (*Approximate Address*)  
**Location:** Franklin Township, Council District #18  
**Petitioner:** West Side Tractor Sales, by David A Retherford  
**Requests:** Rezoning of 23.56 acres from the D-A and SU-43 districts to the C-S district to provide for a business headquarters and tractor and equipment sales and service.

The Hearing Examiner continued this petition from the July 13, 2023 hearing to the August 10, 2023 hearing at the request of the petitioner's representative.

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

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 tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
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.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 23.56-acre site, zoned D-A and SU-43 (power transmission lines), is developed with agricultural uses and a single-family dwelling. It is surrounded by residential uses to the north, zoned D-P; self-storage facility to the south, zoned C-5; Interstate 74 right-of-way to the east, zoned SU-43 and D-A; and single-family dwellings to the west, zoned D-4.

(Continued)

**REZONING**

- ◇ This request would rezone the site from the D-A and SU-37 Districts to the C-S classification to provide for a business headquarters and tractor and equipment sales and service. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends suburban neighborhood typology. “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.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

*Conditions for All Land Use Types*

- 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.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- ◇ Because the sale and service of tractors and equipment is not a permitted use in the suburban neighborhood typology, no development standards are provided.

(Continued)



**Tree Preservation / Heritage Tree Conservation**

- ◇ There are significant amounts of natural vegetation and trees located on the southern portion of the site and along Miller Ditch. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

**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.

(Continued)

## ◇ Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

**Indiana Fire Code**

- ◇ This site would also be subject to, but not limited to, the following Indiana Fire Code provisions:

Indiana Fire Code 2014

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

(Continued)

**Site Plan / C-S Statement**

- ◇ Due to the Miller Ditch (legal drain) entering the site at the northwest corner, traversing through the site and leaving the site at the southeast corner, site plan options have been included in the C-S Statement (See Exhibits A and B).
- ◇ Access to the site will be gained from Cindy Lane, whose 75-foot-wide public right-of-way terminates at the southeast corner of the site at which point the site access becomes a gravel private drive.
- ◇ The Statement includes a depiction of a proposed building (See Exhibit C) but no exterior material information has been submitted.
- ◇ Exhibit D provides illustrations of proposed signage, but such signage would be required to comply with the Sign Regulations. Otherwise, the grant of a variance would be required.
- ◇ The Statement also includes an extensive discussion on the proposed landscaping and buffering. Staff, however, believes the tree preservation plan should be conducted prior to the development of landscape plans.

**Planning Analysis**

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The proposed use would be included in the Ordinance definition of truck or heavy vehicle sales, rental or repair (defined as the storage, display, sale, lease, rental, or repair of new or used self-propelled vehicles, including trailer, truck or bus rental; truck or bus rustproofing; truck or bus maintenance garage; and truck or bus dealer (of any load capacity). This definition does not include any use or activity included in the definition of other or light vehicle sales, rental, or repair. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use).
- ◇ This use is only permitted in the C-7 district (high-intensity commercial district) and the I-3 (medium industrial) and I-4 (heavy industrial) districts. In all these districts, the Ordinance states the permitted uses in these districts should not be adjacent to protected districts and large setbacks are required to provide appropriate buffering from adjacent land uses because of the character and intensity of the uses.
- ◇ Despite the proposed commitments, staff believes the proposed use would not be appropriate for this site and would be impactful to the adjacent land uses, particularly to the neighborhoods to the west and north.

(Continued)



**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

D-A / SU-43      Single-family dwelling / agricultural uses

**SURROUNDING ZONING AND LAND USE**

North - D-P      Single-family dwellings / retention pond  
South - C-5      Self-storage facility  
East - D-A / SU-43      Interstate 74 right-of-way  
West - D-4      Single-family dwellings

**COMPREHENSIVE PLAN**      The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology. Marion County Land Use Pattern Book (2019).

**THOROUGHFARE PLAN**      This portion of South Post Road is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 104-foot right-of-way and a proposed 106-foot right-of-way.

**CONTEXT AREA**      This site is located within the metro context area.

**OVERLAY**      There is no overlay for this site.

**SITE PLAN**      File-dated June 6, 2023

**C-S STATEMENT**      File-dated June 6, 2023

**ZONING HISTORY**

**2008-ZON-034; 3615 South Franklin Road (west of site)**, requested rezoning of 18.12 acres, from the D-A District, to the D-6II classification to provide for multi-family dwellings and rezoning of 2.48 acres, from the D-A District, to the D-1 classification to provide for a single-family dwelling, **approved**.

**2003-ZON-064; 8250 Southeastern Avenue (west of site)**, rezoning of 24 acres from the D-7 District to the C-4 classification, **approved**.

**98-Z-83 / 98-DP-13; 3401 South Franklin Road (west of site)**, requested rezoning of 41.86 acres from the D-A and SU-43 districts to the D-P classification to provide for a single-family residential development, with 140 unit, **approved**.

**92-Z-146; 3920 South Post Road (south of site)**, rezoning of 6.24 acres from D-A to D-6II, **approved**.

(Continued)

**92-Z-145; 3920 South Post Road (southeast of site),** rezoning of 3.93 acres from D-A to C-5, approved.

**77-Z-23; 8520 Sierra Ridge Drive (south of site),** rezoning of 20.58 acres from A-2 to D-6II, approved.

**77-Z-24; 3878 South Post Road and 3730 Cindy Lane (south of site),** rezoning of 17 acres from A-2 to C-5, approved.

**72-Z-25; 3112 South Arlington Avenue (west of site),** requested rezoning of 53.55 acres, being in the A-2 District, to the D03 classification to provide for single-family residential development, approved.

kb

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## Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

<b>Table 744-503-3: Replacement Trees</b>		
<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



June 6, 2023

**CS- Preliminary Plan**

Petition Number - 2023-ZON-\_\_\_\_

Petitioner: West Side Tractor Sales

3700 and 3818 S. Post Road (Approx. address)

Franklin Township, Indianapolis, Indiana

Attached are two conceptual C-S development site plans for the subject Real Estate. Plan A (identified as Exhibit A hereto) is the preferred plan, but it is contingent on the relocation of the existing legal drain identified as Miller Ditch from its existing location through the center of the site, to run along the I-74 right of way as indicated on Plan A. If the relocation of Miller Ditch turns out to not be feasible, then an alternate site plan (Plan B) is attached hereto as Exhibit B. Because the site plan is only conceptual at this point, the final Site Plan is subject to Administrator's Approval. In the review of the submitted final Site Plan, the choice between Plan A or Plan B, and even major changes to the conceptual layout due primarily to engineering or permitting issues shall be within the Administrator's authority to approve.

The site is proposed to be developed as the Indianapolis headquarters for West Side Tractor Sales. The only approved primary use shall be heavy equipment sales, leasing and repair. Accessory uses are permitted, including but not limited to (a) outdoor display of equipment for sale in the designated outdoor display area(s) shown on the Site Plan; and (b) the outdoor storage, minor assembly/ manufacturing, loading, unloading, and related indoor and outdoor operations in the designated outdoor storage area shown on the Site Plan. The type of equipment stored or displayed outdoors in the site is limited to equipment which is owned by or consigned through the Petitioner or its customers; and the tallest pieces of equipment on the site shall be limited to the type of equipment referred to as Excavators.

In the absence of specific standards and commitments as set forth in this C-S plan, the development standards of the I-3 District shall be utilized.

