



Metropolitan Development Commission Hearing Examiner (September 26, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, September 26, 2024 **Time:** 1:00 PM

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

Business:

Special Requests

2024-CVC-833 | 1301 East 16th Street, 1503, 1513, and 1517 Columbia Avenue, and 1524 Dr. A. J. Brown Avenue
Center Township, Council District #13
Design and Build Corporation, by Jennifer Milliken and Timothy Ochs

****Special request for two-day waiver of the 23-day notification period for written notice to vacation agencies**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-ZON-073 | 2024-ZON-073B | 2155 Kessler Boulevard, West Drive
Washington Township, Council District #2
Broadmoor Investments, LLC, by Russell L. Brown

Rezoning of 6.01 acres from the SU-34 (FF) district to the D-4 (FF) district to provide for residential uses.

B. Rezoning of 7.68 acres from the SU-34 district to the D-5II district to provide for residential uses.

****Staff request for continuance for cause to December 12, 2024**

2. 2024-ZON-082 | 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65th Street
Washington Township, Council District #3
Schmoll Development Company, L. P., by Gregory Zubek

Rezoning of 17.149 acres from the I-2 district to the C-S district to provide for commercial and light industrial uses, including uses permitted in the C-3 district and I-2 district, in addition to: sports performance training uses for all ages, including individual sports training, weight lifting and training, fitness personal training and conditioning, aerobics and spin training, assisted rehabilitation exercise program, yoga, Pilates, dance studio, martial arts training, specific sports training including batting cages and golf, plus, automobile and light vehicle wash, detailing, tinting (in buildings not facing 65th Street), and automobile, motorcycle and light vehicle service or repair (in buildings not facing 65th Street).

****Automatic Continuance to October 24, 2024, filed by a Registered Neighborhood Organization**

3. 2024-ZON-085 (Amended) | 5640 North Illinois Street
Washington Township, Council District #7
The Riviera Club, by Sonya Seeder

Rezoning of 22.63 acres from the D-2 (FF) district to the SU-16 (FF) district to provide for indoor and / or outdoor recreation.

****Staff request for continuance for cause to October 10, 2024, with Notice**

4. 2024-ZON-090 (Amended) | 9061 Crawfordsville Road

Wayne Township, Council District #11
Mark and Kim Crouch

Rezoning of one acre from the C-3 district to the D-5II district to provide for residential use.

****Automatic Continuance to October 24, 2024, filed by a Registered Neighborhood Organization**

5. 2024-ZON-097 | 6402 West Southport Road and 7300 South Mooresville Road

Decatur Township, Council District #21
Goose Creek Farms, LLC, by Domonic Dreyer

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

****Automatic Continuance to October 24, 2024, filed by a Registered Neighborhood Organization**

6. 2024-ZON-106 | 511 & 600 South Tibbs Avenue

Wayne Township, Council District #17
Insight Engineering Inc., by Donald W. Fisher

Rezoning of 2.33 acres from the I-2 (FF) district to the C-7 (FF) district to provide for Heavy Truck Services and Parking.

****Staff request for continuance for cause to October 10, 2024**

7. 2024-CAP-832 / 2024-CVR-832 | 8640, 8814, and 8816 South Arlington Avenue and 5624 East County Line Road

Franklin Township, Council District #25
C-S
GP-CM County Line Partners, LLC, by Brian J. Tuohy

Modification of the Development Statement and Commitments for 2022-ZON-060 to Terminate Commitment 11.n, which prohibited outdoor storage / operations, and Commitment 22, which required the site to be developed in substantial conformance with the C-S Statement and the Conceptual Site Plan, file-dated November 18, 2022, and to provide for three outdoor storage areas adjacent to proposed Building 2, in accordance with an amended site plan.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 227 spaces (minimum 246 parking spaces required) and to provide for a 20-foot-tall screen wall within the south side yard (maximum six-foot tall screen wall permitted).

****Automatic Continuance to October 24, 2024, filed by a Registered Neighborhood Organization**

8. 2024-CZN-833 / 2024-CVC-833 / 2024-CVR-833 | 1301 East 16th Street, 1503, 1513, and 1517 Columbia Avenue, and 1524 Dr. A. J. Brown Avenue

Center Township, Council District #13
Design and Build Corporation, by Jennifer Milliken and Timothy Ochs

Rezoning of 0.58-acre from the D-8 District to the SU-2 District to provide for educational uses.

Vacation of the first east-west alley south of 16th Street, being 15 feet in width, beginning at the west right-of-way line of Dr. A. J. Brown Avenue, west 180.72 feet, to the northwest right-of-way line of the first north-south alley west of Dr. A. J. Brown Avenue, and a vacation of the first north-south alley right-of-way west of Dr. A. J. Brown Avenue, being 15 feet in width, beginning at the northwest right-of-way line of the first east-west alley west of Dr. A. J. Brown Avenue, south 190.40 to the north right-of-way line of Interstate 70, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 29.2-foot-tall gymnasium (maximum height of 25 feet within a transitional yard), and a front transitional yard setback of 7.9 feet along Dr. A. J. Brown Avenue (minimum 10-foot transitional yard).

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

9. 2024-APP-016 | 5363 East 41st Street

Lawrence Township, Council District #9

PK-1

City of Indianapolis, Department of Parks and Recreation, by Henry Woodburn

Park District One Approval to provide for playground equipment, seating area, bike racks, performance stage, flex lawn sports field, barrier fencing, and walking paths. Existing improvements include a shelter and a grill area.

10. 2024-CAP-831 / 2024-CPL-831 | 8550 and 8556 Broad Street

Franklin Township, Council District #25

D-P

NVR, Inc., by Joseph D. Calderon

Modification of the Development Statement for 2021-ZON-013 to Modify the development standards for lots 54 and 55, specifically, to provide for a minimum lot width at the front setback line of 53.5 feet for Lot 54 (minimum lot width at the front setback line of 60 feet required), and to provide for a minimum 19.5-foot front yard setback for Lot 55 (minimum 20-foot front yard setback required).

Approval of a Subdivision Plat to be known as Replat of Lots 54 and 55, College Station Section 1, subdividing 0.34-acre into two lots.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2024-MOD-009 | 7710 Johnson Road

Lawrence Township, Council District #3

C-S

7710 Johnson, LLC, by Joseph D. Calderon

Modification of the Commitments, Development Statement and Site Plan related to petitions 99-Z-195, and, as amended with 2006-ZON-810, to provide for display of dumpsters for rent to consumers for home improvement project

12. 2024-MOD-015 (Amended) | 3500 East 20th Street

Center Township, Council District #13

C-S

Adam DeHart

Modification of the Commitments related to petition 2002-ZON-166 to terminate Commitments #6 and #7 to allow for a Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation (current commitments states any new construction requires Administrator's Approval and other uses are limited).

13. 2024-ZON-040 | 6000, 6012, 6020, 6180, and 6206 East 46th Street

Lawrence Township, Council District #9

Indianapolis Re Management LLC, 600-B East 46th Street LLC, and Bazilio Real Estate LLC, by Emily Duncan and David Kingen

Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.

14. 2024-ZON-093 / 2024-VAR-011 (Amended) | 4410 Allisonville Road

Washington Township, Council District #8

EZ-Stor LLC, by David Kingen & Emily Duncan

Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine parking spaces (minimum 30 parking spaces required).

15. 2024-ZON-096 | 6158 West 10th Street

Wayne Township, Council District #16
Homes in Motion, LLC, by John Cross

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

16. 2024-CZN-829 / 2024-CVR-829 (Amended) | 707 East 22nd Street

Center Township, Council District #13
Elliott 317, LLC, by Jamilah Mintze

Rezoning of 0.07-acre from the C-3 district to the D-8 district to provide for a two-unit multi-unit house.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.1-foot tall, three-story, two-unit multi-unit house (maximum 35-foot tall, 2.5 stories permitted), with a deficient 2,926 square foot lot area (3,500 square feet required), a five-foot rear setback (10-foot rear setback required), with no street trees and deficient landscaping (minimum one street tree per 35 feet of lot frontage and 50% living material required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

17. 2024-ZON-102 | 525 South East Street

Center Township, Council District #18
Mark and Kim Crouch

Rezoning of 0.07 acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district to construct a three-unit multi-family residential building.

18. 2024-ZON-105 | 2852 East County Line Road

Perry Township, Council District #24
Aditi Real Estate 63, LLC by Cassandra A. Nielsen

Rezoning of 6.67 acres from the C-S district to the I-1 (TOD) (FW) (FF) district to provide for a Self-Storage Facility.

Additional Business:

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



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-073 and 2024-ZON-073B

Property Address: 2155 Kessler Boulevard West Drive

Location: Washington Township, Council District #2

Petitioner: Broadmoor Investments, LLC, by Russell L. Brown

Current Zoning: SU-34

Request: Rezoning of 6.01 acres from the SU-34 (FF) district to the D-4 (FF) district to provide for residential uses.
Rezoning of 7.68 acres from the SU-34 district to the D-5II district to provide for residential uses.

Current Land Use: Country Club

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged automatic continuances filed by a City-County Councilor that continued these petitions from the July 25, 2024 hearing, to the August 29, 2024 hearing, and filed by the petitioner’s representative that continued these petitions from the August 29, 2024 hearing, to the September 26, 2024 hearing.

Staff recently became aware of information related to the site access. Based upon this information the Department of Public Works has requested a Traffic Impact Study (TIS). Consequently, staff is requesting a **continuance from the September 26, 2024 hearing, to the December 12, 2024 hearing**, to provide time to conduct this study and submit it for review.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**

Case Number: 2024-ZON-082

Property Address: 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65th Street (Approximate Addresses)

Location: Washington Township, Council District #3

Petitioner: Schmoll Development Company, L. P., by Gregory Zubek

Request: Rezoning of 17.149 acres from the I-2 district to the C-S district to provide for commercial and light industrial uses, including uses permitted in the C-3 district and I-2 district, in addition to: sports performance training uses for all ages, including individual sports training, weight lifting and training, fitness personal training and conditioning, aerobics and spin training, assisted rehabilitation exercise program, yoga, Pilates, dance studio, martial arts training, specific sports training including batting cages and golf, plus, automobile and light vehicle wash, detailing, tinting (in buildings not facing 65th Street), and automobile, motorcycle and light vehicle service or repair (in buildings not facing 65th Street).

Staff Reviewer: Eddie Honea, Principal Planner II

CONTINUANCE

A registered neighborhood organization has filed a timely automatic continuance, which continues this petition to the October 24, 2024 hearing of the Hearing Examiner.

| EDH |



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-085 (Amended)
Property Address: 5640 North Illinois Street
Location: Washington Township, Council District #7
Petitioner: The Riviera Club, by Sonya Seeder
Current Zoning: D-2 (FF) (FW)
Request: Rezoning of 22.63 acres from the D-2 (FF) (FW) district to the SU-16 (FF) (FW) district to provide for indoor and / or outdoor recreation.
Current Land Use: Country Club
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance from the September 26, 2024 hearing, to the October 10, 2024 hearing, with notice**, to amend the acreage of the area to be rezoned and provide new notice. The amended petition was mailed on September 14, 2024.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-090 (Amended)
Property Address: 9061 Crawfordsville Road (Approximate Address)
Location: Wayne Township, Council District #11
Petitioner: Mark & Kim Crouch
Current Zoning: C-3
Request: Rezoning of one acre from the C-3 district to the D-5II district to provide for residential use.
Current Land Use: Residential
Staff Recommendations: To be determined.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the August 29, 2024 hearing to September 26, 2024 hearing at the request of the petitioner to allow additional time to amend the request.

A timely automatic continuance request was filed by a registered neighborhood organization **continuing this petition from the September 26, 2024 hearing to the October 24, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the October 24, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-097

Property Address: 6402 West Southport Road and 7300 South Mooresville Road

Location: Decatur Township, Council District #21

Petitioner: Goose Creek Farms, LLC, by Domonic Dreyer

Current Zoning: D-A

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

Current Land Use: Agricultural Land

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of staff to allow for additional time for the review of the traffic impact study submitted.

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the September 16, 2024 hearing to the October 24, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the October 24, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-106
Property Address: 511 and 600 South Tibbs Avenue
Location: Wayne Township, Council District #17
Petitioner: Insight Engineering, Inc., Donald W. Fisher
Current Zoning: D-2 (FF) (FW)
Request: Rezoning of 2.33 acres from the I-2 (FF) district to the C-7 (FF) district to provide for heavy truck services and parking.
Current Land Use: Truck services and parking
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance from the September 26, 2024 hearing, to the October 10, 2024 hearing.** Staff is requesting the continuance on behalf of the petitioner’s representative due to a scheduling conflict.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-CAP-832 / 2024-CVR-832

Property Address: 8640, 8814, and 8816 South Arlington Avenue and 5624 East County Line Road (Approximate Addresses)

Location: Enter Township, Enter Council District

Petitioner: GP-CM County Line Partners, LLC, by Brian J. Tuohy

Current Zoning: C-S

Request: Modification of the Development Statement and Commitments for 2022-ZON-060 to Terminate Commitment 11.n, which prohibited outdoor storage / operations, and Commitment 22, which required the site to be developed in substantial conformance with the C-S Statement and the Conceptual Site Plan, file-dated November 18, 2022, and to provide for three outdoor storage areas adjacent to proposed Building 2, in accordance with an amended site plan.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 227 spaces (minimum 246 parking spaces required) and to provide for a 20-foot-tall screen wall within the south side yard (maximum six-foot tall screen wall permitted).

Current Land Use: Undeveloped

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the September 16, 2024 hearing to the October 24, 2024 hearing**. This would require acknowledgement from the Hearing Examiner. .

PETITION OVERVIEW

This petition is to be continued to the October 24, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-833 / 2024-CVC-833 / 2024-CVR-833

Property Address: 1301 East 16th Street, 1503, 1513, and 1517 Columbia Avenue, and 1524 Dr. A. J. Brown Avenue (Approximate Addresses)

Location: Center Township, Council District #13

Petitioner: Design and Build Corporation, by Jennifer Milliken and Timothy Ochs

Current Zoning: D-8 and SU-2

Request: Rezoning of 0.58-acre from the D-8 District to the SU-2 District to provide for educational uses.

Vacation of the first east-west alley south of 16th Street, being 15 feet in width, beginning at the west right-of-way line of Dr. A. J. Brown Avenue, west 180.72 feet, to the northwest right-of-way line of the first north-south alley west of Dr. A. J. Brown Avenue, and a vacation of the first north-south alley right-of-way west of Dr. A. J. Brown Avenue, being 15 feet in width, beginning at the northwest right-of-way line of the first east-west alley west of Dr. A. J. Brown Avenue, south 190.40 to the north right-of-way line of Interstate 70, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 29.2-foot-tall gymnasium (maximum height of 25 feet within a transitional yard), and a front transitional yard setback of 7.9 feet along Dr. A. J. Brown Avenue (minimum 10-foot transitional yard).

Current Land Use: School

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition will need to be continued from the **September 26, 2024 hearing to the October 10, 2024 hearing** to allow for additional time to meet the mailed notice requirements.

STAFF RECOMMENDATION

Staff Recommendation to be determined.

PETITION OVERVIEW

This petition will be continued to the October 10, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER **September 26, 2024**

Case Number: 2024-APP-016

Property Address: 5363 East 41st Street (approximate address)

Location: Lawrence Township, Council District #9

Petitioner: City of Indianapolis, Department of Parks and Recreation, by Henry Woodburn

Current Zoning: PK-1

Request: Park District One Approval to provide for playground equipment, seating area, bike racks, performance stage, flex lawn sports field, barrier fencing, and walking paths. Existing improvements include a shelter and a grill area.

Current Land Use: Park

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The subject site is developed with a park that is surrounded by single-family dwellings.

PARK DISTRICT ONE APPROVAL

The site is zoned PK-1 and would allow for the redevelopment of the park to provide for playground equipment, seating area, bike racks, performance stage, flex lawn sports field, barrier fencing, and walking paths. Existing improvements include a shelter and playground equipment. However, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.



Department of Metropolitan Development
Division of Planning
Current Planning

Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan,
- b. Create and maintain a desirable, efficient, and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses,
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities,
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads,
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

STAFF ANALYSIS

The proposed updates to the park with playground equipment, seating area, bike racks, performance stage, flex lawn sports field, barrier fencing, and walking paths would align with the suburban neighborhood recommendation of the Comprehensive Plan for small-scale park use and would be compatible within this residential neighborhood.

For this reason, Staff is recommending approval of the request.

GENERAL INFORMATION

Existing Zoning	D-5 and PK-1	
Existing Land Use	Park	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single-family dwellings)



Department of Metropolitan Development
Division of Planning
Current Planning

South:	D-5	Residential (Single-family dwellings)
East:	D-5	Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		
41 st Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Irvington Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Culver Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 21, 2024	
Site Plan (Amended)	N/A	
Elevations	August 21, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	August 21, 2024	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends suburban neighborhood development of the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This



typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Small-Scale Parks**
 - With the exception of minimally improved natural areas or golf courses, parks should be integrated as focal points and should not have more than 25% of their perimeter comprised of adjoining rear or side yards.
 - Should be situated along streets on which the front door of housing units is located.
 - If a component of a master-planned development, continuous pedestrian infrastructure (sidewalk, greenway, or off-street path) between the proposed site and any residential uses within the development should be provided.
- The existing park is a neighborhood serving public amenity that would be updated and would align the with the small-scale park use contemplated by the Plan.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

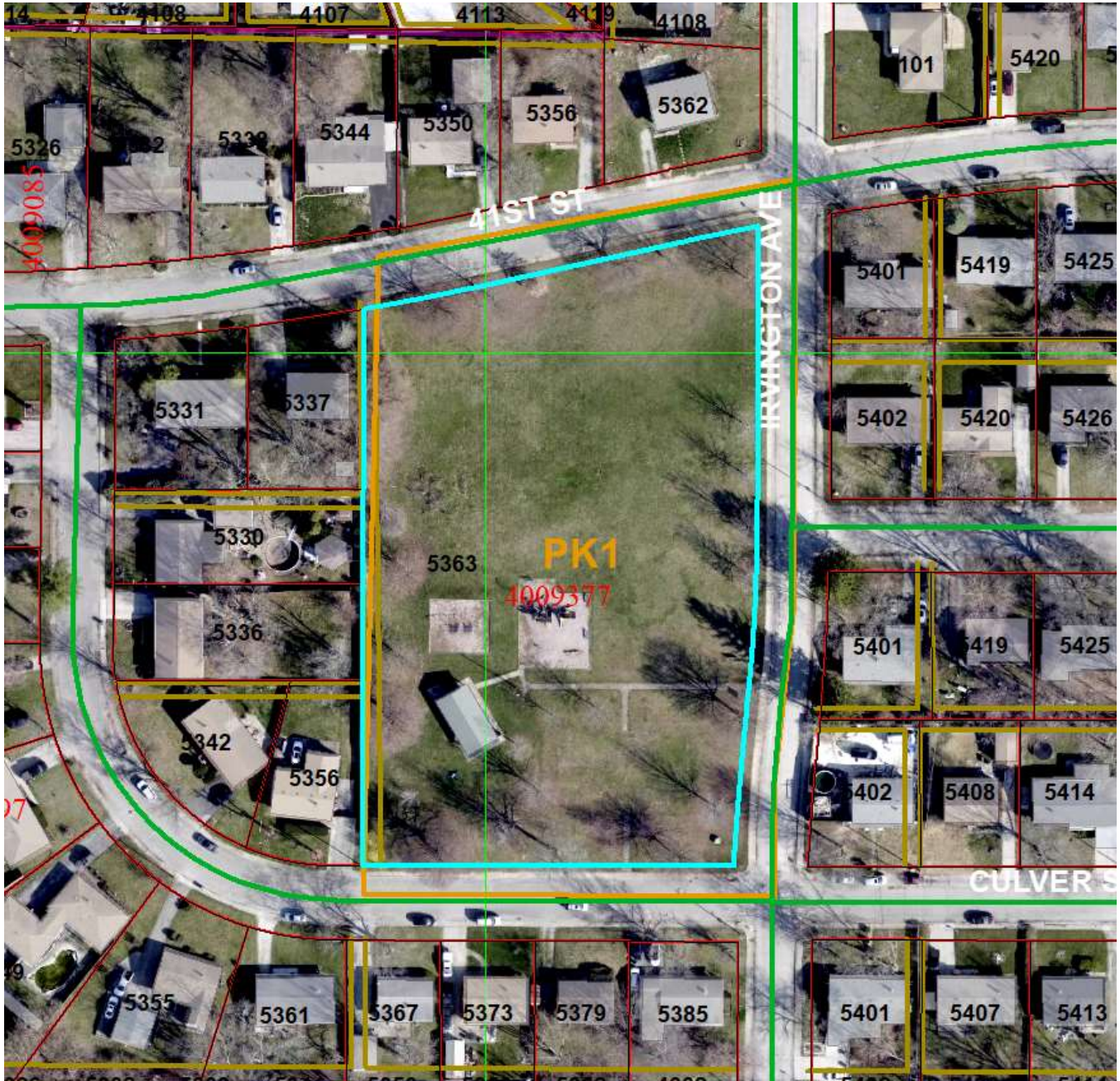
Zoning History- Site

None.

Zoning History- Vicinity

None.

EXHIBITS







**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20__

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

The Land Use Plan identifies that the parcel is a Suburban Neighborhood, zoned PK1. Per the Consolidated Zoning/Subdivision Ordinance, parks or playgrounds are permitted uses in all zoning districts. The site development plan improves the condition of the park through the development of a new playground, plaza seating, sidewalks, play mounds, as well as a future walking path loop, sports field/flex lawn, barrier fence, and performance space with an access drive. The site development plan also plans for landscaping improvements.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

The site development plan calls for the construction of a new playground plaza seating, and a new sidewalk that will connect amenities. Additional improvements called for are the construction of a new walking path loop, a sports field/flex lawn, barrier fence, and a performance stage with an access drive. These recommendations will improve the current conditions of the park.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

Existing paths are already included in the existing park;
New paths are included as part of the project, and new paths are planned for future park and/or infrastructure projects; and new parking spaces will be included on the east side of the park.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Existing controls are already included in and adjacent to the existing park;
and new additional pedestrian and bike paths with necessary controls are planned for future park and/or infrastructure projects.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

The park is serviced by the owner (Indy Parks) and the Department of Public Works. Property drainage is being designed by a professional engineer and incorporates appropriate low-impact designs.



Department of Metropolitan Development
Division of Planning
Current Planning

F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

The property is currently a suburban neighborhood park that includes a playground and green space.
The proposed design replaces existing park structures and adds connectivity and functions complimentary to its continued use as a park.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

Existing paths are already included in the existing park; and existing paths will be replaced and improved as part of this project; and/or new paths are planned for future park and/or infrastructure projects.



Photo of the subject site looking northwest from Culver Street.



Photo of the existing picnic shelter looking north from Culver Street.



Photo of the west property boundary and adjacent single-family dwelling.



Single-family dwellings south of the site.



Photo of the western property boundary on the north end of the site.



Photo of the northern street frontage of the site along 41st Street..



Photo of the northern street frontage of the site along 41st Street...



Photo of the northeast intersection of the subject site.



Single-family dwellings north of the site.



Single-family dwellings west of the site.



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



Photo of the single-family dwellings east of the site looking south on Irvington Avenue.



Photo of the subject site street frontage along Irvington Avenue looking north.



Photo of the park entrance looking west.



Photo of the subject site street frontage along Irvington Avenue looking south



Photo of the existing playground and shelter on site.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 26, 2024

Case Number: 2024-CAP-831 / 2024-CPL-831

Property Address: 8550 and 8556 Broad Street (Approximate Addresses)

Location: Franklin Township, Council District #25

Petitioner: NVR, Inc., by Joseph D. Calderon

Current Zoning: D-P

Request: Modification of the Development Statement for 2021-ZON-013 to Modify the development standards for lots 54 and 55, specifically, to provide for a minimum lot width at the front setback line of 53.5 feet for Lot 54 (minimum lot width at the front setback line of 60 feet required), and to provide for a minimum 19.5-foot front yard setback for Lot 55 (minimum 20-foot front yard setback required),

Approval of a Subdivision Plat to be known as Replat of Lots 54 and 55, College Station Section 1, subdividing 0.34-acre into two lots.

Current Land Use: Single-family dwelling and undeveloped lot

**Staff
Recommendations:** Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the modification

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated September 3, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.



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5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

LAND USE

The 0.34-acre subject is comprised of two platted lots with one being an undeveloped lot and the other having a single-family dwelling. The site is bordered to the north with an I-2 district that is currently utilized as a single-family dwelling, to the east and west by single-family dwellings, zoned D-P, and undeveloped land to the south, zoned D-P.

MODIFICATION

The grant of the request would modify the development standards within the Development Statement of 2021-ZON-013 for two lots. Specifically, it would provide for a minimum lot width at the front setback line of 53.5 feet for Lot 54 where a 60-foot lot width is required. It would also provide for a minimum 19.5-foot front yard setback for Lot 55 where a minimum 20-foot front yard setback is required.

PLAT

The proposed subdivision plat would not create any new lots or new streets for access. The plat would shift the originally platted lots slightly to accommodate a dwelling that was constructed over the lot lines due to a surveying error. Sidewalks will be installed as originally proposed.

STAFF ANALYSIS

The request is a result of a surveying error made on site that incorrectly placed the single-family dwelling on Lot 55 significantly further east than was originally planned. This error in placement caused for the neighboring lot, Lot 54, to not have the required lot width necessary to build on.



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There was also an error with the front setback placement of the dwelling on Lot 55 that is a minor deviation from the requirement.

Because the two lots would still meet all other standards of the Development Statement such as all other setbacks, minimum lot area, and architectural standards, staff determine the requests would be supportable. In staff’s opinion, the changes proposed are slight deviations with a reduced lot width of 6.5 feet and an approximate 0.5-foot front setback reduction. However, Staff would not support such a request if it were to happen again.

GENERAL INFORMATION

Existing Zoning	D-P	
Existing Land Use	Single-family dwelling and undeveloped lot	
Comprehensive Plan	Office Commercial and Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	I-2 Residential (Single-family dwelling)
	South:	D-P Undeveloped
	East:	D-P Residential (Single-family dwelling)
	West:	D-P Residential (Single-family dwelling)
Thoroughfare Plan		
Broad Street)	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 16, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	August 16, 2024	

COMPREHENSIVE PLAN ANALYSIS
Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development for most of the site and suburban neighborhood development for a small section along the southern property boundaries of the sites.
- 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.
- **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.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- **Detached Housing**
 - The house should extend beyond the front of the garage.
 - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.



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- 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.
- Residential uses are not contemplated in the Office Commercial typology. However, the site was already approved for residential development which would align with the context of the surrounding residential area except for one business southwest of the site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.”

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History - Site

2021-ZON-013; 5151 South Franklin Road (subject site) Rezoning of 19.06 acres from the I-2 and D-P districts to the D-P classification for the development of 61 single-family dwellings at a density of 3.2 units per acre, **approved**.

2019-CZN-811 / 2019-CPL-811; 5151 South Franklin Road (subject site), Rezoning of 19 acres from the D-P and I-2 districts to the D-P district and Approval of a Subdivision Plat to be known as Village at New Bethel West, Section One dividing 9.31 acres into 32 lots, **withdrawn**.

2003-ZON-802 / 2003-PLT-802; 5101 South Franklin Road (subject site), Rezoning of 168.5 acres from the I-2-S district to the D-P district to provide for a church and single-family residential development at 3.23 units per acre and to divide 32.6 acres into 104 lots with a waiver of sidewalks along Thompson Road, **approved**.

2002-ZON-180; 5101 South Franklin Road (subject site), Rezoning of 168.1 acres from the I-2-S district to the D-P district, **withdrawn**.

Zoning History – Vicinity

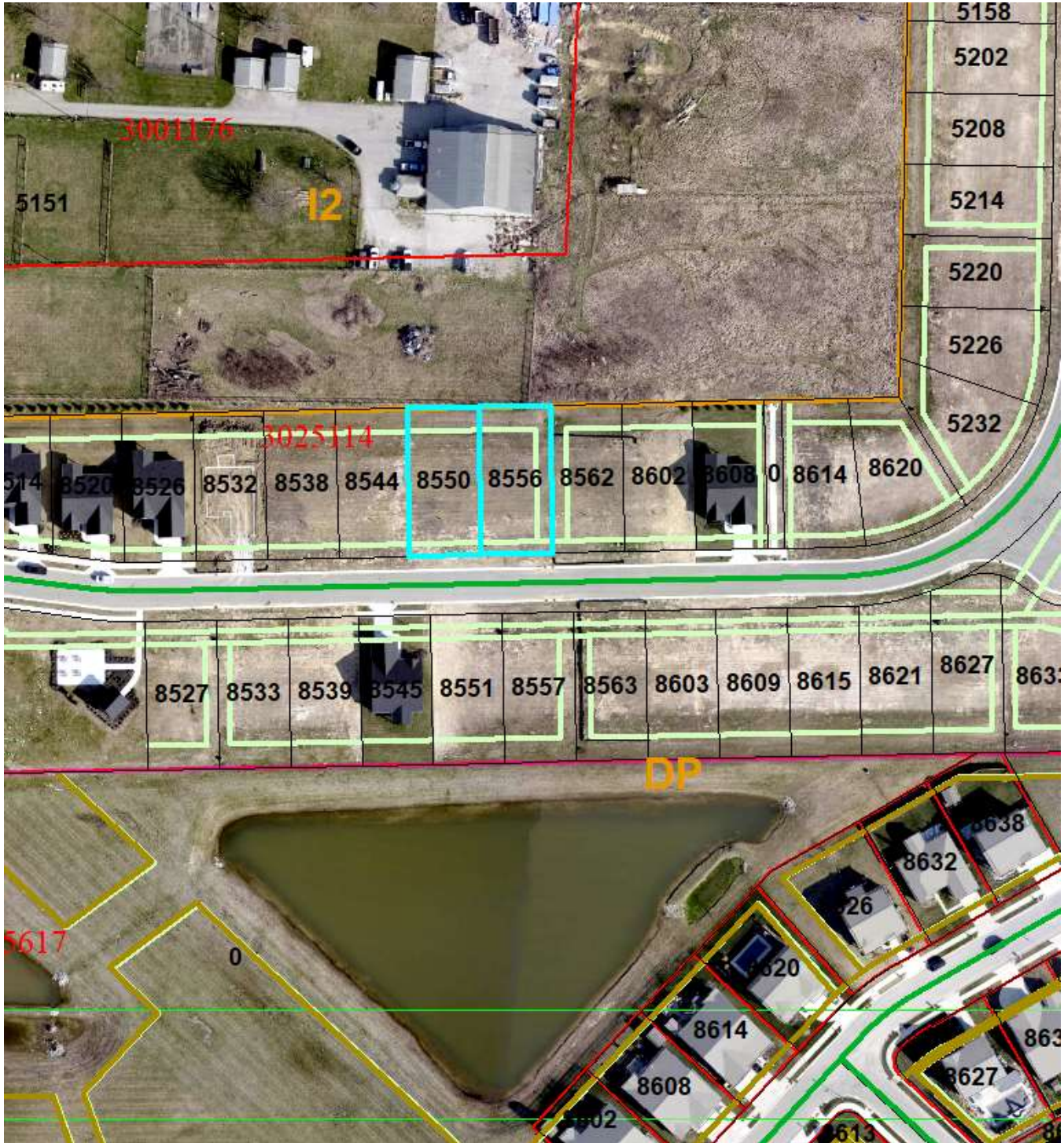
2024-UV1-011; 5151 South Franklin Road (north of site) Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for warehousing with outdoor storage within 85 feet of a protected district (not permitted within 500 feet of protected districts) with deficient transitional yard landscaping and 24 parking spaces (59 spaces required), and the construction of several buildings with a minimum of an 10-foot transitional side yard and 40-foot rear transitional yard (50 feet required) and a 48-foot front transitional yard (100 feet required), **pending**.

2024-ZON-028; 5332 South Franklin Road (west of the site), Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development, **approved**.

2014-PLT-010; 8701 East Thompson Road (south of site), Approval of a Subdivision Plat to be known as The Village at New Bethel, Section Two, dividing 43.626 acres into 125 lots, including 40 half-lots for 20, two-family dwellings, **approved**.

2014-ZON-020; 8701 and 9107 East Thompson Road (south of site), Rezoning of 126 acres, from the D-P District to the D-P classification to provide for 61 two-family dwellings (122 dwelling units) and 288 single-family dwellings (previously approved by 2002-ZON-180 (2002-DP-021), as amended by 2007-APP-094 and 2010-MOD-008), creating a density of 3.25 units per acre, **approved**.

EXHIBITS



**VICINITY MAP
NOT TO SCALE**

OWNERS INDICATION
 The undersigned, **David Banning**, Land Development Manager of BNR, Inc., owner of the within described real estate, do hereby lay-off and amend the area shown and easements to accordance with the applicable laws, ordinances, regulations, resolutions, and the plat shown hereon. But the rights of way of the streets as shown on this plat, if and insofar as indicated by the public are hereby dedicated to the public for use as a public right-of-way.

The within plat shall be known and designated as Cottage Station, plat amendment of LOTS 54 & 55.

This declaration statement of dedication, limitation, restriction and easements, to be with the land, does hereby, in writing to be declared and recorded by the undersigned.
 -David Banning-, Land Development Manager of BNR, Inc., owner of said property, this _____ day of _____, 2024.

David Banning, Manager

STATE OF INDIANA)
)
 COUNTY OF MARION)

Before me, a Notary Public in and for said County and State personally appeared:
 -David Banning-, who acknowledged the execution of the foregoing right and who, being sworn, duly swore upon the oath stated that the representations contained herein are true.

WITNESSED my hand and Notarial Seal this _____ day of _____, 2024.

Signature _____ Printed Name _____

County of Residence _____
 My Commission expires _____

THE ZONING ORDINANCE
 Indianapolis - Marion County - Effective April 1, 2016
 Chapter 1761, Subdivision regulations Sections 1761.01, Subdivision Easement Article 1761.02, Platting regulations under Title 1761 Article 1761.03, Required easements

The following requirements shall be observed on the recorded plat.

EASEMENT COVENANT
 "Whereas the Development Commission, The Metropolitan Board of Government Commission or successors and judges shall have no right, power or authority to enforce any easement, restriction or other limitation contained herein other than those easements, restrictions or limitations that expressly run in favor of the Metropolitan Development Commission provided that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provision of this article, or any condition attached in approval of this plat by the said Commission."

RIGHT OF WAY COVENANT
 "Right-of-way lines, walls, fences or other existing structures shall be placed at distances between two and one-half (1 1/2) feet and one (1) foot above the street shall be placed or amended to remain in any corner for within the triangular area formed by the street right-of-way lines and the connecting points 12 feet from the intersection of each of the right-of-way lines, or in the case of a rounded property corner, from the line between the street right-of-way lines extended. The same right-of-way limitations shall apply to any lot within 10 feet from the intersection of a street right-of-way line with the edge of the driveway pavement or any time. No lot shall be partitioned to create within such distance of such intersection unless the fringe is maintained at a sufficient height to prevent obstruction of the right-of-way."

COTTAGE STATION

PLAT AMENDMENT OF LOTS 54 & 55

PT. OF THE NE 1/4 SEC. 6-T14N-R5E
 FRANKLIN TOWNSHIP, MARION COUNTY, INDIANA

LEGEND

- STREET
- EASEMENT
- RIGHT-OF-WAY
- PREVIOUS LOT LINE
- SQUARE FOOT
- ACRES
- P BEARS WITH CAP STAMPS
- "NANING" SEC. 70M 400M 10T
- "NANING" SEC. 70M 400M 10T

SECOND OWNER
 BNR, Inc., a Division (or position)
 Notarized Bookers: A202408000104 and A202408000104

OVERALL LAND DESCRIPTION
 Lots 54 and 55 in Cottage Station (1/4 Acre Parcel) in Marion County, Indiana, as shown on the Plat of Indianapolis, Marion County, as per plat thereof recorded File # 17-102 at Indianapolis, IN, A202408000104 in the Office of the Recorder of Marion County, Indiana.

REVISIONS CERTIFICATE
 I, the undersigned, do hereby certify that this Registered Land Survey/Plat was prepared in compliance with the laws of the State of Indiana and that the within plat represents a subdivision of land subdivided and plotted under my direct supervision and control, and that it is true and correct to the best of my knowledge and belief and there has been no change from the original survey revealed by this survey referred survey plat, recorded as said owner's Record A202408000104 to the Office of the Recorder of Marion County, Indiana, as set forth that are contained within the new subdivision or map. The boundary corners of this plat is in accordance with Title 1761, Article 1, Chapter 1761 of the Indiana Administrative Code.

