



Metropolitan Development Commission Hearing Examiner (October 26, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, October 26, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-MOD-018 | 4411 Wild Pheasant Lane

Franklin Township, Council District #25

D-P

Nicole Smithers

Modification of Development Statement, related to 2003-ZON-060, to modify Commitment 8.A to legally establish a six-foot solid privacy fence (current commitment prohibits six-foot solid privacy fences along perimeter lots of the subdivision, unless they fence a patio, deck, hot tub, etc., are no more than 300 square feet and abut the residence).

****Staff request for continuance to December 14, 2023 with Notice**

2. 2023-ZON-042 | 3002 South Arlington Avenue

Franklin Township, Council District #18

Vishavdeep Singh Cheema, by David Gilman

Rezoning of 5.52 acres from the D-A district to the I-2 district to provide for light industrial uses.

****Petitioner request for continuance to November 16, 2023**

3. 2023-ZON-072 | 2143 and 2145 South Emerson Avenue

Warren Township, Council District #18

Tropical Island, LLC, by David Kingen

Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-4 district to provide for residential uses.

****Petitioner request for continuance to November 16, 2023 with Notice**

4. 2023-ZON-095 | 2936 North Mitthoefer Road

Warren Township, Council District #14

KC Brothers, Inc., Joseph D. Calderon

Rezoning of 0.855 acres from the C-3 district to the C-4 district to legally establish an automobile fueling station.

****Automatic Continuance to November 16, 2023 filed by Registered Neighborhood Organization**

5. 2023-CZN-803 / 2023-CVR-803 (Amended) | 3601 North Kitley Avenue and 6535 Massachusetts Avenue

Warren Township, Council District #13
Diego Diaz Huijon, by Joseph D. Calderon

Rezoning of 7.9 acres from the D-3 district to the C-S district to legally establish a commercial building contractor with outside storage, accessory uses related to the building contractor and two single-family dwellings with residential accessory uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a front building setback of 338 feet from Massachusetts Avenue (65-foot maximum permitted) and outside storage with a zero-foot setback from the east and west property lines (10-foot transitional yard/side yard required).

****Automatic Continuance to November 16, 2023 filed by Registered Neighborhood Organization**

6. 2023-CZN-828 / 2023-CVR-828 (Amended) | 3416, 3420 and 3520 South Post Road

Franklin Township, Council District #18
Quicktrip Corporation, by J. Murray Clark

Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).

****Petitioner request for continuance to November 16, 2023**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2023-APP-029 | 1017 Udell Street (Continued New Petition)

Center Township, Council District #11
PK-1
City of Indianapolis, Department of Parks and Recreation, by Kate Warpool

Park District One Approval to provide for playground equipment and other park improvements.

8. 2023-ZON-082 | 1102 and 1138 Roosevelt Avenue

Center Township, Council District #17
Roosevelt Landsite, LLC, by Russell L. Brown

Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage.

9. 2023-ZON-096 | 4239 Madison Avenue

Perry Township, Council District #24
Timothy J. Derloshon, by John Cross

Rezoning of 0.17 acre from the D-3 (TOD) district to the C-3 (TOD) district to provide for neighborhood commercial uses.

10. 2023-CZN-852 / 2023-CVR-852 | 1902 Alvord Street

Center Township, Council District #17
Urban Core Associates, LLC, by Joseph D. Calderon

Rezoning of 0.64 acre from the MU-1 district to the D-8 district to provide for a townhome development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development with lots ranging from 800-square feet to 1,100-square feet (minimum 2,000-square

foot lot required), with a 10-foot rear setback (fifteen feet required) and with main-floor area ranging from 406-square feet to 466-square feet (660-square feet required).

- 11. 2023-CZN-857 / 2023-CVR-857 / 2023-CPL-857 | 436-444 Spruce Street and 1441 Deloss Street** (Continued New Petitions)
Center Township, Council District #17
Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams

Rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 district (TOD).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with direct vehicular access to Deloss Street (not permitted).

Approval of a Subdivision Plat to be known as Baker Midwest, Minor Plat, combining three platted lots (four tax parcels) into One Lot with a waiver of the Subdivision Regulations to allow for access to Deloss Street (exclusive alley access required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 12. 2023-ZON-004 | 5680 Eden Village Drive**
Pike Township, Council District #8
Olanrewaju Ahmeed Azeez

Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

- 13. 2023-ZON-068 | 510 and 555 Fairfield Avenue**
Center Township, Council District #9
GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen

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

- 14. 2023-ZON-070 | 456 South Emerson Avenue**
Center Township, Council District #12
Marjorie Armour & Shane Brothers, by David Kingen

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

- 15. 2023-ZON-085 | 6531 East 34th Street**
Warren Township, Council District #13
Ben Singh Bashal

Rezoning of one acre from the D-3 district to the I-2 district to provide for light industrial uses.

- 16. 2023-ZON-086 | 6185, 6421, 6423 and 6441 East 34th Street**
Warren Township, Council District #13
Ben Singh Bashal

Rezoning of 4.3 acres from the D-3 and C-S districts to the I-3 district to provide for truck/trailer parking and repair.

- 17. 2023-CZN-844 / 2023-CPL-844 | 11805 Brookville Road**
Warren Township, Council District #19
DGOIndianapolisIN05032023, LLC, by Alex Intermill and Tyler Ochs

Rezoning of 1.55 acres from the SU-1 district to the C-3 district to provide for retail development.

Approval of a Subdivision Plat to be known as RSBR Brookville Road, subdividing 4.30 acres into two lots.