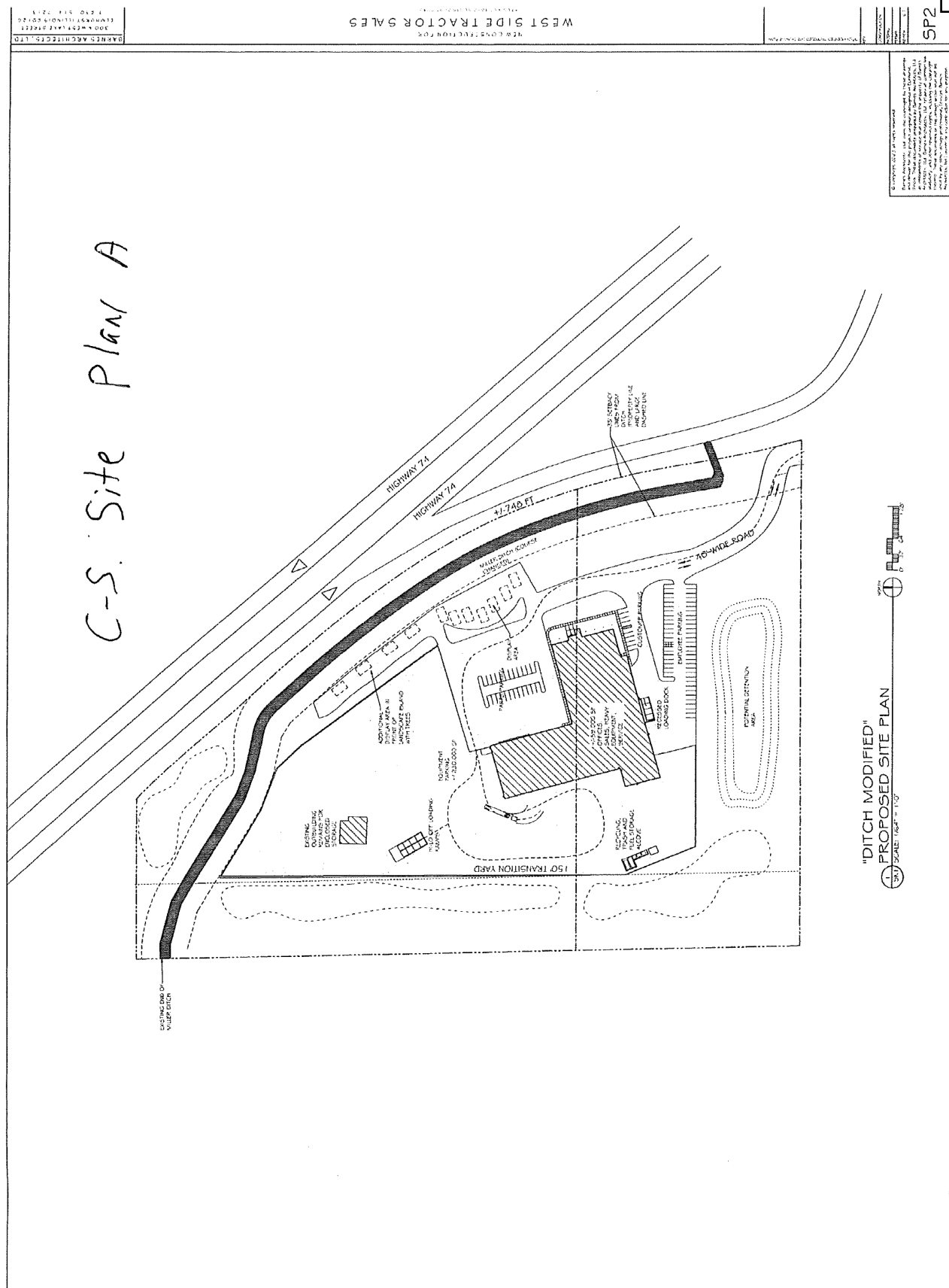
Access. Access to the site shall be obtained solely via the existing 50' wide public right of way currently improved with an existing public street identified as Cindy Lane, which connects at the Southeast corner of the site.

Commitments.

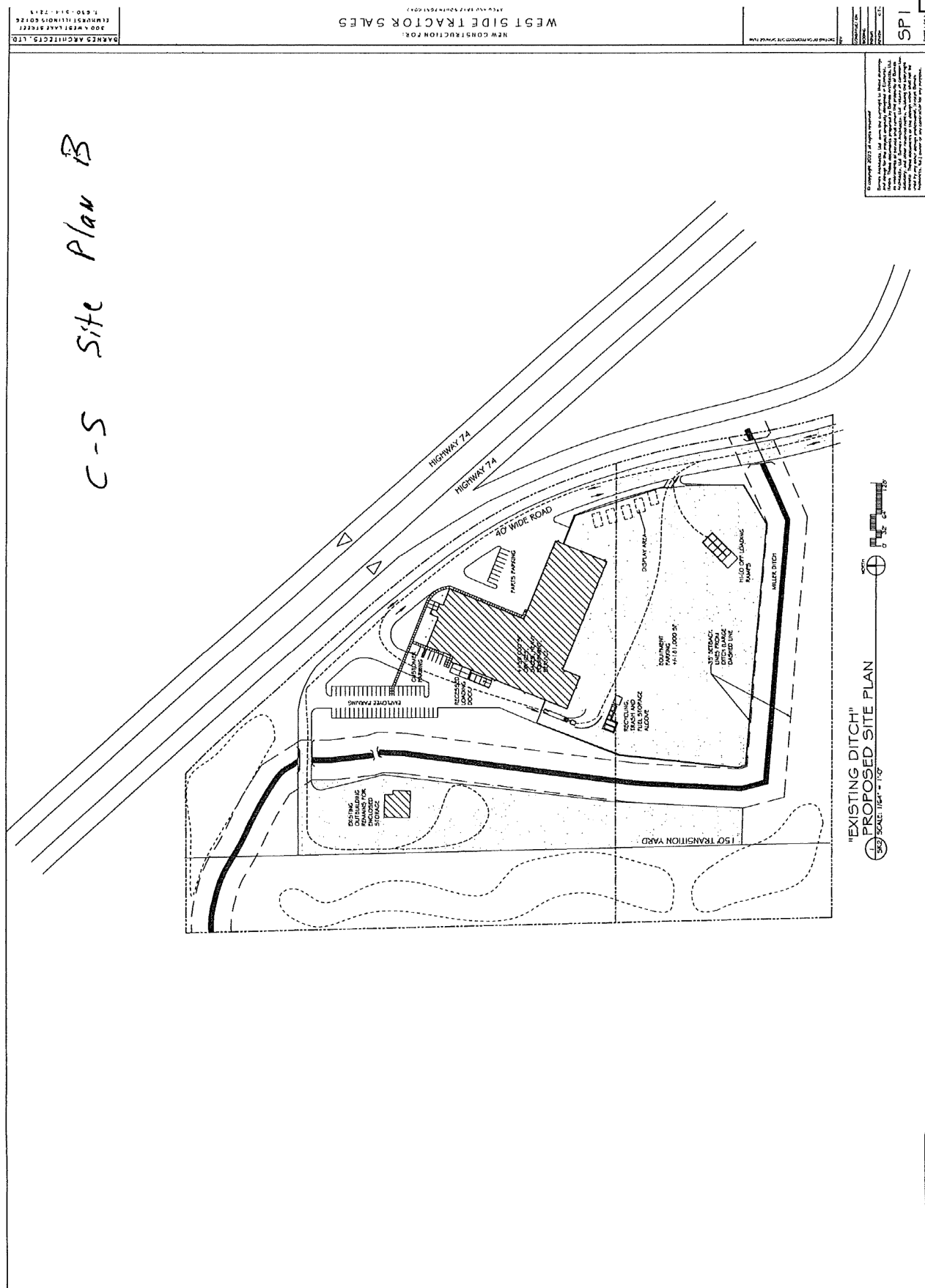
- A. The primary building shall be similar in exterior design and materials mix as the conceptual picture attached hereto as Exhibit C.
- B. Signage shall be similar in design, location and size as contained in whichever one of the two attached signage plans (Exhibits D, E and F) which is applicable to the final site plan, depending on whether or not the existing legal drain is

relocated.

- C. A lighted business identification sign panel shall be permitted to be installed on the Integrated Center sign located at the intersection of Post Road and Atlantis Drive, per the provisions of the Variance granted in Case No. 2021-DV1-002.
- D. Existing trees within 20 feet of the North and West property lines of the site shall be preserved to the greatest extent possible, with consideration given for the installation of utilities if no alternate location can feasibly be found.
- E. A new tree buffer area not less than 30 feet in width shall be created which abuts the above-described tree preservation area, within which a combination of evergreen and deciduous trees shall be planted, with the density and sizes of such trees being not less than what would be required if the area was treated as street frontage. Existing trees within this new area which are being preserved shall be considered as providing the anticipated benefit for purposes a calculating the credit due for same.
- F. Immediately behind the above referenced “new tree buffer area”, undulating mounding not less than six (6) foot tall (with gaps between the mounds as reasonably necessary for drainage purposes) shall be installed along the entire portions of the North and West sides of the site which abut existing residences, unless prohibited by the presence of the final easement for the legal drain.
- G. The area in the northeast corner of the site which is West of the right of way for I-74, and is also North of the relocated legal ditch easement as shown on Plan A (or the point where the existing legal ditch starts to turns to the south on Plan B) will be improved so as to generally screen the view of the abutting portion of the outdoor storage yard from I-74 via one of two alternate plans: (i) if there is sufficient dirt generated in the development of the site, then undulating mounding not less than six (6) foot tall (with gaps between the mounds as reasonably necessary for drainage purposes) shall be installed along said frontage, along with a row of evergreens spaced not more than 30’ apart between the mound and the interstate right of way; or (ii), three staggered rows of evergreens spaced not more than 30’ apart, shall be installed along said frontage.
- H. The outdoor storage yard shall be fully fenced around its entire perimeter, within said fence not being less than 8’ in height. The portions of said fence which faces I-74 of Post Road shall include slats (if chain link) or similar to provide a visual screen. In addition, with the exception of the Northeast portion of the outdoor storage yard which is screened pursuant to Commitment G, and the portions of said fence which abut the paved parking areas along the East and South sides of the primary building as shown on the Site Plan, a row of evergreen trees shall be installed just outside of said fence, spaced not more than 30’ apart.
- I. All trees planted pursuant to the above Commitments shall be well maintained and dead trees replaced not less than annually.