The Plat Amendment consists of Part (2) lots within 24-30. The size of the lots and width of streets as shown on this plat and section page shown.

Date: _____

Prepared by: David A. Banning, Manager
 PE No. 122210002
 State of Indiana

NOTES:

- 1) Cross-reference is hereby made to the Recorder's Office of record which is recorded under Instrument Number A202408000104 in the Office of the Recorder of Marion County, Indiana.
- 2) Cross-reference is hereby made to the owner's record source of title which is recorded under Instrument Numbers A202408000104 and A202408000104 in the Office of the Recorder of Marion County, Indiana.
- 3) Current zoning is SR.
- 4) This plat amendment was prepared to adjust the lot between Lots 54 & 55 to allow an existing structure to continue to the lot line and side yard setbacks of the lot that it was recorded on.
- 5) Copyright © Banning Engineering, P.C. All rights reserved. No part of this drawing may be reproduced by photocopying, scanning, or by any other means, or stored, processed or transmitted in any way except as may be written permission of the parties.
- 6) No oral terms, the word "hereby" shall mean an expression of the Consultant's professional opinion in the best of its information, knowledge and belief, and does not constitute a warranty or guarantee by the Consultant.
- 7) This instrument was prepared by David A. Banning, Manager, Banning Engineering, 803 Columbia Road, Suite 100, Franklin, IN 46140.
- 8) I affirm, under the penalty of perjury that I have taken reasonable care to ensure each field's accuracy in the instrument, unless required by law. David A. Banning.

STANDARD BEST MANAGEMENT PRACTICES COVENANT
 "This subdivision has been designed to include nonpoint runoff quality best management practices (BMPs) that must be implemented by the owner, the Operations and Maintenance Manual is available for the BMPs. Cross-sections of the homeowner's application, to that the responsibility for the quality of the homeowner's application and the individual corners of any lot or parcel of land within the area of this plat, jointly and severally, to comply with the Operations and Maintenance Manual, fees and maintenance requirements."

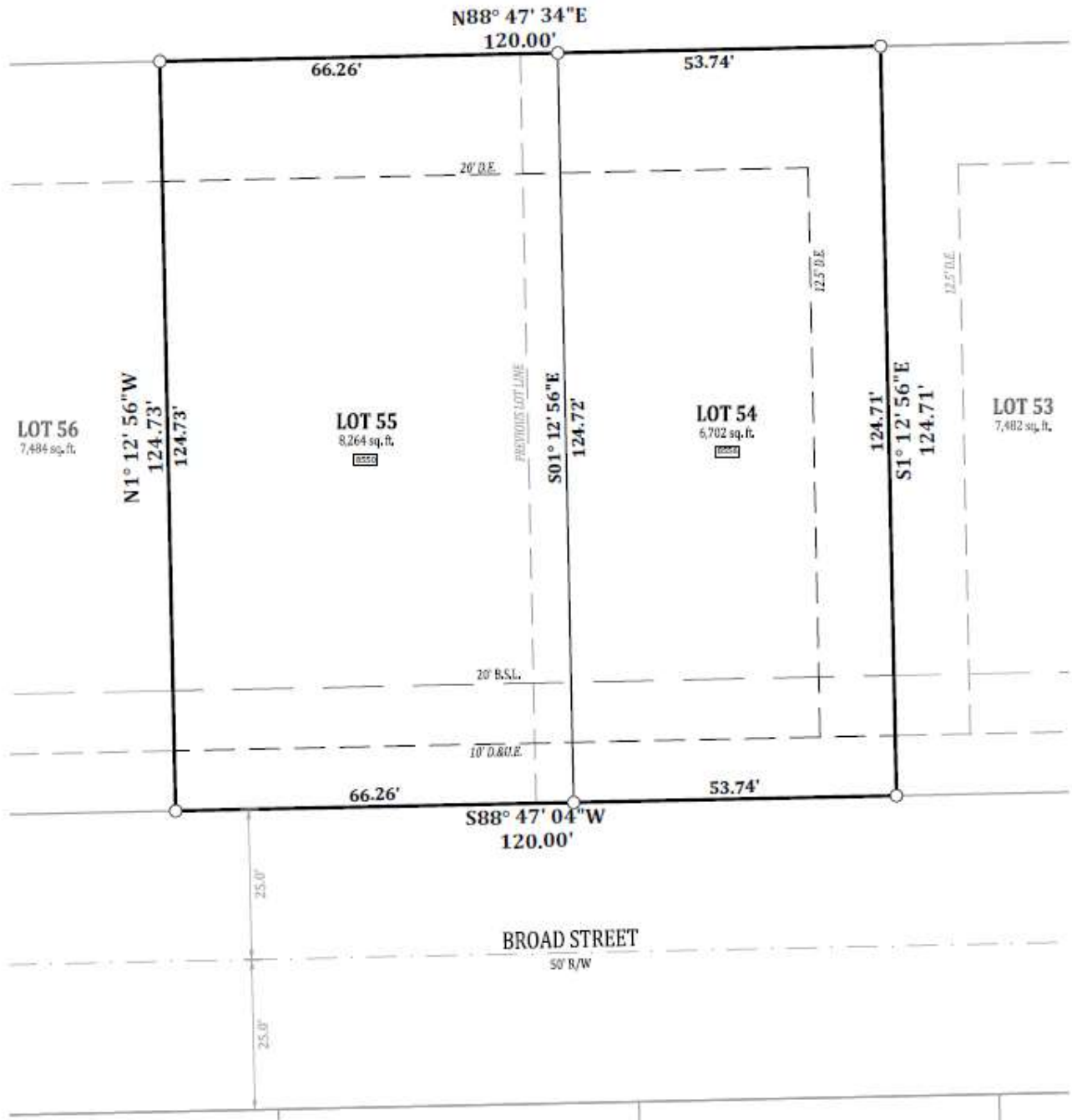
COTTAGE STATION
 PLAT AMENDMENT OF LOTS 54 & 55
 PREPARED FOR: BNR, INC.
 FRANKLIN TOWNSHIP, INDIANAPOLIS,
 MARION CO., INDIANA

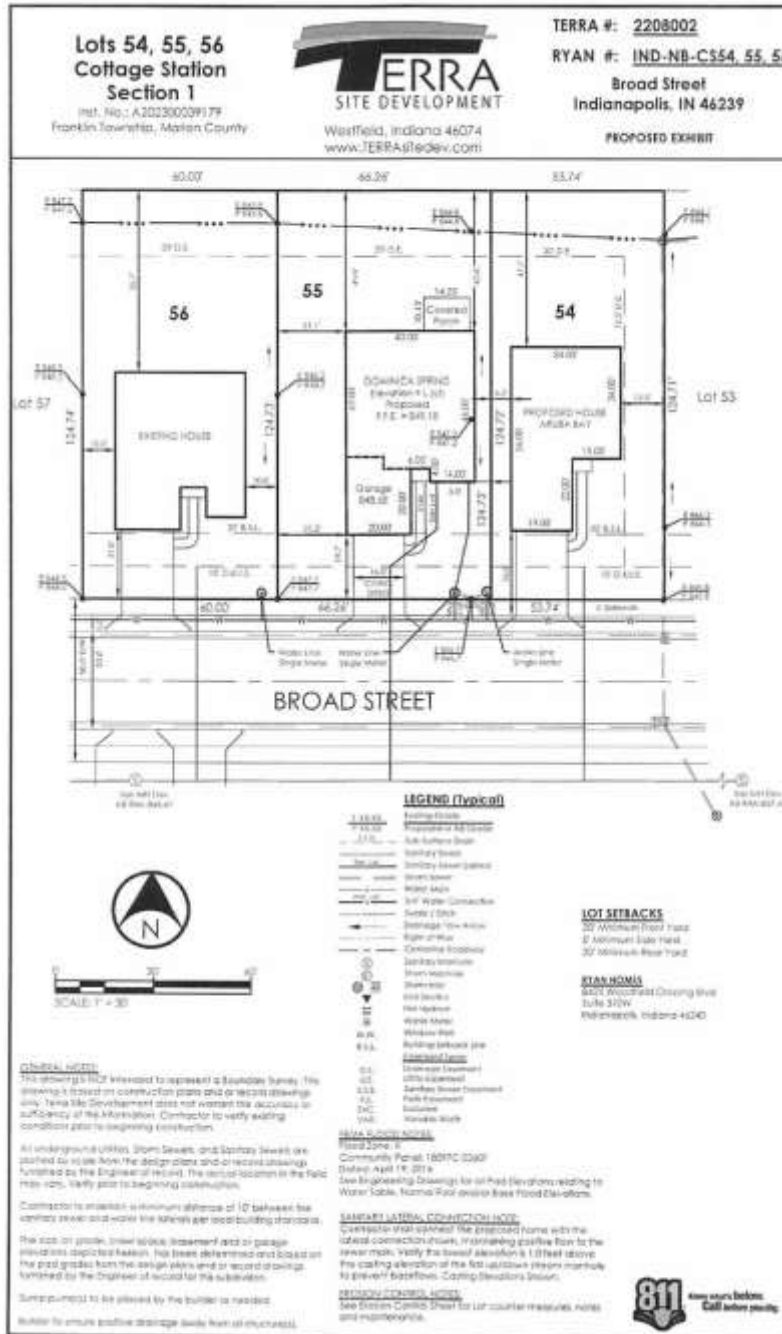
BANNING
 ENGINEERING, P.C.
 803 COLUMBIA ROAD, SUITE 100
 FRANKLIN, IN 46140
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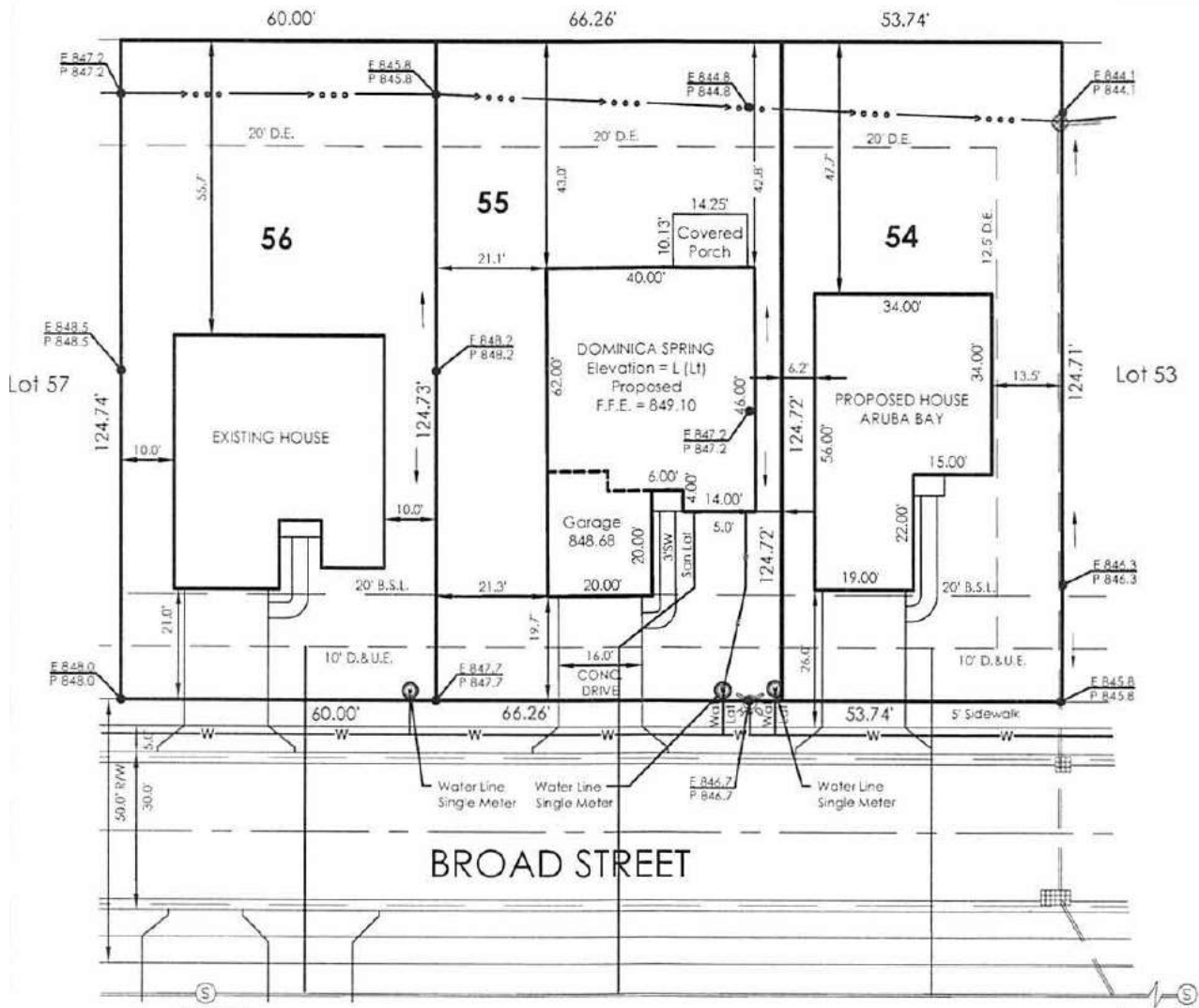
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**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description: Lots 54 and 55 in Cottage Station – Final Plat, as per plat thereof, recorded as Instrument No. A202300039179 (the “Subject Property”).

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

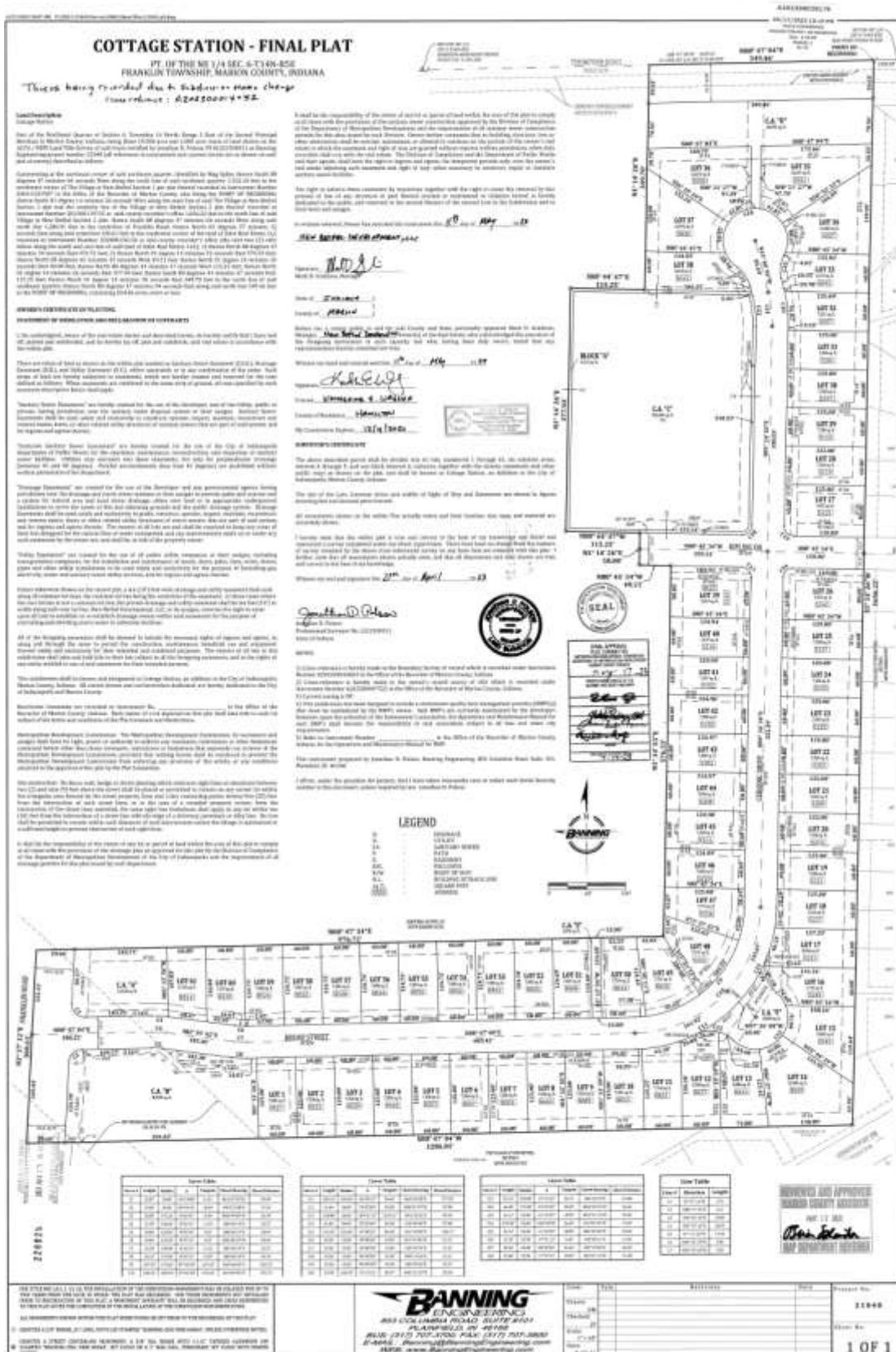
1. The Preliminary DP Plan approved on May 19, 2021, is amended in the following specific manner under the Section entitled “Development Standards”.
 1. Front Yard/Setback: Minimum twenty feet (20’) from the right-of-way line, except for Lot 55, which shall have a minimum front setback of nineteen feet six inches (19’6”).
 2. Minimum Lot width at Front Setback line: Sixty feet (60’), except that the minimum Lot width at the front setback line for Lot 54 shall be fifty three feet six inches (53’6”).

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2024-CAP/CPL-_____.

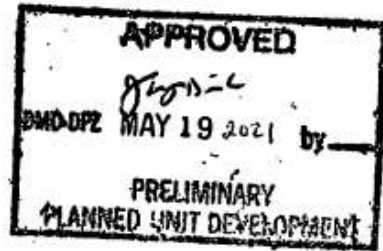


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KLH

Preliminary DP Plan
New Bethel West

Introduction

Gradison Land Development, Inc. ("Petitioner") is under contract to purchase property containing approximately 19 acres and commonly addressed as 5151 South Franklin Road (the "Subject Property"). The Subject Property is zoned I-2.

Permitted Use

Permitted Use: The use of the Subject Property shall be limited to single family detached dwelling units, as set forth in Table 743-1 of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis, Marion County, effective April 1, 2016 and updated May 21, 2018 (the "Zoning Ordinance").

Development Sections

The Concept Plan filed concurrently with this DP Plan shows 61 lots in a subdivision preliminary planned to be named "New Bethel West". New Bethel West will feature traditional single-family detached homes, featuring sixty (60) foot wide lots. Development of the Subject Property shall be in substantial compliance with the Concept Plan attached hereto as Exhibit "A."

Development Standards:

All lots shall meet the following development standards:

1. Front Yard/Setback: Minimum twenty feet (20') from the right of way line.
2. Side Yard/Setback: Minimum five feet (5') per side, minimum ten feet (10') in the aggregate.
3. Rear Yard/Setback: Minimum twenty feet (20').
4. Minimum Lot Width at the front setback line: Sixty feet (60').
5. Minimum Lot Size: Six Thousand Six Hundred (6,600) square feet.

Utilities/Drainage: All public utilities are available to the site. There will be all reasonable attempts made so that no utility poles will be located on the Subject Property, unless already existing and financially impractical to bury or relocate. Storm drainage will be professionally engineered to meet all City of Indianapolis requirements with respect to runoff rate and quantity, as well as water quality.

Architectural Standards: All homes constructed on the Subject Property shall meet the following minimum standards:

Section 1. Single Family Design:

A. Permitted Building Materials:

1. Exterior building materials may include masonry, stone, wood and cementitious board. Vinyl siding shall be prohibited.
2. All first-floor front elevations must have at least 25 percent (25%) brick or stone masonry, exclusive of doors and windows, and be of the cottage style.
3. On lots which front on a perimeter public street (Franklin or Thompson Road), each home must feature a full brick or stone first floor wrap, or the rear façade must contain a rear architectural feature, such as an enclosed, covered or screened porch, sun room, nook or bay window. The minimum width for each such feature shall be to feet (10'), and any nook or bay window shall have a minimum depth of four feet (4').

B. Required Window Openings:

1. A minimum of one (1) window per front and three (3) windows per rear façade (elevation) and a minimum of one (1) windows per side façade (elevation) shall be provided, excluding the garage door.
2. Windows shall be wood, vinyl-clad, vinyl, aluminum-clad wood, or painted metal.

C. Garage Type:

1. All garages shall be attached to the dwelling.
2. All garages shall be designed as an integral part of the architecture of the dwelling, with regards to materials, trim and details.
3. All dwellings shall have a minimum of 2 car garage.

D. Porches and Entryways:

1. Porches and/or entryways shall be clearly defined, a minimum of three feet six inches (3'6") in depth.

E. Roofline:

1. Primary roof shall have a minimum roof slope of 6:12, with a minimum six-inch (6") overhang. Secondary roofs (e.g. porch, bays, garages, dormers) may have a lower pitch. Each dwelling shall feature a hipped or gable roof, or combination of both.
2. All dwellings shall include twenty-five (25) year dimensional shingles, with the exception that metal roofs shall be permitted on porches and exterior eave details.
3. If dormers are used, at least one (1) window or decorated louver per dormer is required. Dormers and gables must have details such as attic bands, windows and/or decorative attic vent.



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F: Landscaping:

1. Front Yard: Two trees, a) with at least a minimum of one (1) 2.5in deciduous tree, and b) the other may be an evergreen or ornamental tree; and four (4) shrubs of a minimum of 24 inches in width or height, or landscaping that meets the requirements of the Zoning Ordinance, whichever is greater. Corner lots shall meet the foregoing tree and shrub requirements for each yard facing a public street and shall have at least four (4) additional shrubs on the yards fronting a public street.
2. Lawns: Sod is required in the front yard up to the front corner of the home. Seed is permitted in the side and rear yards of the home. On corner lots, sod will be installed within the building setback line adjacent to the road No irrigation is required.

G. Architectural Character Imagery: The applicable character illustrations, indicating conceptually the intended architecture and appearance of single-family detached dwellings are contained within Exhibit "B".

H. Minimum Square Footage: One-story single-family homes (ranches) shall contain a minimum of one thousand three hundred (1,300) square feet of "Living Space" (areas under roof of primary structure but not including porches, terraces, unfinished attics and garages. Two-story single-family homes shall contain a minimum of one thousand five hundred (1,500) square feet of Living Space.

Section 2. Monotony Mitigation:

A. Front Facades: The same floor plan with same elevation and same color as defined by more than 50% overlap shall not be constructed within 2 lots on either side and 3 lots across the street of the Subject Property.

Section 3. Lot Lighting: All dwellings shall have one (1) dusk to dawn light located on the front facade.

Miscellaneous

Amenities: Petitioner shall provide certain amenities for the development, substantially as shown on the Concept Plan.

Signage: Permanent signage for the subdivision as the subdivision entrance(s), reasonably necessary/helpful internal directional signage, street signs, signage related to a private trail system, signage related to other recreational improvements, and signage related to any amenities area, are all proposed for the project. In addition, a separate sign for the amenities may be constructed on the amenities area site, which may be externally lighted, shall not exceed thirty two (32) square feet in total sign face on one side if a one sided sign, or thirty two (32) square feet for each side of a two sided sign. This separate amenities area sign shall not exceed four feet (4') in height, and may be a ground design, without regard for the distance between said sign and any of the surrounding residential properties.



Subject site at 8550 Broad Street.



Subject site at 8556 Broad Street.



Photo of the minimally reduced front setback at 8550 Broad Street.



Photo of the undeveloped lots south of the subject sites.



Single-family dwelling west of 8550 Broad Street.



Single-family dwelling east of 8556 Broad Street.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-009

Property Address: 7710 Johnson Road (Approximate Address)

Location: Lawrence Township, Council District #3

Petitioner: 7710 Johnson, LLC, by Joseph D. Calderon

Current Zoning: C-S

Request: Modification of the Commitments, Development Statement and Site Plan related to petitions 99-Z-195, and, as amended with 2006-ZON-810, to provide for display of dumpsters for rent to consumers for home improvement projects.

Current Land Use: Commercial

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR SEPTEMBER 26, 2024 HEARING EXAMINER

This petition was continued from the August 15, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner.

August 15, 2024

This petition was continued for cause from the July 11, 2024 hearing to the August 15, 2024 hearing at the request of staff.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The subject site is developed with a commercial building, associated parking lot and a billboard on site. It is bordered to the west and south by I-465, to the north by a landscape contractor business, zoned C-S, and to the east with commercial offices and industrial uses, zoned C-S, as well as an apartment complex, zoned D-6II.



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MODIFICATON

The request would modify the site plan and development statement to provide for display of dumpsters for rent to consumers for home improvement projects.

The current C-S district only allows for outdoor display of lawn and garden equipment, per 2006-ZON-810 and 2006-VAR-810, in addition to motorcycles, per 99-Z-196.

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.

STAFF ANALYSIS

Staff is recommending denial of the request primarily due to the location of the apartment complex immediately east of the site. It is understood that outdoor storage currently permitted on site is smaller in size and more aesthetically pleasing than the display of large dumpsters on site.

The proposed use would be categorized under the Heavy Equipment Sales, Service and Repair definition which calls for the sales, service, leasing and repair of heavy equipment including, but not limited to, tire recapping, crane repair, construction equipment repair, and other large equipment repairs. For purposes of this definition, equipment does not include self-propelled vehicles. This definition does not include any facility meeting the definition of a Truck or heavy vehicle sales rental and repair use. 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 by right in the C-7 and all industrial districts. Allowing this use in such close proximity to residential dwellings would be wholly inappropriate. Furthermore, the districts where the use would be permitted require a substantial transitional yard that is not currently present and would not be provided at this location.

In normal circumstances, the proposed use would not be as close to a protected district as would be proposed with this request.

Currently there is an eight-foot-tall privacy fence east of the subject site that provides some screening to the apartment complex. However, the location of dumpsters immediately next to the fence as well as limited landscaping between the two opposing uses is concerning to staff.

The apartment buildings are three-stories in height and would have visibility of the dumpster display area even with the dumpsters measuring seven feet in height.



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The site is developed with a commercial building, would continue to not be consistent with the suburban neighborhood recommendation of the Comprehensive Plan, and it would be very unlikely that residential development would be proposed in the future. However, the use of the site can still be dictated based on the user and type of operation to provide some protection for the protected district.

The petitioner’s representative mentioned a potential installation of a sound barrier wall along the eastern property boundary of the site, but without knowing when and if it would be installed staff cannot recommend approval for the outdoor display of dumpsters.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Commercial	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S	Landscape Contractor
South:	MU-1	I-465
East:	C-S / D-6II	Commercial and Industrial / Multifamily dwellings
West:	C-S	I-465
Thoroughfare Plan		
Johnson Road	Private Street	N/A
77 th Street	Local Street	50-foot proposed right-of-way and 61-foot exiting right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 10, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

Zoning History – Site

2006-ZON-810 / 2006-VAR-810; 7710 Johnson Road (subject site), Rezoning of 1.5 acres, from the C-S and D-6II Districts, to the C-S classification to provide for all uses permitted in the I-2-S zoning district, sale of BMW motorcycles and retail sales, services and outdoor display related to home improvements and lawncare and Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor display of fencing within the east side transitional yard (not permitted), and to provide for outdoor display of law and garden equipment items with a ten-foot west front setback from an expressway (minimum twenty-foot front setback required), **approved**.

99-Z-195; 7710 Johnson Road (subject site), Rezone 1.005 acres from C-S to C-S, to provide for a motorcycle sales facility, **approved**.

99-V3-95; 7710 Johnson Road (subject site), Variance of development standards of the Sign Regulations to provide for the placement of an outdoor advertising sign, being 14 by 48 feet (maximum 12 by 25 feet permitted), the seventh advertising sign within a one-mile portion of I-465 and I-69 (maximum two signs per mile permitted), **granted**.

92-VAC-45; 7700 Johnson Road (subject site), Vacation of a portion of Johnson Road, being 15 feet at its northern terminus and 30 feet at its southern terminus from the north right-of-way of East 77th Street to the northeast right-of-way of I-465, **approved**.

89-CV-40; 7710 Johnson Road (includes subject site), Variance of development standards of the Commercial Zoning Ordinance to permit a parking lot four feet from the right-of-way line of a Federal Interstate Highway route (10 feet required) and with less than 25 feet of frontage on a public street, **granted**.

89-Z-243 / 89-CV-36; 7710 Johnson Road (includes subject site), Rezoning of 5.890 acres, from A-2 to C-S, to provide for the development of two industrial buildings for uses permitted in an I-2-S district and Variance of development standards of the Commercial Zoning Ordinance to permit a parking lot four feet from the right-of-way line of a Federal Interstate Highway route (10 feet required), **approved and granted**.

88-Z-222; 7702 North Shadeland Avenue (subject site), Rezoning of 5.890 acres, being in the A-2 district, to the C-S classification to provide for retail sales and service uses and office/warehouse uses, **denied**.



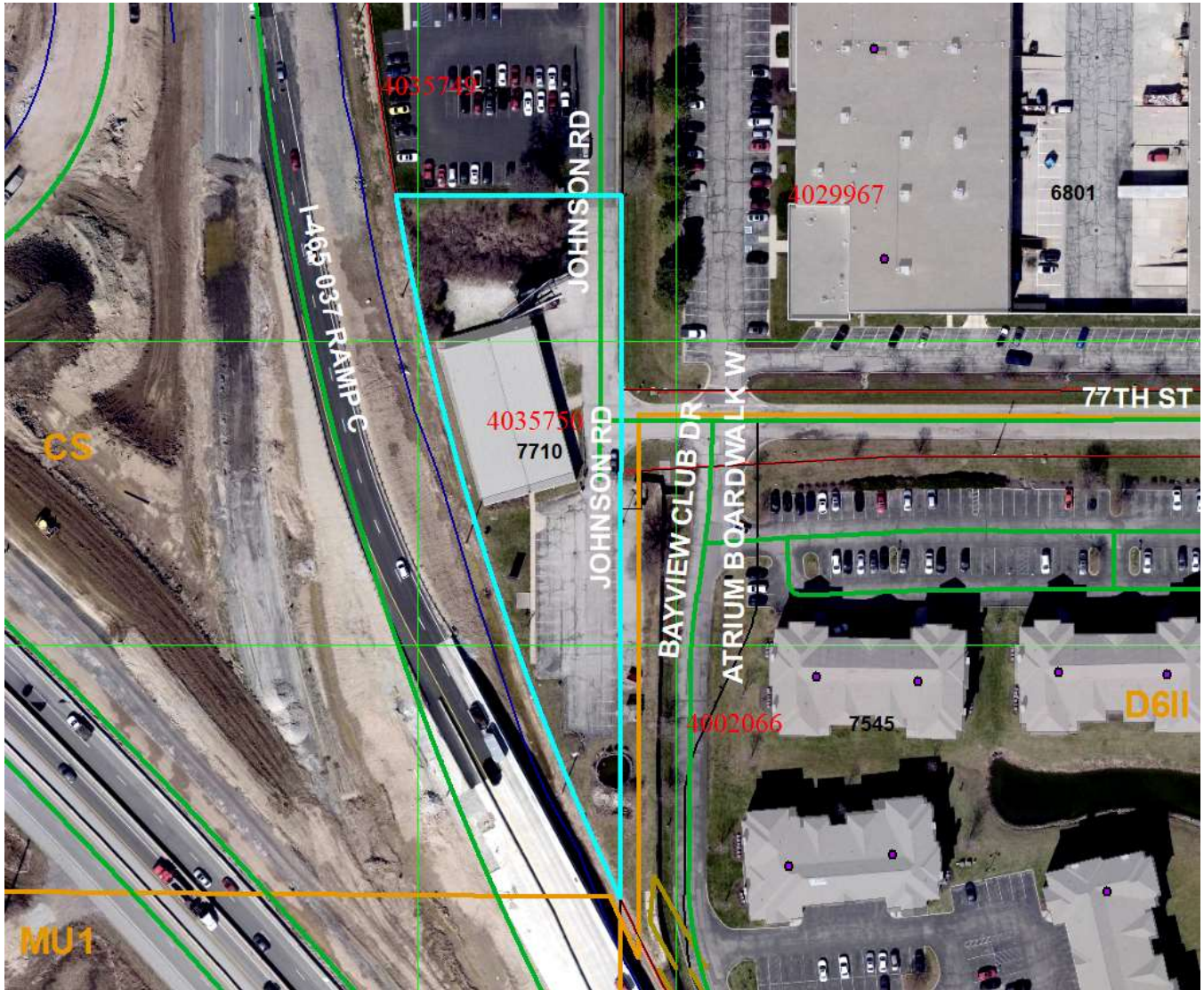
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Zoning History – Vicinity

87-VAC-50; 7702 North Shadeland Avenue (north of site), Vacation of a part of Johnson Road from the north right of way of 77th Street to the east right-of-way of I-465, **approved.**

84-Z-133; 7602 Shadeland Avenue (east of site), Rezoning of 28.89 acres, being in the D6-II district, to the C-S classification to provide for the development of a residential and commercial community, **withdrawn.**

EXHIBITS

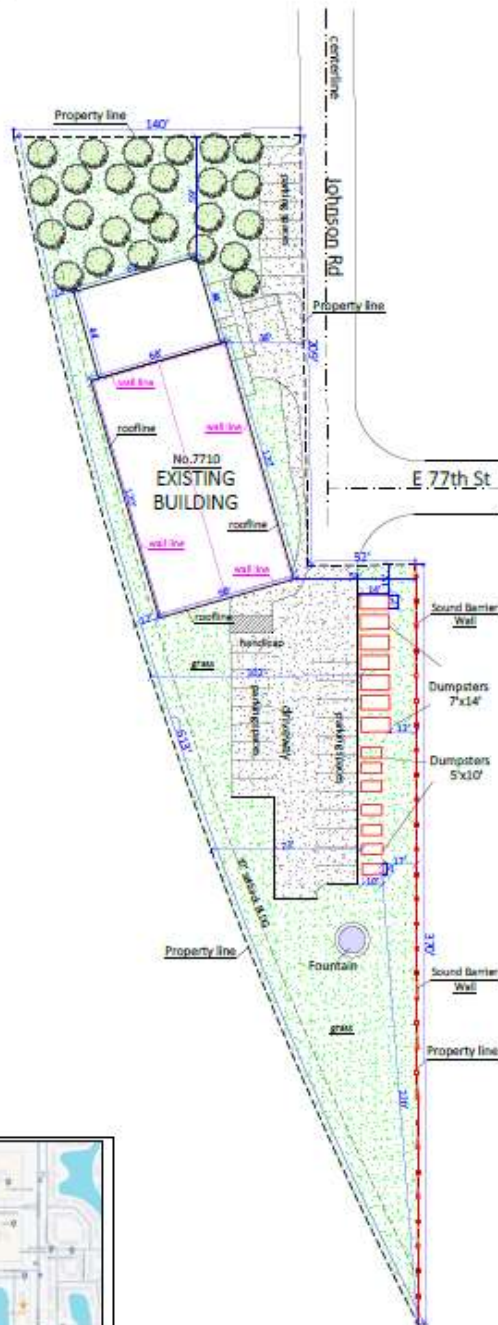
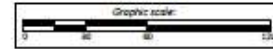


SITE PLAN

7710 Johnson Road
Indianapolis, IN 46250
Parcel ID: 49-02-27-120-002.000-400
Lot area: 1.19 Acres
Paper Size: 11"x17"



scale 1"=50'



VICINITY MAP



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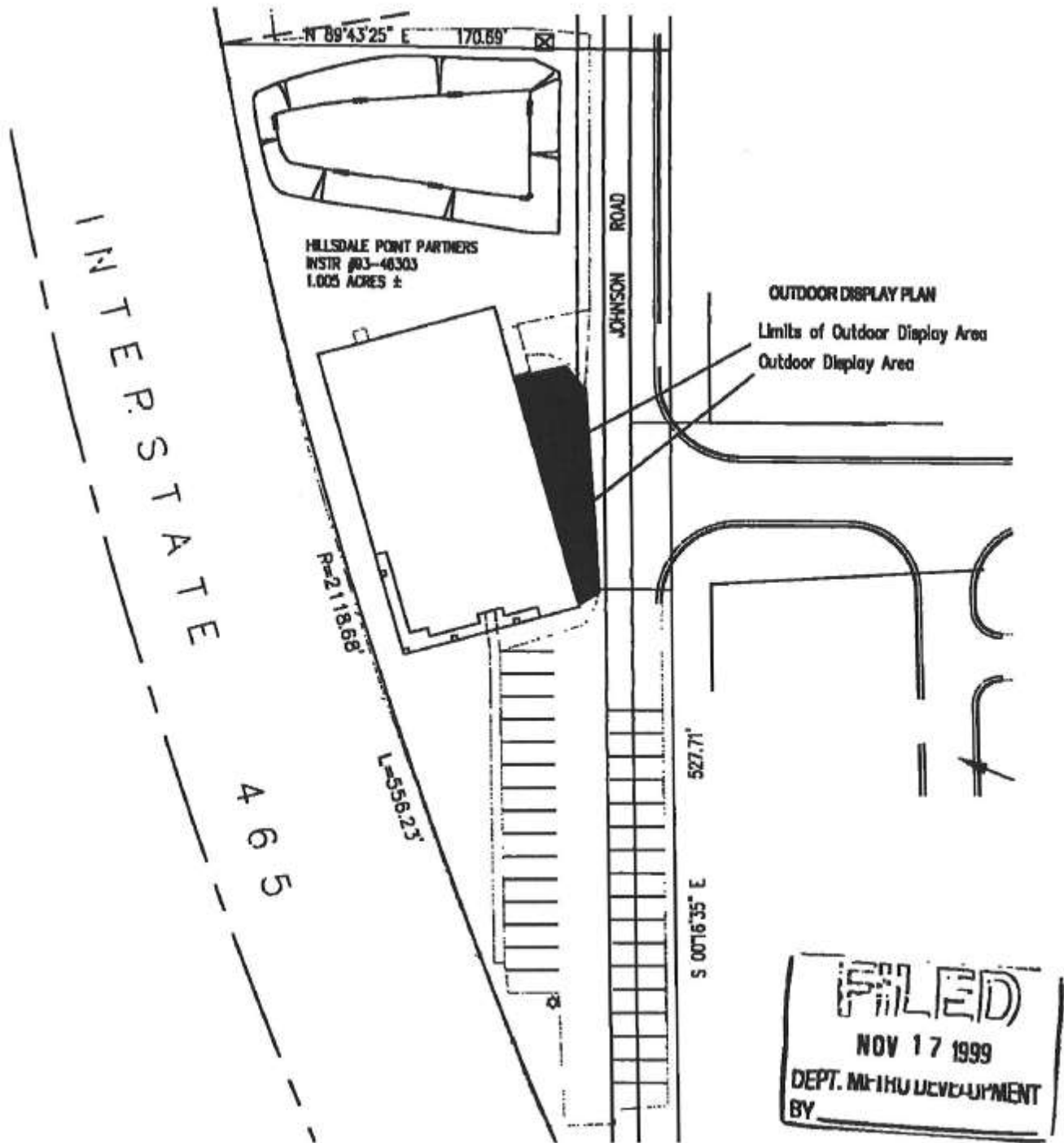
Amended Detailed Description of Request

7710 Johnson, LLC d/b/a Funky Junk Dumpsters

Plan of Operation

Petitioner, 7710 Johnson, LLC d/b/a Funky Junk Dumpsters is a contractor specializing in the rental of dumpsters to consumers who need a temporary dumpster while undergoing residential improvement projects. The existing C-S zoning allows I-2 uses, which include contractors; however, the C-S development statement was specific regarding the outdoor display of motorcycles (99-Z-195) and lawn and garden equipment items (2006-ZON-810).