- 18. 2023-CZN-848 / 2023-CPL-848 | 2069 Yandes Street**
Center Township, Council District #17
M/E Residential, LLC, by David Gilman

Rezoning of 0.42 acre from the I-3 district to the D-8 district.

Approval of a Subdivision Plat to be known as Starks Minor Subdivision, dividing 0.42 acre into four lots.

PETITIONS FOR PUBLIC HEARING (New Petitions):

19. 2023-ZON-097 | 1620 Industry Drive

Warren Township, Council District #19
Commercial Team Construction, LLC, by David Gilman

Rezoning of 11.4 acres from the C-S district to the C-S district to add indoor recreational uses to the list of permitted uses and to modify Commitment #2, related to petition 2022-MOD-003, to amend the approved site plan.

20. 2023-CZN-858 / 2023-CVR-858 | 7338 Five Points Road

Franklin Township, Council District #25
Narinder Sodhi, by Joseph D. Calderon

Rezoning of 5.45 acres from the D-A district to the D-2 district to provide for six single-family detached dwellings.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 30-foot setback from Shelbyville Road and a 25-foot setback from Five Points Road (40-foot setback from proposed right-of-way required along Shelbyville Road and 30-foot setback from Five Points Road required) and to provide for two lots with frontage on a private street (public street frontage required).

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 dmdpubliccomments@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

STAFF REPORT

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

Case Number: 2023-MOD-018
Address: 4411 Wild Pheasant Lane (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-P
Petitioner: Nicole Smithers
Request: Modification of Development Statement, related to 2003-ZON-060, to modify Commitment 8.A to legally establish a six-foot solid privacy fence (current commitment prohibits six-foot solid privacy fences along perimeter lots of the subdivision, unless they fence a patio, deck, hot tub, etc., are no more than 300 square feet and abut the residence).

This petition will need to be continued from the October 26, 2023 hearing, to the December 14, 2023 hearing with additional notice.

MI

STAFF REPORT

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

Case Number: 2023-ZON-042
Address: 3002 South Arlington Avenue (*Approximate Address*)
Location: Franklin Township, Council District #18
Petitioner: Vishavdeep Singh Cheema, by David Gilman
Request: Rezoning of 5.52 acres from the D-A district to the I-2 district to provide for light industrial uses.

This petition was continued from the August 24, 2023, hearing to the October 26, 2023, hearing, by request of the petitioner. The petitioner has requested a **continuance from the October 26, 2023, hearing to the November 16, 2023, hearing** to allow further time for the petitioner to meet with interested parties.

The petitioner has requested a **continuance from the August 24, 2023, hearing to the September 28, 2023, hearing** to allow further time for the petitioner to potentially amend the petition.

The petitioner requested and was granted a continuance from the July 13, 2023, hearing to the August 24, 2023, hearing to allow time for the petitioner to potentially amend the petition.

This petition was continued from the June 15, 2023, hearing to the July 13, 2023, hearing at the request of the petitioner to allow time for the petitioner to work with nearby interested parties.

klh

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-072
Address: 2143 & 2145 South Emerson Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Tropical Island, LLC, by David Kingen
Request: Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-4 district to provide for residential uses.

This petition was **continued** by request of the petitioner, from the **August 24, 2023, hearing to the September 14, 2023, hearing** to accommodate a scheduling conflict. The petitioner has indicated that another **continuance** would be requested in order to amend the petition. Therefore, this petition should be **continued** to the **November 16, 2023**, hearing, with notice. A staff report will be available prior to that hearing.

JY

STAFF REPORT

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

Case Number: 2023-ZON-095
Address: 2936 North Mitthoefer Road (*Approximate Address*)
Location: Warren Township, Council District #14
Petitioner: KC Brothers, Inc., Joseph D. Calderon
Request: Rezoning of 0.855 acres from the C-3 district to the C-4 district to legally establish an automobile fueling station.

A timely automatic continuance request was filed by a registered neighborhood organization **continuing this petition from the October 26, 2023 hearing, to the November 16, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

MI

STAFF REPORT

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

Case Number: 2023-CZN-803 / 2023-CVR-803 (Amended)
Address: 3601 North Kitley Avenue and 6535 Massachusetts Avenue (*Approximate Addresses*)
Location: Warren Township, Council Districts #13
Petitioner: Diego Diaz Huijon, by Joseph D. Calderon
Request: Rezoning of 7.9 acres from the D-3 district to the C-S district to legally establish a commercial building contractor with outside storage, accessory uses related to the building contractor and two single-family dwellings with residential accessory uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a front building setback of 338 feet from Massachusetts Avenue (65-foot maximum permitted) and outside storage with a zero-foot setback from the east and west property lines (10-foot transitional yard/side yard required).

A registered neighborhood organization has submitted an automatic continuance request, continuing this petition **from the October 26, 2023, hearing to the November 16, 2023, hearing.** A staff report will be provided prior to that hearing.

JY/ klh

STAFF REPORT

Item 6.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-828 / 2023-CVR-828 (Amended)
Address: 3416, 3420 and 3520 South Post Road (approximate address)
Location: Franklin Township, Council District #18
Petitioner: Quicktrip Corporation, by J. Murray Clark
Request: Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).

The petitioner's representative has requested a **continuance from the October 26, 2023 hearing, to the November 16, 2023 hearing**, to provide additional time to review the Traffic Operations Analysis (TOA) and research right-of-way jurisdiction at Post Road / Interstate 74 interchange.

The Hearing Examiner continued these petitions from the August 24, 2023 hearing, to the October 26, 2023 hearing, at the petitioner's representative request to provide time for completion of the TOA and continued discussions with the neighborhood organization. Staff would have no objection to the continuance.