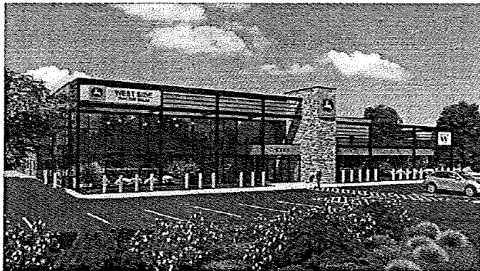






NEW CONSTRUCTION FOR:  
WEST SIDE TRACTOR SALES  
3700 AND 3818 SOUTH POST ROAD  
INDIANAPOLIS, INDIANA 46239

EXHIBIT  
C

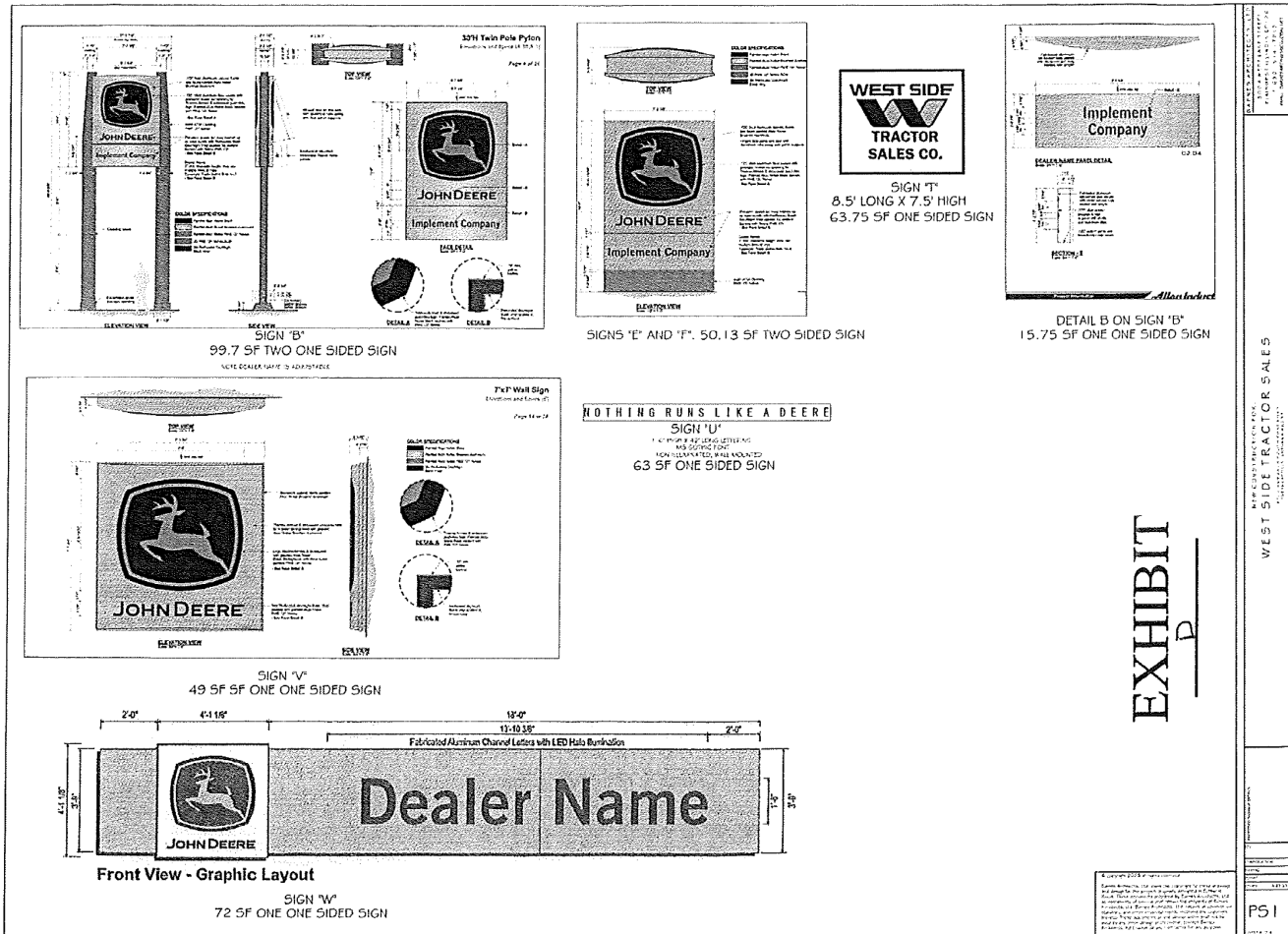


ARTIST RENDERINGS OF FRONT OF BUILDING FOR DESIGN CONCEPT ONLY

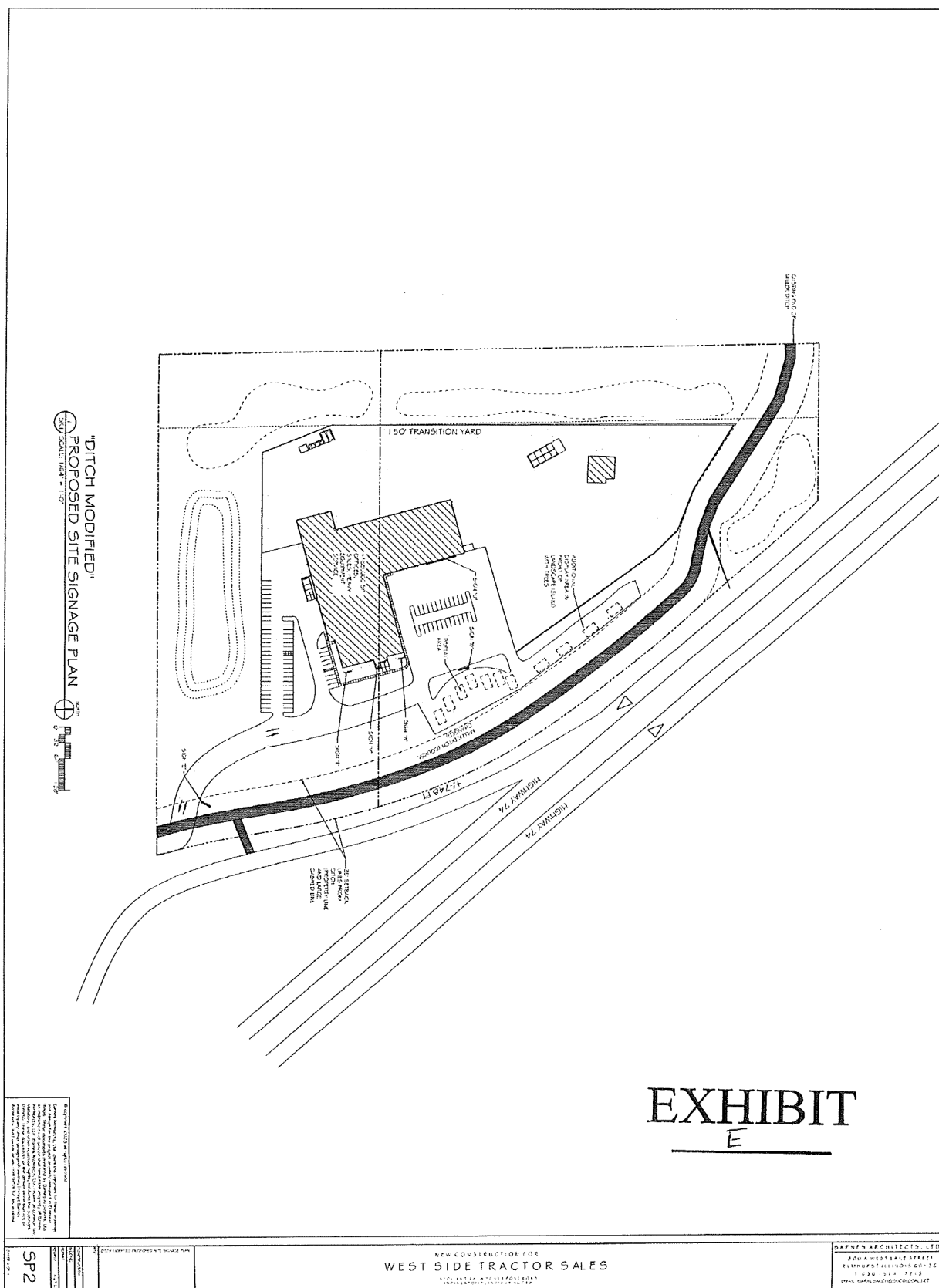
WEST SIDE TRACTOR SALES  
3700 AND 3818 SOUTH POST ROAD  
INDIANAPOLIS, INDIANA 46239