The Petitioner's request, therefore, is to allow for the display of dumpsters available to rent in the areas show on the site plan submitted with this Petition.



1999 Site Plan



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Exhibit "A"

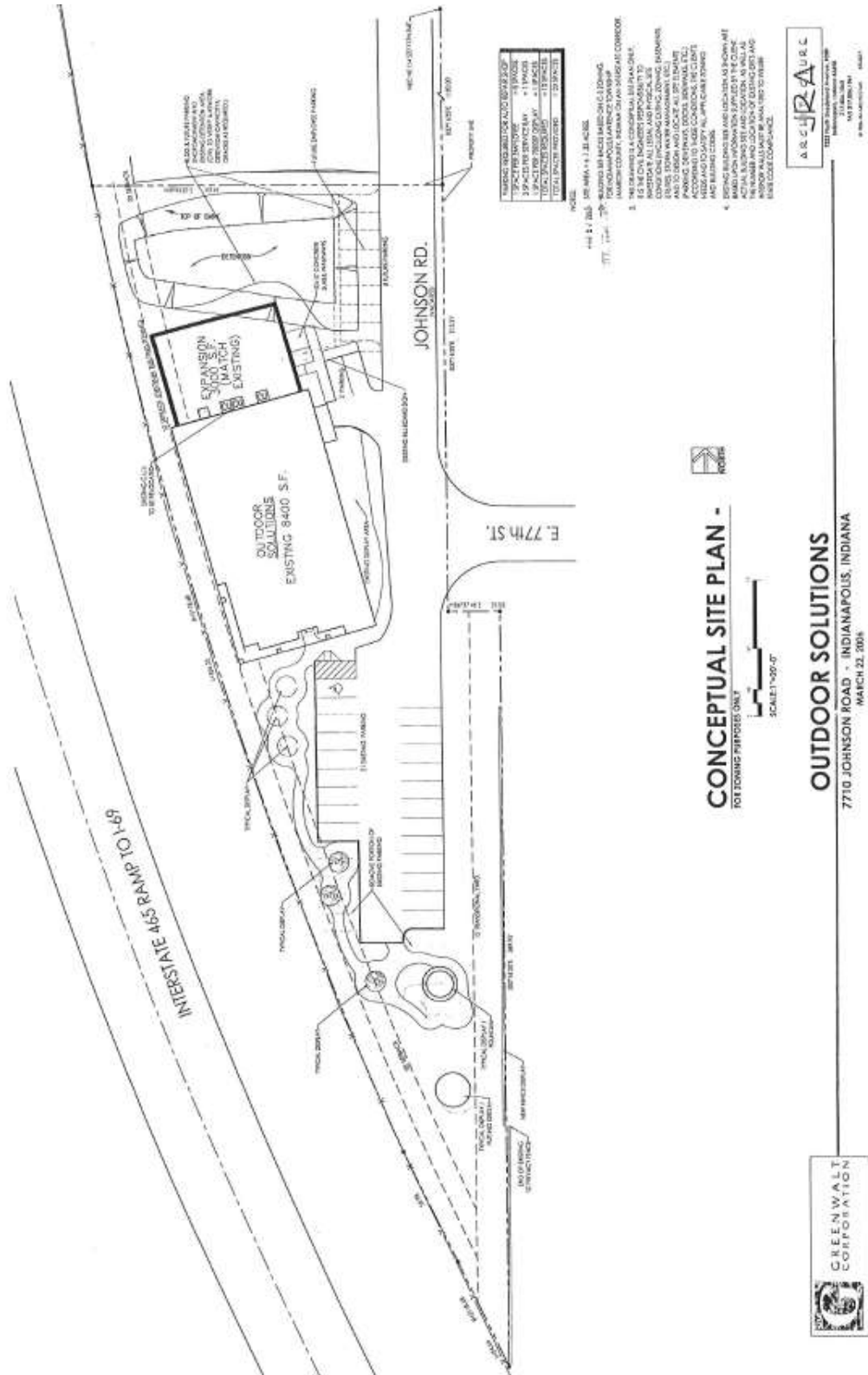
1. Any use permitted in the C-1 zoning District, Section 2.01(A) of the Commercial Zoning District 29-20-1, as amended.
2. Any use permitted in the I-2-S Light Industrial Suburban District, Section 2.03(A) of the Industrial Zoning Ordinance 63-20-4, as amended.
3. Commercial or Industrial uses supply; carpet and upholstery cleaning; advertising agencies; outdoor advertising services; computer and data processing services; equipment rental and leasing services; blueprinting and photocopying services; commercial research and development laboratories; commercial printing laboratories; sign manufacturing, sales and service; reupholstery and furniture repair; motion picture or video production studios; distribution and related services; instructional schools; dental laboratories; engineering, architectural and surveying equipment sales and services; cellular phone sales, installation and service.
4. The following enumerated uses, but only to the extent engaged primarily in selling on a wholesale or contract basis, with retail consumer sales constituting only a secondary or incidental part of the business:

building and construction materials and supply stores; radio, television and related audio-visual services and parts; camera and photographic supply stores; mail-order houses; automatic merchandising machine operations; spa and pool sales (indoor, dipper only) and service; piano sales and service; car washes and construction; interior decorating, painting, wallpapering companies; painting and wallpaper covering contractors with sales and service; interior plant sales and leasing companies; food preparation and distribution; sporting and recreational goods and supplies; photographic equipment and supplies; electrical goods, hardware, pharmaceutical sales and services; washing and heating equipment supplies and services; commercial machines and equipment; office furniture; industrial supplies; paper and paper products; travel and brokers; chemical products; business services and computer sales and services; office supply stores; printing services and supplies.

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2006 Site Plan



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7710 Johnson Rd
2006-20 N-810

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MAY 12 2006

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Legal Description attached as Exhibit A.

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. All development shall be in substantial compliance with the site plan and elevations file-dated March 27, 2006.

2006 Commitments



Photo of the subject site looking west from 77th Street.



Photo of the street frontage.



View of the proposed location of the outdoor display area.



Photo of the remainder of the parking lot looking south.



Photo of the remainder of the parking lot looking west.



Photo of the existing fence between the subject site and apartments to the east.



Photo of the apartment complex east of the site.



Photo of the entrances to the apartments and the subject site parking lot.



Photo of the landscape contractor business to the north.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-015 (2nd Amended)

Property Address: 3500 East 20th Street (Approximate Address)

Location: Enter Township, Enter Council District

Petitioner: Adam DeHart

Current Zoning: C-S

Request: Modification of Commitments #6 and #7 related to petition 2002-ZON-166 to allow for a Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation (current commitments states any new construction requires Administrator’s Approval and other uses are limited).

Current Land Use: Industrial

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the August 29, 2024 hearing to the September 26, 2024 hearing at the request of a registered neighborhood organization.

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff’s recommendation approval shall 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 28-foot half right-of-way shall be dedicated along the frontage of 21st Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 29-foot half right-of-way shall be dedicated along the frontage of Olney 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-



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of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

3. DPW Greenways requests a right-of-way dedication of 15 feet along Olney Street and 20 feet along 21st Street.
4. DPW Greenways request that the fence be placed behind any required landscaping, berm, or tree line per the required setbacks.
5. The barbed wire on site shall be removed.

PETITION OVERVIEW

LAND USE

The subject site is located in the Near Eastside Neighborhood and the western half of the site falls within the North Brookside Park Subdivision platted on May 7, 1902.

West of Olney Street are single-family dwellings, a church and a building material store zoned MU-1, SU-1, and I-3. To the north are undeveloped parcels and a pharmaceutical company, zoned I-3. A railroad borders the property to the immediate east with an auto repair shop and industrial uses further east, zoned I-3. Brookside Park is located south of the site and is zoned

According to aerial photos, the previous building on site appears to have been demolished between 2011 and 2012. A wrecking permit, WRK11-00684, confirms this.

MODIFICATION /TERMINATION

The C-S district is subject to the site plan and Development Statement on file for the use of the property per 2002-ZON-166. Changes to the site require a modification petition to be filed, which is the case in question.

The request is to construct a construction waste recycling facility including the following: security/scale house, maintenance/repair shop, drywall recycling facilities, construction equipment storage, contractor yard, and concrete recycling operation on the existing gravel lot on the existing 29.61± acre site.

The project narrative also notes that “future development may include an additional Storage Building(s), outside storage, and railroad spur for shipping and receiving of recycled construction materials.”

These updates are shown in the newly submitted site plan which include the construction of four buildings, associated parking, new access drive on 21st street, and the location of the construction equipment storage areas, dumpster storage area, wood chip recycling / mulch storage area, concrete washout pit, crushed concrete storage area, concrete crusher and sorting equipment, and concrete stockpile area.

Commitment #6 required noted that “other use and Development Limitations are set forth in The Preliminary Development Plan filed with Department of Metropolitan Development and file stamped November 7, 2002”.



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The modification would have the site be subject to the revised preliminary development plan (Project Narrative) file dated June 14, 2024.

Commitment #7 noted “Any addition or reconstruction of structures shall be subject to Administrator’s Approval prior to issuance of Improvement Location Permit”.

The modification would have the development of the site subject to the revised site plan which has been amended and was filed August 20, 2024.

PROJECT NARRATIVE

The Project Narrative notes that “there is a portion of the Southeast side of the property which is enrolled in Indiana’s Voluntary Remediation Program (VRP), administered by Indiana Department of Environmental Management (IDEM). As a part of the VRP it may not be possible to use a large portion of the property for anything other than outside storage”.

It also notes that “The Beltway railroad lies on the East side of the property and the site may have a railroad spur/siding installed parallel to the existing tracks. Employees, semi-tractor trailers, delivery/shipping trucks and maintenance vehicles will enter the site from the proposed west curb cut on East 21st Street. An additional curb cut is proposed on the East side of the Maintenance/Repair Shop. The existing curb cut on Olney Street will be abandoned.”

Lastly, the Project Narrative notes that “storm water will sheet drain and conveyed overland across the existing turf, stone, and pavement to proposed private storm sewer. The flow of stormwater is conveyed via storm sewer to the Southeast to a new wet detention pond with a large forebay. Stormwater will be detained, treated, and released by an outlet control structure. Then conveyed to the south and discharged to an existing storm sewer structure in Brookside Park maintenance facility”.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 28-foot half right-of-way along 21st Street and a 29-foot half right-of-way along Olney Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

ENVIRONMENTAL CONCERNS

Staff understands that there is an Environmental Restrictive Covenant on site which limits the uses of the subject site and designates a specific area in the southeast corner of the site where the owner shall neither engage in nor allow excavation of soil in the area identified via GPS coordinates as the “Construction Worker Restriction Area” as depicted in Exhibit C.

The Environmental Restrictive Covenant also places parameters regarding the change in use of the site or construction of new structures to be occupied by persons on site. Proof would need to be provided to confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulations, or laws. If the results and analysis of groundwater, soil, and or soil-gas



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sampling demonstrate that no risk of unacceptable vapor exposure risk exists, then IDEM could grant a waiver of the restriction for the proposed change in site use and/or new construction.

STAFF ANALYSIS

The permitted uses in this C-S district were intended to be used for the building that previously existed on site and for remainder of the site. The previous site plan is included the staff report as reference to the limited amount of undeveloped land that would have been available for additional uses on site. The intention was not for the entirety of the site to be an outdoor operation.

The proposal would not align with the light industrial recommendation of the Comprehensive Plan and would go against principles and visions from The Near Eastside Quality of Life Plan (2020) which focus on addressing the environmental conditions in the community, to ensure physical and psychological health of the neighbors.

Staff is very concerned with the proposed use of the site since it is near the single-family dwellings to the west which is wholly inappropriate considering they should be protected from intense uses.

Pogue's Run Greenway is proposed on the east side of Olney and the south side of 21st Street adjacent to the subject site, which would need to be buffered and protected from any development proposed on the subject site. The existing barbed wire on the perimeter fence would need to be removed for the protection of the future trail users and because it is not permitted.

Staff would prefer that one driveway be proposed along 21st Street to prevent collisions between future trail users and vehicles entering and existing the subject site. In staff's opinion, there is more than enough land availability to ensure sufficient turnaround access on site.

Additional concerns are regarding the air pollution and air quality. Although measures would be taken to address the Drywall Recycling Facilities with the indoor operations, it cannot be guaranteed that there will be 100 percent containment of particulate matter. Even with the proposed internal operations of this use, the concrete recycling operation would still be proposed. There could be negative health impacts to the surrounding residents due to the crushing of concrete and equipment emissions.

Waterway contamination is another concern due to the Concrete Recycling Operation's open-air piles of crushed concrete and concrete stockpile areas that could impact the unnamed tributary stream at the southeast corner of the site that runs into Pogue's Run with contaminants in runoff and drainage. Also, a large portion of the site is designated for construction equipment storage that could include several machinery and vehicles that could leak fluids.

Lastly, there is the concern with the noise and vibration levels from the Concrete Recycling Operation and truck deliveries on site. It is understood that noise and vibration is associated with such a use but said use does not have to be near single-family dwellings.

In an email correspondence, the petitioner proposed the following commitments:

1. Closing of the Olney curb cut



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2. Along Olney Street frontage - 50' of Green space including required landscaping per 2002-ZON-166 and the current UDO transition yard landscaping requirements and fence.
3. Along Brookside Park frontage - 50' of Green space strip along the common south property line. This area is currently heavily wooded, and the woods will be left in place and undisturbed, except for the installation of utilities and storm sewer servicing the facility. Additionally, we will commit to The Heritage Tree Conservation provisions of Section 744-503.K of the UDO apply to all development or redevelopment on this parcel. The noted category 2 stream in this area will not be disturbed (note this stream is landlocked and does not flow to Pogues Run).
4. Any Gypsum operations, servicing, or processing (except off-street loading) shall be conducted within completely enclosed buildings.
5. The project will comply with the Indianapolis Stormwater Technical Standards.

A written document with the voluntary commitments has not been provided to the case file, but Staff determined they should be incorporated into the report.

Although the petitioner revised the site plan to increase the setback along Olney Street, confirmed the indoor operation of the Drywall Recycling Facilities, proposed a "DO NOT DISTURB AREA" at the southeast corner of the site and along the south and east property boundaries, and provided a 50-foot transitional yard along the southern border from the park, staff's denial recommendation stands.

These types of businesses should be located solely in industrial areas where there wouldn't be an immediate impact to residents.

The proposed uses are not changing and that is what staff cannot support due to the potential health risks that would be present and would not be eliminated. The approval of this request would negatively impact the quality of life of the single-family residents to the west of the site.

In Staff's opinion, other uses could be considered given the multiple zoning district uses permitted with this C-S district that would require indoor operations limiting or possibly eliminating the outdoor storage or operations completely.

Staff is strongly against the proposal since it would be wholly inappropriate and inconsiderate of the residents to the west.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Undeveloped	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Land Use
North:	I-3	Undeveloped / Pharmaceutical Company
South:	PK-1	Park
East:	I-3	Railroad / Auto Repair Shop / Industrial

West:	MU-1/ SU-1//I-3	Residential (Single-family dwellings) / Church / Industrial
Thoroughfare Plan		
21 st Street	Primary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Olney Street	Local Street	58-foot proposed right-of-way and 50-foot existing right-of-way.
Sherman Drive	Primary Arterial Street	88-foot proposed right-of-way and 136-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	July 21, 2024	
Site Plan (Amended)	August 20, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	August 16, 2024	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	July 21, 2024 – Dated June 14, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- The Near Eastside Quality of Life Plan (2020)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- Marion County Land Use Plan Pattern Book (2019) recommends light industrial development at this site.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often



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within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic

- Light industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.
- The Pattern Book has the specific stipulations for the following uses:
 - **Light Industrial Uses**
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
 - **Heavy Commercial Uses**
 - Removed as a recommended land use where they would be adjacent to a living typology.
- The site falls within the Industrial Reserve (IR) overlay which is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access. The following stipulations apply when the property falls within this overlay.
 - Removed Uses
 - Small-Scale Offices, Retailing, and Personal or Professional Services
 - Heavy Commercial Uses

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The subject site falls within The Near Eastside Quality of Life Plan (2020).
- A guiding principle for the Plan is Resiliency. The Plan promotes environments, strategies, and approaches focused on healing recovery, and growth design to support neighbors who have experienced trauma in addressing and managing the impact of adversity to reach their fullest potential.
- The Plan notes under guiding principles that “We believe in providing the necessary resources and infrastructure, while addressing the environmental conditions in the community, to ensure physical and psychological health of our neighbors.”
- One of the Plan focus areas is Health, Wellness, & Family Strengthening. Priority #7 is to improve health equity in the community. More specifically action step 7.4 is notes to “identify and address the public health impacts of climate change and environmental justice for our Near Eastside community”.



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- This action step would address when marginalized communities are harmed by land uses that would not benefit them.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The site is impacted by the Indy Greenways Full Circle Master Plan, Part One (2014).
- Plans are underway for a new Pogue’s Run Greenway on the east side of Olney and the south side of 21st Street adjacent to the subject site.



The site is marked with a yellow "X" in the map.



ZONING HISTORY

Zoning History – Site

2002-ZON-166; 3500 East 20th Street (subject site), Rezone 30 acres from I-3-U to C-S, to provide for commercial and industrial uses, including uses within the C-1, C-2, C-3, C-4, I-1-U, I-2-U, I-3-U, and I-4-U districts, **approved**.

Zoning History – Vicinity

2018-ZON-055; 2005 North Sherman Drive (east of site), Rezoning of 5.22 acres from the SU-16 district to the I-3 classification, **approved**.

2015-ZON-025; 2044 Olney Street (west of site), Rezoning of 0.84 acre, from the C-2 District, to the SU-1 classification to provide for a church and fellowship hall, with reduced setbacks, including a zero-foot setback along Olney Street, **approved**.

95-Z-161; 3418 East 20th Street (west of site), Rezoning of 0.5 acre from the C-2 classification to the SU-1 district to provide for religious uses, **approved**.

94-Z-147; 3721 East 21st Street (east of site), Rezone 1.75 acres from I-3-U to C-5 for automobile sales, service and automobile body repair, **withdrawn**.

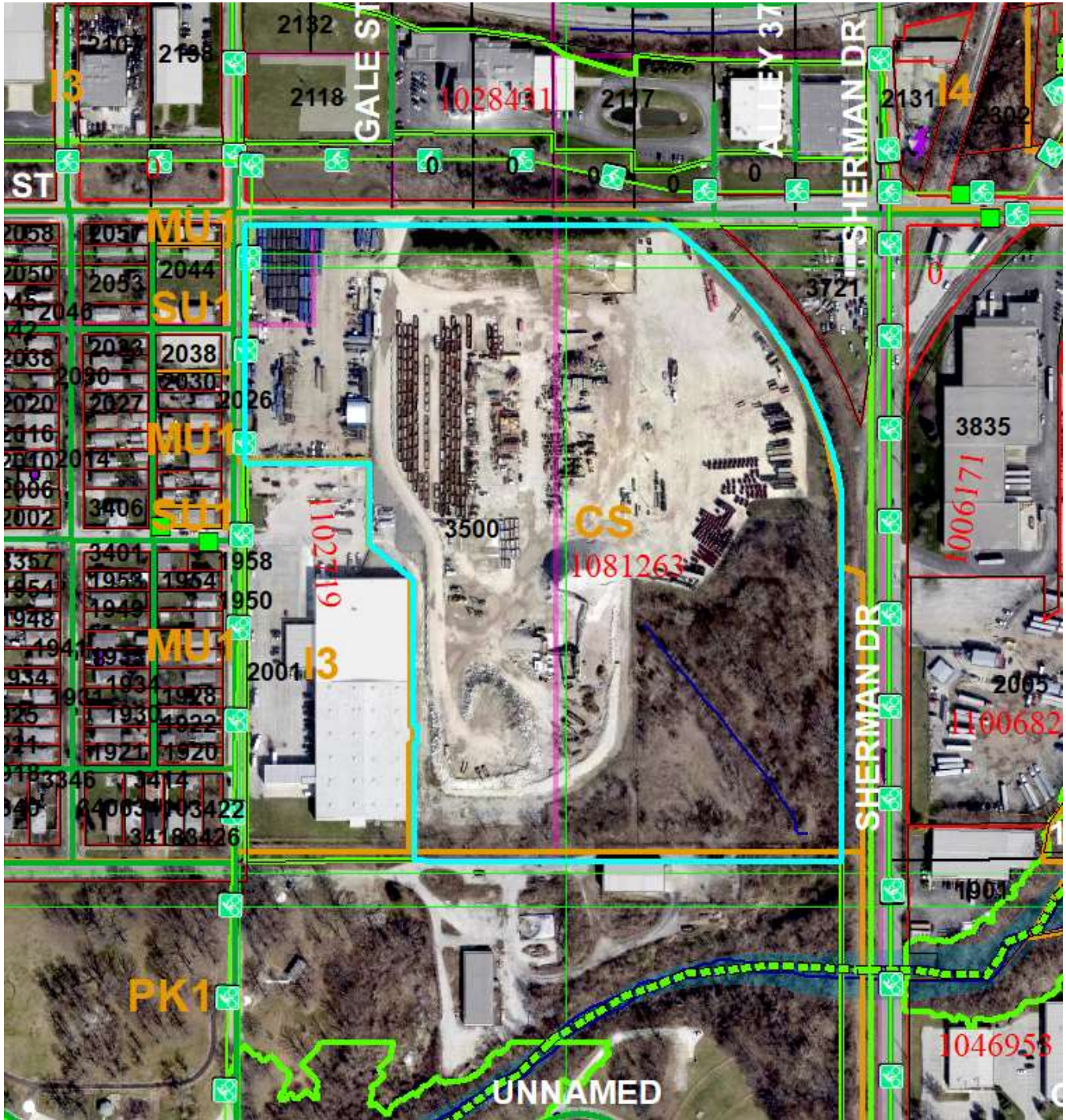
91-Z-53; 2005 North Sherman Drive (east of site), Rezoning of 5.38 acres, being in the PK-1 district, to the SU-16 classification to provide for a softball complex with associated accessory buildings, **approved**.

89-Z-174; 2128-2146 North Olney Street and 2121 Avondale Place (north of site), Rezoning of 2.96 acres being in the D-5 District, to the I-3-U classification, to provide for the inclusion of the tracts into the Rural/I-70, Phase VI Industrial Park, **approved**.

88-Z-123; 1901 North Sherman Drive (east of site), Rezoning of 0.031 acre, being in the PK-1 District, to the I-3-U classification to provide for a building addition for industrial use, **approved**.

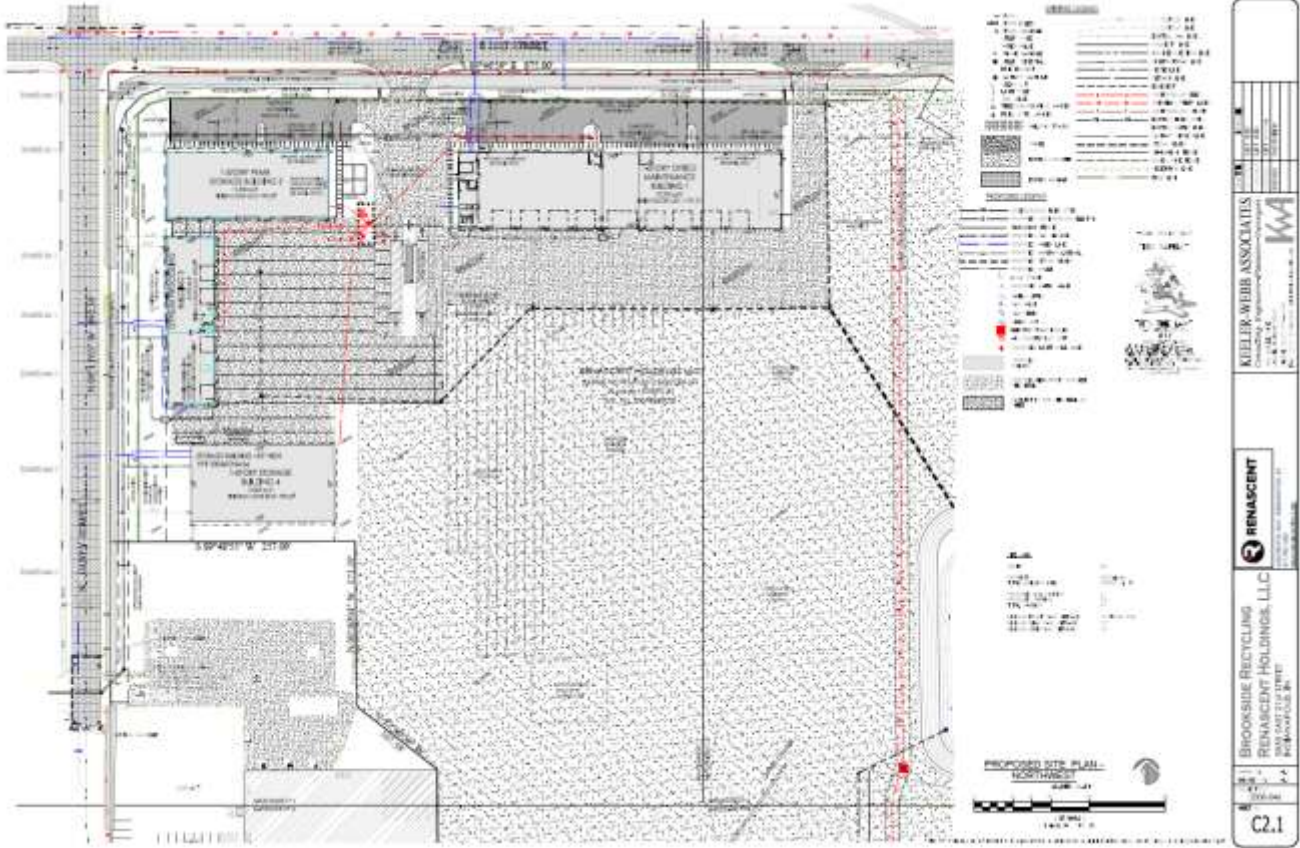
86-Z-186; 1901 North Sherman Drive (southeast of site), Rezoning of 1.99 acres, being in the PK-1 District, to the I-3-U classification to provide for industrial uses, **approved**.

EXHIBITS



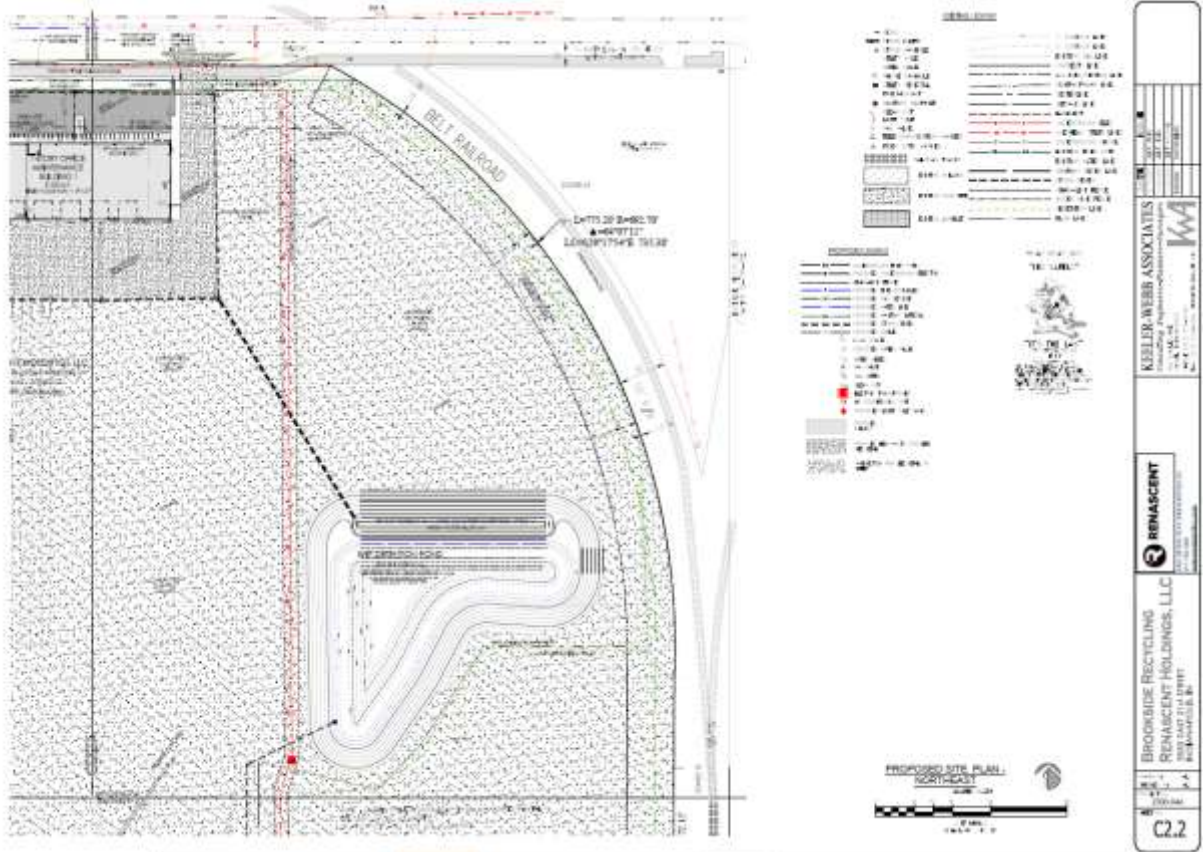
2011 AERIAL MAP





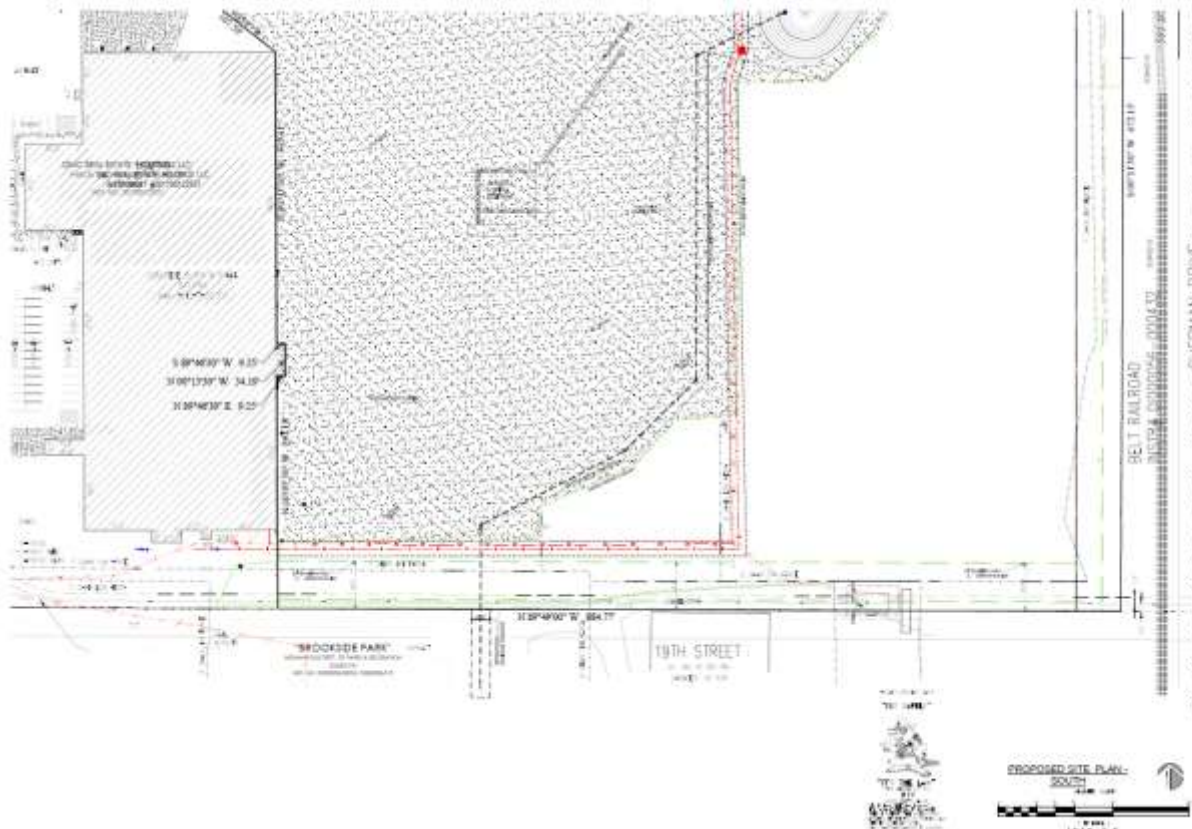


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<p>KEHLER-WEBB ASSOCIATES Planning & Engineering</p>	
<p>RENASCENT</p>	
<p>BROOKSIDE RECYCLING RENASCENT HOLDINGS, LLC</p>	
<p>23</p>	

LANDSCAPE PLAN





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PROJECT NARRATIVE

KEELER-WEBB ASSOCIATES



Consulting Engineers · Planners · Surveyors

TELEPHONE (317) 574-0140 www.keelerwebb.com

486 Gradle Drive
Carmel, Indiana 46032

June 14, 2024

Attn: Plan Reviewer
Division of Neighborhood & Building Services
City of Indianapolis
1200 South Madison Avenue
Indianapolis, IN

Re.: Renascent Holdings, LLC – Brookside Recycling
3555 East 21st Street, Indianapolis, Indiana

PROJECT NARRATIVE

Keeler-Webb Associates is acting as agent surveyor/engineer for Mr. Josh Campbell with Renascent Holdings, LLC who is the Owner and Renascent, Inc. is the General Contractor for this project which will operate as Brookside Recycling. We are proposing to construct a Construction Waste Recycling facility including the following: Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation on the existing gravel lot on the existing 29.61± Acre site. Future development may include an additional Storage Building(s), outside storage, and railroad spur for shipping and receiving of recycled construction materials.