The Hearing Examiner continued these petitions from the July 27, 2023 hearing, to the August 24, 2023 hearing, at the request of staff to provide additional time for a Traffic Operations Analysis (TOA) to be conducted and submitted for review.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the June 29, 2023 hearing, to the July 27, 2023 hearing.

The Hearing Examiner continued these petitions from the from the June 15, 2023 hearing, to the June 29, 2023 hearing to provide additional time to amend the variance request and provide required notice.

kb

STAFF REPORT

Item 7.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-029
Address: 1017 Udell Street (approximate address)
Location: Washington Township, Council District #7
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Kate Warpool
Request: Park District One Approval to provide for playground equipment and other park improvements.

By request of Staff, this matter was continued from the October 12, 2023 hearing to the October 26, 2023 hearing.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ This petition would provide for replacement of playground equipment and other improvements at an existing park within the Indy Parks and Recreation System: Frank Young Park.
- ◇ The park is zoned PK-1; 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.
- ◇ 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;

(Continued)

- 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.

◇ The Comprehensive Plan recommends Parks and Open Space for the site.

◇ The site plan indicates the proposed improvements would be within the park boundaries. Staff supports this request.

FINDINGS OF FACT

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 property is part of the traditional neighborhood typology, that the land is currently used as a park, that the land use pattern book recommends parks without additional concerns, the plan improves the condition of the park, and the surrounding traditional neighborhood benefits from the park 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 plan replaces equipment and surfaces for play and recreation functions that currently exist, improving the current state of the park. Additional improvements as noted on the site plan will be completed in future phases.

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

New paths are included as part of the project. This is a small park in the middle of a neighborhood with parking available on the street and accessible by pedestrians via sidewalks.

STAFF REPORT 2023-APP-029 (Continued)

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 has been designed by a professional engineer and incorporates appropriate sustainable designs, and does not require additional public utility services such as electricity or water for irrigation.

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 small-scale park and the proposed plan 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.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1

Park

SURROUNDING ZONING AND LAND USE

North - D-5 / PK-2

Single-family dwellings / Non-profit (former firehouse)

South - D-5 / C-1

Single-family dwellings

East - D-5

Single-family dwellings

West - D-5

Single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends parks and open space development
THOROUGHFARE PLAN	Udell Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 60-foot right-of-way and a proposed 48-foot right-of-way. Rader Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 60-foot right-of-way and a proposed 48-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There are no overlays for this site.

ZONING HISTORY

SITE

None.

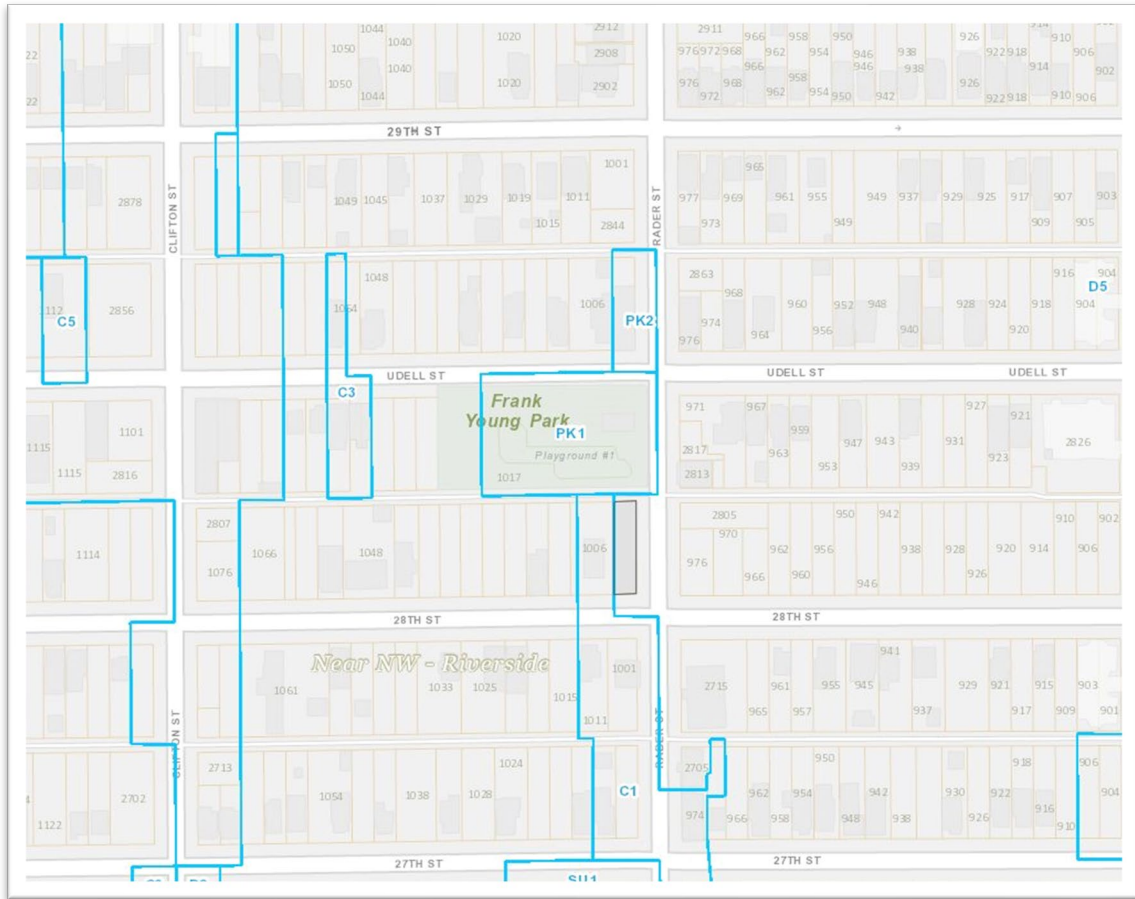
VICINITY

2019-ZON-005, 1002 Udell Street, rezoning of .08 acres from PK-1 to PK-2 to provide for residential, commercial, community, cultural, and farmers market development, **granted**.