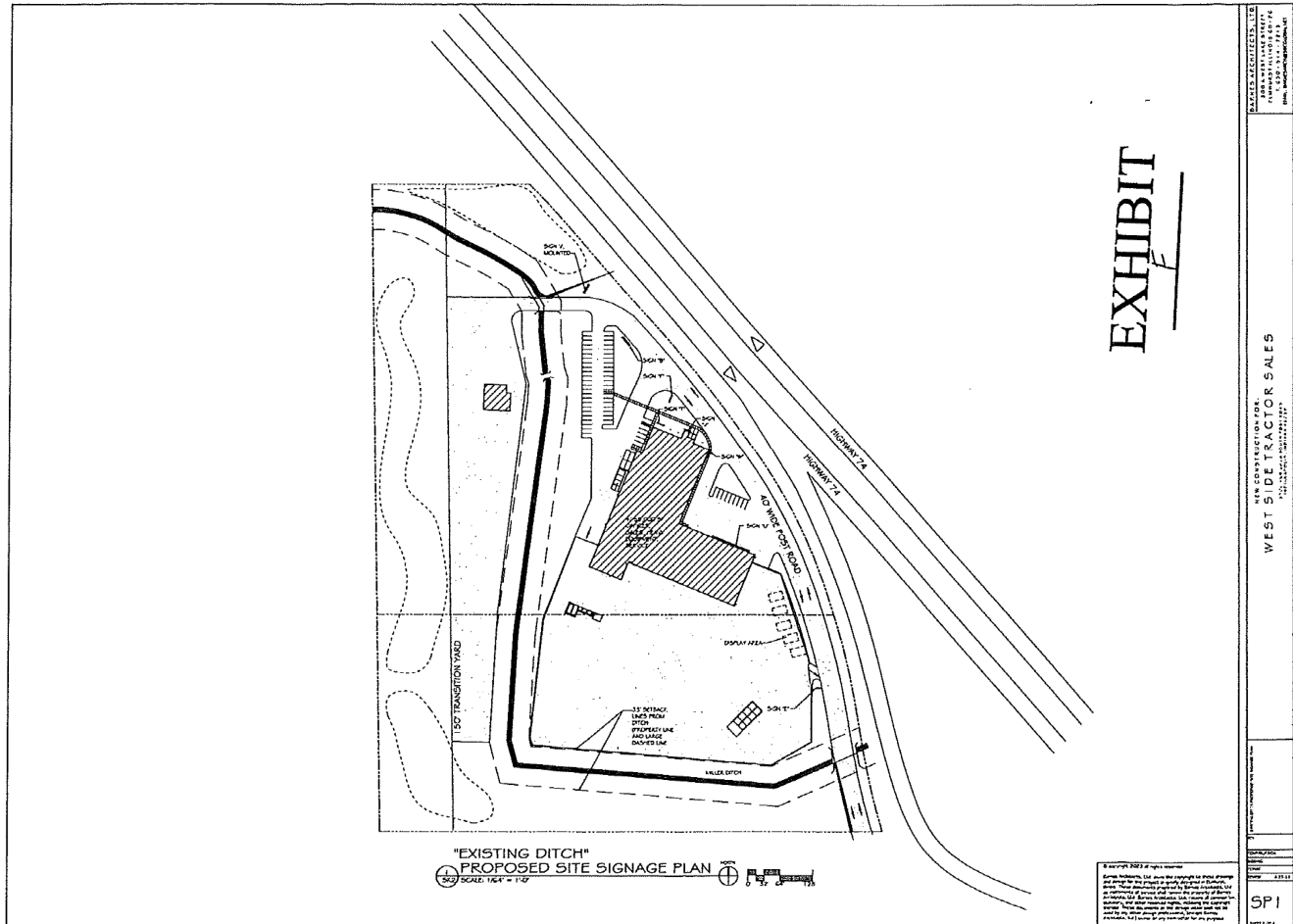
WEST SIDE TRACTOR SALES  
3700 AND 3818 SOUTH POST ROAD  
INDIANAPOLIS, INDIANA 46239

T1











View looking east at the intersection of Cindy Lane and Atlantis Drive



View looking southeast along Cindy Lane





View looking north at the termination of Cindy Lane



View of site looking west from gravel drive





View of site looking west from gravel drive



View of site looking west from gravel drive





View of rear of single-family dwelling looking east



View from site looking east





View looking south along gravel drive and Interstate 74

## STAFF REPORT

Item 14.

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

**Case Number:** 2023-ZON-055  
**Address:** 8850 East 21<sup>st</sup> Street (*Approximate Address*)  
**Location:** Warren Township, Council District #19  
**Petitioner:** 8850 Twenty First Street, Inc, by David E. Dearing  
**Request:** Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing.

At the request of the petitioner, this petition was **continued from the July 13, 2023 hearing to the August 10, 2023 hearing** to allow time to submit additional information about the request and for further conversations with staff.

### **RECOMMENDATION**

Staff **recommends denial** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ The subject site is located in the middle of a commercial/industrial node east of Post Road between Interstate 70 and 21<sup>st</sup> Street.
- ◇ The I-70/Post Road interchange was constructed by 1971. By 1972 commercial development was beginning to take place on 21<sup>st</sup> Street in proximity of the interchange and by 1978 the motel on the subject site had been built.
- ◇ The site has four buildings, three two-story buildings with motel units and a one-story office building with a pool. Over 90% of the site is covered with either buildings or pavement. The site is located on an IndyGo bus line.
- ◇ The 2018 Comprehensive Land Use Plan recommends Community Commercial for the site. The Community Commercial typology is intended for low-intensity commercial and office uses that serve nearby neighborhoods. This typology is not intended for residential uses.

]

(Continued)

**ZONING**

- ◇ This petition would rezone the subject site to the D-7 district. The D-7 district is intended for medium density residential development and accommodates multi-family dwellings, triplexes, fourplexes, two-family dwellings and rowhouses. It doesn't permit single-family detached dwellings. The D-7 district has a typical housing density of twelve to 15 units per acre. Well-planned, on-site recreation facilities must be included to answer the demands of the high density of residents.
- ◇ Development standards for the D-7 district include a requirement for a perimeter yard of at least twenty feet, a maximum floor area ratio of 0.70 and a minimum livability ratio of 0.95.
- ◇ The petitioner proposes reusing the existing buildings for residential units, combining motel units to make 130 dwelling units. This would be a density of 38 units per acre, more than double the typical density in a D-7 district.
- ◇ The site would have deficient perimeter yards on the east and west sides. The northeast building would be partially within the north perimeter yard.
- ◇ The livability space ratio is a measure of the amount of open space on a site in comparison to area of the site's buildings. Staff estimates the livability space ratio as 0.50 to 0.53. This is about 70% of the amount of livability space required by the Ordinance.
- ◇ The rezoning of the site to a residential district would create a Protected District. This would make redevelopment of neighboring commercial and industrial properties more difficult by creating greater buffering and separation standards.
- ◇ Although the site was appropriate for a motel built to the standards of 1972, it is not appropriate for living quarters today. It is located in the middle of a car- and truck-oriented commercial and industrial area at an interstate interchange. It does not mitigate that location by providing adequate usable open space for its residents, instead it provides only 70% of the open space required by the Ordinance. This proposal would put residents in an inhospitable location with little open space for respite. As such, staff recommends denial of this petition.

**GENERAL INFORMATION****EXISTING ZONING, CONTEXT AREA, AND LAND USE**

C-4	Metro	Restaurant, motel
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**SURROUNDING ZONING AND LAND USE**

North	C-S	Office/commercial/industrial park
South	D-3	Single-family dwellings
East	C-4	Office, commercial building, daycare
West	C-4,	Restaurant, daycare, recreation center

(Continued)



COMPREHENSIVE LAND USE PLAN	The Warren Township Comprehensive Plan (2018) recommends Community Commercial.
THOROUGHFARE PLAN	21 <sup>st</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 95-foot existing right-of-way and a 90-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
STREAM PROTECTION CORRIDOR	This site is located within a stream protection corridor.

**ZONING HISTORY – SITE**

None.

**ZONING HISTORY – VICINITY**

**2011-DV3-019; 2102 North Post Road (east of site)**, requested a variance of development standards to provide for a deficient setback, a trash container in the front of the building and a freestanding sign with deficient frontage and spacing, **approved**.

**2003-UV2-036; 8736 East 21<sup>st</sup> Street (west of site)**, requested the legal establishment of a religious use in a C-4 district, **approved**.