The property has a variety of surrounding uses with I3 zoning property north of 21st Street and I-70, I3 uses and Railroad R/W to the East, Brookside Park to the south, I3 zoned Chisholm Lumber & Supply to the southwest, and residential & church properties on the West side of Olney Street.

Historically the site was developed in 1890's by Connecticut Mutual Life Insurance Company. In early 1900's the property was the site of Laycock Bed Spring Co. manufacturing bed springs. In 1916 the property was sold to Premier Motor Company manufacturing automobiles on the site. In 1928 the site was leased to Rub-Tex Company and used to produce battery containers. The Richardson Company took over the property in 1933 and purchased the subject real estate in 1940. The Richardson Company continued to manufacture battery containers. In 1982 Richardson was acquired by TRC Divestiture Company which then merged into CK Witco Corporation, which changed its name to Crompton Corporation continuing the battery operation on the site. In 1995 the operation was sold and operated by Conner Corporation. In 1999 Connor Corporation ceased the battery container operation but continued to use the subject property for



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PROJECT NARRATIVE (Continued)

warehousing and distribution. In December 1999 Crompton Corporation sold the subject property to Ruby Park, LLC.

This property is affected by a previously approved Rezoning petition 2002-ZON-166 by Ruby Park, LLC. including commitments for the previous site use. The Rezone to CS with commitments was approved for a multi-tenant 233,000 sq.ft. dilapidated building.

The petitioner and owner are respectfully requesting a Modification of Site Plan and Modification the following Commitments made in 2002:

1. **MODIFICATION OF COMMITMENT OF 2002-ZON-166 COMMITMENT No. 6:**
"Other use and Development Limitations are set forth in The Preliminary Development Plan filed with Department of Metropolitan Development and file stamped November 7, 2002." The modified site plan is being submitted for review and approval.
2. **MODIFICATION OF COMMITMENT OF 2002-ZON-166 COMMITMENT No. 7:**
"Any addition or reconstruction of structures shall be subject to Administrator's Approval prior to issuance of Improvement Location Permit." The modified site plan reflects the new buildings and proposed site improvements.

The environmental condition of the subject property contributes to the owner's well thought out plan to redevelop the property. There is a portion of the Southeast side of the property which is enrolled in Indiana's Voluntary Remediation Program (VRP), administered by Indiana Department of Environmental Management (IDEM). As a part of the VRP it may not be possible to use a large portion of the property for anything other than outside storage.

The Beltway railroad lies on the East side of the property and the site may have a railroad spur/siding installed parallel to the existing tracks. Employees, semi-tractor trailers, delivery/shipping trucks and maintenance vehicles will enter the site from the proposed west curb cut on East 21st Street. An additional curb cut is proposed on the East side of the Maintenance/Repair Shop. The existing curb cut on Olney Street will be abandoned. This site has been designed to be in compliance with CS zoning and 2002-ZON-166.

We are submitting for Infrastructure/Drainage and ILP permits. The impervious area on site will be minimally changed. The existing site has all utilities available on the site or in the adjacent right-of-way North Olney Street on the west side of the property, and 21st Street to the north.

Storm water will sheet drain and conveyed overland across the existing turf, stone, and pavement to proposed private storm sewer. The flow of stormwater is conveyed via storm sewer to the Southeast to a new wet detention pond with a large forebay. Stormwater will be detained, treated, and released by an outlet control structure. Then conveyed to the south and discharged to an existing storm sewer structure in Brookside Park maintenance facility.



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PROJECT NARRATIVE (Continued)

The proposed uses comply with the previously approved CS zoning district uses. These uses respect the existing conditions both on and around the property. CS zoning has proven to be a successful model for redevelopment of industrial dinosaur site similar to this one (i.e., Western Select, Thompson Consumer Electronics and Schwitzer facilities).

Construction is planned to begin immediately upon approval by all appropriate agencies. The fully developed site will provide jobs to the community, property tax dollars for the City of Indianapolis, and provide a necessary recycling service for the community as a whole. The design of the facility will meet requirements set in local and state building codes and will not be a fire hazard to the public. There is sufficient capacity in all the utilities available to this site, and no off-site improvements or upgrades will be necessary to construct or operate this facility. This project is being submitted for your review and comment prior to issuing plans for permits. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,
KEELER-WEBB ASSOCIATES

A handwritten signature in black ink, appearing to read 'Adam DeHart'.

Adam DeHart, PS, EMT-P, CPESC, CESSWI
Project Manager



PLAN OF OPERATION

CW Recycling / Brookside Materials

Drywall Recycling & OCC/ Vinyl Baling / Concrete Crushing / Maintenance

1. Workforce

- **Size and Composition:** The workforce will include:
 - Operations Manager (oversees all operations)
 - Processing Technicians (operate machinery and sort materials)
 - Mechanics
 - Welders
 - Administrative Staff
 - Total staff of 20-25 people
- **Training:** All employees will receive training on safety protocols, drywall recycling processes, and equipment operation. As well as training in IDEM environmental regulations and proper waste handling as required.

2. Clients & Customers

- **Target Market:**
 - Construction and demolition companies (C&D) generating drywall waste.
 - Renovation and remodeling contractors
 - Landfill diversion programs.
 - Individuals with drywall scrap (limited quantities)
- **Services Offered:**
 - Drywall waste collection
 - On-site processing and recycling of drywall
 - Bulk Bag loading
 - Truck and trailer loading

3. Processes Conducted on Site

- **Truck Receiving:**
 - All material will be weighed via State Certified Scales inbound and outbound.
 - Tickets will be given to customers with weight and pricing.
 - Trucks will then be directed to the designated tipping area for separation and processing.
- **Material Receiving: Drywall and Drywall Scraps**
 - Incoming drywall waste will be inspected for contamination (e.g., paint, wood, metal).
 - Contaminated materials may require separation or be rejected.
 - Uncontaminated drywall will be unloaded and stockpiled.
- **Processing:**
 - Drywall is crushed into smaller pieces using machinery such as an impact crusher.
 - Screening: Crushed material is screened to separate different sized fractions.
 - Magnetic Separation: Steel screws and fasteners are removed with magnets.
 - Air Separation: Paper facing is separated from the gypsum core using air classifiers.
 - Grinding: Gypsum core may be further ground into a fine powder for specific applications.

PLAN OF OPERATION (Continued)

- **Product Manufacturing:**
 - Recycled materials can be used to manufacture new products:
 - Recycled drywall for construction (requires additional processing)
 - Soil amendments for agricultural applications
 - Waste solidification

- **Material Receiving: Concrete Washout Out Dumpsters**
 - Incoming concrete washout boxes
 - Concrete residue is scraped out.
 - Remaining concrete residue is sprayed out with water.

- **Processing:**
 - Concrete residue removed from washout box is recycled in with crushed concrete.

- **Material Receiving: OCC (Old Corrugated Cardboard) & Vinyl**
 - Incoming OCC & Vinyl waste will be inspected for contamination.
 - Contaminated materials may require separation or be rejected.
 - Uncontaminated OCC & Vinyl will be unloaded and stockpiled by type.

- **Processing:**
 - Bale materials using a conveyor and horizontal baler.

- **Product Manufacturing:**
 - Recycled materials can be used to manufacture new products:
 - Recycled OCC for use in new paper for corrugated boxes (requires additional processing)
 - Recycled vinyl can be used to create new products such as fencing and decking (requires additional processing)

- **Material Receiving: Waste Concrete and Concrete Washout**
 - Incoming waste concrete and washout
 - Contaminated materials may require separation or be rejected.
 - Uncontaminated concrete will be unloaded and stockpiled.

- **Processing:**
 - **Crushing:** Concrete is crushed into smaller pieces using machinery such as impact crushers.
 - **Screening:** Crushed material is screened to separate different sized fractions.
 - **Magnetic Separation:** Steel screws, fasteners and rebar are removed with magnets.
 - Plant is operated under an IDEM approved Air Permit # 777-46341-05414

- **Material Receiving: Scrap Metal**
 - Scrap Metal is received from demolition sites.
 - Rebar and concrete re-enforcing wire is removed from crushed concrete.
 - After cutting metal for size reduction metal is used in new products (requires additional processing)



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PLAN OF OPERATION (Continued)

- **Processing:**
 - Processors are used to cut up scrap metal to reduce size.
 - Magnet is used to load and move scrap to trailer.

- **Product Manufacturing:**
 - Recycled materials can be used for new products:
 - Recycled steel
 - Other various uses

- **Material Receiving: Wood (Future)**
 - Dimensional wood
 - Limbs, tree trunks

- **Processing:**
 - Wood grinder
 - Wheel loader for locating material.

- **Product Manufacturing:**
 - Recycled materials can be used for new products:
 - Mulch
 - Other various uses

- **Process: Machine Repair / Welding Shop / Wash Bay**
 - Company machinery will be maintenance and repaired.
 - Machinery and roll off boxes will be repaired using welders.
 - Machines will also be cleaned in a designated wash bay.

4. Materials Used

- Drywall waste (gypsum board, plasterboard)
- Processing consumables like crusher parts and screen meshes.
- Energy (electricity for machinery)
- OCC
- Vinyl siding
- Baling wire
- Welding materials
- Oils and grease
- Cleaning fluids
- Diesel Fuel
- Gasoline

PLAN OF OPERATION (Continued)

5. Shipping and Receiving

- **Receiving:** Drywall waste will be delivered by trucks from C&D companies, contractors, or collection programs.
- **Machine Delivery:** Machinery will be transported on low boy trailers and flatbeds.
- **Shipping:**
 - Recycled gypsum products will be shipped to manufacturers or distributors.
 - Separated paper facing may be baled and sold for recycling.
 - Minimal waste is expected; any remaining non-recyclable materials will be disposed of according to local regulations.

6. Waste Management

- The goal is to minimize waste generation.
- Contaminated materials may require special disposal depending on the contaminants.
- Dust generated during processing will be controlled using a dust collection system.
- Residual waste will be disposed of at a licensed landfill according to regulations.
- **Environmental:** The plant will comply with all local, state, and federal environmental regulations regarding air and water quality, dust control, and waste disposal
 - Dust control for the property will be managed using a water truck dampening the roadways and entrances and exits.
 - Noise from machinery will be suppressed by the building walls and surrounding landscaping.
- **Security:** The security of the plant will be achieved using perimeter fencing and gates limiting access to the property with only 2 points of entry or exit to control the flow of traffic that will be directed to the scale house for weighing and examination of loads and then directed to the proper area of the site for loading or unloading. The fence will also keep public and criminal activity out along with restricting access to public, employees, and visitors to outside the fence and entering the north side of buildings.
 - Security camera system with operate 24hr a day along with individual building alarms.
 - The site will have lighting though out the property that will include, but not limited to, parking lot lights and exterior building lights.
- **Storage on Site:** On and around the site there will be the storing of empty roll off containers of various sizes. Along with the storage of roll off boxes there will be machines stored on the property, typical types of machines stored will include, but not be limited to, cranes, excavators, wheel loaders, forklifts, conveyors, and bull dozers.
- Semi-trucks and trailers for transporting machinery and goods will be stored on site.
 - Parts related for use with, and maintenance or repair of these machines will also be stored on site which may include, for example, excavator buckets or tracks for machines.



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PLAN OF OPERATION (Continued)

- **Site Dust Control:**
 - Roads will be misted with a water truck.
 - Crusher dust is controlled with water during crushing process.
 - Drywall dust will be controlled with baghouse inside of the structure.
 - All material processing will be done inside of the structure.
- **Shipping**
 - Future Railroad spur to be added for shipping or receiving of materials to recycling yards or from various sites.

7. Hours of Operation / Traffic

- Monday thru Friday 7am – 5pm
- Saturdays (TBD as needed)
- Vehicle traffic – 95 trucks per day and 15-20 cars



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2002-ZON-166 COMMITMENTS

(P)
TM

METROPOLITAN
DEVELOPMENT COMMISSION
PETITIONER'S EXHIBIT
NO. 02-ZON-166

CAUSE NO..... SECRETARY.....
DATE.....

STATEMENT OF COMMITMENTS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (insert here or attach)

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The owner shall install landscaping, in accordance with transitional yard standards as set forth in the Industrial Zoning Ordinance, along the property frontage along both Olney Street and 21st Street, in an area measuring ten (10) feet in width beginning at the existing fence as shown on the Site Plan filed with the Department of Metropolitan Development and file-stamped November 7, 2002 and extending to the interior of the property. Said landscaping shall be installed within six (6) months following commencement of the construction of any buildings on Parcel 1(C).
3. There shall be no building erected on Parcel 1(C) in excess of thirty five (35) feet in height.
4. The owner shall maintain the existing landscaping fronting on Sherman Drive and 21st Street in thriving condition; provided, however, nothing in this commitment shall prohibit owner from removing brush, scrub, weeds, diseased or predatory trees or plants.
5. The following uses set forth in the I-4-U zoning district (as of the date of these commitments) shall be prohibited anywhere on the Subject Property: 1) abrasives and asbestos products, 2) manufacturing of detergents / soaps, 3) manufacturing of rubber / rubber products, 4) manufacturing of tires, 5) oil or gas bulk storage, 6) veneer mills, or 7) tire recapping.
6. Other use and development limitations are set forth in the Preliminary Development Plan filed with the Department of Metropolitan Development and file stamped November 7, 2002.
7. Any addition or reconstruction of structures shall be subject to Administrator's Approval prior to the issuance of an Improvement Location Permit.

3500 E. 21st St. MDC's Exhibit B - - page 1 of 3

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SCANNED



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2002-ZON-166 DEVELOPMENT PLAN

PRELIMINARY DEVELOPMENT PLAN

Petitioner, Ruby Park, LLC ("Petitioner") is the owner of what is commonly known as Ruby Park, formerly known as the Richardson Rubber Plant, Witco Plant, and Connor Corporation Plant. The site is located at 3705 East 21st Street, Indianapolis, Indiana 46218 ("Subject Property"). Petitioner acquired the Subject Property in December 2000 from Crompton Corporation, f/k/a CK Witco Corporation, as successor by merger to Witco Corporation, as successor by merger to TRC Divestiture Company, f/k/a The Richardson Company.

As explained below, a parcel that was originally part of the Subject Property was sold to Elliott-Williams Co., Inc. ("E-W"). The E-W parcel now has the street address of 3500 E. 20th Street and the Petitioner's parcel now has the street address of 3705 E. 21st Street. The E-W parcel will be referred to as the "EW Parcel".

The Subject Property had been a single user site and Petitioner now finds the I-3-U zoning classification for the Subject Property to be somewhat incompatible with the ongoing redevelopment of the Subject Property as a multi-tenant, multi-use facility. Consequently, Petitioner is seeking to rezone the Subject Property (approximately 30 acres) to the C-S zoning district.

THE SITE

The Subject Property is comprised of approximately 30 acres and is located just west of the southwest corner of Sherman Drive and 21st Street, and is depicted on the site plan attached hereto as Exhibit "A" (the "Site Plan").

In the northwest corner of the Subject Property adjacent to and north of the E-W Parcel there is a currently undeveloped paved area of approximately 2.92 acres ("Parcel 1C"), as shown on the Site Plan.

Part of the Subject Property that is east of and adjacent to the E-W Parcel and Parcel 1C is a 15.3 acre parcel of land ("Parcel 1A") which contains a 233,000 square foot building (the "Ruby Park Building"), as shown on the Site Plan.

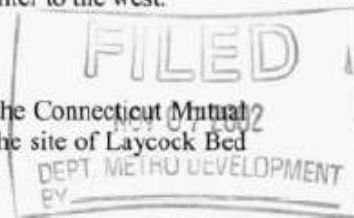
The east 11.37 acres of the Subject Property ("Parcel 2") is an undeveloped parcel that is east of and adjacent to Parcel 1A, as shown on the Site Plan.

Petitioner is seeking to rezone all of the Ruby Park Parcel.

The Subject Property has a variety of uses surrounding it; namely, (a) industrial uses and I-70 to the north, (b) railroad tracks, industrial uses and a softball field to the east, (c) a City of Indianapolis Public Works station and Brookside Park to the south, and (d) single family, multi-family and some special use properties such as the Trinity Community Center to the west.

HISTORY OF THE SITE

The Subject Property was originally developed in the 1890's by the Connecticut Mutual Life Insurance Company. In the early 1900's the Subject Property was the site of Laycock Bed





2002-ZON-166 DEVELOPMENT PLAN (Continued)

Spring Co. for the manufacturing of bed springs. Around 1916 the Subject Property was sold to Premier Motor Co. which manufactured automobiles at the site. In 1928 the site was leased to Rub-Tex Co. and used for the production of battery container parts. The Richardson Company took over the site from Rub-Tex in 1933 and purchased the Subject Property from Premier in 1940. Richardson continued manufacturing battery containers. In 1982 Richardson was acquired by TRC Divestiture Company, which merged into Witco Corporation, which merged into CK Witeco Corporation, which is now known as Crompton Corporation. TRC/Witco/Crompton continued the battery operation at the site. In 1995 Witeco sold the battery container operation to Connor Corporation and leased the Subject Property to Connor. In early 1999 Connor Corporation ceased its battery container operations but continued to use the Subject Property for warehousing and distribution. In December 1999 Crompton Corporation sold the Subject Property to Petitioner.

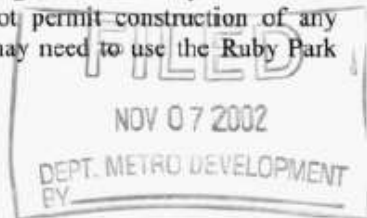
EXISTING STRUCTURES, USES AND ZONING

The 233,000 square foot Ruby Park Building was originally constructed in the 1890's. A fire in 1950 caused extensive damage and as a result, there was major reconstruction to the Ruby Park Building. The building contains approximately 18 individual units (i.e., tenant bays) interconnected by 6' wide by 8' high double doors. 17 of the 18 units are single story manufacturing/warehousing units. One of the units is a 3-story office structure with approximately 6,000 square feet of space on each floor. The Ruby Park Building is currently 77% vacant.

The entire Subject Property is currently zoned I-3-U which was appropriate when it was being operated as a single user facility, with manufacturing being the primary use and other uses being permitted incidental uses. However, in order to permit a variety of uses and occupants and encourage proper redevelopment of the Subject Property, the I-3-U designation is no longer appropriate as an exclusive zoning district for the Ruby Park Parcel.

Petitioner believes that the C-S zoning district is appropriate in order to recognize that the Ruby Park Parcel may not be used or occupied for purposes of which it was originally constructed. Part of the intent of the C-S zoning district is to apply it to redevelopment sites such as the Ruby Park Parcel. There are a variety of zoning districts surrounding the site: I-3-U to the north, I-3-U, I-4-U and SU-16, to the east, PK-1 and I-3-U to the south and C-2 and D-5 to the west.

The environmental condition of the Subject Property also contributes to Petitioner's request. Crompton Corporation (the prior property owner) currently has the Subject Property enrolled in Indiana's Voluntary Remediation Program ("VRP") administered by the Indiana Department of Environmental Management ("IDEM"). In particular, the undeveloped Parcel 2 has historically been used as a landfill for waste materials from previous operations conducted on the developed portions of the Subject Property. As part of the VRP it may not be possible to use a large portion of Parcel 2 for anything other than outside storage, as for example a railroad transfer site. The soil compaction due to the landfill may not permit construction of any structures on Parcel 2. Therefore a potential user of Parcel 2 may need to use the Ruby Park Building for its operation ancillary to Parcel 2 site storage.





2002-ZON-166 DEVELOPMENT PLAN (Continued)

As part of the VRP the Subject Property will have deed restrictions encumbering the entire Subject Property. In order to fully develop the Subject Property given the unknown nature of the future deed restrictions, Petitioner proposes various uses to permit proper development.

PROPOSED USES

The Petitioner proposes to redevelop the Ruby Park Parcel, and has already done so in part, to encourage a variety of commercial, retail and industrial tenants to occupy the existing structure and land. The Petitioner proposed the following permitted uses:

- C-1
- C-2
- C-3
- C-4
- I-1-U
- I-2-U
- I-3-U
- I-4-U

LIMITATION ON USES

Notwithstanding the foregoing, the following uses shall not be permitted:

- Agricultural Uses
- Bar/Tavern/Drinking Place
- Adult Entertainment Business
- Bed and Breakfast Inn
- Massage Parlor
- Package Liquor Store
- Check cashing or Check Advance or Short Term Loan Business (however full service financial institutions shall be permitted)

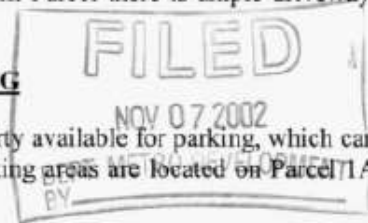
TRAFFIC

Currently the site is accessed from one curb cut on 21st Street, one curb cut on Olney Street and one railroad track access on 21st Street. Once traffic is in the site the interior circulation pattern is such that vehicles can easily access the Ruby Park Building and Parcels 1B and 2. The curb cuts and access points will not change. The Petitioner does propose (1) an additional curb cut to be located on 21st Street east of the current curb cut, and (2) an additional curb cut to be located on Olney Street south of the current curb cut.

Once traffic is within the boundaries of the Ruby Park Parcel there is ample driveway, roadway and dock access to service the Ruby Park Building.

PARKING AND LOADING

Currently there are more than three acres of the property available for parking, which can accommodate approximately 500 parking spaces. These parking areas are located on Parcel 1A





2002-ZON-166 DEVELOPMENT PLAN (Continued)

and 1C. There is significant undeveloped area on Parcel 2 to accommodate additional parking. Petitioner believes it has adequate parking to serve the entire Subject Property. In addition to the existing parking spaces, there is a significant amount of space around the building that is currently unused that can be used for tenant and visitor parking. The Petitioner will assure a minimum parking ratio of 1.0 spaces per 1000 square feet of gross leasable area, notwithstanding any future expansions.

Currently there are a variety of drive-in doors and dock facilities to serve the Ruby Park Building. As tenant requirements dictate, additional docks and drive-in doors may be constructed.

LANDSCAPING

The Subject Property features perimeter landscaping on 21st Street, Sherman Drive and the south border as shown on the site plan. There will be no further encroachments on to the existing landscaped areas.

SIGNAGE

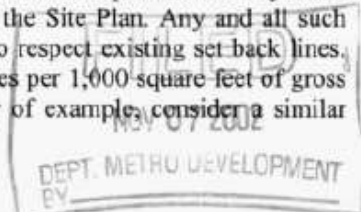
The Subject Property currently has no existing free-standing signs (except for a temporary real estate brokerage "Property For Rent" sign at the 21st Street entrance). The Petitioner proposes free standing signs on 21st Street and Olney Street in locations substantially as shown on the site plan. The signs would have adequate separation of 300 feet or more from each other. The Petitioner may also allow tenants to erect wall signs and may indeed promote Ruby Park with wall signs. All wall signs shall conform to the Sign Regulations of Marion County.

BUILDING

The Ruby Park Building will need alterations in order to accommodate the variety of tenants and uses planned for the Subject Property. Although most of the new users will move into the existing structure and the nature of work to be performed will be tenant finish work, there may be some instances in which building expansions or new building construction may be desirable.

For example, Parcel 1C is ideally suited to be divided into two 1-1/2 acre parcels on which 10,000 square foot (or so) buildings could be built. The frontage on 21st Street and Olney Street makes for an attractive parcel. Or, the area south of Unit 18 once was part of the Ruby Park Building but burned down many years ago. It may be advantageous to expand the Ruby Park Building to once again include that area.

The Petitioner requires the flexibility to accommodate the needs of prospective tenants or buyers or for those instances following damage or destruction of an existing improvement. Therefore, Petitioner proposes that it be able to develop and construct improvements anywhere on the Subject Property, except in "no build" areas shown on the Site Plan. Any and all such expansions and/or new construction shall be performed so as to respect existing set-back lines. The Petitioner will assure a minimum parking ratio of 1.0 spaces per 1,000 square feet of gross leasable area, notwithstanding any future expansions. By way of example, consider a similar





2002-ZON-166 DEVELOPMENT PLAN (Continued)

redevelopment site, the former Western Electric Plant. Several new uses, including hotels and a restaurant have been developed on that site on previously undeveloped, but usable ground. It is contemplated that the Subject Property can be redeveloped in a similar fashion.

CONCLUSION

The Subject Property is a perfect candidate for the C-S zoning district. It is a large industrial site in the middle of a highly developed mixed use urban neighborhood. The original purpose for which the Subject Property was constructed is no longer served or viable. The Petitioner proposes a plan in which there is a flexible menu of uses that will enable the Petitioner to attract a variety of tenants needed to assure the long term viability of the Ruby Park Parcel. The existing infrastructure is already in place, and very little retrofitting is necessary.

Future growth and development of the facility is possible with the C-S zoning district. Given the environmental condition of the Subject Property and the upcoming deed restrictions, retaining the current zoning would essentially prevent the growth and development of much of the Ruby Park Parcel. The limitation of uses proposed respect the existing conditions both on and around the Subject Property.

The C-S classification has proven to be a successful model for redevelopment of industrial "dinosaur" sites such as the Western Select Facility, the former Thomson Consumer Electronics facility and the former Schwitzer facility. Petitioner's plan is well thought out and will further the intent of the C-S district and will help enable Petitioner to successfully redevelop the Ruby Park Parcel. A fully developed Subject Property that provides jobs to the community and property tax dollars to the City of Indianapolis is a far more desirable and efficient use of a 100-year-old manufacturing facility.

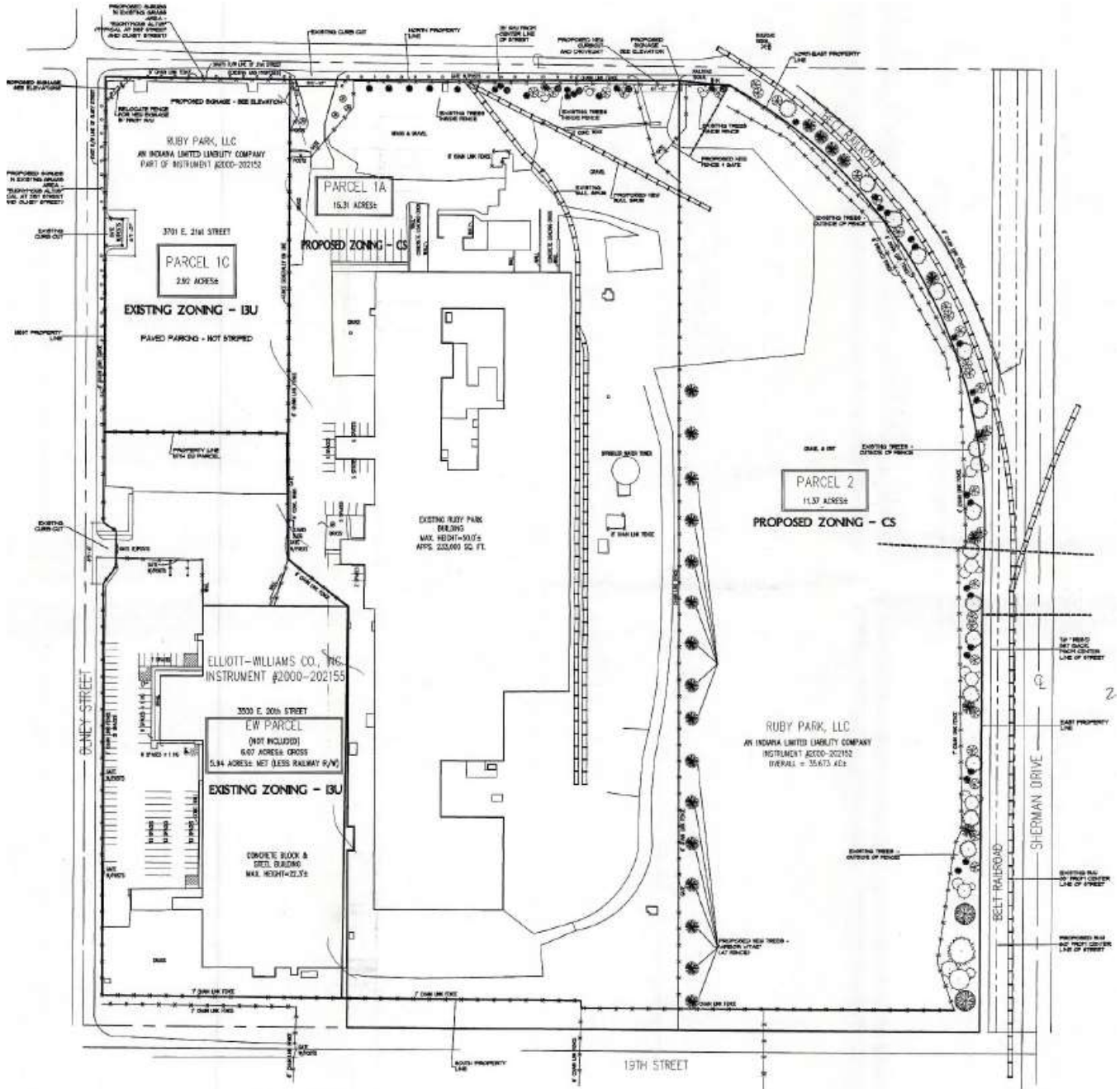
For all the foregoing reasons, Petitioner respectfully requests that the Metropolitan Development Commission approve this Development Plan, the Site Plan and the requested rezoning to the C-S zoning district.





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2002-ZON-166 SITE PLAN





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RESTRICTIVE COVENANT PAGE 1

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04/25/2023 09:50 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 52

By: LB

Environmental Restrictive Covenant

THIS ENVIRONMENTAL RESTRICTIVE COVENANT ("Covenant") is made this 25th day of April, 2023, by Renascent Holdings, LLC (Renascent), 935 W Troy, Indianapolis, Indiana 46225-224 (together with all successors and assignees, collectively "Owner").

WHEREAS: Owner is the fee owner of certain real estate in the County of Marion, Indiana, which is located at 3500 E. 20th Street and more particularly described in the attached Exhibit "A" ("Real Estate"), which is hereby incorporated and made a part hereof. This Real Estate was acquired by deed on June 16, 2022, and recorded on June 23, 2022, as Deed Record A202200071470, in the Office of the Recorder of Marion County, Indiana. The Real Estate consists of approximately 28.3 acres and has also been identified by the county as parcel identification number 49-07-32-219-002.000-101. The Real Estate, to which the restrictions in this Covenant apply, is depicted on a map attached hereto as Exhibit B. A "Construction Worker Restriction Area", to which additional restrictions apply, is depicted on a map attached hereto as Exhibit C.

WHEREAS: Corrective action was implemented in accordance with IC 13-25-4 and/or other applicable Indiana law as a result of a release of hazardous substances relating to the Former Chemtura Site. The incident number assigned by the Indiana Department of Environmental Management ("Department" or "IDEM") for the release is State Cleanup Site #0000456.

WHEREAS: Certain contaminants of concern ("COCs") remain in the soil and groundwater of the Real Estate following completion of corrective action. The Department has determined that the COCs will not pose an unacceptable risk to human health at the remaining concentrations, provided that the land use restrictions contained herein are implemented and engineering controls maintained to protect human health and the environment. The known COCs are volatile organic compounds (VOCs), Resource Conservation and Recovery Act (RCRA) metals, and polycyclic-aromatic hydrocarbons (PAHs) as listed in Tables 1 through 11 in Exhibit D, which is attached hereto and incorporated herein.

WHEREAS: Environmental investigation reports and other related documents are hereby incorporated by reference and may be examined at the offices of the Department, which is located in the Indiana Government Center North building at 100 N. Senate Avenue, Indianapolis, Indiana. The documents may also be viewed electronically in the Department's Virtual File Cabinet by accessing the Department's Web Site (currently www.in.gov/idem/). The Real Estate is also depicted as a polygon on IDEM's GIS webviewer (currently <https://on.in.gov/ideminteractivemap>).

NOW THEREFORE, Owner subjects the Real Estate to the following restrictions and provisions, which shall be binding on the current Owner and all future Owners:





RESTRICTIVE COVENANT PAGE 2

I. RESTRICTIONS

1. Restrictions. The Owner:

- (a) Shall not use or allow the use of the Real Estate for residential purposes, including, but not limited to, daily child care facilities or educational facilities for children (e.g., daycare centers or K-12 schools).
- (b) Shall not use or allow the use or extraction of groundwater at the Real Estate for any purpose, including, but not limited to: human or animal consumption, gardening, industrial processes, or agriculture, except that groundwater may be extracted in conjunction with environmental investigation and/or remediation activities.
- (c) Shall not use the Real Estate for any agricultural use.
- (d) Shall restore soil disturbed as a result of excavation and construction activities in such a manner that the remaining contaminant concentrations do not present a threat to human health or the environment. This determination shall be made using the Department’s current risk based guidance. Upon the Department’s request, the Owner shall provide the Department written evidence (including sampling data) showing the excavated and restored area, and any other area affected by the excavation, does not represent such a threat. Contaminated soils that are excavated must be managed in accordance with all applicable federal and state laws; and disposal of such soils must also be done in accordance with all applicable federal and state laws.
- (e) Shall neither engage in nor allow excavation of soil in the area identified via GPS coordinates as the “Construction Worker Restriction Area” depicted on Exhibit C, unless soil disturbance obligations listed in the preceding paragraph, and in accordance with the *Soil Management Plan – Construction Worker Restriction Area* dated January 18, 2023, described in VFC #83423696, and any approved IDEM updates, are followed. In addition, the Owner shall provide written notice to the Department in accordance with paragraph 14 below at least fifteen (15) days before the start of soil disturbance activities. The Owner, upon the Department’s request, shall provide the Department evidence showing the excavated and restored area does not represent a threat to human health or the environment.
- (f) Prior to the change in use of the site or construction of new structures to be occupied by persons at the Real Estate, the current Owner of the Real Estate shall confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulation, or law. This may include conducting groundwater, soil, and/or soil-gas sampling for the volatile organic compounds (“VOCs”) or semi-volatile organic compounds (“SVOCs”) of concern. The results



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RESTRICTIVE COVENANT PAGE 3

and analyses of such sampling shall be presented to IDEM in support of the Owner's determination whether an unacceptable vapor exposure risk exists. If the results demonstrate that no such risk currently exists, IDEM will provide its concurrence in writing and grant the Owner a waiver of this restriction for the proposed change in site use and/or new construction. If the results demonstrate that an unacceptable risk to human health exists, then the Owner must submit plans for mitigation for approval by IDEM and must conduct adequate indoor sampling to demonstrate the effectiveness of the approved remedy.

- (g) Shall maintain the integrity of fencing around the perimeter of the Construction Worker Restriction Area, which is depicted on Exhibit C via GPS coordinates; this perimeter fencing serves as an engineered barrier to prevent direct contact with the debris and lead-impacted soils and must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair. No trespassing signage must be posted along the fencing and annual inspections shall be conducted to maintain the functional integrity of the fencing and signage. The fencing must be maintained and inspections must be conducted in accordance to the *Fence Inspection and Maintenance Plan* dated August 18, 2022, described in VFC #83438316, and any approved IDEM updates. Owner shall notify the Department in writing at least fifteen (15) days in advance of conducting any construction or excavation work that may impact the fencing, unless an emergency exists. Owner shall ensure that the integrity of the fencing is restored immediately after disturbance by any construction or excavation work. Upon IDEM's request, the Owner shall provide written evidence showing the engineered control has been restored to its complete integrity.