2018-CZN-835, 1066, 1114, 1121 and 1122 Roache Street, 1002 and 1102 West 28th Street, 1045 Udell Street, and 2702 Clifton Street, rezoning of .70 acres from C-1, C-3 & I-2 to D-5 to provide for residential development, **granted**.

2005-ZON-207, 1031, 1033, 1058, 1062 and 1159 Udell Street, rezoning of .43 acres from C-3 & PK-1 to D-5 to provide for single-family development, **granted**.

BB

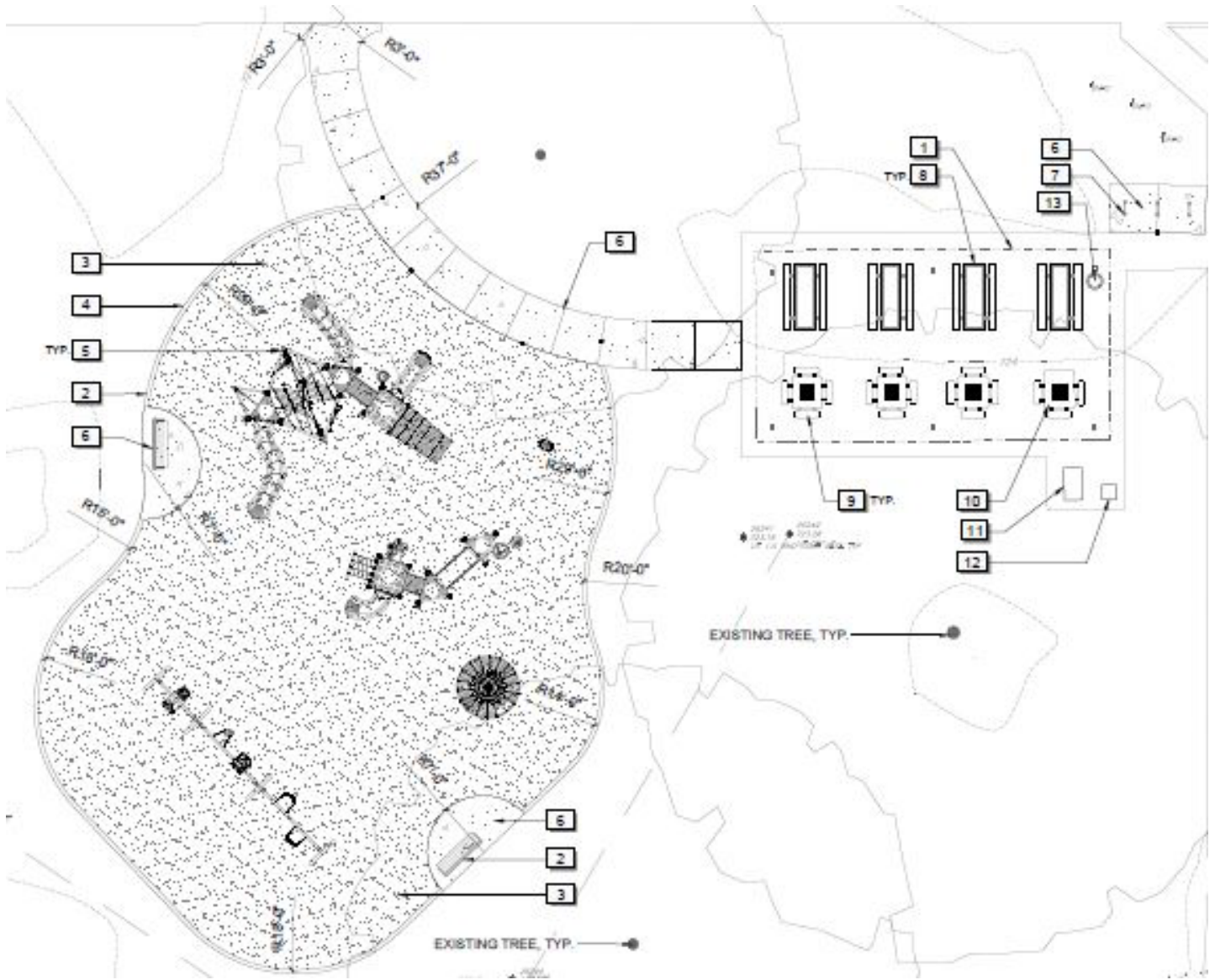


Location Map, Frank Young Park



Aerial view, Frank Young Park

(Continued)



Site Plan, Frank Young Park

(Continued)



Frank Young Park shelter area



Frank Young Park playground area

(Continued)



Site photo, view east along Udell Street



Site photo, view north Rader Street

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-082
Address: 1102 and 1138 Roosevelt Avenue (Approximate Addresses)
Location: Center Township, Council District #17
Petitioner: Roosevelt Landsite, LLC, by Russell L. Brown
Request: Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage.

ADDENDUM FOR OCTOBER 12, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the October 12, 2023 hearing, to the October 26, 2023 hearing, at the request of the petitioner's representative.