**2003-DV2-018; 2150 Boehring Street (east of site)**, requested a variance of development standards to provide for a wireless communications tower with excessive height, deficient separation from a Protected District and deficient landscaping, **denied**.

**90-UV3-144; 8920 East 21<sup>st</sup> Street (southeast of site)**, requested a variance of use to provide for tool and light equipment rental and outdoor storage, **withdrawn**.

**89-Z-65; 8920 East 21<sup>st</sup> Street (north of site)**, requested the rezoning of 11.75 acres from the C-S district to the C-S district to provide for an office, commercial and industrial park with an apartment for a self-storage facility manager, **approved**.

**88-Z-209; 8920 East 21<sup>st</sup> Street (north of site)**, requested the rezoning of twelve acres from the C-4 and C-5 districts to the C-S district to provide for self-storage and office warehouse space, **approved**.

**83-Z-169; 2240 North Post Road (northeast of site)**, requested the rezoning of three acres from the C-4 district to the C-6 district, **approved**.

**83-Z-138; 2102 North Post Road (east of site)**, requested the rezoning of 1.5 acre from the A-2 district to the C-4 district, **approved**.

**83-Z-124; 2150 North Post Road (east of site)**, requested the rezoning of two acres from the A-2 district to the C-5 district, **approved**.

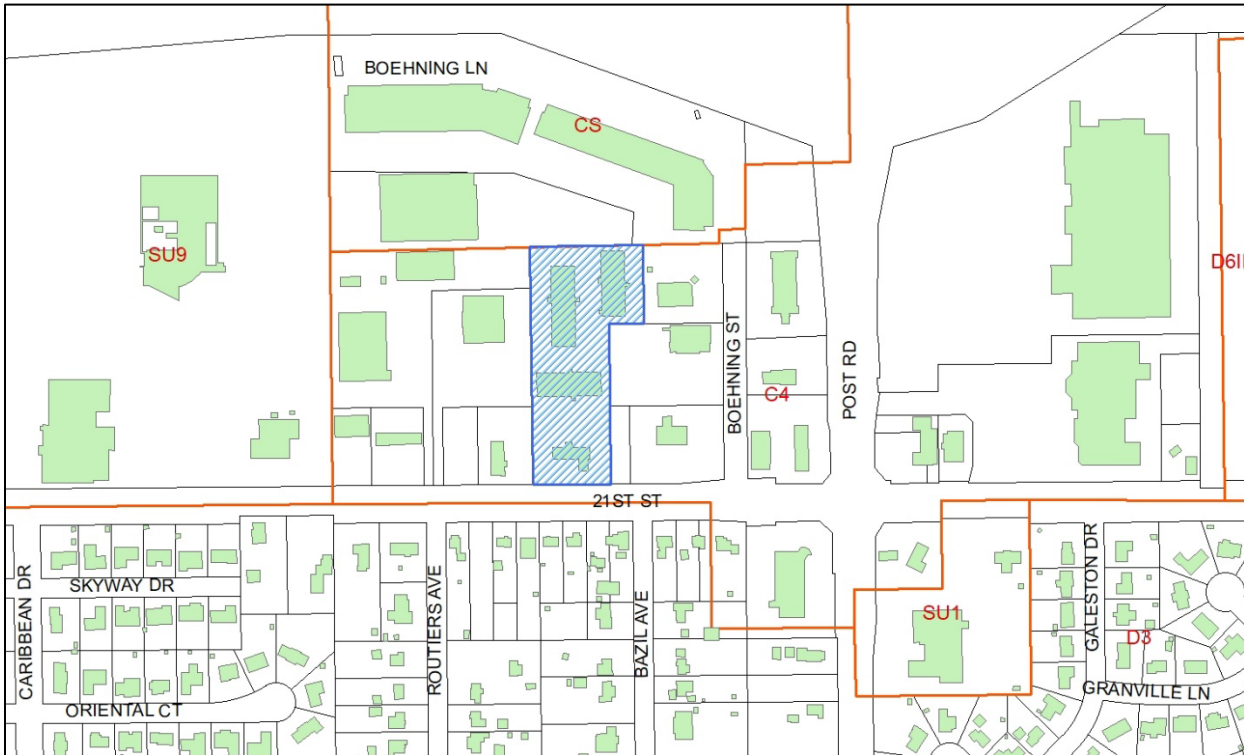
**83-Z-47; 2198 Boehring Street (north of site)**, requested the rezoning of 13 acres from the C-4 district to the C-5 district, **denied**.

klh

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**STAFF REPORT 2023-ZON-055, Location**

Item 14.



**STAFF REPORT 2023-ZON-055, Aerial photograph (2022)**







**Architects line**  
[www.architectsline.com](http://www.architectsline.com)  
 Phone: 752 79 9411



Looking north at the subject site from 21<sup>st</sup> Street.



Looking north along the eastern edge of the subject site.





Looking west along the 21<sup>st</sup> Street frontage of the subject site.



Looking south across 21<sup>st</sup> Street at the neighbors to the south.





Interior of the site.



Looking north into the northeast corner of the subject site and the abutting commercial/industrial park.



Looking west along the north property line.



Looking east along the north property line.





Looking south along the western edge of the site.



Looking west at the neighbor to the west.



## STAFF REPORT

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

**Case Number:** 2023-ZON-061  
**Address:** 5201 South Harding Street (*Approximate Address*)  
**Location:** Perry Township, Council District #20  
**Petitioner:** Gurdeep Singh, by Pat Rooney  
**Request:** Rezoning of 0.75 acre from the I-2 and D-A districts to the C-7 district to provide for truck repair.

### **RECOMMENDATION**

Staff **recommends denial of this request.** However, should the Hearing Examiner decide to approve the request staff asks that the following commitment be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Harding 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).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that by 1956 a dwelling had been constructed on the subject site. It was the northernmost of a row of dwellings south along the east side of Harding Street. Those dwellings still stand today. In the mid-1960s State Road 37 was under construction to the west. By 2000 an industrial use had been developed on the parcel to the east and by 2010, an industrial use had been established on the parcel to the north.

(Continued)

## **STAFF REPORT 2023-ZON-061 (Continued)**

- ◇ Historic aerial photography also indicates that by 2010 the backyard of the subject site was being used for industrial or heavy commercial uses in apparent violation of the zoning ordinance. The backyard is now essentially fully paved and is being used for truck parking. The site has been the subject of numerous code violations dating from 2014 to the present.

## **ZONING**

- ◇ This petition requests a rezoning from the I-2 and D-A districts to the C-7 district. The I-2 district is light industrial district. The portion of the subject site that's zoned I-2 is a remnant of a much larger tract that once extended north to Thompson Road and east to the Indiana Railroad tracks. The I-2 zoning of the original tract dates back to at least 1959. The D-A district is a residential district that permits agriculture and large-lot dwellings.
- ◇ The C-7 district is designed to provide for commercial uses that have qualities that are incompatible with less intense land uses. Examples of these qualities are outdoor storage and display of merchandise, and the outdoor parking and storage of trucks. Because of the character and intensity of these uses, this district should be located on major commercial arterial thoroughfares and near interstate interchanges, but not in close association with consumer commercial activities such as retailing, professional services, or restaurants. Due to the intensity of its uses, location of this district should never be adjacent to protected districts, such as dwellings, churches and schools.
- ◇ This request would locate the C-7 district abutting a single-family dwelling in the D-A zoning district. The Comprehensive Land Use Plan recommendation for the adjacent dwelling is Office Commercial.
- ◇ A recent petition on the site adjacent across Harding Street that sought rezoning to the C-7 district was denied by the Hearing Examiner and the Metropolitan Development Commission. The petition is currently pending before the City-County Council.
- ◇ Due to the plan recommendation, abutting residential use and the recent denial of a C-7 request on an adjacent site, site recommends denial of this petition.

(Continued)

## **STAFF REPORT 2023-ZON-061 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A, I-2	Metro	Single-family dwelling, truck parking
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#### SURROUNDING ZONING AND LAND USE

North	C-7	Automobile body shop
South	D-A	Single-family dwelling
East	C-7	Truck repair
West	C-7, D-A, I-2	Landscape materials sales, single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Land Use Plan (2018) recommends Office Commercial.
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THOROUGHFARE PLAN	Harding Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 65 feet to 78 feet and an 80-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	This northeast corner of this site is located within the floodway fringe of Haueisen Ditch.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.
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### **ZONING HISTORY – SITE**

**2018-UV3-024; 5201 South Harding Street**, requested a variance of use to provide for a transport company and a variance of development standards to provide for deficient maneuvering space, the storage of tractor trailers and deficient setbacks and transitional yard, **denied**.