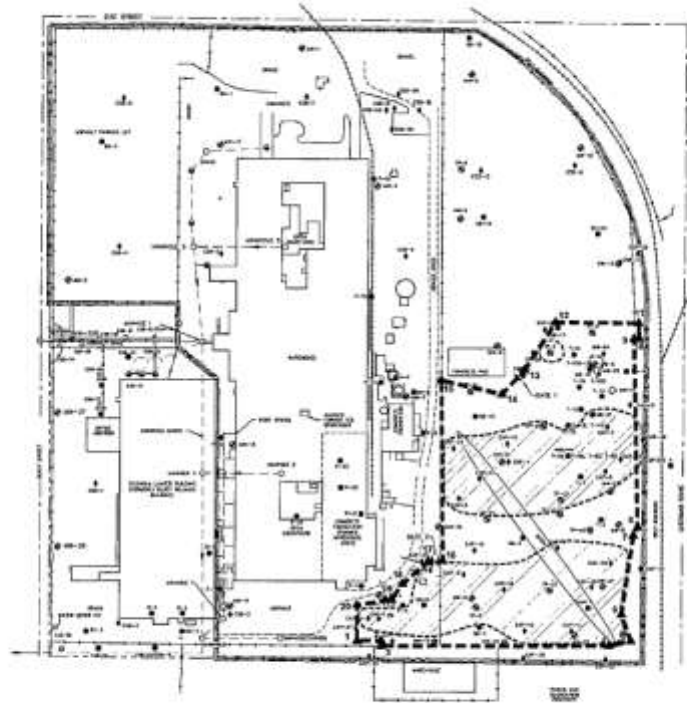
II. GENERAL PROVISIONS

2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees and their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control (hereinafter "Related Parties") and shall continue as a servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in or right to occupancy in all or any part of the Real Estate by any person shall affect the restrictions set forth herein. This Covenant is imposed upon the entire Real Estate unless expressly stated as applicable only to a specific portion thereof.
3. Binding upon Future Owners. By taking title to an interest in or occupancy of the Real Estate, any subsequent Owner or Related Party agrees to comply with all of the restrictions set forth in paragraph 1 above and with all other terms of this Covenant.
4. Access for Department. The Owner shall grant to the Department and its designated representatives the right to enter upon the Real Estate at reasonable times for the purpose of monitoring compliance with this Covenant and ensuring its protectiveness; this right includes the right to take samples and inspect records.

EXHIBIT C

EXHIBIT C – CONSTRUCTION WORKER RESTRICTION AREA

Point	Latitude	Longitude
1	39.792504	-86.104774
2	39.792503	-86.104594
3	39.792475	-86.104594
4	39.792483	-86.102910
5	39.792511	-86.102751
6	39.792662	-86.102820
7	39.793117	-86.102737
8	39.793166	-86.102706
9	39.794246	-86.102741
10	39.794247	-86.102703
11	39.794335	-86.102708
12	39.794336	-86.103322
13	39.794061	-86.103549
14	39.793922	-86.103715
15	39.794000	-86.104162
16	39.792963	-86.104144
17	39.792961	-86.104251
18	39.792831	-86.104438
19	39.792741	-86.104521
20	39.792707	-86.104777



LEGEND

- MONITORING WELL
- CATCH BASIN
- SEWER - ABANDONED JUNE 2017
- MONITORING WELL
- ONE "TOP DEFORMATION" SAMPLE LOCATION
- SOIL BORE
- SOIL BORE - DECONTAMINATED
- TEST PIT
- FENCE
- LEAD BY SOIL (COMMERCIAL/ INDUSTRIAL SCREENING LEAD BY SOIL BEING SURFACE SOIL) AND/OR DECONTAMINATION SCREENING LEAD BY SOIL BEING SURFACE SOIL - ONE SOIL BORE AND WHEN THE CONSTRUCTION WORKER RESTRICTION AREA
- PROPERTY BOUNDARY (APPROXIMATE)
- FENCING LOCATION FOR CONSTRUCTION WORKER RESTRICTION AREA
- ▲ SURVEY COORDINATE POINT FOR CONSTRUCTION WORKER RESTRICTION AREA

FORMER CHEMTURA SITE	
CONSTRUCTION WORKER RESTRICTION AREA	
Environmental Resources Management	063273 EXHIBIT C



Photo of the subject site street frontage looking north on Olney Street.



Photo of the subject site street frontage looing south on Olney Street from the closed driveway on site.



Photo of the driveway to be closed off Olney Street



Photo of the subject site street frontage looing north on Olney Street from the closed driveway on site.



Photo of existing storage materials on site looking southeast from the closed driveway.



Photo of existing storage materials on site looking east from the closed driveway.



Photo of existing storage materials on site looking northeast from the closed driveway.



Photo of the northwest corner of the site looking east.



Photo of single-family dwellings west of the site.



Photo of a church west of the site.



Photo of single-family dwellings west of the site looking south on Olney Street



Photo of single-family dwellings west of the site looking south on Olney Street.



Photo of the intersection at 21st Street and Olney Street looking south.



Photo of the subject site street frontage along 21st Street looking east.



Photo of the existing driveway along 21st Street.



Photo of the subject site street frontage along 21st Street looking east.



Photo of the subject site street frontage along 21st Street looking west.



Photo of some outdoor operation on site that is producing dust and debris.



Photo of the outdoor storage on site looking south.



Photo of the auto repair shop east of the site.



Photo of the pharmaceutical company to the north.



Photo of the pharmaceutical company to the north.



Photo of the undeveloped industrial sites north of the site.



Photo of the undeveloped industrial sites north of the site.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 26, 2024

Case Number:	2024-ZON-040
Property Address:	6000, 6012, 6020, 6180 and 6206 East 46th Street
Location:	Lawrence Township, Council District #9
Petitioner:	Indianapolis RE Management LLC, and 600-B East 46th Street, by Emily Duncan and David Kingen
Current Zoning:	C-3 (FF) and C-4 (FF)
Request:	Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.
Current Land Use:	Vacant commercial property
Staff Recommendations:	Approval, subject to the commitments noted below.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the June 27, 2024 hearing, to the July 25, 2024 hearing, to the August 29, 2024 hearing, and to the September 26, 2024 hearing, at staff's request, to provide additional time for the petitioner's representative to provide additional information and details regarding this request, including a Traffic Impact Study (TIS).

STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final site plan, building elevations, landscape plan and a pedestrian connection system / amenities plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). The pedestrian connection system / amenities plan shall include connectivity (and coordination with IndyGo) to any and all of the bus stops along the perimeter of the site.
2. A 51-foot half right-of-way shall be dedicated along the frontage of East 46th 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).
3. Upon request by the DPW the property owner shall construct a west bound, right turn lane at the west access drive along East 46th Street, in accordance with the regulations and standards



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of the DPW. Such infrastructure improvement shall be completed prior to occupation of any structure on the site.

4. Sidewalks within the right-of-way that are disturbed during construction shall be reconstructed with a buffer between the sidewalk and curbs and shall be depicted on the site plan submitted for Administrator Approval.
5. 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 / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 35.8-acre site, zoned C-3 (FF) and C-4 (FF), is comprised of six parcels and developed with a vacant commercial strip center and associated parking. It is surrounded by educational uses to the north, zoned SU-2; multi-family dwellings and religious uses to the south, zoned D-7 and SU-1, respectively; single-family dwellings to the east, zoned D-3; and multi-family dwellings and religious uses to the west, across North Arlington Avenue, zoned D-7 and SU-1, respectively.

Rezoning

The request would rezone all parcels to the MU-2 (Walkable Neighborhood) (FF) District that is intended to create compact, walkable places at a variety of scales and intensity, appropriate to their contexts. These districts advance their Livability Principles of this code, further the mixed-use intent of the Comp Plan and rely on a connected network of slow or multi-modal streets, and a fine grain of human-scale buildings that line and activate the streetscapes.

“The purpose of the MU-2 district is to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.”

The Comprehensive Plan recommends community commercial typology for the site.

As proposed, the rezoning would generally be consistent with the Plan recommendation of community commercial but would include residential uses that would support the proposed commercial uses.



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Conceptual Site Plan

Mixed-use buildings (commercial / residential) are proposed along North Arlington Avenue, with entertainment amenities to the east of these buildings, along with parking associated with the uses.

Apartments and townhomes are proposed in the central portion of the site and fronting on East 46th Street, with public spaces along the eastern portion of the site.

Because the site plan and uses are conceptual with few details, staff would request a commitment that final site plans, landscaping plans and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Site access would be gained from an existing drive along North Arlington Avenue and two existing drives along East 46th Street.

Traffic Impact Study (TIS)

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

Based upon staff's request for a Traffic Impact Study (TIS), a preliminary Trip Generation Analysis, file-dated July 12, 2024, was submitted. Based upon very preliminary information the Department of Public Works (DPW) staff felt the proposed site would have less traffic than the original shopping center but requested pedestrian and bus connectivity around and through the site. See Exhibit A.

The TIS, file-dated September 9, 2024, was based upon 32 townhomes community recreation center, a business hotel, a daycare center, four food trucks and 51,000 square feet of retail. See Exhibit B.

Intersections that were studied included: North Arlington Avenue at the Driveway, East 46th Street at Arlington Avenue, East 46th Street at West Driveway and East 46th Street at East Driveway.

Capacity analysis occurred for three different scenarios. Scenario One was based on the existing traffic volumes. Scenario Two was based on 2028 Devington Plaza Shopping Center and Scenario Three was based on the 2028 Devington Plaza Mixed-use Development.

Recommended Improvements:

- Scenario One (Existing Conditions) – The westbound pedestrian indication for the south cross walk at East 46th Street should be relocated on a separate pole at the southwest corner to improve visibility and retiming the traffic signal would improve operations.



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- Scenario Two (Devington Plaza Shopping Center – Three driveways should be one lane in and two lanes out with stop sign control for the driveways).
 - A northbound right turn lane is recommended at the North Arlington Avenue Driveway.
 - Retiming the traffic signal would improve operations at the East 46th Street and North Arlington Avenue intersection.
 - A westbound right turn lane is recommended at East 46th Street and West Driveway.
 - No changes are recommended at East 46th Street and East Driveway.
- Scenario Three (Devington Plaza Mixed-Use Development – Three driveways should be one lane in and two lanes out with stop sign control for the driveways).
 - No changes are recommended at the North Arlington Avenue Driveway
 - Retiming the traffic signal would improve operations at East 46th Street and Arlington Avenue intersection.
 - A westbound right turn lane is recommended at East 46th Street and West Driveway.
 - No changes are recommended at East 46th Street and the East Driveway.

It was concluded that traffic in the study area should not be unreasonable delayed due to the construction of the mixed-use development and that the mixed-use development would generate less daily and PM peak hour traffic than the shopping center it would replace.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 51-foot half right-of-way along East 46th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway. The floodway fringe is located along the eastern portion of the site.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (MU-2 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.



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Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

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

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

Planning Analysis

As proposed staff supports the rezoning request to the MU-2 district, despite the Comprehensive Plan recommendation of community commercial.

Staff believes the Plan recommendation of community commercial was generally supportive of the existing shopping center use but believes the introduction of residential and entertainment uses as elements of mixed-use redevelopment of this site would bring activity to support the proposed commercial uses. Additionally, proposed uses would expand services to the surrounding residential land uses to the east, west and south.



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Because this site is located at the intersection of two primary arterials, staff believes a strong pedestrian connection to the perimeter of the site should be provided. Staff also believes this project should provide a strong pedestrian connection system throughout the site, along with pedestrian amenities (benches, lighting, trash containers, etc.). Staff would also request that landscaping be enhanced that would exceed the minimum Ordinance requirements, along with providing green spaces throughout the site.

This redevelopment project is conceptual at this time and full build out would likely be phased over many years. Staff would anticipate that as development moves forward that the architectural character of the buildings would be harmonious and compatible throughout the site, as well as surrounding development. Staff would also encourage that a sign program be developed in the early stages to maintain sign consistency throughout the site as development occurs.

Administrator Approval should be required as development occurs that would include site plans, landscaping plans, photometric plans and building elevations. Staff would also request Administrator Approval for a pedestrian / amenity plan.

GENERAL INFORMATION

Existing Zoning	C-3 (FF) / C-4 (FF)	
Existing Land Use	Vacant commercial uses / parking lot	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	SU-2	School
South:	D-7 / SU-1	Multi-family dwellings / religious uses
East:	D-3	Single-family dwellings
West:	SU-1 / D-7	Religious uses / multi-family dwellings
Thoroughfare Plan		
North Arlington Avenue	Primary arterial	Existing 90-foot right-of-way and proposed 102-foot right-of-way.
East 46th Street	Primary arterial	Existing 90-foot right-of-way and proposed 102-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes, unregulated 500-year floodplain	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 27, 2024	
Site Plan (Amended)	August 8, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial 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.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- Small-Scale Offices, Retailing, and Personal or Professional Services (*defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.*)



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- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2002-ZON-807 / 2002-VAR-807; 4825 North Arlington Avenue (north of site), requested rezoning of 23.572 acres from the D-3 district to the SU-2 classification to legally establish educational uses and a variance of use and development standards of the Sign Regulations to provide for a 23-foot-tall, 156-square-foot pylon sign, with 36 square feet devoted to an electronic variable message board located 110 feet from a protected district, **approved and granted**.

90-UV3-44; 6010 East 46th Street (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the rental of six panel trucks, **granted**.

88-UV3-135; 4570 North Arlington Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence into a real estate office, **denied**.

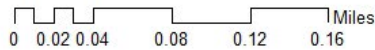
86-V1-135; 5930 Laurel Hall Drive (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a garage addition to a single-family residence located at 3 feet, 8 inches from the side property line (7 feet required), **denied**.

60-V-12; 4825 North Arlington Avenue (north of site), requested a variance of use to provide for a school, **granted**.

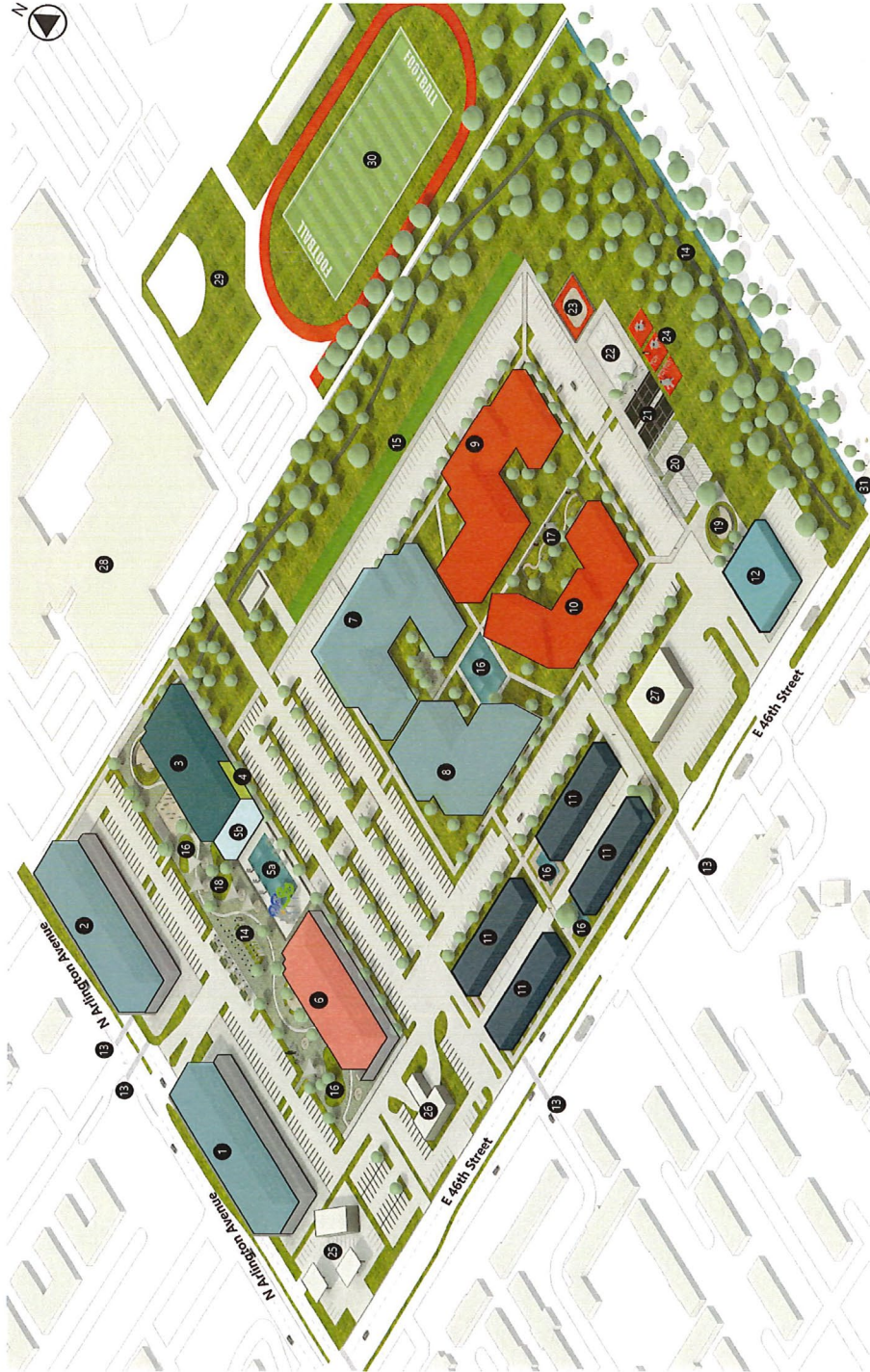
EXHIBITS



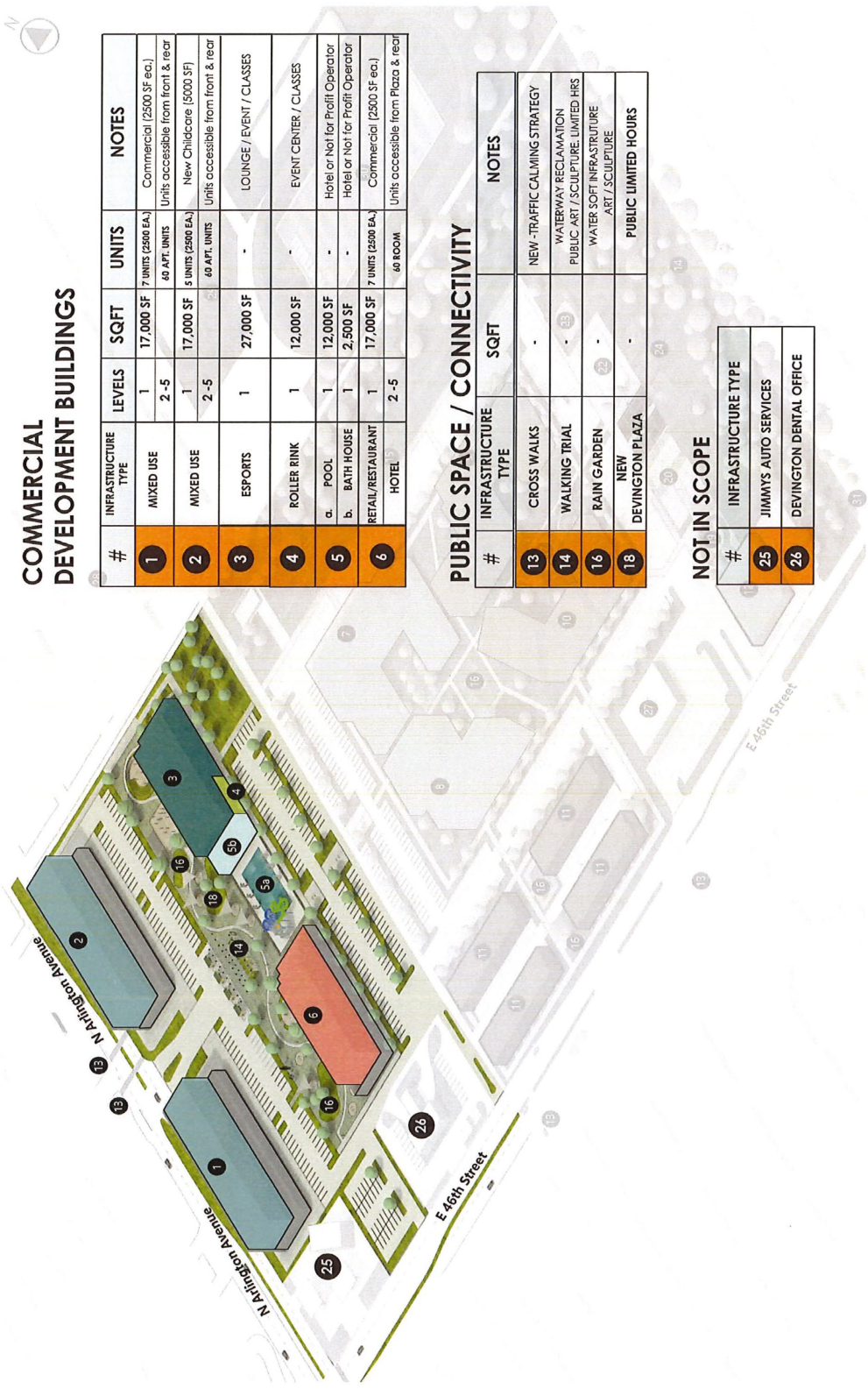
6000, 6012, 6020, 6180 and 6206 East 46th Street



#DESTINATION DEVINGTON



COMMERCIAL / COMMUNITY PLAZA



COMMERCIAL DEVELOPMENT BUILDINGS

#	INFRASTRUCTURE TYPE	LEVELS	SQFT	UNITS	NOTES
1	MIXED USE	1 2-5	17,000 SF	7 UNITS (2500 EA.) 60 APT. UNITS	Commercial (2500 SF ea.) Units accessible from front & rear
2	MIXED USE	1 2-5	17,000 SF	5 UNITS (2500 EA.) 60 APT. UNITS	New Childcare (5000 SF) Units accessible from front & rear
3	ESPORTS	1	27,000 SF	-	LOUNGE / EVENT / CLASSES
4	ROLLER RINK	1	12,000 SF	-	EVENT CENTER / CLASSES
5	a. POOL b. BATH HOUSE	1	12,000 SF 2,500 SF	- -	Hotel or Not for Profit Operator Hotel or Not for Profit Operator
6	RETAIL/RESTAURANT HOTEL	1 2-5	17,000 SF	7 UNITS (2500 EA.) 60 ROOM	Commercial (2500 SF ea.) Units accessible from Plaza & rear

PUBLIC SPACE / CONNECTIVITY

#	INFRASTRUCTURE TYPE	SQFT	NOTES
13	CROSS WALKS	-	NEW -TRAFFIC CALMING STRATEGY
14	WALKING TRIAL	-	WATERWAY RECLAMATION PUBLIC ART / SCULPTURE LIMITED HRS
16	RAIN GARDEN	-	WATER SOFT INFRASTRUCTURE ART / SCULPTURE
18	NEW DEVINGTON PLAZA	-	PUBLIC LIMITED HOURS

NOT IN SCOPE

#	INFRASTRUCTURE TYPE
25	JIMMY'S AUTO SERVICES
26	DEVINGTON DENTAL OFFICE



HOUSING & AMENITIES

COMMERCIAL DEVELOPMENT BUILDINGS

#	INFRASTRUCTURE TYPE	LEVELS	SQFT	UNITS
7	APARTMENTS	FIVE	N/A	100 UNITS
8	APARTMENTS	FIVE	N/A	100 UNITS
9	APARTMENTS (TAX CREDIT)	FOUR	N/A	100 UNITS
10	APARTMENTS (TAX CREDIT)	FOUR	N/A	100 UNITS
11	TOWN HOMES (8)	TWO	8,320 SF	
12	FUTURE DEVELOPMENT	ONE	8,500 SF	

NOT IN SCOPE

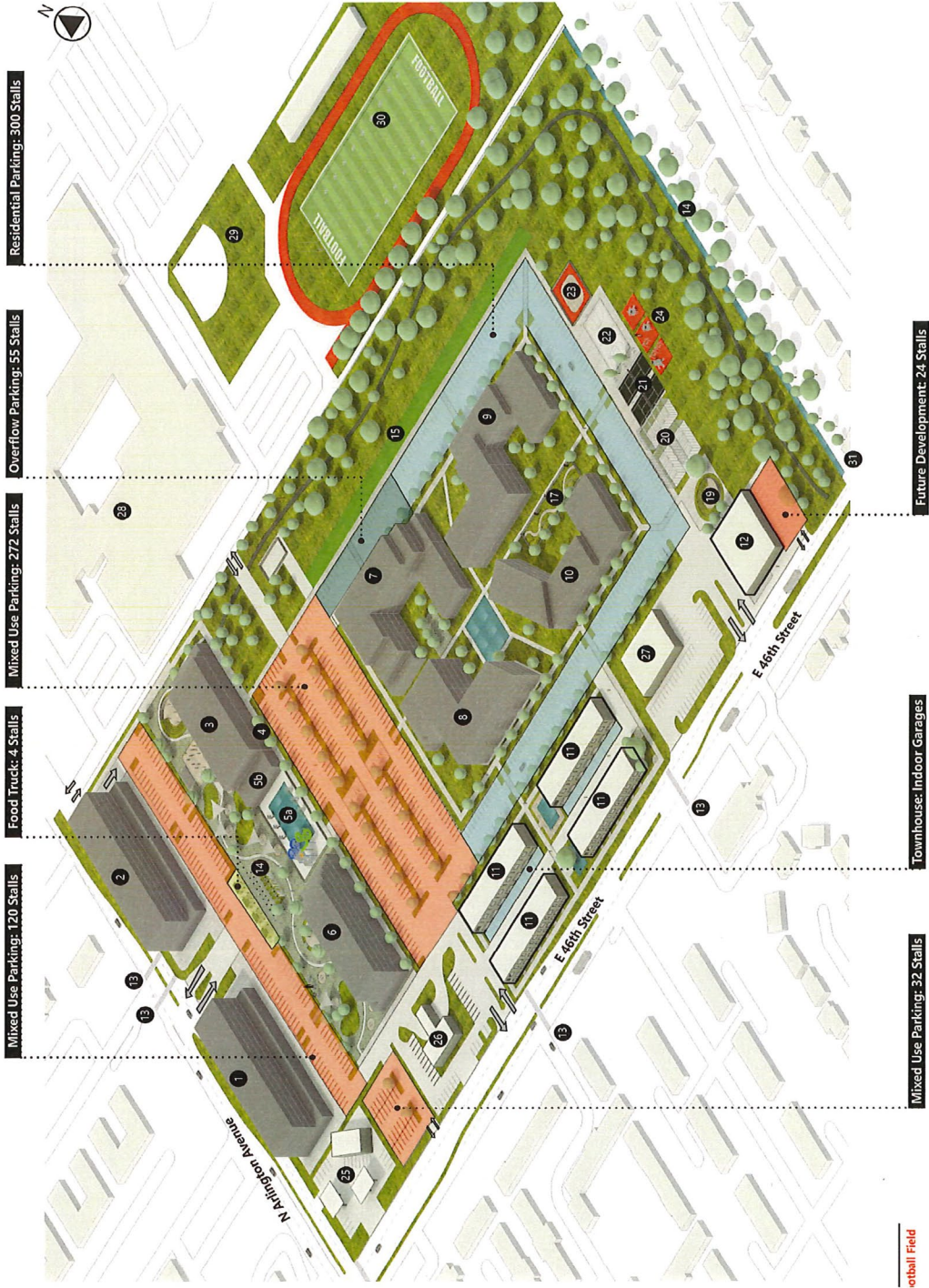
#	INFRASTRUCTURE TYPE
25	JIMMYS AUTO SERVICES
27	AUTO ZONE PARTS
28	ARLINGTON MIDDLE SCHOOL
29	ARLINGTON FOOTBALL FIELD
30	ARLINGTON BASEBALL FIELD
31	DEVON CREEK

PUBLIC SPACE / CONNECTIVITY

#	INFRASTRUCTURE TYPE	NOTES
13	CROSSWALK	
14	WALKING TRAIL	PUBLIC LIMITED HOURS
15	WATER RETENTION SYSTEM	
16	RAIN GARDEN	
17	PLAY GROUND	PRIVATE (RESIDENT ONLY)
19	AMPHITHEATER	PUBLIC LIMITED HOURS
20	COMMUNITY GARDEN	PUBLIC LIMITED HOURS
21	TENNIS COURTS	PUBLIC LIMITED HOURS
22	BASKETBALL COURT	PUBLIC LIMITED HOURS
23	DOG PARK	PUBLIC LIMITED HOURS
24	PLAY GROUND	PUBLIC LIMITED HOURS



#DESTINATION DEVINGTON MASTERPLAN - PARKING



PARKING SCHEDULE

Tag	Function	Level	Square Footage or Units	Min Off-Street Vehicle Parking Spaces Required	Max Off-Street Vehicle Parking Spaces Permitted	Proposed Off-Street Vehicle Parking Spaces	Location (Refer to drawing)
1	Commercial (All retail sales uses)	1	17,000	49 (1 per 350 sf if under 200,000 sf)	85 (1 per 200 sf)	49	Mixed Use Parking
1	Market Rental Housing (Multifamily dwellings 5 or more)	2,3,4,5	60	45 0.75 (if over 3 stories)	None	45	Mixed Use Parking
2	Commercial (All retail sales uses)	1	10,000	29 (1 per 350 sf if under 200,000 sf)	50 (1 per 200 sf)	29	Mixed Use Parking
2	Daycare (Daycare Center or Nursery School)	1	7,000	18 (1 per 400 sf)	35 (1 per 200 sf)	18	Mixed Use Parking
2	Market Rental Housing (Multifamily dwellings 5 or more)	2,3,4,5	60	45 0.75 (if over 3 stories)	None	45	Mixed Use Parking
3	ESports (Community Center)	1,2	33,000	83 (1 per 400 sf)	165 (1 per 200 sf)	83	Mixed Use Parking
4	Rollerskating (Indoor recreation & Entertainment)	1	5,000	13 (1 per 400 sf)	25 (1 per 250 sf)	13	Mixed Use Parking
5	Swimming Pool (Recreational Facility)	1	14,500	36 (1 per 400 sf)	72.5 (1 per 250 sf)	36	Mixed Use Parking
6	Commercial (All retail sales uses)	1	17,000	49 (1 per 350 sf if under 200,000 sf)	85 (1 per 200 sf)	49	Mixed Use Parking
6	Hotel (Lodging - Hotel)	2,3,4,5	60	60 (1 per guest room)	90 (1.5 per guest room)	60	Mixed Use Parking
				424	608	424	Mixed Use Parking (120-32-272)
7	Market Rental Housing (Multifamily dwellings 5 or more)	1,2,3,4,5	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
8	Market Rental Housing (Multifamily dwellings 5 or more)	1,2,3,4,5	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
9	Tax Credit Housing (Multifamily dwellings 5 or more)	1,2,3,4	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
10	Tax Credit Housing (Multifamily dwellings 5 or more)	1,2,3,4	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
				300	-	300	Residential Parking (300)
11	Townhouses (Single family Attached Dwellings)	1,2	8	8 (1 per dwelling Unit)	None	8	Indoor Garage
12	Future Development (Office)	1	8,500	24 (1 per 350 sf)	43 (1 per 200 sf)	24	Future Development Parking
				24	43	24	





Department of Metropolitan Development
 Division of Planning
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EXHIBIT A



*1 Cor. 10:31
 ...whatever you do,
 do it all for the glory of God.*

Clark Katz
 Principal
 Skysoar Capital Partners, LLC
 400 Rella Blvd, Suite 100
 Montebello, NY, 10901

July 11, 2024

Re: Trip Generation Comparison
 Devington Plaza
 6000 East 46th Street
 Indianapolis, Indiana 46226
 Yarger Engineering Job Number: 20240702

Dear Mr. Katz;

Per your request, we have estimated the trips generated by Devington Plaza, before as a shopping center, and after as mixed-use. As can be seen in the tables below, the before case had more daily and afternoon traffic. Since many businesses in shopping centers are typically not open in the morning peak periods between 7:00 and 9:00 AM, the morning before traffic is lower than the after case with the mixed-uses, which includes uses with more balanced traffic through-out the day. The second and third tables contain the individual land uses.

Trip Generation Before and After Comparison			
Land Use	Daily	AM Street Peak	PM Street Peak
Before – Shopping Center	12,801	368	1,063
After – Mixed-Use	7,880	491	681

The second and third tables contain the individual land uses.

Trip Generation Before - Shopping Center						
Land Use	ITE Code	Size	Units	Daily	AM Street Peak	PM Street Peak
Shopping Center	820	178	KSFT	10,519	239	856
Liquor Store	899	1.5	KSFT	161	1	60
Gas with Convenience Market, 2 – 4 KSFT	945	8	Fueling Positions	2,121	128	147
Total				12,801	368	1,063



Mr. Katz
 July 11, 2024
 Page 2

Trip Generation Mixed-Use						
Land Use	ITE Code	Size	Units	Daily	AM Street Peak	PM Street Peak
Townhomes	215	32	Dwelling Units	193	11	15
Mid-Rise Apartments	221	520	Dwelling Units	2,434	217	203
Business Hotel	312	38	Rooms	326	25	25
Community Center	495	60	KSFT	1,150	73	95
Day Care	565	7	KSFT	333	77	78
Shopping Plaza Without Supermarket	821	51	KSFT	3,444	88	265
Total				7,880	491	681

The Esports, roller skating rink, and pool were calculated using the recreational community center as the closest fit for the land use in the ITE Trip Generation Manual.

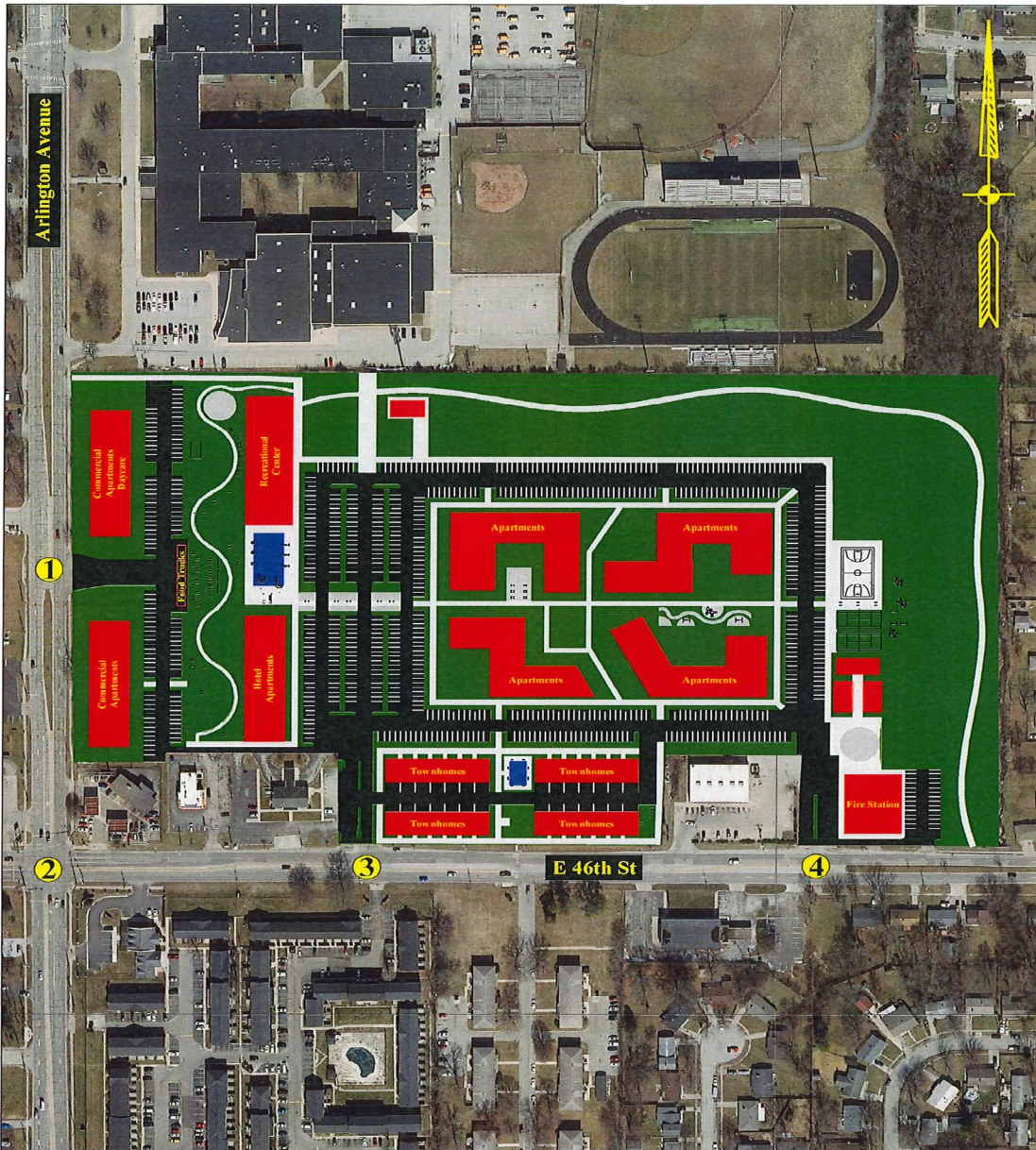
If you have any questions or comments, please call me at (317) 475-1100. You may also email me at bwyarger@yargerengineering.com.