After further discussions with the petitioner and their representative the commitments listed below would be acceptable with changes to the timing of the infrastructure improvements. Staff understands that final commitments will be available for review prior to the hearing.

October 12, 2023

This petition was continued from the September 14, 2023 hearing, to the September 28, 2023 hearing, and to the October 12, 2023 hearing, at the request of staff to provide time for further discussions with the petitioner's representative.

RECOMMENDATIONS

Staff **recommends approval** of this request.

The commitments below relate to infrastructure improvements requested by the Department of Public Works but there are ongoing discussions between the petitioner and their representative with the Department of Public Works. Consequently, the commitments will likely be amended and finalized prior to the hearing.

1. 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.

(Continued)

2. The following infrastructure improvements requested by the Department of Public Works (DPW) shall be constructed to DPW standards and subject to DPW technical review.
 - a. Commerce Avenue and Roosevelt Avenue – The following intersection improvements shall be completed prior to occupancy of new residential units:
 - Install traffic control signal, including pedestrian signal components and pavement markings.
 - Restripe pavement to provide a NB left-turn lane on Commerce Avenue to WB Roosevelt Avenue, without roadway widening.
 - Coordinate improvements with DPW Project GT-25-003 / Gretchen Zortman for potential overlap in scope/schedule.
 - b. 10th Street and Lewis Street – The following intersection improvements shall be completed prior to occupancy of new residential units:
 - Install EB left-turn lane on 10th Street to NB Lewis Street, including median modification to allow the EB left-turn lane to cross over and abut the WB travel lane.
 - Provide one EB thru lane, one WB thru lane, one EB left-turn lane at Lewis Street, one WB left-turn lane at Bellefontaine Street by utilizing pavement markings and curb modifications between Bellefontaine Street and Massachusetts Avenue. Excess pavement may be converted into on-street parking or turn lanes.
 - c. 16th Street and Lewis Street - The following intersection improvements; shall be completed prior to occupancy of new residential units, including:
 - Coordinate with DPW corridor study SY-25-090/Gretchen Zortman.
 - Restrict the intersection to not allow NB left turns from Lewis Street to WB 16th Street by utilizing curbs and/or bollards and signs/markings.
 - d. Lewis Street
 - Any remaining portions of Lewis Street to complete a 50-foot ROW of Lewis Street from 10th Street to 13th Street shall be dedicated prior to the issuance of an Improvement Location Permit (ILP).
 - Lewis Street from 10th Street to 13th Street, shall be reconstructed in accordance with DPW Local Street Standards prior to occupancy of new residential units.
 - e. Roosevelt Avenue
 - Vacate or dedicate sections of Roosevelt Avenue to provide for a 50-foot ROW between public street intersections and eliminate any dead ends of remaining right-of-way, prior to the issuance of an ILP.
 - i. If dedicated, prior to occupancy of new residential units: rehabilitate Roosevelt Avenue formerly private section to meet DPW Local Street standards.
 - ii. If vacated, designs to be included in the ILP submittal: repair roadway as needed to serve development's needs.
 - f. Monon Trail
 - Connections to the Monon Trail shall be prohibited unless reviewed and approved by the Department of Public Works, Greenways Section or its equivalent agency in accordance with the terms set forth by Hoosier Heritage Port Authority.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 6.60-acre site, zoned I-4, is comprised of two parcels developed with industrial buildings and an associated parking lot. It is surrounded by industrial uses to the north, zoned I-3 and I-4; industrial uses to the south, across Roosevelt Avenue, zoned I-4; industrial uses to the east, zoned I-4; and undeveloped land to the west, zoned I-4.

REZONING

- ◇ This request would rezone the site from the I-4 District to the C-S classification. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends village mixed-use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for

Continued)

Conditions for All Housing

- Should be within a one-quarter-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.
- 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.

Multifamily Housing (defined multifamily housing single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet).

- Should be located along an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

Small-Scale Offices, Retailing and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.).

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

(Continued)

- 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 - 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Traffic Impact Study

- ◇ 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.
- ◇ Capacity analysis occurs for three different scenarios:
Scenario One - Year 2023 Existing Traffic – This analysis scenario was based on existing (2022) traffic volumes and used to determine operating Level of Service (LOS) of current roadway geometrics
Scenario Two - Year 2023 Projected Traffic – This analysis scenario added the estimated traffic generated by the proposed development to the 2022 existing traffic volumes.
Scenario Three - Year 2023 Projected Traffic with full access at Lewis Street – This analysis scenario redistributed the existing traffic and the estimated traffic generated by the proposed development to determine the impact of a full access intersection at Lewis Street & 10th Street.
- ◇ Recommendations:
- Access drives associated with the proposed North Mass development should comply with the City of Indianapolis’s construction standards.
 - The intersection of Commerce Avenue & Roosevelt Avenue & Ludlow Avenue has at least one movement operating at an unacceptable LOS with existing traffic. With the addition of Phase 1 development traffic, this location meets the Peak Hour Signal Warrant. It is recommended that this location be considered for a signal upon the completion of Phase 1 of the North Mass development.
 - Due to the proximity to the signal at Commerce Avenue & Massachusetts Avenue, these two signals would require coordination to maximize the efficiency of both signals.
 - If the below access change at Lewis Street & 10th Street is implemented, this intersection is anticipated to still meet the Peak Hour Signal Warrant with the full development buildout traffic.