(Continued)



## **STAFF REPORT 2023-ZON-061 (Continued)**

### **ZONING HISTORY – VICINITY**

**2022-CZN-862 / 2022-CVR-862; 5204, 5206 & 5216 South Harding Street (west of site)**, requested the rezoning of 5.327 acres from the C-S district to C-7 district and variances of development standards to provide for a dumpster enclosure in the front yard of SR 37, a 50-foot tall freestanding sign, deficient landscaping along Harding Street and SR 37, and a 23-foot tall, 109-square-foot free-standing incidental sign, **pending**.

**2009-ZON-057; 5204, 5206 & 5216 South Harding Street (west of site)**, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel, **approved**.

**2007-ZON-851 / 2007-CAP-851; 5202, 5206 & 5216 South Harding Street (west of site)**, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for C-3 uses and an extended stay hotel, **approved**.

**2007-ZON-051; 5191 Harding Lane (north of site)**, requested the rezoning of 0.9 acre from the I-2-S district to the C-7 district, **approved**.

**2006-DV1-030; 5191 South Harding Street (east of site)**, requested a variance of development standards to provide for an over-sized pole sign, **approved**.

**98-Z-225; 4950 Harding Lane (north of site)**, requested the rezoning of 2.5 acres from the C-4 district to the C-7 district, **approved**.

**96-Z-231; 5191 South Harding Street (east of site)**, requested the rezoning of 3.2 acres from the I-2-S district to the C-7 district, **approved**.

**90-Z-12; 5202 South Harding Street (west of site)**, requested the rezoning of 5.3 acres from the I-2-U district to the C-S district to provide a construction company, display of model homes, outdoor storage, retail sales associated with a construction company and manufacturing of homes, **approved**.

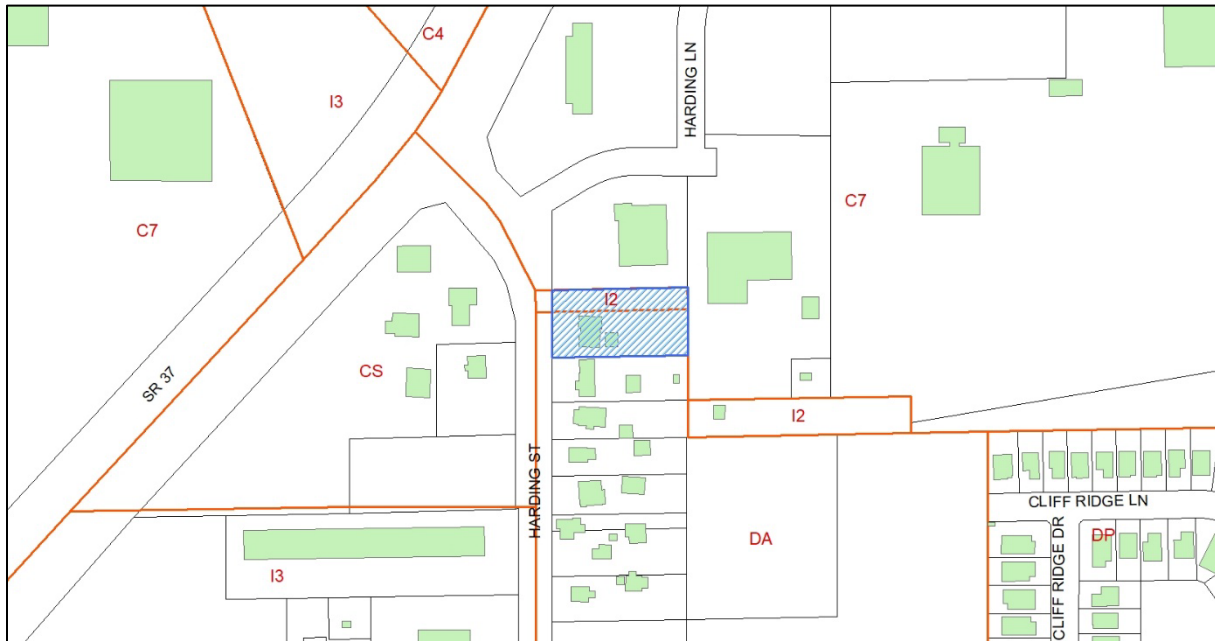
**89-Z-132; 5202 South Harding Street (west of site)**, requested a variance to provide for a second business sign structure, **approved**.

**89-UV1-30; 5202 South Harding Street (west of site)**, requested a variance of use to provide for five model homes and sales office, **approved**.

klh

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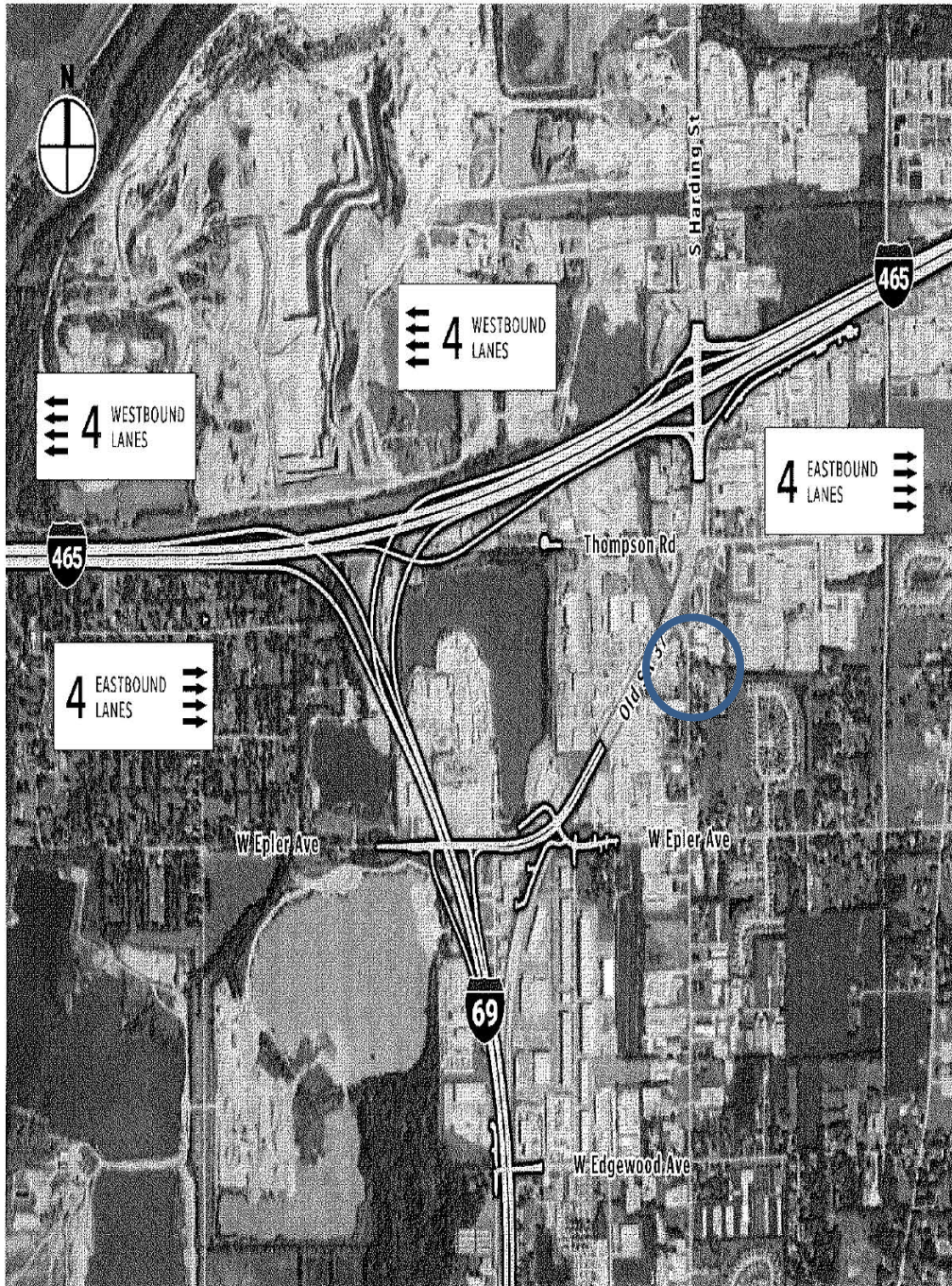
**STAFF REPORT 2023-ZON-061, Location**



**STAFF REPORT 2023-ZON-061, Aerial photograph (2022)**





**STAFF REPORT 2023-ZON-061, Proposed Route of I-69.****STOP 11 RD to I-465**

Subject site is in the blue circle.



**STAFF REPORT 2023-ZON-061, Photographs**



Looking southeast across Harding Street at the subject site and neighbors to the south.



Looking east across the northern section of the site.



Looking east at the neighbor to the north.



Looking east from Harding Street and the southern border of the site.





Looking south along Harding Street.



Looking along Harding Street.





Looking west at the neighbor to the west.

## STAFF REPORT

Item 16.