Sincerely,
 Yarger Engineering, Inc.
Bradley W. Yarger
 Bradley William Yarger, P.E.
 President

BWY/bwy

EXHIBIT B



YARGER ENGINEERING
 Specializing In Traffic Engineering

Figure 7, Mixed-Use Development Site Plan
 Indianapolis, Indiana, Approximate Scale: 1" = 250'
 Prepared by Yarger Engineering, Inc.©
 1401 Alimingo Drive, Indianapolis, IN 46260-4058
 317-475-1100, Fax: 317-475-0100 September 6, 2024



View looking north along North Arlington Avenue



View looking east along East 46th Street



View looking west along East 46th Street



View of site looking north



View of site looking east along existing structure



View of site looking north



View from site looking east at adjacent property



View of site looking southeast



View of site looking east



View from site looking south



View from site looking south



From site looking west along southern boundary



View from site looking west across North Arlington Avenue



View from site looking northwest across North Arlington Avenue



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-093 / 2024-VAR-011 (Amended)

Property Address: 4410 Allisonville Road (Approximate Address)

Location: Washington Township, Council District #8

Petitioner: EZ-Stor LLC, by David Kingen & Emily Duncan

Current Zoning: C-S
Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine parking spaces (minimum 30 parking spaces required).

Current Land Use: Industrial

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff **recommends denial** of the requests.

If approved against staff’s recommendation, approval shall subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. An 82-foot half right-of-way shall be dedicated along the frontage of Allisonville Road as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

This 3.25-acre site, zoned C-S, is developed with a self-storage facility. It is surrounded by commercial uses to the northwest, across Old Allisonville Road and west, zoned C-5; medical office and multi-family dwellings to the east, across Allisonville Road, zoned MU-1; Fall Creek, park, and multi-family dwellings, across Binford Boulevard, to the south, zoned PK-2, PK-1, and D-7.

Petition 2000-ZON-869 rezoned the site to the C-S (W-1) to provide for a self-storage, self-service automobile wash bays and an apartment for an on-site manager.

REZONING

This request would rezone C-S district to the C-S classification to provide for C-1 office uses, one dwelling unit for the on site manager and an expansion of the self-storage facility, see Development Statement.

“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 Ordinance identifies the purposes of the C-S District:

1. To encourage:
 - i. A more creative approach in land planning.
 - ii. Superior site and structural design and development.
 - iii. An efficient and desirable use of open space.
2. To provide for a use of land with high functional value.
3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.



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The Comprehensive Plan recommends office/industrial mixed-use. “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.”

Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.

This site is located in an environmentally sensitive area (100-year floodplain). “The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.”

The request would be consistent with the Comprehensive Plan recommendation, however, staff is concerned that the expansion would result in a site that would be covered with buildings and pavement, leaving little space for landscaping and buffering for surrounding land uses (park and residential). Furthermore, the area proposed for expansion is located in the 100-year floodplain.

Staff would not object to an appropriate and reasonable expansion that would provide more areas of landscaping and buffering, but as proposed, a site primarily of hard surface would not be supportable.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these



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districts are subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-1 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of an 82-foot half right-of-way along Allisonville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for nine parking spaces when the Ordinance requires one parking space for every 30 units, for a total of 30 required parking spaces for the 875 units proposed. The information filed indicates that the requirement would be decreased by 21 spaces.

The petitioner’s representative has not provided a finding of fact that presents a practical difficulty for a reduction of parking spaces. Furthermore, staff believes there is not a practical difficulty in the use of the site if the required number of parking spaces would be provided.



STAFF ANALYSIS

The grant of the request would allow for a two-story building expansion of the self-storage facility that would include 546 new units on site, with a total of 875 units.

Staff has concerns with the proposal since it would significantly reduce the green space in the front yard and would remove the trees that are in front of the existing building. Additionally, the existing sidewalk would be removed with no indication on the proposed site plan that a new sidewalk installation would be proposed as required.

Lastly, staff determined that the newly proposed building would create a site is completely made up of pavement and buildings which would leave no green space for drainage purposed. The request for the reduction of parking spaces indicates the overdevelopment of the site since the increased number of required parking spaces would not be needed without the large expansion proposed on site.

Because the rezoning would be tied to the C-S Statement and the site plan, staff cannot recommend approval of the rezoning since it would allow for the expansion that is not supportable by staff.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Mini warehouses	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	Zoning	Land Use
	North: C-5	Commercial
	South: D-7 / PK-1 / PK-2	Park and Multi-family dwellings
	East: MU-1	Medical Office and Multi-family dwellings
	West: C-5	Commercial
Thoroughfare Plan		
Old Allisonville Road	Local Street	48-foot proposed right-of-way and 74-foot existing right-of-way.
Allisonville Road	Secondary Arterial Street	126-foot proposed right-of-way and 82-foot existing right-of-way.
Binford Boulevard	Binford Boulevard	104-foot proposed right-of-way and 116-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	Yes	
Site Plan	August 26, 2024	
Site Plan (Amended)	N/A	
Elevations	August 26, 2024	



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Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	August 2, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- Marion County Land Use Plan Pattern Book (2019) recommends office/industrial mixed-use development for the site.
- 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.
- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Light Industrial Uses**
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- **Small-Scale Retailing, and Personal or Professional Services**
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
 - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Indy Moves Transportation Integration Plan (2018) proposes a complete streets multi-use path along Allisonville Road from Binford Boulevard to 56th Street.



ZONING HISTORY

Zoning History – Site

2019-CZN-826; 4410 Allisonville Road (subject site), Rezoning of 3.25 acres from the C-S district to the C-S district to provide for C-1 office uses and to expand a self-storage facility, **approved**.

2019-CVR-826; 4410 Allisonville Road (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for nine parking spaces, a 20.3-foot tall, 221-square foot freestanding pole sign, with a 140-square foot digital display equaling 63% of the sign area located 50 feet from the nearest protected district (maximum 20-foot height for pole signs, maximum 100-square foot digital display, pole sign not permitted with digital display, digital display cannot exceed 40% of sign area, 600-foot separation required). **withdrawn**.

2019-CVC-826; 4410 Allisonville Road (subject site), Vacation of an irregular portion of Binford Boulevard, being approximately 70 feet wide, consisting of 0.28 acre from the west right-of-way line of Allisonville Road to a point along the 70-foot right-of-way of Binford Boulevard 265.72 feet to the west, being a part of Lots 20, 21, 23, 24, 25 and 26 in Fall Creek Boulevard Addition recorded in Plat Book 20, Page 34 in the Office of the Recorder of Marion County, with a waiver of the assessment of benefits, **adopted**.

2013-VAC-010; 4410 Allisonville Road (subject site), Vacation of four-foot-wide utility easements along the east side of Lots Four to Eleven, along the west side of Lots 18-23, along the south side of Lot 21 and along the north side of Lots 23-24, **approved**.

2000-VAC-869; 4405 Allisonville Road (subject site), Vacation of the four utility easements: **approved**.

2000-ZON-869; 4405 Allisonville Road (subject site), Rezoning of 2.8 acres from the C-5 (W-1) district to the C-S (W-1) classification to provide for a self-storage facility, self-service automobile wash bays, and an apartment, **approved**.

96-VAC-22; 4407 Allisonville Road (subject site), Vacation of a utility easements, being approximately 8 feet in cumulative width, between Lots 4 through 11 and Lots 18 through 24 of Fall Creek Boulevard Addition, recorded in Plat book 20, page, 34, **withdrawn**.

Zoning History – Vicinity

2020-DV3-065; 4405 Allisonville Road (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 16.33-foot-tall building and façade transparencies ranging from seven percent to 24% (minimum 25-foot height and 40% transparency required), **void**.

2017-ZON-044; 2717 Anna Lane (east of site), Rezoning of 1.194 acres from the MU-1 (W-1) (FF) District to the C-3 (W-1) (FF) classification, **withdrawn**.



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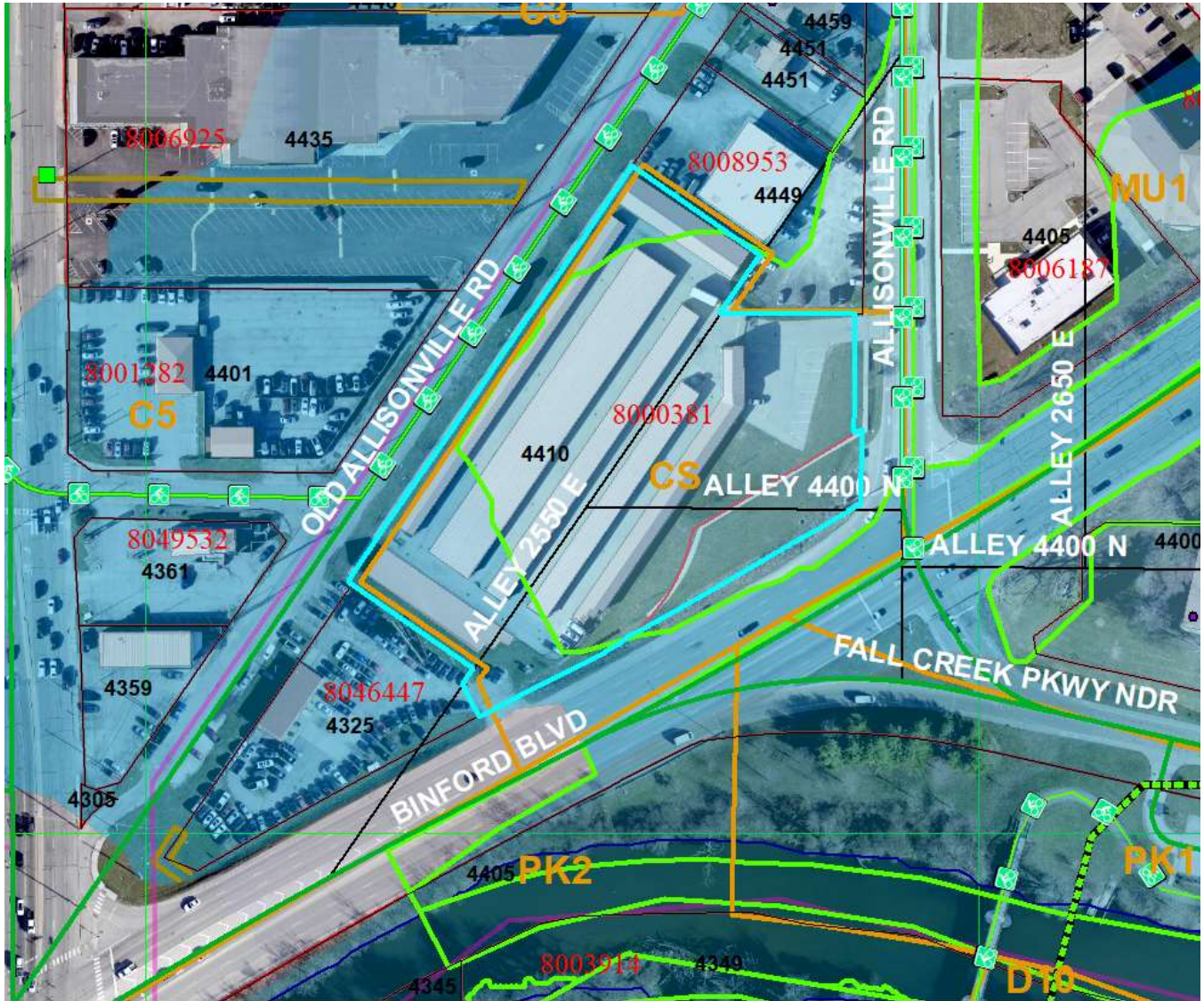
93-UV1-17; 4446 Allisonville Road (north of site), Variance of use of the Commercial Zoning Ordinance to provide for the continued operation of an automobile sales service and repair shop including body work, **approved**.

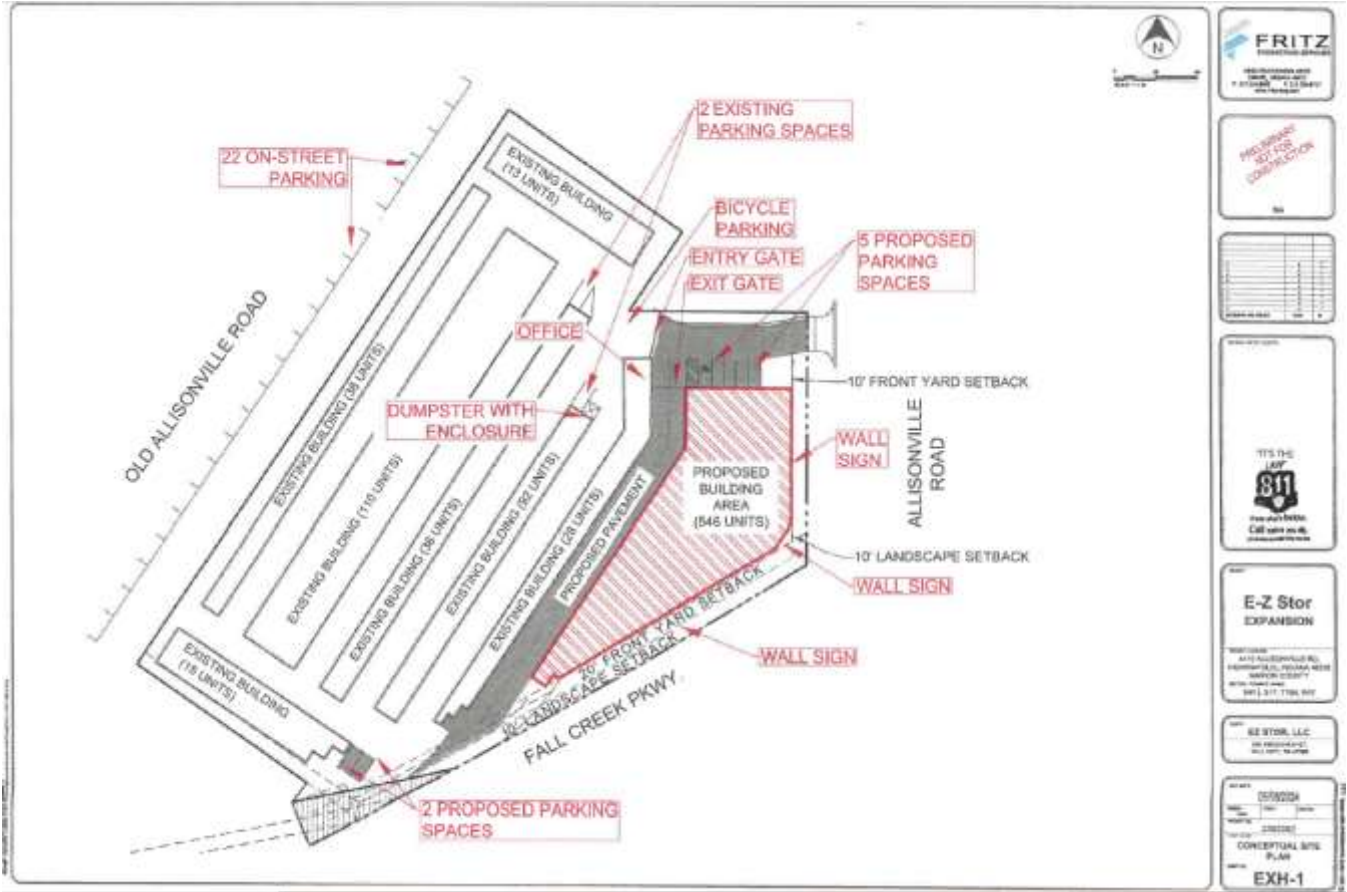
91-UV1-141; 4359 North Keystone Avenue (southwest of site), Variance of development standards of the Commercial Zoning Ordinance to permit a building addition resulting in a setback of 28 feet from the centerline of Allisonville Road (70-foot setback from centerline required), **denied**.

89-UV1-109; 4446 Allisonville Road (north of site), Variance of use of the Commercial Zoning Ordinance to provide for operation of an automobile sales, service and repair shop including body work, **approved for three years**.

85-V2-127; 4359 North Keystone Avenue (southwest of site), Variance of development standards to permit a building addition located within the required setback, **granted**.

EXHIBITS







Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The history of this site and other similar self-storage facilities is that there is an abundance of onsite parking per the code; when in reality very little onsite parking is needed on the site to conduct the business that is generated as few persons visit the site whether they are prospective users or existing users of the self-storage units.

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

The surrounding uses will be enhanced with less asphalt for parking on this site and thus more land dedicated to lawn and landscaping and thus the area adjacent shall be enhanced and would be affected in a positive manner.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

If this specific use on this site were to provide all of the required parking, which is not needed; then the result would be less lawn and landscaping on the site and more asphalt on the site providing parking that would never or very rarely be used.

DECISION



Department of Metropolitan Development
Division of Planning
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Development Statement

Petitioner seeks to Modify previously approved and adopted Development Statement for 4410 Allisonville R as follows:

Uses:

Self Storage Number of units shall increase a minimum of 329 (existing) to 875 (proposed)

C-1 Office Uses

One dwelling unit for the on site manager

Building: One primary building for all the uses with 46,800 square feet existing to 56,472 square feet proposed

Parking: Office use, patrons and employees of self storage facility and manager of the self storage facility; Nine (9) on site per site plan on file

Provide and maintain five (5) on site bike parking spaces per site plan on file

Signs:

Three (3) Wall signs per site plan on file

Landscaping:

Erect and maintain and supplement existing perimeter landscaping and ornamental fencing per site plan and elevations on file

Exterior finish of elevations:

Replace existing exterior finish of masonry and brick with masonry, brick stucco and corrugated metal

Trash:

Dumpster with enclosure

Safety and security:

Entry Gate with keypad security system, surveillance cameras around the perimeter of the site. New exit gate only

7/12/24



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2019 D-P

Development Statement:

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

- C-1 office uses
- Self storage facility (329 units existing; 310 more units proposed)

Buildings:

- One (1) proposed addition to the existing primary building at the facility with no changes to the additional five (5) buildings; with existing square feet and proposed square feet to be added.

Parking:

- Retail: Four (4) off street parking provided.
- Self-Storage: Five (5) off street parking spaces provided; with one (1) being an ADA parking space.
- Provide five (5) on site bike parking spaces

Signs:

- One (1) free standing pylon or monument signs (one per street frontage), with digital components per the site plan and sign elevation on file
- Wall signage shall comply with the Sign Regulations

Landscaping:

- Maintain and supplement existing perimeter landscaping and ornamental fencing per site plan on file.
-

Exterior finish:

- Maintain existing exterior finish for the addition

7/12/19

Metropolitan Development

JUL 31 2019

Division of Planning



Department of Metropolitan Development
 Division of Planning
 Current Planning

2019 Site Plan



2000-ZON-869 COMMITMENTS



Department of Metropolitan Development
Division of Planning
Current Planning

Case # . 2000 - 20N - 864
(4)
2001-008462

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MARION COUNTY, INDIANA - STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (insert here or attach)
(Attached)

FILED
MAY 15 2001
DEPT. METRO DEVELOPMENT
BY _____

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. An amended site plan shall be submitted for, and subject to, Administrator's approval prior to the issuance of an Improvement Location Permit. Said site plan shall indicate a minimum 20-foot setback from Binford Boulevard, ingress and egress only from Allisonville Road within 20 feet of the north property line, and extensive landscape treatment along Binford Boulevard. (At the ingress/egress point, Allisonville Road is also known as Temple Avenue.)
3. Elevations of the Binford Boulevard frontage shall be submitted for, and subject to, Administrator's approval prior to obtaining an Improvement Location Permit. Said elevations shall include masonry or brick finished facades along Binford Boulevard.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

MDC's Exhibit B - - page 1



Photo of the subject site looking north.



Photo of the subject site looking northwest.



Photo of the subject site looking west.



Photo of the subject site looking southwest.



Photo of the street frontage along Binford Boulevard looking northeast.



Photo of the street frontage along Binford Boulevard looking southwest.



Photo of the southwestern property boundary and existing storage building.



Photo of the northwestern property boundary and existing storage buildings along Old Allisonville Road.



Photo of the storage facility looking northeast.



Photo of the storage facility looking northwest from Binford Boulevard.



Photo of Fall Creek across Binford Boulevard looking south.



Medical office and multifamily dwellings east of the site.



Commercial uses north of the site.



Photo of the commercial use southwest of the site.



Photo of the commercial uses northwest of the site across Old Allisonville Road.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-096

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

Location: Wayne Township, Council District #16

Petitioner: Homes in Motion, LLC, by John Cross

Current Zoning: D-3 (W-1)

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

Current Land Use: Office

Staff Recommendations: Approval with commitments.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDEMDUM FOR SEPTEMBER 26, 2024 HEARING EXAMINER

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

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

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

September 12, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION



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

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

1. A 56-foot half right-of-way shall be dedicated along the frontage of 10th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 40-foot half right-of-way shall be dedicated along the frontage of High School Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road.
4. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
5. There shall be no outdoor storage of equipment or commercial vehicles on site.
6. The six-foot tall privacy fence in the front yard shall be removed or reduced to three feet in height within 60 days of approval of the request.
7. A plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.

PETITION OVERVIEW

LAND USE

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

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

REZONING

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



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

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

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

DEPARTMENT OF PUBLIC WORKS

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

STAFF ANALYSIS

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

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

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



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

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

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

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

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

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

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

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Office	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-3	Residential (Single-family dwelling)
South:	C-5	Commercial
East:	D-3	Residential (Single-family dwelling)
West:	D-3	Residential (Single-family dwelling)
Thoroughfare Plan		
10 th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro	



Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	Yes
Site Plan	August 11, 2024
Site Plan (Amended)	September 12, 2024
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends suburban neighborhood development for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

- Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- Office uses are contemplated within the suburban neighborhood typology, which is why staff determined the request would be supportable.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

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

ZONING HISTORY

Zoning History - Site

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

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

Zoning History - Vicinity

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

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

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

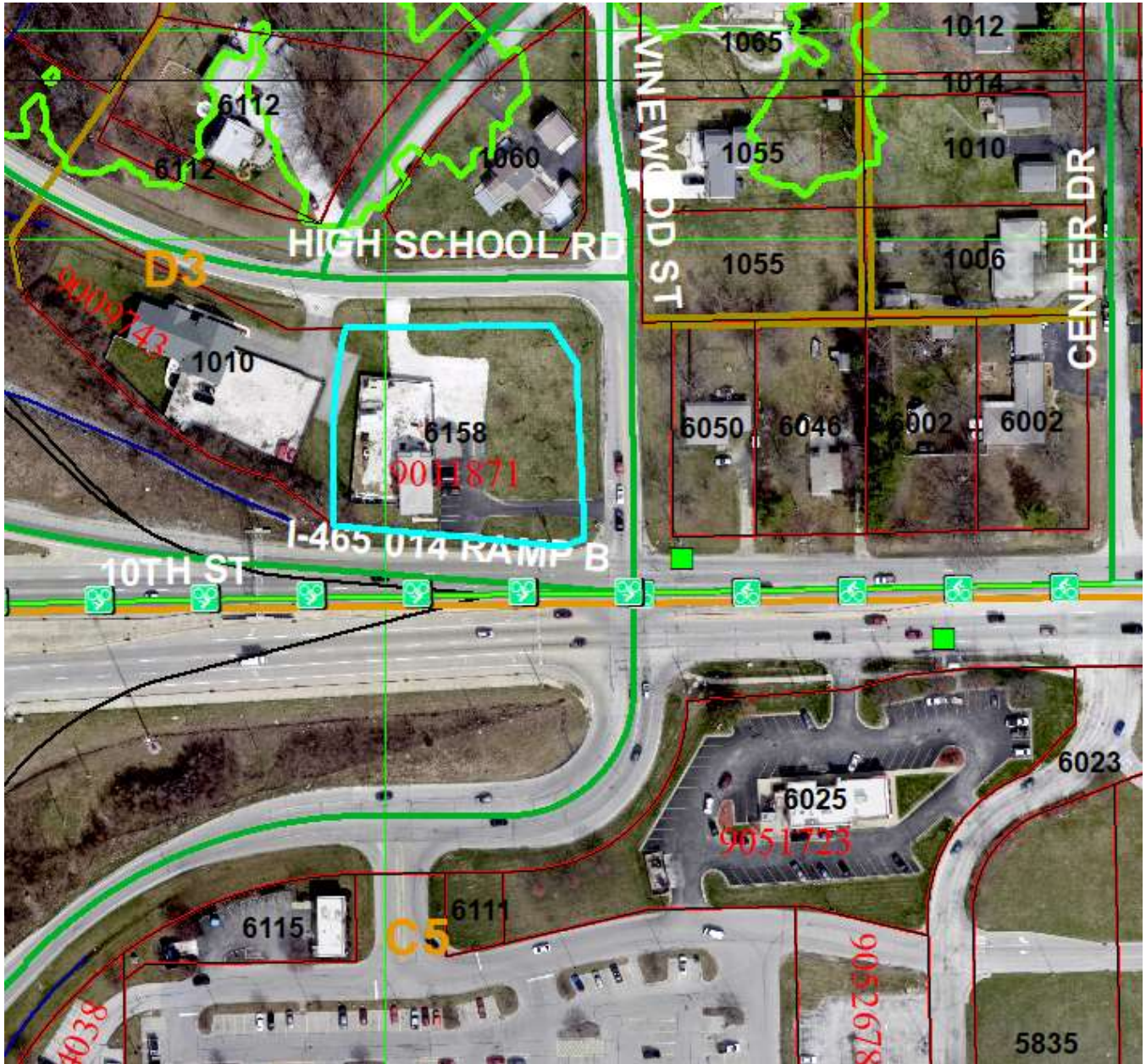
90-Z-225; 5909 West 10th Street (south of site), Rezoning of 19.3 acres, being in the C-5 District, to the C-5 classification to provide for commercial development, **approved**.

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

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

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

EXHIBITS



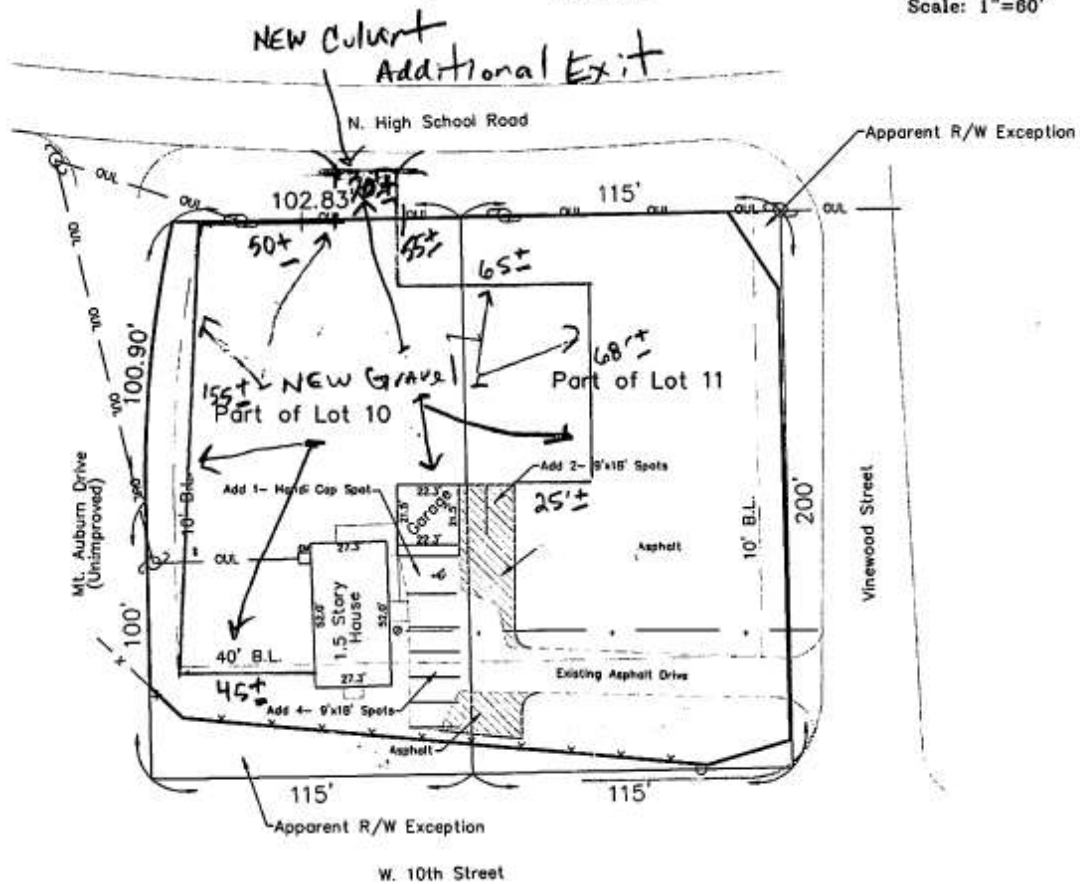
SITE PLAN

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

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

Legend

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



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



PREPARED: February 7, 2019

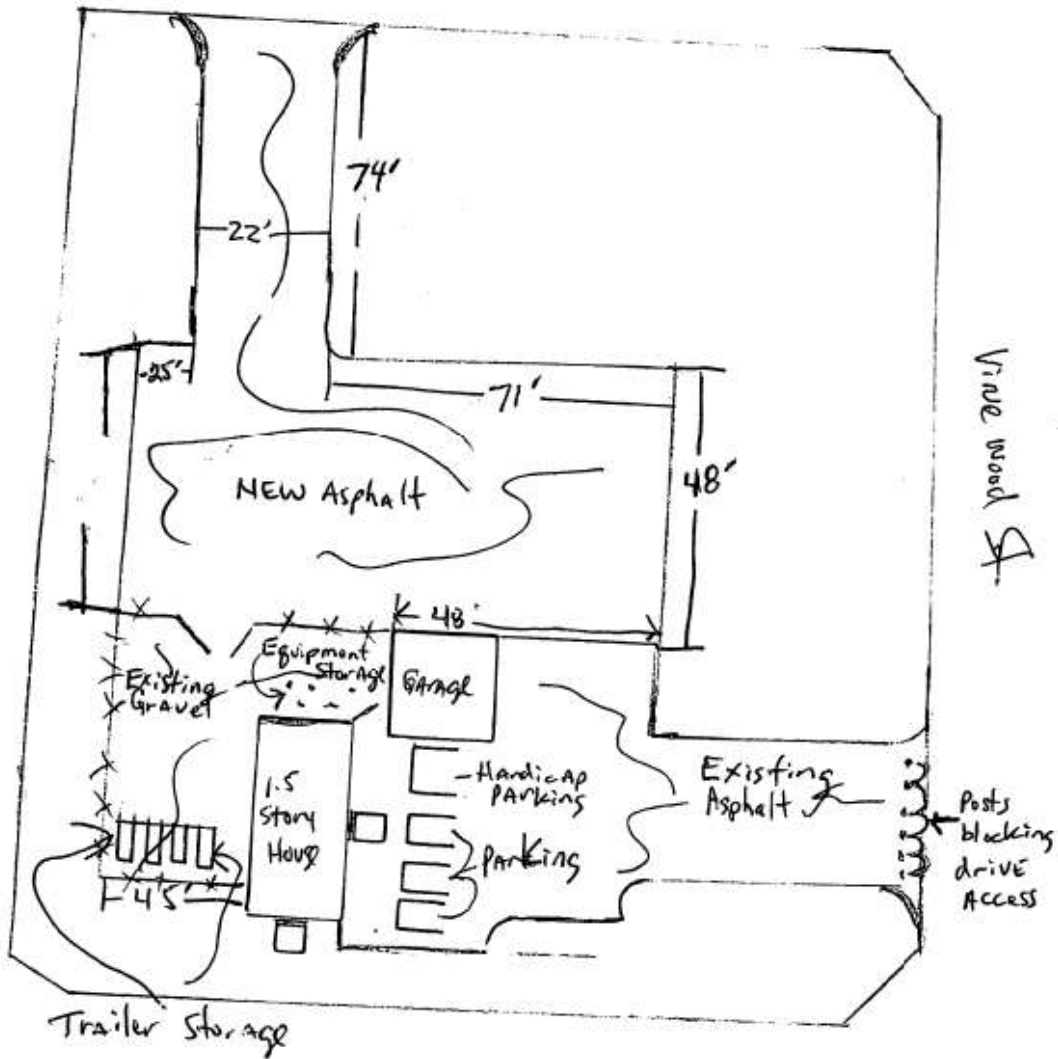
Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Job No.: 190123
 Sheet 2 of 2

AMEDED SITE PLAN

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

↑ N
not to scale

N. High School Rd.

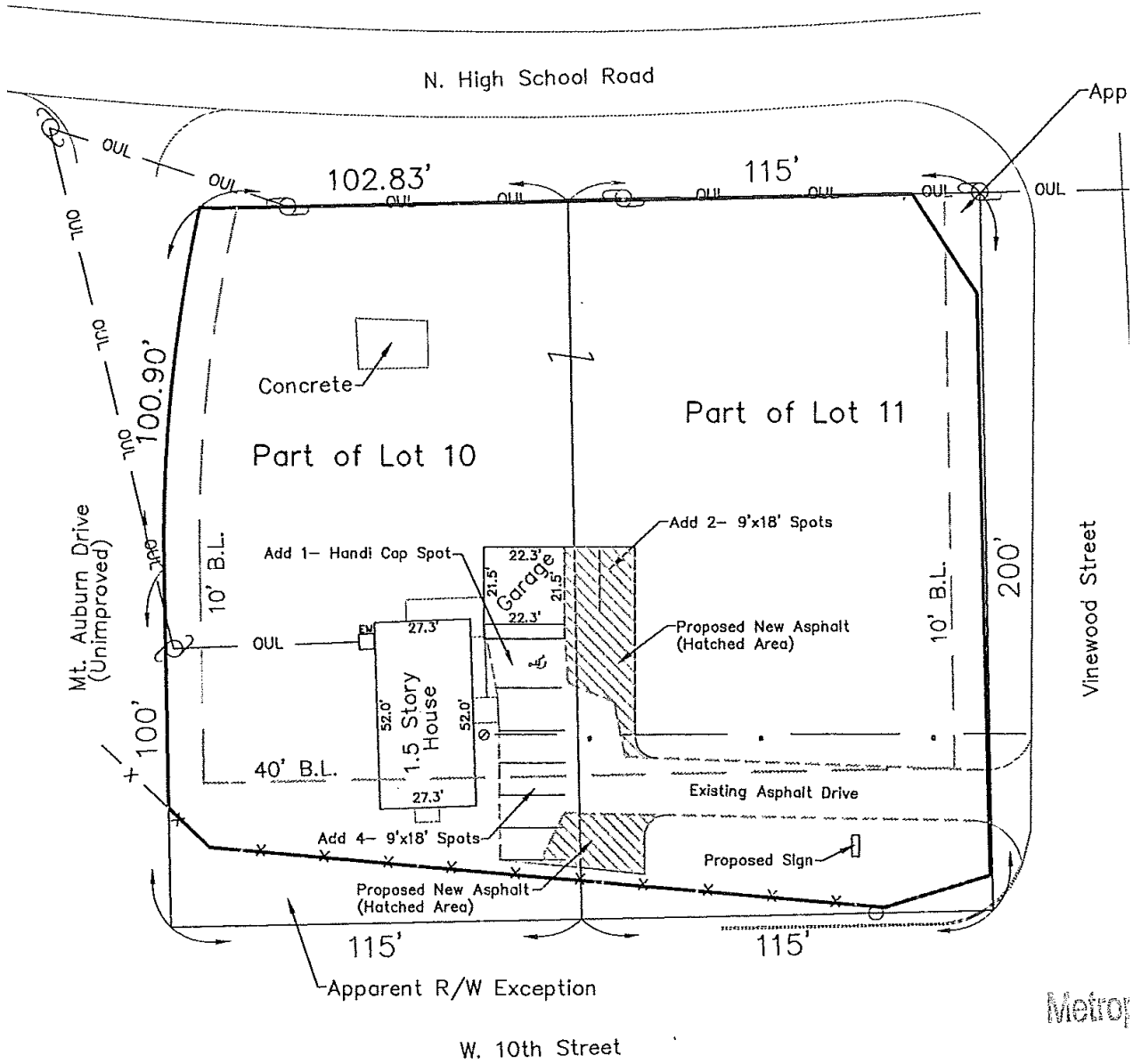


~~xxxxx~~ Existing privacy fence



Department of Metropolitan Development
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2019-UV2-005 Site Plan



Metro



Department of Metropolitan Development
Division of Planning
Current Planning

Plan of operation

September 2024

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

Owner.