(Continued)

- If it is desired to provide full access for Lewis Street at 10th Street, a preliminary intersection layout should be designed to verify the reconstruction is feasible before proceeding further, due to the existing railroad bridge pier in the median immediately adjacent to the intersection.
 - If full access is provided for Lewis Street at 10th Street, the intersection should be signalized and coordinated with the adjacent intersection of 10th Street & Massachusetts Avenue / Dorman Street. If possible, the two intersections should function as one with one signal controller.
 - Providing full access at this location allows for traffic from the south to access the development without crossing at-grade railroad tracks.
- The proposed modified Lewis access scenario that includes a Left-In Right-Out at the intersections of both 10th Street & Lewis Street and 16th Street & Lewis Street and a signal at the intersection of Commerce Avenue & Roosevelt Avenue provides improved access for the site while maintaining acceptable operations.
 - This scenario requires the addition of only one signal and less roadway / intersection reconstruction than the full access option above.
 - As stated above, due to the proximity to the signal at Commerce Avenue & Massachusetts Avenue, these two signals will require coordination to maximize the efficiency of both signals.

Department of Public Works

- ◇ After review of the TIS, the following commitments have been requested from the Department of Public Works (DPW), in lieu of the proposed TIS recommendations above related to infrastructure improvements.

All improvements are to be constructed to DPW standards and subject to DPW technical review.

1. Commerce Avenue and Roosevelt Avenue – The following intersection improvements shall be completed prior to occupancy of new residential units:
 - a. Install traffic control signal, including pedestrian signal components and pavement markings.
 - b. Restripe pavement to provide a NB left-turn lane on Commerce Avenue to WB Roosevelt Avenue, without roadway widening.
 - c. Coordinate improvements with DPW Project GT-25-003 / Gretchen Zortman for potential overlap in scope/schedule.
2. 10th Street and Lewis Street – The following intersection improvements shall be completed prior to occupancy of new residential units:
 - a. Install EB left-turn lane on 10th Street to NB Lewis Street, including median modification to allow the EB left-turn lane to cross over and abut the WB travel lane.
 - b. Provide one EB thru lane, one WB thru lane, one EB left-turn lane at Lewis Street, one WB left-turn lane at Bellefontaine Street by utilizing pavement markings and curb modifications between Bellefontaine Street and Massachusetts Avenue. Excess pavement may be converted into on-street parking or turn lanes.

(Continued)

3. 16th Street and Lewis Street - The following intersection improvements; shall be completed prior to occupancy of new residential units, including:
 - a. Coordinate with DPW corridor study SY-25-090/Gretchen Zortman.
 - b. Restrict the intersection to not allow NB left turns from Lewis Street to WB 16th Street by utilizing curbs and/or bollards and signs/markings.
4. Lewis Street
 - a. Any remaining portions of Lewis Street to complete a 50-foot ROW of Lewis Street from 10th Street to 13th Street shall be dedicated prior to the issuance of an Improvement Location Permit (ILP).
 - b. Lewis Street from 10th Street to 13th Street, shall be reconstructed in accordance with DPW Local Street Standards prior to occupancy of new residential units.
5. Roosevelt Avenue
 - a. Vacate or dedicate sections of Roosevelt Avenue to provide for a 50-foot ROW between public street intersections and eliminate any dead ends of remaining right-of-way, prior to the issuance of an ILP.
 - i. If dedicated, prior to occupancy of new residential units: rehabilitate Roosevelt Avenue formerly private section to meet DPW Local Street standards.
 - ii. If vacated, designs to be included in the ILP submittal: repair roadway as needed to serve development's needs.
6. Monon Trail
 - a. Connections to the Monon Trail shall be prohibited unless reviewed and approved by the Department of Public Works, Greenways Section or its equivalent agency in accordance with the terms set forth by Hoosier Heritage Port Authority.

C-S Statement

- ◇ The C-S Statement, file-dated August 10, 2023, describes the mixed-use development that would consist of approximately 298 multi-family units within a four-story structure that would include up to 10 three-story townhomes. Approximately 7,000 square feet of neighborhood retail would be located on the first floor.
- ◇ A four-story, plus a deck, parking garage would provide approximately 600 parking spaces that would serve this proposed development as well as other redevelopment projects in the area.
- ◇ The C-S Statement indicates that the overall structure of the development would have a roof height of approximately 55 feet, with some roof portions being as high as 65 feet above grade.
- ◇ The conceptual site plan and elevations would require Administrator Approval of final documents. Additionally, a final landscape plan that would include the Green Factor and a photometric plan would need to be submitted for Administrator Approval.

(Continued)

Site Plan

- ◇ The site plan, file-dated August 10, 2023, provides for multi-family development along Lewis Street and Roosevelt Avenue, with approximately 7,000 square feet of retail proposed along the Roosevelt Avenue frontage.
- ◇ The parking garage would be located at the northeast portion of the site, with the entrance and exit located on East 13th Street.
- ◇ Three courtyards / amenity spaces would be provided that would include a pool area, dog park, club house, and a sculptural park.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of village mixed-use typology and supportive of redevelopment activities in the immediate area. Staff, therefore, recommends approval of the rezoning request.
- ◇ Staff would note this request would be a return to the historical residential uses in the area, albeit a denser residential use to respond to the current needs of the community and surrounding land uses.
- ◇ Staff, however, is concerned with the amount of parking and the lack of detail regarding the proposed shared parking arrangement. Based on conceptual documents and the required parking, in accordance with the Ordinance, a minimum for 271 parking spaces would be appropriate for this proposed development. The remaining 329 parking spaces seems excessive without more information and details.
- ◇ Staff is also concerned with the architectural character of the parking garage because of proposed mass of the structure and visibility from the Interstate 70. Additionally, no information or details have been provided regarding the design of the parking garage and the proposed exterior materials. Staff believes that masonry should be considered as the primary exterior material, but the City Architect would have final approval of the elevations, including exterior materials.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3 Industrial uses