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

**Case Number:** 2023-CZN-838 / 2023-CVR-838A / 2023-CVR-838B  
**Address:** 5437 Greenfield Avenue (approximate address)  
**Location:** Warren Township, Council District #12  
**Petitioner:** Glenroy Construction Co. Inc, by Brian J. Tuohy  
**Request:** Rezoning of 0.73 acre from the D-5 District to the I-2 District.

**Special Exception to legally establish heavy outdoor storage associated with a commercial contractor in an I-2 Classification.**

**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish heavy outdoor storage associated with a commercial contractor within the north transitional yard and the side and rear yard setbacks (30-foot transitional yard required, 10-foot side and rear setbacks required) and an existing perimeter fence topped with barbed wire (barbed wire fencing prohibited).**

### **RECOMMENDATIONS**

Staff **recommends approval** of the rezoning.

Staff **recommends approval** of the special exception.

Staff **recommends approval** of the variance of development standards to legally establish heavy outdoor storage associated with a commercial contractor within the side and rear yard setbacks.

Staff **recommends denial** of the variance for heavy outdoor storage associated with a commercial contractor within the north transitional yard and the existing perimeter fence topped with barbed wire.

### **SUMMARY OF ISSUES**

#### **LAND USE**

- ◇ The subject site is zoned D-5 and consists of a heavy outdoor storage operation associated with a commercial contractor and is fenced in with a barbed wire fence.
- ◇ The property is surrounded by undeveloped land west, zoned C-3, undeveloped land north, zoned D-5, a commercial contractor's business east, zoned C-5, and a car dealership south, zoned C-7.

### **REZONING AND SPECIAL EXCEPTION**

- ◇ The petition would rezone the site from the D-5 district to the I-2 district to allow for the industrial use of the site for heavy outdoor storage associated with a commercial contractor. The site has historically been used for as outdoor storage for an approximate 50 years.

(Continued)

- ◇ The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Whenever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer.
- ◇ Heavy Outdoor Storage is permitted in the I-2 by special exception. Because the use and proposed I-2 district would align with the Comprehensive Plan recommendation of light industrial and would buffer the C-7 district south from the D-5 district to the north, staff is recommending approval of the request.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ Rezoning the site from D-5 to I-2 triggers transitional yard and setback requirements that were not previously required with the D-5 district.
- ◇ Table 744-201-6 notes that the I-2 district in the Compact Context area requires a 30-foot front transitional yard and 10-foot side and rear yard setbacks.
- ◇ Considering that there are commercial districts west, east, and south, Staff is not concerned with the outdoor storage being within the side and rear setbacks. However, staff does have concern with the front transitional yard not being proposed on site. It is understood at the fence is already in place, but staff was comfortable with requesting a minimal six-foot front transitional yard within the fence because any proposed landscaping would provide the necessary buffer from any future residential development north of the site.
- ◇ The petitioner did not agree with the installation of any landscaping along the northern property boundary and suggested that the existing landscaping was sufficient. Staff would argue that the existing vegetation is not enough to screen the property as shown in the site photos of the staff report.
- ◇ Staff also notified the applicant that the barbed wire on the fence would not be supportable since it is prohibited except for when used to enclose livestock or when used for public safety or security purposes for a public facility or correctional or penal institution.
- ◇ With the properties north of the subject site falling within the protected D-5 district and pending a zoning petition to allow for multi-family developments, staff finds that the least that could be done to ensure public safety and an enhances quality of life would be to remove the barbed wire and provide a minimal six-foot wide transitional yard per the landscape standards of the Ordinance.

(Continued)



**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

D-5	Compact	Industrial
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**SURROUNDING ZONING AND LAND USE**

North	D-5	Undeveloped lots
South	C-7	Auto Sales
East	C-5	Construction Contractor
West	C-3	Undeveloped lot

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends light industrial development.

**THOROUGHFARE PLAN**

Greenfield Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 52-foot existing right-of-way and a 48-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE**

This site is not located within a floodway or floodway fringe.

**WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

**SITE PLAN**

File-dated July 6, 2023.

**PLAN OF OPERATION**

File-dated July 5, 2023.

**ZONING HISTORY – SITE****EXISTING VIOLATIONS**

1. VIO23-000534; 5437 Greenfield Avenue (subject site),
  - a. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use; (Construction materials, wood pallets, and other miscellaneous items throughout the property),
  - b. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (Trailer, open or enclosed, with a cargo holder exceeding 12ft. in length).
  - c. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle storage is not a permitted primary use in a D-5 zoning district).
  - d. Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (743-306.Y.1- The storage of portable storage units is limited to 30 days....roll-off dumpster).
  - e. Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (743-306.Y.1- The storage of portable storage units is limited to 30 days....shipping container).
  - f. Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (744-510.A.1. - Barbed/razor wire fences are prohibited).

(Continued)

**PREVIOUS CASES**

**2023-UV3-013; 5437 Greenfield Avenue** (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the outdoor storage of materials, equipment and vehicles associated with a commercial contractor (not permitted) and an existing perimeter fence topped with barbed wire (barbed wire fencing prohibited), **withdrawn**.

**ZONING HISTORY – VICINITY**

**2022-CZN-867; 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue** (north of site), Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development, **pending**.

**2022-CZN-840 / 2022-CVR-840; 5436 Brookville Road** (southwest and west of site), Rezoning of 1.60 acres from the C-3 district to the C-S district to provide for a truck retail and repair facility with related parking and limited C-4 uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for loading bays in the front yard (not permitted), **withdrawn**.

**2008-UV2-017; 441 South Ritter Avenue** (northeast of site), Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for a counseling center/meeting place (not permitted) for Alcoholics Anonymous in an existing 8,520-square foot building, legally establish the 8,520-square foot building with an eight-foot front setback (minimum twenty-foot front setback required), without landscaping in the required front yard along Ritter Avenue (landscaping required), and to legally establish a 1,392-square foot storage building with a zero-foot west side setback (minimum ten-foot west side yard required), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a paved, commercial drive aisle and a portion of a storage building (not permitted), **granted**.

**2006-UV1-025; 441 South Ritter Avenue** (east of site), Variance of Use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the expansion of an existing roofing contractor's business permitted by variance petition 91-UV1-55, with the construction of a 2,150-square foot building for use as a metal fabrication shop (not permitted) and a Variance of Development Standards of the Commercial Zoning Ordinance to provide for a three-foot landscape strip along South Ritter Avenue (minimum ten-foot landscape strip required), **granted**.

**2006-ZON-022; 471 South Ritter Avenue** (east of site), Rezoning of 0.5 acre, from the C-5 District, to the C-S classification to provide for all C-4 uses, roofing contracting, catering, auto restoration, and sheet metal fabrication uses, **withdrawn**.

**2002-ZON-139; 5424 Brookville Road** (southwest of site), Rezoning from the D-5 district to the C-5 classification, **denied**.

**2002-ZON-134; 5536 Brookville Road** (southeast of site), Rezone 0.78 acres, being in the C-1, C-5 and D-5 Districts, to C-5 classification to provide for a truck repair facility and storage, **approved**.

**2000-ZON-043; 5402 Brookville Road** (west of site), Rezoning from the D-5 district to the SU-1 classification, **approved**.

(Continued)

**91-UV1-55; 471 South Ritter Avenue** (east of site), Variance of use and development standards of the Commercial and Dwelling District Zoning Ordinance to permit the construction of a 60 x 32 storage building to store materials for an existing contractors' business with a side yard setback of two feet (four feet required) and an aggregate side yard setback of four feet (10 feet required), **granted**.

**89-HOV-103; 5346 Brookville Road** (southwest of site), Variance to provide for a pricing sign on the canopy within the required 70-foot setback from the street centerline in the C-3 district, **granted**.

**88-UV1-79; 450 South Ritter Road** (east of site), Variance to provide for an office expansion for a construction contractor in the C-5 district, **granted**.

**87-V1-29; 5436 Brookville Road** (southwest of site), Variance to provide for a gas station canopy with a 1.5-foot setback in the C-3 district, **granted**.

**86-UV3-35; 5478 Brookville Road** (southeast of site), Variance to permit an adult cabaret limited to live entertainment within 500 feet of a residential district, **denied**.