Homes In Motion LLC

6158 W. 10th St.

Indianapolis, IN 46214

Occupying Tenant.

Canon Real Estate Services LLC

6158 W. 10th St.

Indianapolis, IN 46214

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

Description of the property.

1.The improvements on 6158 W 10 Th St consists of a 1252 square foot, 3 bed room, 1 bath single family home with a ¾ unfinished basement and a two car detached garage.

2.Access to the proposed office entrance has standard steps with hand rails and a handicap ramp for safe access.

Security.

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

Business operations.

1.Hours of operation Monday through Friday 8AM to 5 PM.

2.The living area will be use as a reception area and two of the bedrooms will be used as offices and the third for storage.

3. 3 employees occupy the space, two real estate agents and one receptionist.

4. Low to no client volume. Clients are met away from the office typically.

Limited Outdoor Storage.

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



Subject site street frontage along 10th Street.



Subject site street frontage along 10th Street.



Driveway off Vinewood Street.



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



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



Photo of the existing detached garage looking north on site.



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



Photo of the gravel area looking south on the site.



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



Photo of the fenced in storage area.



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



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



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



Photo of the street frontage along Vinewood Drive looking south.



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



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



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



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



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-829 / 2024-CVR-829 (Amended)

Property Address: 707 East 22nd Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Elliott 317, LLC, by Jamilah Mintze

Current Zoning: C-3

Request: Rezoning of 0.07-acre from the C-3 district to the D-8 district to provide for a two-unit multi-unit house.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.1-foot tall, three-story, two-unit multi-unit house (maximum 35-foot tall, 2.5 stories permitted), with a deficient 2,926 square foot lot area (3,500 square feet required), a five-foot rear setback (10-foot rear setback required), with no street trees and deficient landscaping (minimum one street tree per 35 feet of lot frontage and 50% living material required).

Current Land Use: Undeveloped

Staff Recommendations: Approval of the rezone. Denial of the variances.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR SEPTEMBER 26, 2024 HEARING EXAMINER

This petition was continued from the August 29, 2024 hearing to the September 26, 2024 hearing at the request of a registered neighborhood organization.

ADDENDUM FOR AUGUST 29, 2024 HEARING EXAMINER

This petition was continued from the July 25, 2024 hearing to the August 29, 2024 hearing at the request of the petitioner to allow additional time to amend the request and provide proper notice.

Amendment: The petitioner filed a revised site plan and provided building elevations and floor plans for the proposed multi-unit house that exceeded the height and story limitation.

The new site plan indicates two driveways to be proposed at the rear of the site for the proposed garages on the first floor of each unit. The issue is that the site does not have access to the proposed garages. The property to the south has a private drive along the abutting property boundary, which would require an access easement to be granted from the southern property owners before permits can be issued.



Department of Metropolitan Development
Division of Planning
Current Planning

Without a definitive answer whether an access easement would be granted, staff does not find reason to support a request that is partially due to the proposed garage use of the first floor. In staff's opinion, the filing of the variances is premature and should be considered after the access issue has been addressed.

The Ordinance defines a half story as "the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with headroom of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath".

If the garages were to be eliminated, then the floor layouts could be rearranged to possibly meet the 2.5 story limit. The height of the proposed building could also be adjusted to meet the 35-foot height limitation without any issues.

A multi-unit house could be developed on site without the need for parking garages to be proposed. As submitted, staff **recommends denial of the variances** and **approval of the rezoning**.

If the landscape variances were withdrawn so the landscape requirements could be met and if the petitioner commits to not develop garages with the proposal, then staff could recommend approval of the variances. A revised site plan and revised floor plans would need to be submitted for Administrative Approval.

July 25, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning.

Staff **recommends approval** of the variances if the landscape variances were withdrawn, and the landscape requirements met.

PETITION OVERVIEW

LAND USE

The 0.07-acre subject site is an undeveloped lot part of the Bruce Place and Bruce Baker Addition platted subdivision located in the Near Northside neighborhood.

The site is bordered to the west and south by townhomes, zoned D-P, to the east by a single-family dwelling, zoned C-3, and to the north by a commercial property, zoned C-3.

REZONING

The request would rezone the property from the C-3 district to the D-8 district to allow for the construction of a two-unit multi-unit house that is not permitted in the existing zoning district.



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

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for a deficient lot area, rear setback, and landscaping.

Per Table 742.103.03 – Residential Building Type Standards, the D-8 district requires a 3,500 square foot lot area and ten-foot rear setback for a multi-unit house.

Per Table 744-701-2: Private Frontage Design Standards, the D-8 district with a Terrace Frontage requires 50% minimum landscape area (living material), 1 street tree for every 35 feet of lot frontage, and planting beds with shrubs or perennial plants covering at least 10% of the frontage area.

STAFF ANALYSIS

Staff is recommending approval of the rezoning to the D-8 district for residential development since it would align with the traditional neighborhood recommendation of the Comprehensive Plan.

The variance request would allow a multi-unit house on a 2,926 square foot lot with a five-foot rear setback, which staff determined to be minimal deviations of the development standards. This type of infill development is exactly what the changes to the Ordinance intended to promote with the variety of housing types now permitted.

There is an exception in the Ordinance that does not require off-street parking for any parcel containing less than 5,000 square feet of lot area, except for single-family attached dwellings or single-family detached dwellings. The classification of the proposal as a multi-unit house allows for this exception to apply.



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

IndyGo bus stops are located at the northwest and northeast corners of the 22nd Street and North College Avenue intersection that would allow for residents to utilize public transportation as an option and a two-way bike lane is along the street frontage of 22nd Street for commuting by bicycle. If necessary, public street parking is available along the north side of 22nd Street as well.

The variance request would also allow development of the site with no street trees and with deficient landscaping, specifically the requirement for 50% living material. Considering there would be more than enough front yard area to allow for the required landscaping to be met, staff would request that these standards be met.

To advance the Livability Principles of the Ordinance, and to promote walkable neighborhoods, the design standards of the Walkable Neighborhood Design Standards section include objectives that include the following:

1. Design walkable streetscapes, with slow traffic speeds, well-connected sidewalks, and shade and enclosure offered from street trees.
2. Orient all buildings to the street to activate the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
3. Promote human-scale buildings and create active, social spaces along the streetscape and private frontages with building massing and architectural details that break up larger masses into smaller components and define outdoor spaces.

These objectives would be met with the installation of street trees and front yard landscaping since it would provide the necessary shade, provide the transition from the public sidewalk to the property entrance, and could promote front yard activation for gardening, leisure, and yard maintenance.

Staff is recommending approval of the variance requests so long as the required landscaping is met with the withdrawal of the landscape variances. It was determined that there is no practical difficulty for the landscape requirements to be met.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-3 Commercial
	South:	D-P Residential (Townhomes)
	East:	C-3 Residential (Single-family dwelling)
	West:	D-P Residential (Townhomes)
Thoroughfare Plan		
22 nd Street	Primary Arterial Street	56-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	



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Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	June 24, 2024
Site Plan (Amended)	July 29, 2024
Elevations	July 29, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	June 24, 2024
Findings of Fact (Amended)	July 29, 2024
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends traditional neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - 1. **Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - 2. **Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - 3. **Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - 4. **Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - 5. **Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - 6. **Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.



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- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Indy Moves Transportation Integration Plan (2018) notes an existing on-street bike lane along 22nd Street from Capitol Avenue to the Monon Trail.

ZONING HISTORY

Zoning History – Vicinity

2022-DV2-006; 2216 and 2228 North College Avenue (northwest of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, mixed-use building with direct vehicular access to College Avenue (not permitted), **approved**.

2021-CVR-817; 2216 and 2228 North College Avenue (northwest of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38-foot tall, mixed-use building with 59 parking spaces (including 10 proposed on-street parking spaces), and a fourteen-foot north side transitional yard (maximum 35-foot height, 61 parking spaces, and 15-foot side transitional setback), **denied**.

2021-CZN-817; 2216 and 2228 North College Avenue (northwest of the site), Rezoning of 0.82 acre from the D-8 district to the MU-2 district, **approved**.

2021-ZON-021; 717 & 721 East 22nd Street and 2139 & 2151 North College Avenue (west and south of the site), Rezoning of 1.1 acres from D-8 and C-3 districts to the D-P classification to provide for 36 townhome units at a density of 25 units per acre, **approved**.

2014-DV3-037; 2202 North College Avenue and 666 East 22nd Street (northwest of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a neighborhood retail center with 18, 162-square foot parking spaces; a trash enclosure, with a zero-foot west side transitional yard; carryout food service within approximately 20 feet of a D-8 zoned protected district; and outdoor seating and dining encroaching partially into the front yard of 22nd Street, **granted**.

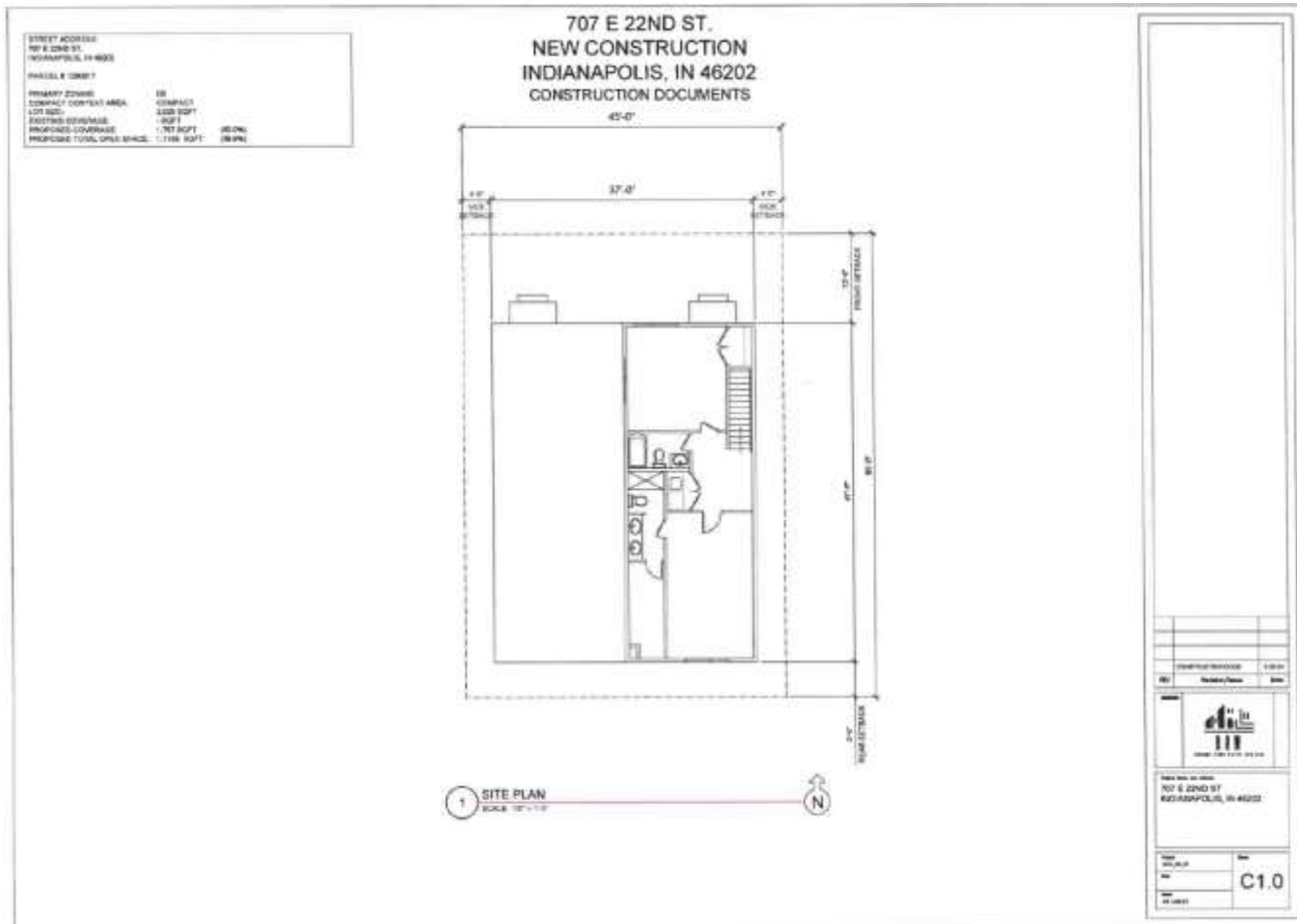
94-Z-93; 666 East 22nd Street (northwest of the site), Rezoning of 0.37 ace, being in the C-3 District to the SU-1 classification to provide for church use and a food pantry, **withdrawn**.

EXHIBITS

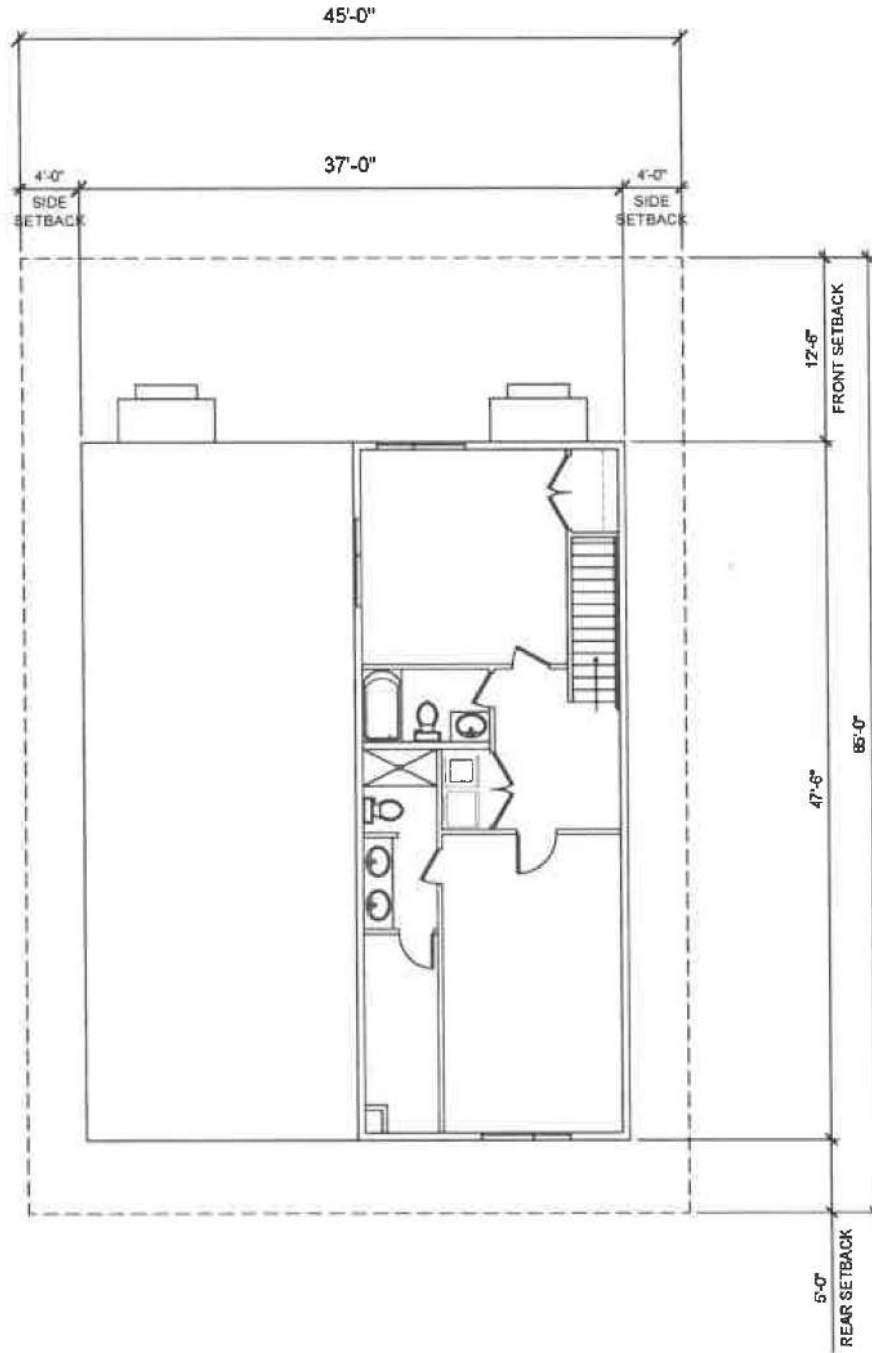




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707 E 22ND ST.
NEW CONSTRUCTION
INDIANAPOLIS, IN 46202
CONSTRUCTION DOCUMENTS



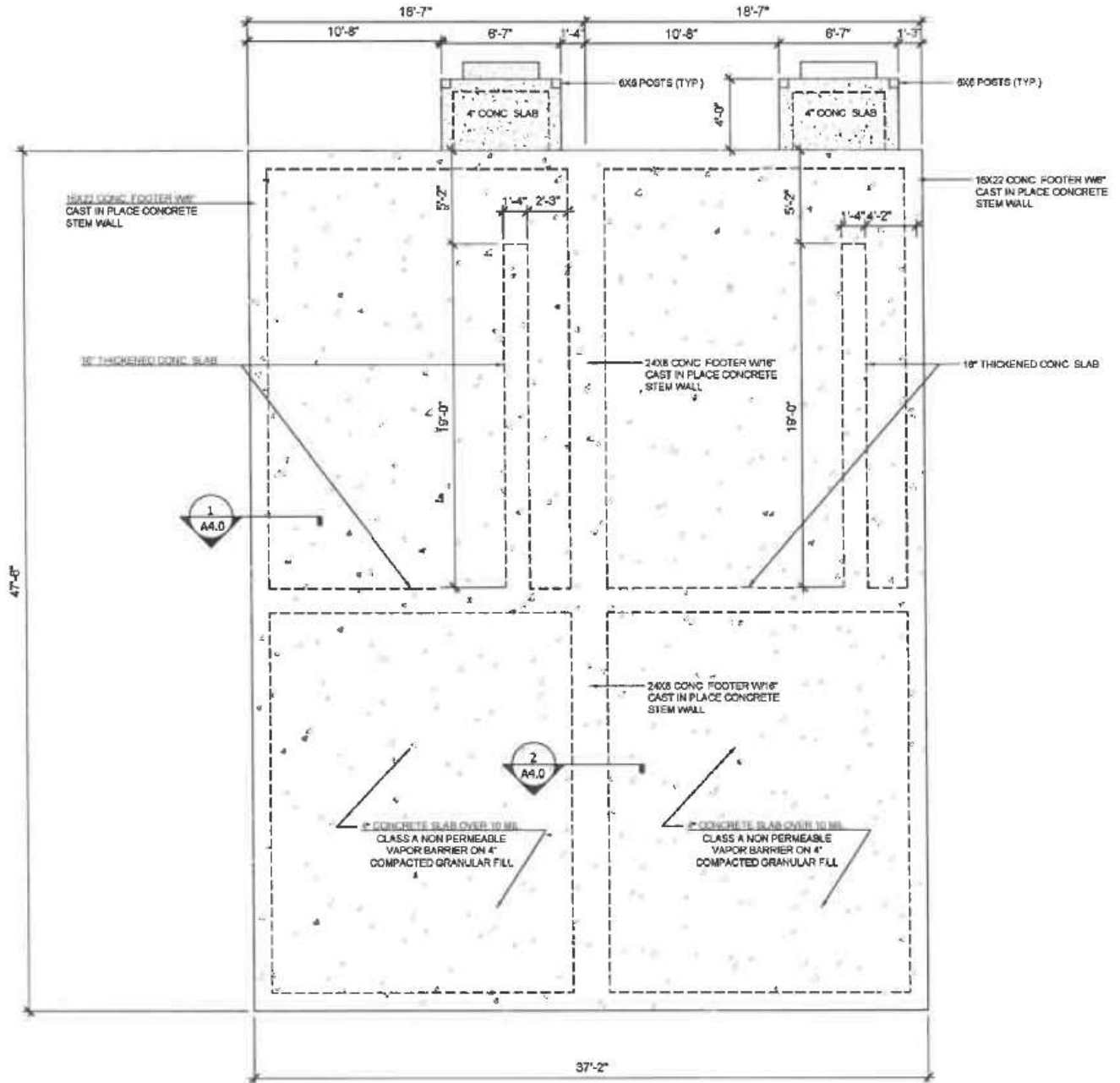
1 SITE PLAN
SCALE: 1/8" = 1'-0"





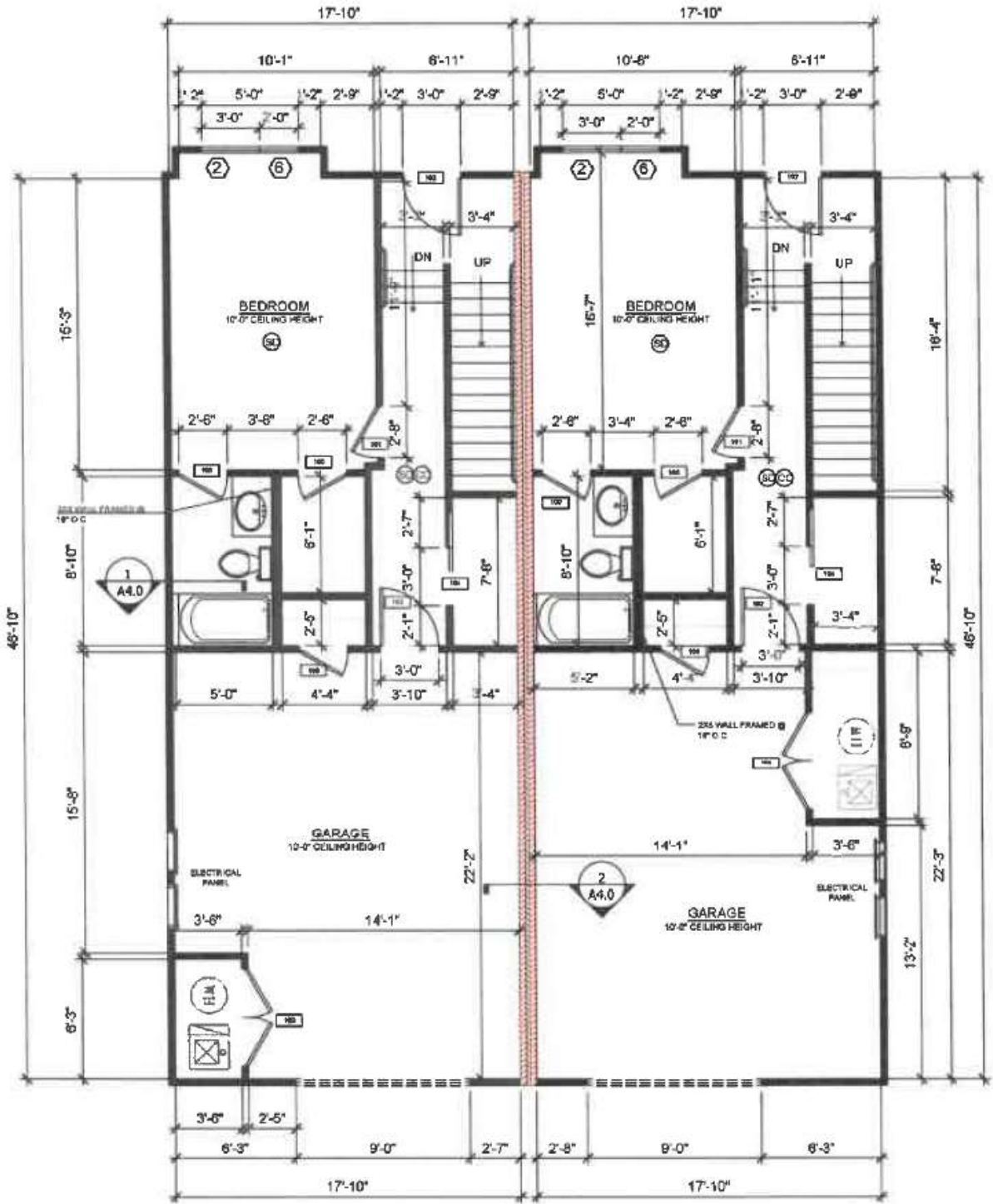
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FOUNDATION PLAN



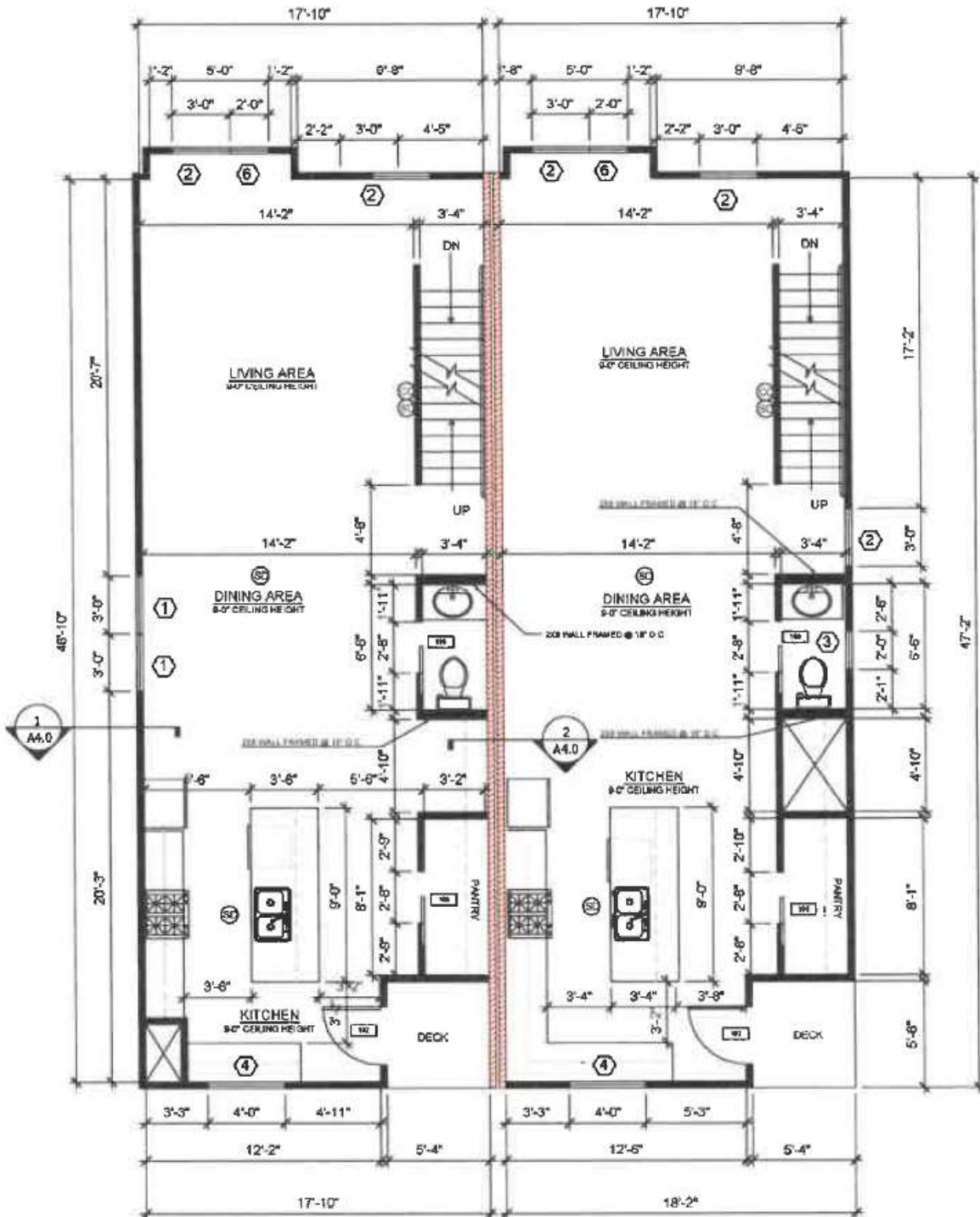
1 FOUNDATION PLAN
 3/16" = 1'-0"

FIRST FLOOR PLAN



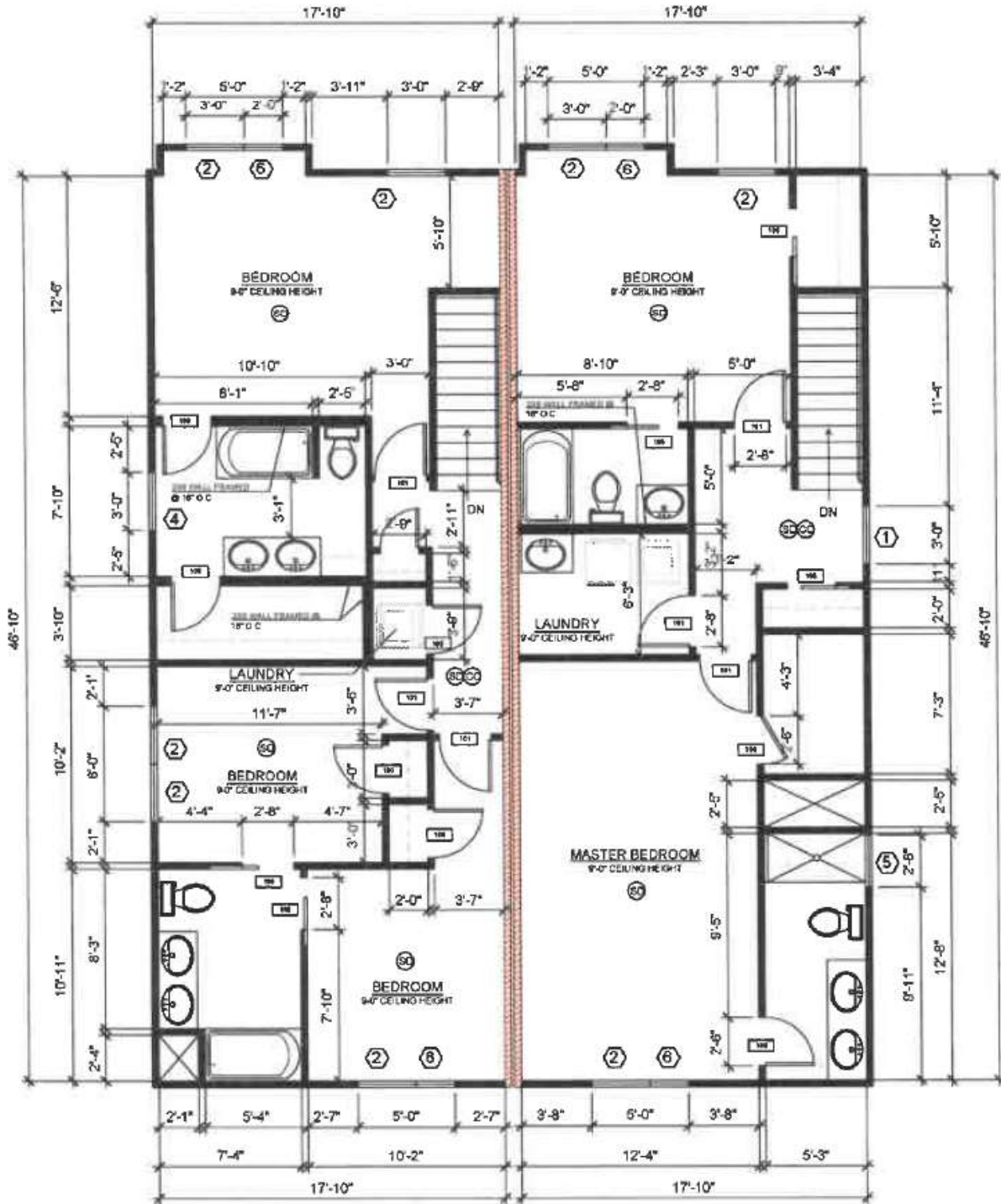
1 FIRST FLOOR PLAN
 3/16" = 1'-0"

SECOND FLOOR PLAN



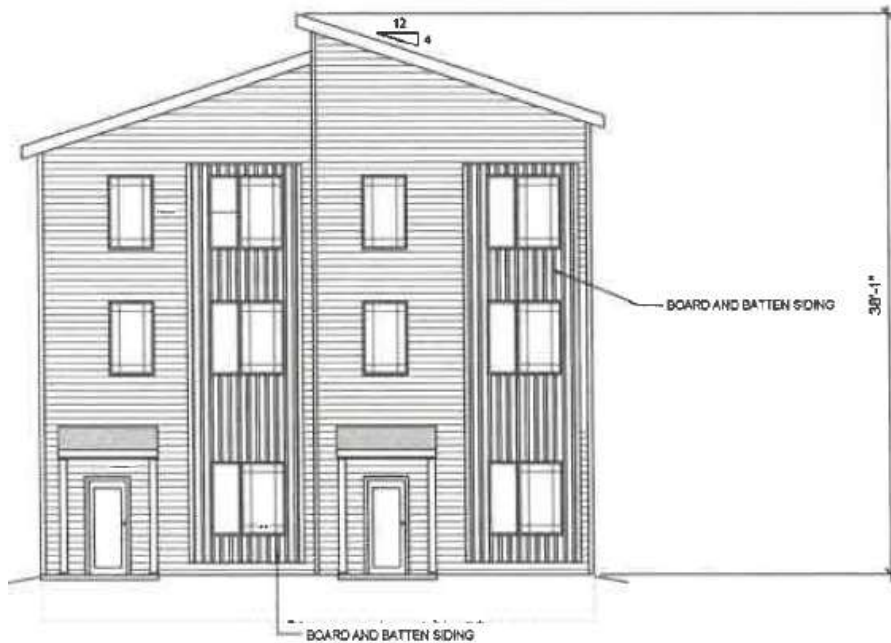
2 SECOND FLOOR PLAN
3/18" = 1'-0"

THIRD FLOOR PLAN



1 THIRD FLOOR PLAN
3/16" = 1'-0"

ELEVATIONS

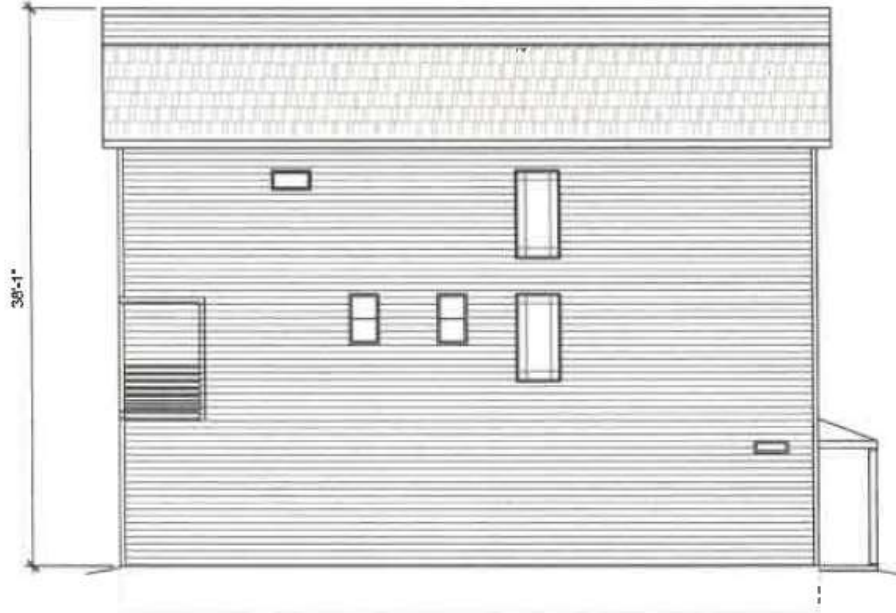


1 NORTH ELEVATION
1/8" = 1'-0"

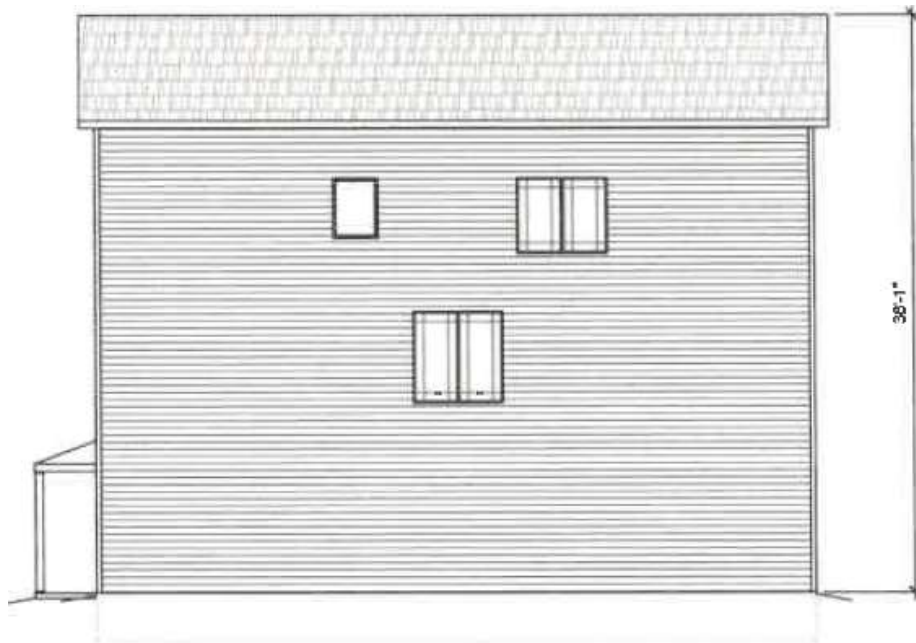


2 SOUTH ELEVATION
1/8" = 1'-0"

ELEVATIONS (Continued)



3 EAST ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed petition will be in uniform with the surrounding properties in this area, by providing
a residential dwelling for two family use.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The proposed project meets and exceeds the same standards for the surrounding parcels. The
aesthetic of the area and the proposed project are similar in design and will provide closure to the properties
that are adjacent and nearby.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The parcel is reasonably small and only allows for use of a single family dwelling other than the proposed project
the project being sought allows the area to have a completed look and keep the aesthetic of the
development which has gone forth for this area.