SURROUNDING ZONING AND LAND USE

North -	I-3 / I-4	Industrial uses
South -	I-4	Industrial uses
East -	I-4	Industrial uses
West -	I-4	Undeveloped land

(Continued)

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends village mixed-use typology. Marion County Land Use Pattern Book (2019). Infill Housing Guidelines (2021)
THOROUGHFARE PLAN	This portion of Roosevelt Avenue is designated in the Marion County Thoroughfare Plan as a private street, with an existing 60-foot right-of-way. This portion of East 13 th Street is designated in the Marion County Thoroughfare Plan as a local street with a 60-foot existing right-of-way and a 48-foot proposed right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	This site is located within the unregulated 500-year floodplain.
C-S STATEMENT	File-dated August 10 2023
SITE PLAN	File-dated August 10, 2023
RENDERINGS	File-dated August 10, 2023
TRAFFIC IMPACT STUDY	File-dated May 26, 2023

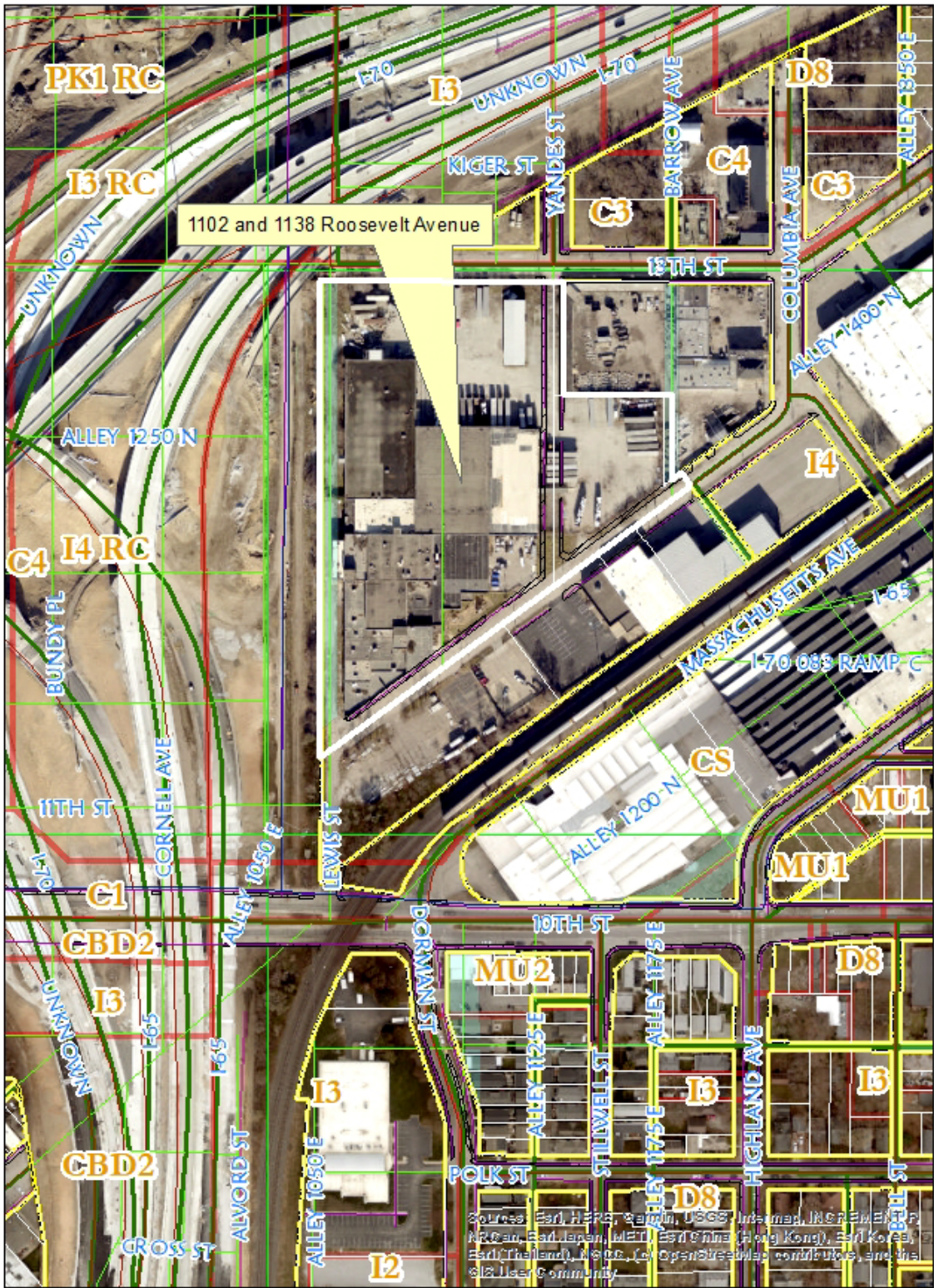
ZONING HISTORY

84-VAC18 (Instrument # 84-94114); requested vacation of part of Lewis Street from the north right-of-way line of vacated Roosevelt Avenue to the south right-of-way line of East 13th Street, **approved**.