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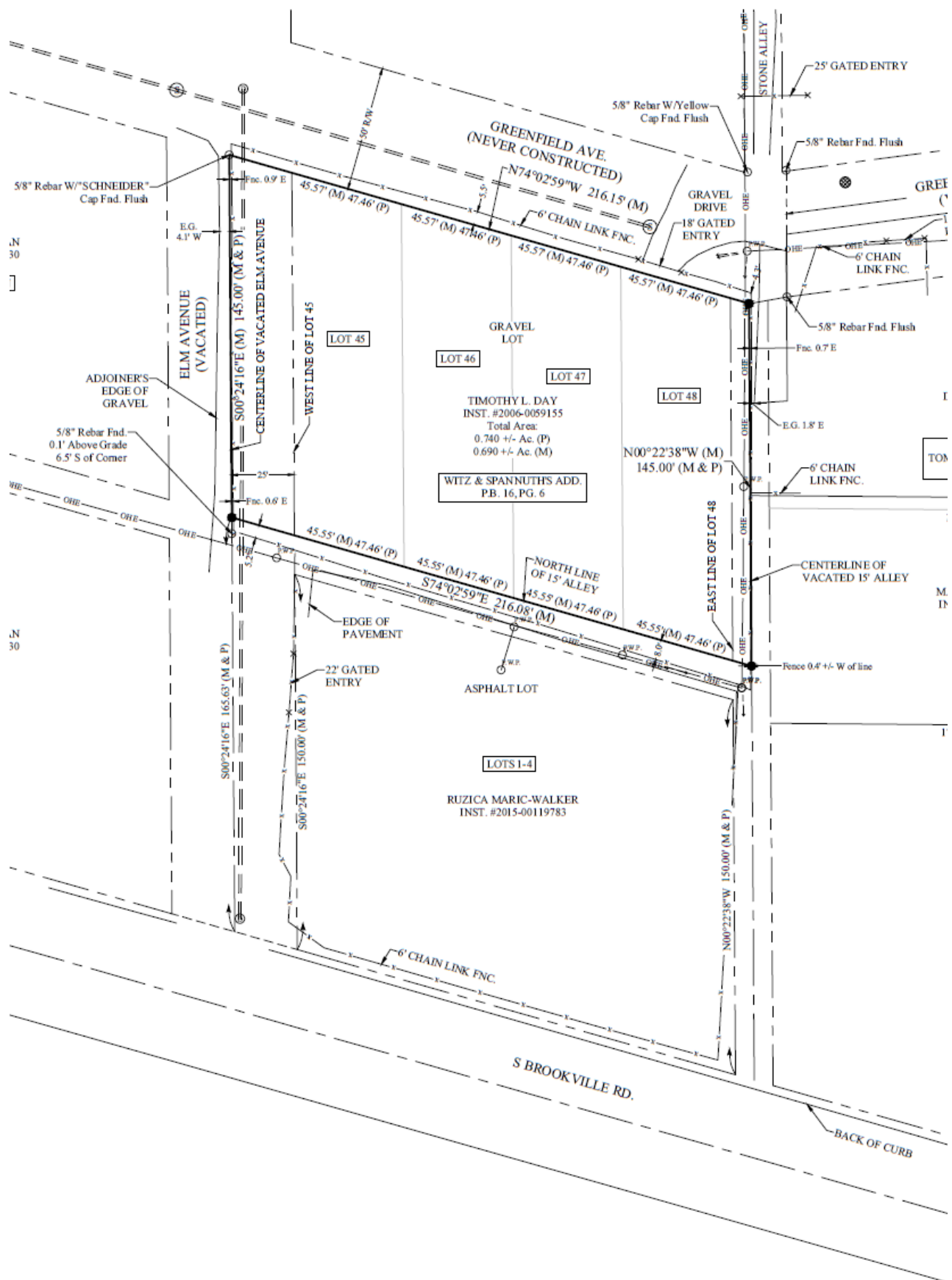
**2023-CZN-838 / 2023-CVR-838A / 2023-CVR-838B; Location Map**

Item 16.



**2023-CZN-838 / 2023-CVR-838A / 2023-CVR-838B; Aerial Map**





**Proposal Description/ Plan of Operation**  
5437 Greenfield Avenue (“Site”)

Petitioner, Glenroy Construction Co., Inc. (“Petitioner”) operates a construction business (the “Construction Company”) located at 450 S. Ritter Avenue, which is adjacent to and east of the Site. The Construction Company has been in its current location since 1945. From approximately the 1950's on, the Construction Company has utilized the Site for outdoor storage relating to its Construction Company. Such outdoor storage includes construction materials, wood pallets, vehicles, trailers, roll-off dumpsters, shipping containers and/or other miscellaneous items. Petitioner respectfully requests a variance of use of the D-5 District to legally establish the decades-long use of the Site for outdoor storage of items relating to the Construction Company’s operations.

Additionally, a chain link fence with barbed wire (the “Existing Fence”) encloses the outdoor storage on the Site, which has existed on the Site for approximately 50+ years. Petitioner requests a variance of development standards of Chapter 744, Article V, Section 10.A.1 to allow for continued use of the Existing Fence, including the barbed wire.





Photo of the existing fence along the front northeastern portion of the site



Photo of the existing fence along the front northwestern portion of the site





Photo of a vacated alley east of the site.



Photo of the contractor's business east of the site associated to the subject site.



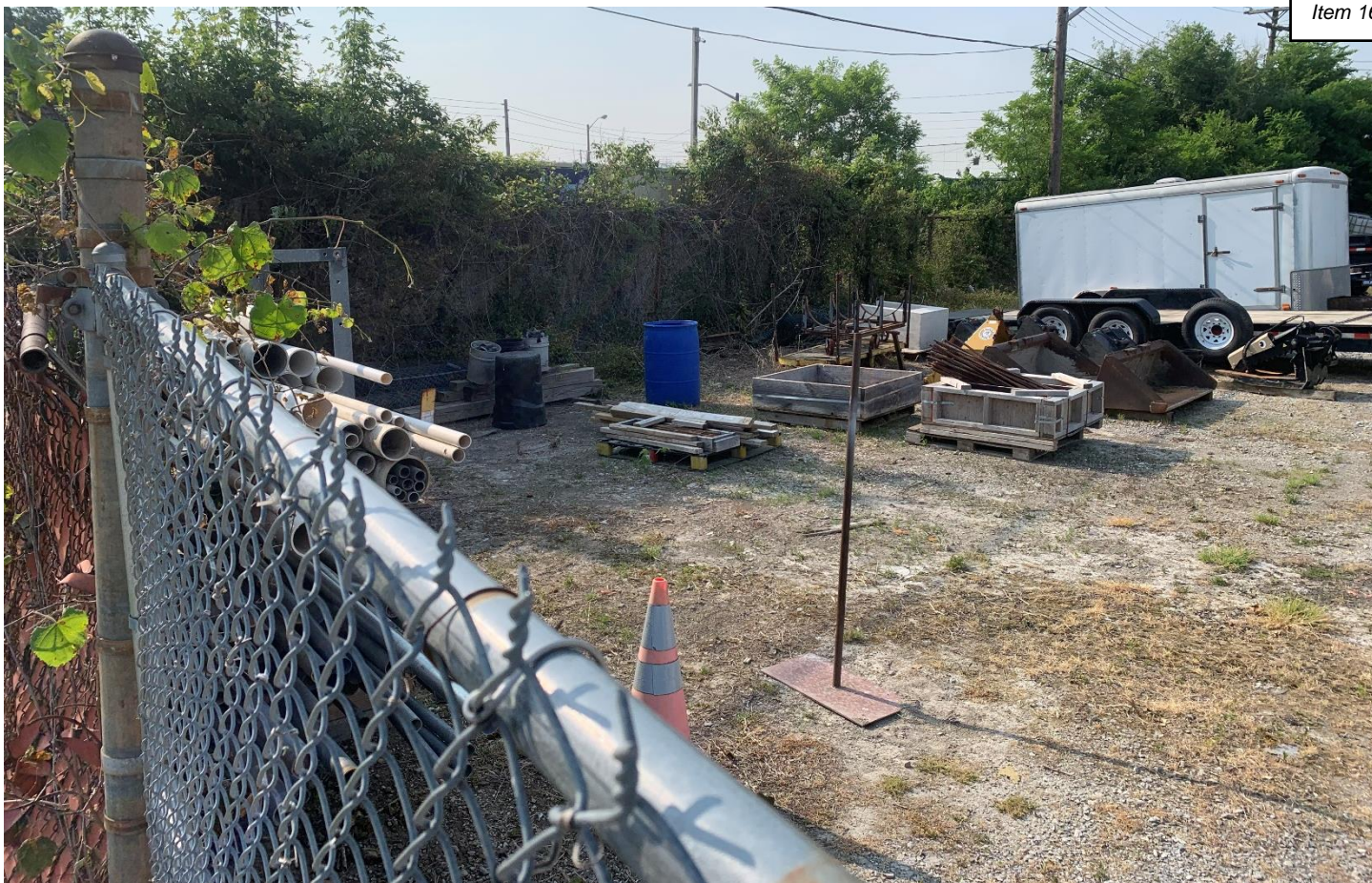


Photo of the eastern property boundary.



Photo of the enclosed outdoor storage area looking southwest.





Photo of the enclosed outdoor storage area looing northeast.



Photo taken in 2022 of the undeveloped D-5 zoned properties north of the site.