DECISION



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

This proposed project will be consistent with the surrounding development of other townhomes adjacent to L117 in Bruce's Place Addition,

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The proposed project will be a great addition to the existing aesthetic of this area to provide housing for 2 families. The added value for this parcel will continue to increase for the properties which surround this proposed lot will maintain if not exceed the current parcels nearby.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Plans and time spent on planning for this project have been underway for several months, thoughts were considered when planning this property, all decisions were taken into consideration based on the current development nearby and were strictly adhered to when deciding on final plans.



Photo of the subject site.



Photo of townhomes west of the site.



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



Photo of a commercial site to the north.



METROPOLITAN DEVELOPMENT COMMISSION **September 26, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-102
Property Address: 525 South East Street
Location: Center Township, Council District #18
Petitioner: Mark and Kim Crouch
Current Zoning: I-3 (RC) (TOD)
Request: Rezoning of 0.07 acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district to construct a three-unit multi-family residential building.
Current Land Use: Vacant property
Staff Recommendations: Denial.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Denial.

PETITION OVERVIEW

This 0.07-acre site, zoned I-3 (RC) (TOD), is vacant and surrounded by a single-family dwelling to the north, zoned I-3 (RC) (TOD); a two-family dwelling to the south, zoned CBD-2 (RC) (TOD); a single-family dwelling to the east, zoned D-8; and an industrial complex to the west, across South East Street, zoned I-3 (RC) (TOD).

The request would rezone the site to the CBD-2 (Central Business District). “The CBD-2 district is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment that is also the focus of the City’s transit system providing excellent accessibility. The grid pattern of streets are mostly high-volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels and memorials.”

The Comprehensive Plan recommends traditional neighborhood typology.



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According to historical maps, this site was originally developed with a two-family dwelling but has remained vacant for many years.

As proposed, this request would not be consistent with the Plan recommendation of traditional neighborhood with a typical density of five to 15 units per acre. The density of this residential project would be 42.85 units per acre.

The CBD-2 district is intended to serve as a buffer surrounding the CBD-1 and CBD-3 districts, which are those areas of monuments, large plazas, and government buildings. This site is not in proximity of any of these features and is, therefore, not appropriate for this area. Staff would note that staff recommended denial of petition 2003-ZON-047 that requested rezoning to the CBD-2 district that abuts this site to the south.

The Transit Oriented Development overlay recommends a higher density; however, The Pattern Book guidelines recommend that attached housing be located “around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.” This site is located mid-block along a primary arterial between a single-family dwelling and a two-family dwelling.

The approximate 63-foot tall, four-story structure would not be compatible with the surrounding land uses and would be wholly inappropriate development along this corridor. Furthermore, the architecture character and building mass would be a dominate feature, rather than harmonious infill development that would respect the existing character in the area.

Staff would reconsider this rezoning if the request would be amended to the D-8 district. Staff, however, believes the Regional Center Guidelines should also be met.

During the site visit, staff observed that the real estate sign indicates this site is zoned CBD-2.

GENERAL INFORMATION

Existing Zoning	I-3 (RC) (TOD)	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	I-3 (RC) (TOD) / Single-family dwelling
	South:	CBD-2 (RC) (TOD) / Two-family dwelling
	East:	D-8 (RC) (TOD) / Single-family dwelling
	West:	I-3 (RC) (TOD) / Industrial uses
Thoroughfare Plan		
South East Street	Primary Arterial	Existing 80-foot right-of-way and proposed 78-foot right-of-way.
Context Area	Compact	



Floodway / Floodway Fringe	No
Overlay	Yes, Regional Center and Transit Oriented Development (TOD)
Wellfield Protection Area	No
Site Plan	August 2, 2024
Site Plan (Amended)	N/A
Elevations	August 2, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood typology. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of five to 15 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.
- Indianapolis Regional Center Plan 2020 (2004).
 - This Plan recommends residential development (garden apartment and townhouses) at 16-26 dwelling units per acre.
- Indianapolis Regional Center Guidelines (2008).
 - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.



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- The purpose of these Guidelines is to set standards that will produce a more thoughtful design response to Regional Center development projects. They focus on a wide range of characteristics of the built environment.
- This proposed development would be required to file an approval petition for Regional Center that would require design review in accordance with the Guidelines.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.



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- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- *Modified Uses – Transit-Oriented Development Overlay*
 - Attached Housing - A residential density of 15+ units per acre is recommended.

Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021)

- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ¼ mile walk (approximately 585 feet) of Fletcher Place transit stop located at the intersection of Virginia Avenue and Merrill Street with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

- Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of three stories at core with no front or side setbacks
 - Multi-family housing with a minimum of five units
 - Structured parking only with active first floor

- Modifications - The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.
 - This site lies within the Transit-Oriented Development overlay that recommends a density of 15+ units per acre for attached housing.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines (2021)
 - The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
 - These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements



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Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

“As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database



ZONING HISTORY

2019-CZN-858 / 2019-CVR-858; 501-511 (odd) South East Street (north of site), requested rezoning of 0.20 acre from the I-3 (RC) and CBD-2 (RC) districts to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, 38-foot tall single-family dwellings with attached garages, with reduced setbacks, separation between dwellings, open space and encroachment into the clear sight triangle, **approved and granted**.

2019-CZN-832 / 2019-CVR-832; 514 East Warsaw Street (east of site), requested a rezoning of 0.07 acre, from the I-3 (RC) district to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot west side yard setback for an existing single-family dwelling, additions to the existing single-family dwelling, with a three-foot east side yard setback for a proposed covered patio and 47.9% open space, **approved and granted**

2017-HOV-069; 514 East Warsaw Street (east of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish primary and accessory single-family residential uses, **granted**.

2018-DV3-033; 509-535 East Warsaw Street (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five dwellings, with front, side and between building setback reductions and for 49% open space, **granted**.

2018-ZON-008; 713 and 909 South East Street, 705, 709, 713, 725, 812 and 814 Greer Street, 605, 613, 617, 636, 637, 718, 727, 743, 747 and 751 East McCarty Street, 515, 526, 532, 534, 535 and 607 East Merrill Street, 710, 722, 730, 742 and 747 South Noble Street, 521, 612 and 633 Stevens, 812, 815 and 821 Wright Street and 316 South College Avenue (east of site), requested rezoning from the I-3-U (RC) and I-4-U (RC) districts, to the D-8 (RC) classification, **approved**.

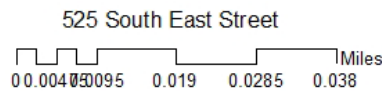
2003-ZON-047; 529, 533 and 537 South East Street (south of site), requested rezoning of 0.32 acres from the D-8 (RC) and I-3-U (RC) districts to the CBD-2 (RC) district to provide for residential development, **approved**.

99-CP-16Z / 99-CP-16V; 529-531 South East Street (south of site), requested rezoning of 0.12 acres from the I-3 U (RC) district to the C-8 (RC) classification to provide for construction of two-family dwelling and a variance of development standards of the Dwelling districts Zoning Ordinance to provide for construction of a two-family dwelling with reduced setbacks and open space, **approved and granted**.

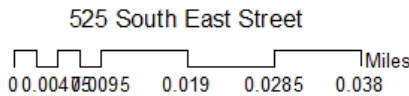
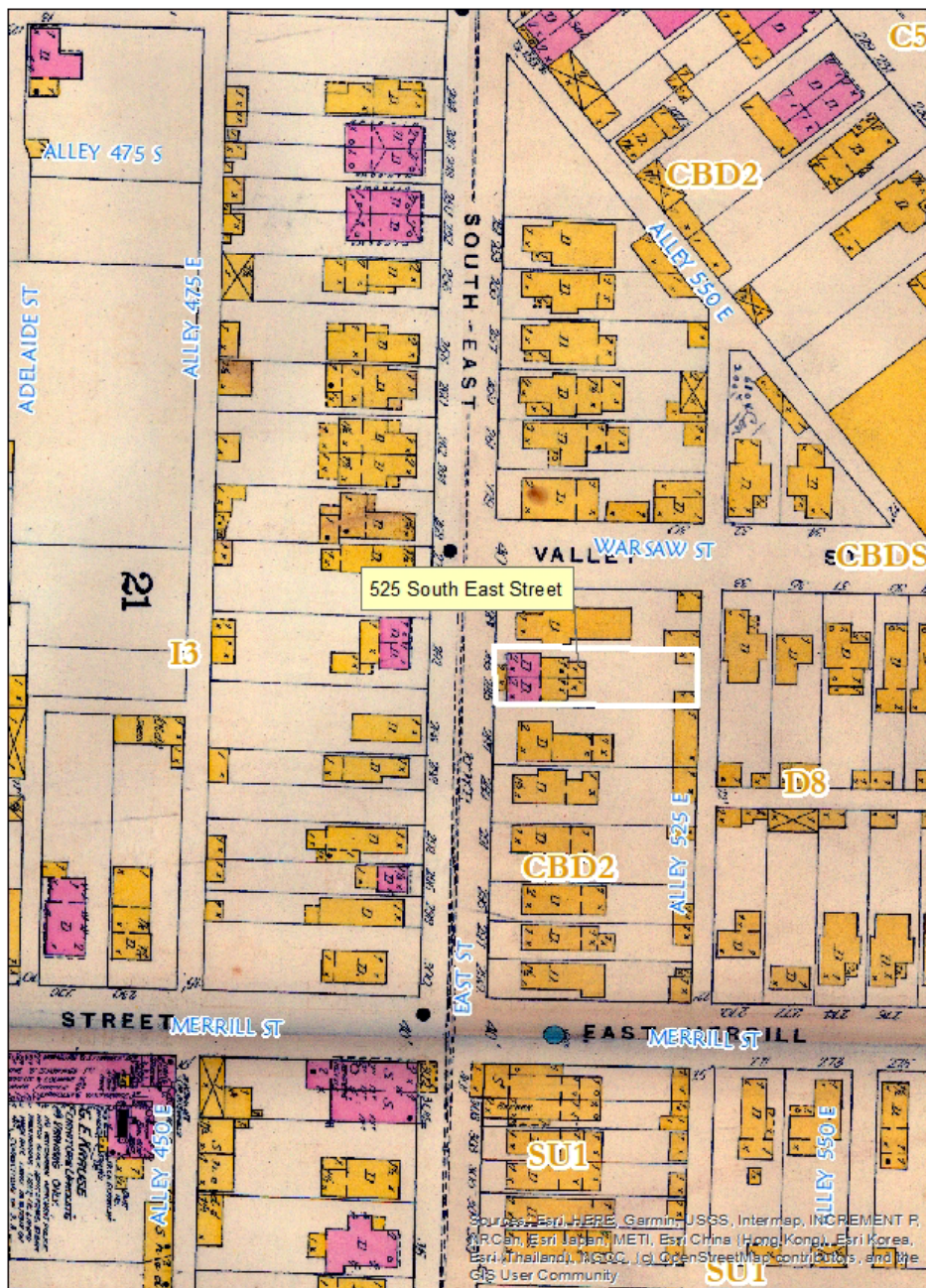
96-Z-127; 701-703 South East Street (south of site), requested rezoning from the I-3-U district to the SU-1 district to provide for religious uses, **approved**.

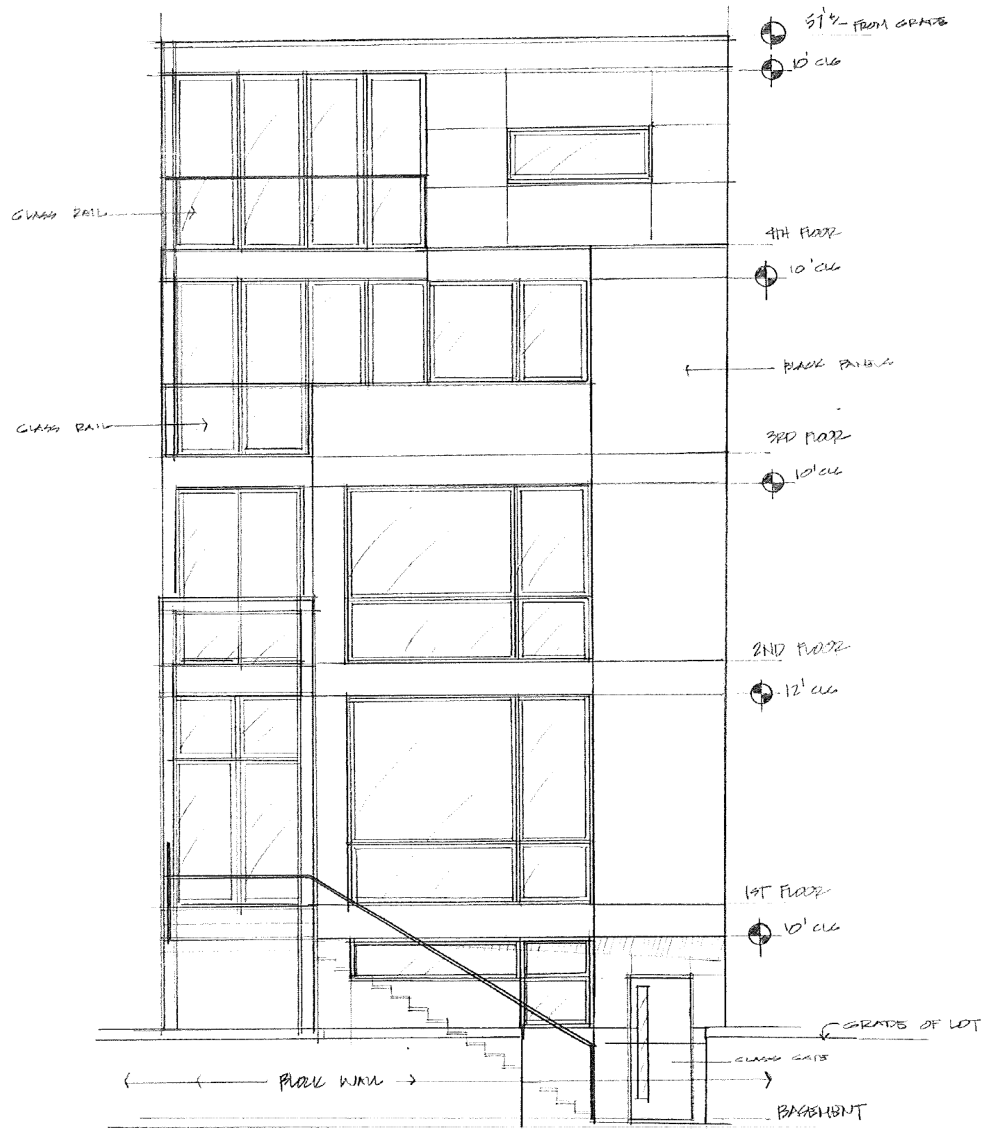
80-UV1-14; 545 South East Street (south of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for an addition to an existing electrical contractor, **granted**.

EXHIBITS

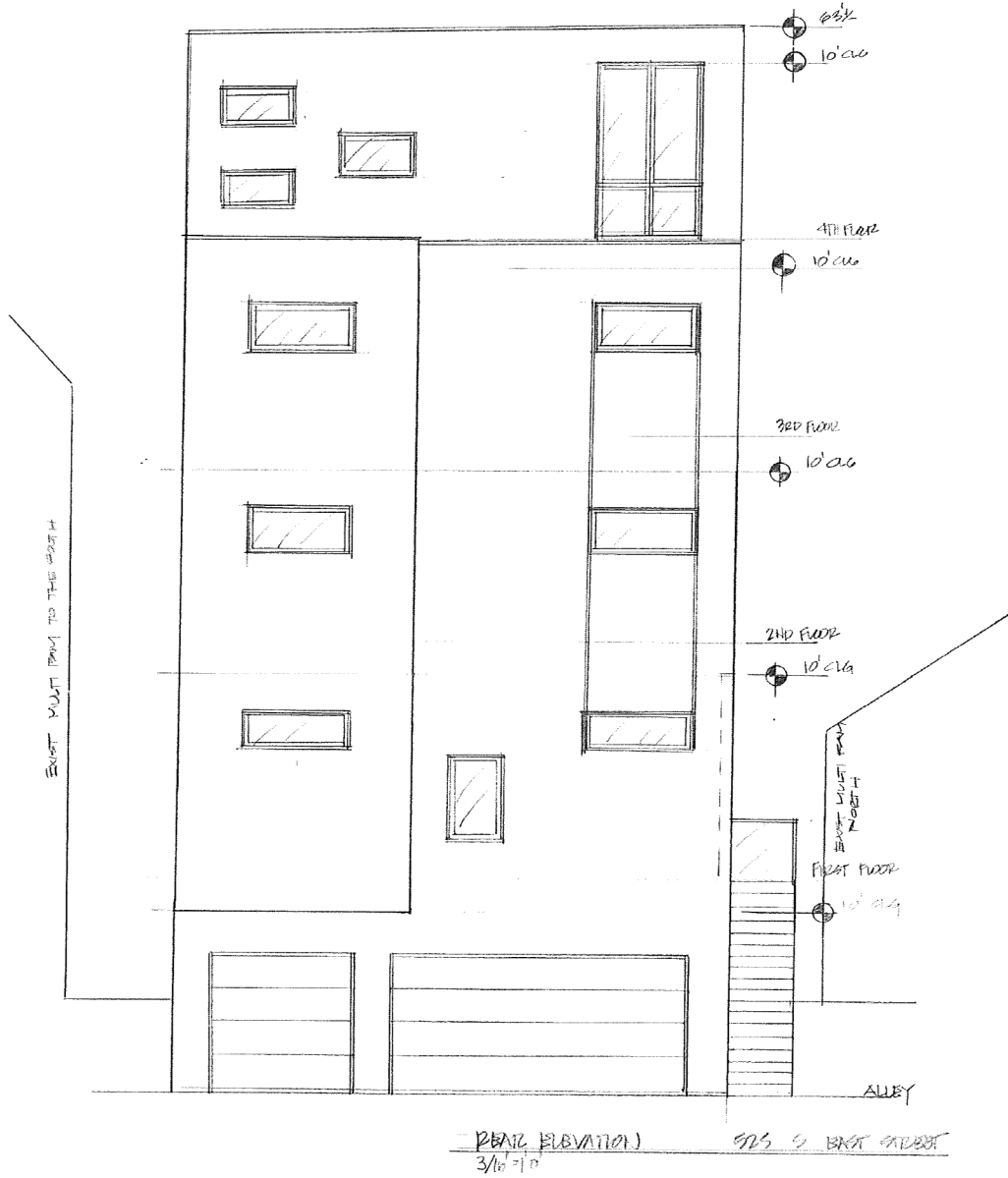


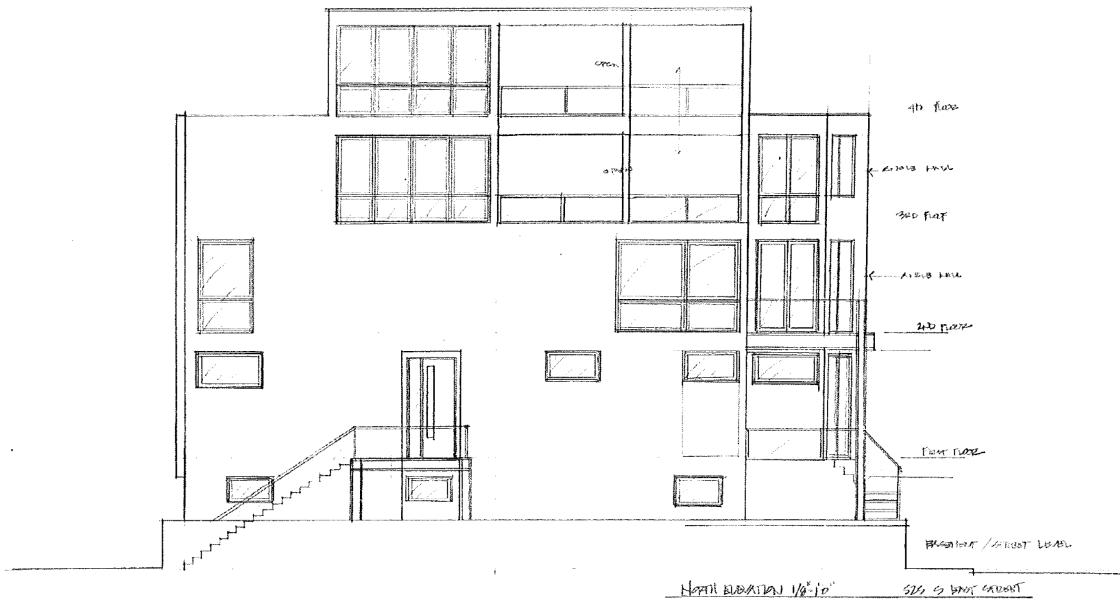
1887 Sanborn Map

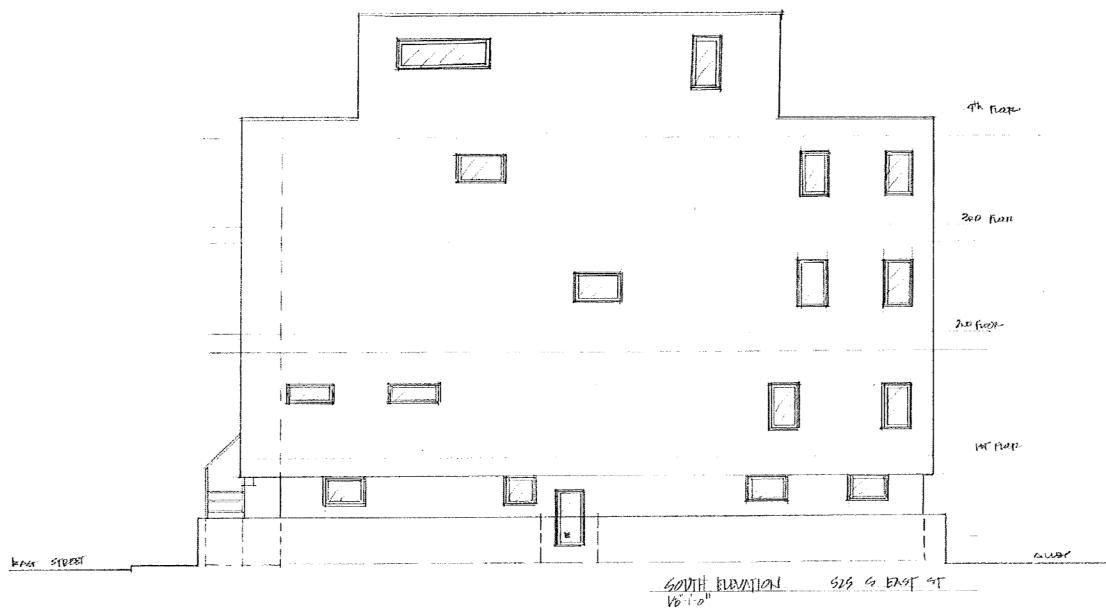




FRONT ELEVATION SWS S EAST STREET
3/4" = 1' 0"









View looking south along South East Street



View looking north along South East Street



View looking north along north / south alley



View looking south along north / south alley



View of site looking east



View of site looking east over the wall



View looking northeast at adjacent single-family dwelling



View looking southeast at adjacent two-family dwelling



View of site looking west from the North / south alley



View of site looking west from the North / south alley



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 26, 2024

Case Number:	2024-ZON-105
Property Address:	2852 East County Line Road
Location:	Perry Township, Council District #24
Petitioner:	Aditi Real Estate 63, LLC, by Cassandra A. Nielsen
Current Zoning:	C-S
Request:	Rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) district to the I-1 (TOD) (FW) (FF) district to provide for a self-storage facility.
Current Land Use:	Undeveloped land
Staff Recommendations:	Denial.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Denial. If approved, staff would request that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. A 51-foot half right-of-way shall be dedicated along the frontage of East County Line Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. 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.



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4. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 6.67-acre site, zoned C-S (TOD) (FW) (FF), is undeveloped and surrounded by floodway / floodplain of Pleasant Run Creek, to the north, zoned D-A (TOD) (FW) (FF); single-family dwellings to the south across East County Line Road (Johnson County); railroad right-of way to the east, zoned D-6II; and floodway / floodplain of Pleasant Run Creek to the west, zoned D-A (TOD) (FW) (FF) and C-S (TOD) (FW) (FF).

This site was included in petition 90-ZON-191 that rezoned a 12-acre site to the C-S district to provide for an integrated commercial center with integrated building design, access, and signs.

The request would rezone the site to the I-1 (Restricted Industrial) District. “The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.”

The Comprehensive Plan recommends suburban neighborhood typology and floodway, a non-typology land use.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.



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The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (I-1 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Except for a small area at the southwest corner along the railroad right-of-way, the site lies within the 100-year floodplain.

Overlays

This site is located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay.

“Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The ES overlay for this site is related to the floodway and floodway fringe.

In addition to the floodplain, the perimeter of the entire site is lined with woodlands, both of which would be negatively impacted by the proposed development.

This site is also located within a second overlay, specifically the Transit Oriented Development (TOD).

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located around the perimeter 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.



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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 B, Table 744-503-3: Replacement Trees.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 51-foot half right-of-way along East County Line Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.



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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.

Planning Analysis

As proposed, this request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood. Furthermore, the floodway land use category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.

Staff believes the proposed rezoning is an example of spot zoning which is defined as the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners. Zoning in the surrounding area is primarily commercial and residential. There is no industrial zoning district nearby.

This site is located with two overlays (Environmentally Sensitive and Transit Oriented Development). Because industrial uses are not a recommended land use in the suburban neighborhood typology or these overlays, the introduction of industrial uses would be detrimental to protecting the surrounding land uses and compromise the purpose and intent of these overlays.



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Self-storage facilities are permitted in the highest intense commercial district (C-7) and all of the industrial districts (I-1 through I-4), all of which have larger side transitional setbacks. The C-7 District requires a 40-foot side transitional yard; the I-1 and I-2 Districts require a 50-foot side transitional yard; the I-3 District requires a 100-foot transitional yard; and the I-4 District requires a 150-foot side transitional yard. The required setbacks are a strong indication of the impact of this use on surrounding land uses.

The purpose of setbacks is to minimize and mitigate impact and provide a buffer between varying intensity of land uses. Setbacks, in this case, are between residential uses and high intensity commercial and industrial uses.

Staff would note that to mitigate the impact of self-storage facilities the Ordinance provides for the following use specific standards:

1. All storage shall be within enclosed buildings except in the C-7, I-3 and I-4 districts.
2. Security fencing shall not include razor wire or barbed wire within 10 feet of a front lot line or transitional yard.
3. Doors to individual storage units shall not face any abutting street frontage, or if the site is located on a corner parcel, shall not face the primary street frontage.
4. A landscape or naturally vegetated buffer at least 50 feet in width shall be provided along any lot line that abuts a protected district.
5. Exterior access to any storage units within 100 feet, measured in any direction of any dwelling district, shall be limited to the period between 6:00 a.m. and 10:00 p.m.

A self-storage facility at this location would be wholly inappropriate for this site because it would introduce an intense use into an area with a much less intense commercial node / corridor and dwelling district and would be totally out of character with the existing commercial and residential uses in the immediate area.

GENERAL INFORMATION

Existing Zoning	C-S (TOD) (FW) (FF)	
Existing Land Use	Undeveloped land/ floodplain	
Comprehensive Plan	Floodway / Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-S (TOD) (FW) (FF) / D-A (TOD) (FW) (FF)	Floodway / Floodway Fringe
South:	Johnson County	Single-family dwellings
East:	D-6II	Railroad right-of-way / single-family dwelling
West:	C-S (TOD) (FW) (FF) / DA (TOD) (FW) (FF)	Floodway



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Thoroughfare Plan		
East County Line Road	Primary arterial	Existing 92-foot right-of-way and proposed 102-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes.	
Overlay	Yes. Environmentally Sensitive / Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	August 21, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends the 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 floodway land use is a non-typology that is mapped outside of the typology system due to their scale or the nature of their use.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.



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The Pattern Book serves as a policy guide as development occurs. Industrial uses are not a recommended land use for the suburban neighborhood typology. Recommended land uses in this typology include, detached housing, attached housing, multi-family housing, assisted living facilities / nursing homes, group homes, bed / breakfast, small-scale offices / retailing / personal services / professional services, small scale schools / places of worship / neighborhood-serving institutions and infrastructure / places of assembly, large scale schools / places of worship / neighborhood-serving institutions and infrastructure / places of assembly, small scale parks and community farms / gardens.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan (2021).
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ½ mile walk of a proposed transit stop located along East County Line Road and Greenwood Park Mall, with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database



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ZONING HISTORY

90-Z-191; 2910 East County Line Road, requested rezoning of 12 acres, being in the D-A / FP district, to the C-4 / FP classification to provide for commercial development, **approved**.

VICINITY

70-Z-107; 8900 block of Madison Avenue (west of site), required rezoning of 6.36 acres, being in the A-2 district, to the C-4 classification to provide for office uses, **approved**.

68-V4-227; 3030 East County Line Road (north of site), requested a variance of use, setbacks, and floor area to provide for apartments, **granted**.

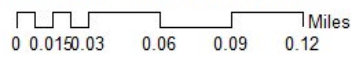
EXHIBITS

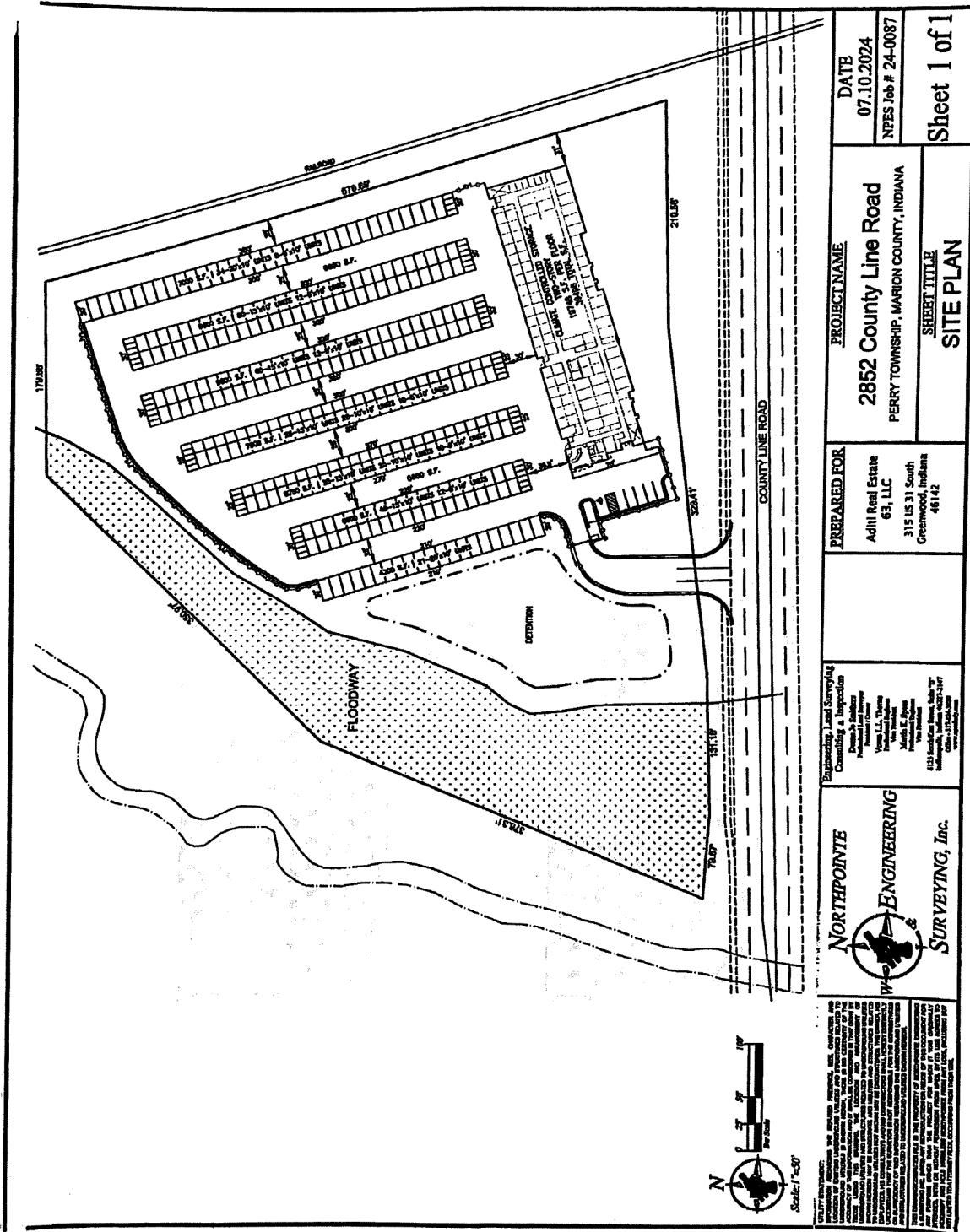


Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, Swisstopo, Mapbox, and the GIS User Community

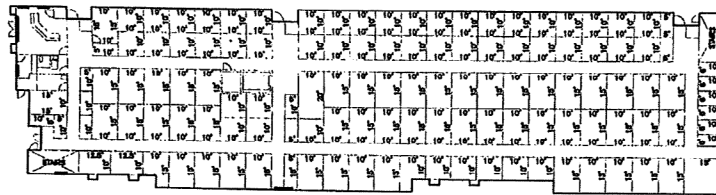


511 and 600 South Tibbs Avenue

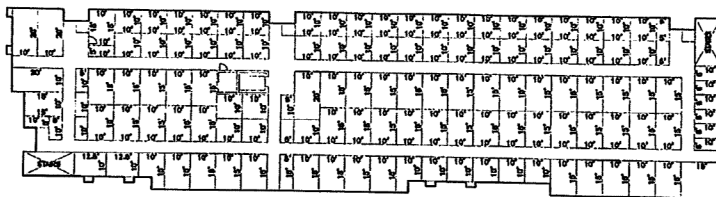




DATE 07.10.2024 NPES Job # 24-0087	
PROJECT NAME 2852 County Line Road PERRY TOWNSHIP, MARION COUNTY, INDIANA	
SHEET TITLE SITE PLAN	
PREPARED FOR Aditi Real Estate 63, LLC 315 US 31 South Greenwood, Indiana 46142	
ENGINEERING & SURVEYING NORTHPOINTE ENGINEERING & SURVEYING, Inc. 4133 South Oak Street, Suite 300 Indianapolis, Indiana 46217-2417 Phone: 317-251-1100 Fax: 317-251-1101 Email: info@northpointe.com	



CLIMATE CONTROLLED STORAGE
TWO-STORY
FIRST FLOOR | 19748 S.F.



CLIMATE CONTROLLED STORAGE
TWO-STORY
SECOND FLOOR | 19748 S.F.



EXHIBIT A

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.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
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 west along west County Line Road



View looking east along east County Line Road



View of site looking northeast across East County Line Road



View of site looking northeast across East County Line Road



View of site looking northeast across East County Line Road