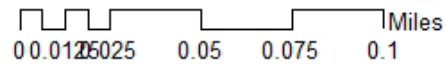
81-VAC-5 (Instrument #81-26585); requested vacation of Parcel 1- Part of Roosevelt Avenue from the east right-of-way line of Lewis Street to a point 642.4 feet northeast, Parcel 2-Part of Yandes Street from the south right-of-way line of East 13th Street to the north right-of-way line of Roosevelt Avenue and Parcel 3-Part of Roosevelt Avenue from the north right-of-way line of Roosevelt Avenue extended southwesterly to the west right-of-way line of Lewis Street to a point 258 feet south, **approved**.

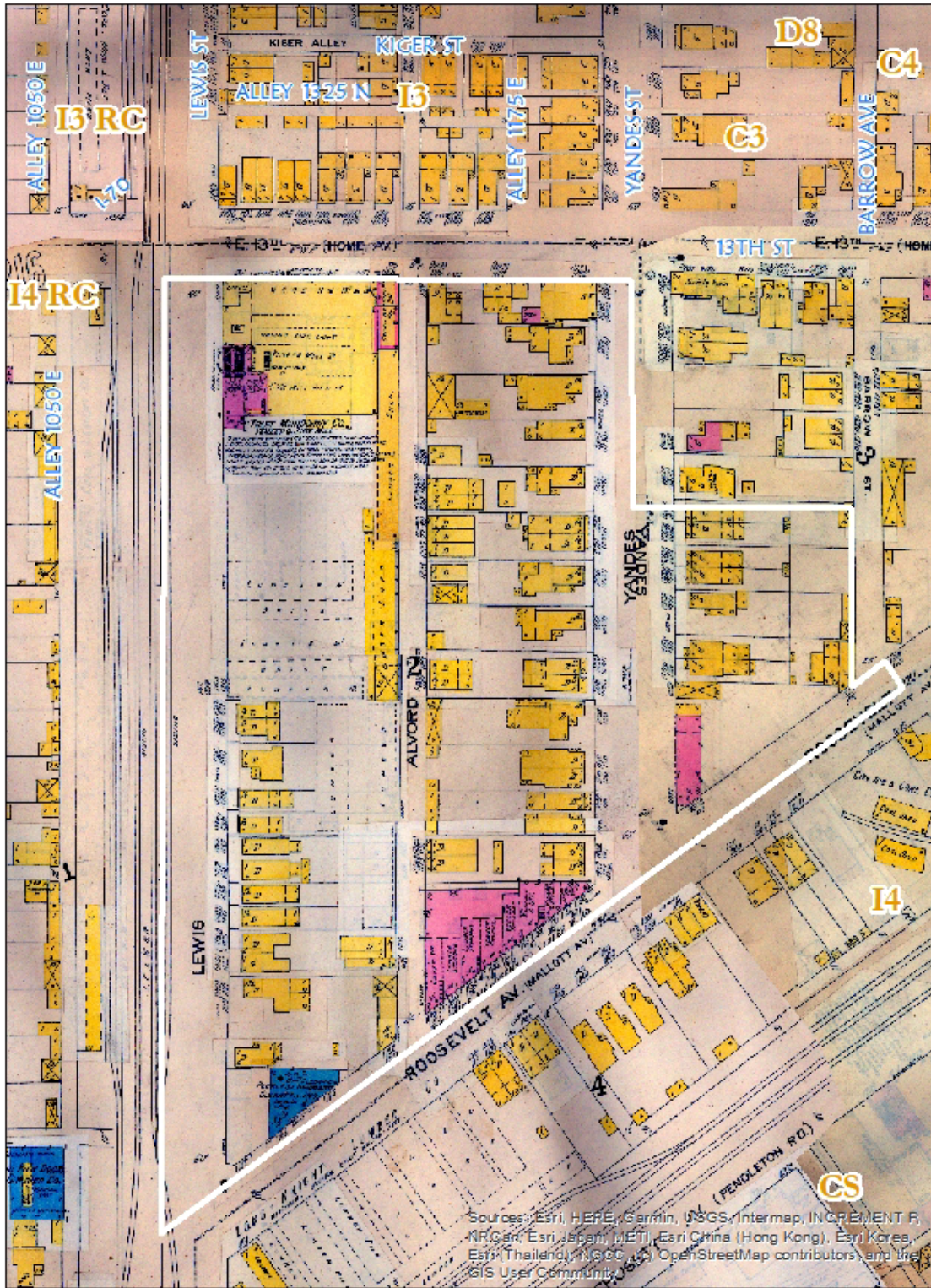
80-VAC-37 (Instrument #81-22400); requested vacation of the first alley east of Yandes Street (aka Barrow Street) from the north right-of-way line of Roosevelt Avenue to the south right-of-way line of 13th Street, **approved**.

kb

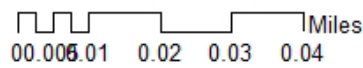


1102 and 1138 Roosevelt Avenue





1102 and 1138 Roosevelt Avenue



Connect
A mixed-use development
1102 and 1138 Roosevelt Avenue (the "Property")

CS Statement

Permitted Uses:

Connect is proposed be a transformative mixed use development which is part of a significant redevelopment of the near northside Mass Avenue corridor. Upon completion of construction, Connect will have approximately 298 multi-family units, including up to ten (10) three story brownstones facing the nearby Monon Trail incorporated into the site plan. Connect will be home to approximately 7,000 square feet of neighborhood supporting retail on Roosevelt Avenue and will have a parking garage with approximately 600 parking spaces, which is sized to support the Connect and other nearby redevelopment opportunities.

The conceptual site plan is attached to the CS Statement as Exhibit A and provides a floor-by-floor concept of the details of the development. The Connect will have three courtyard areas, inclusive of a pool area and dog park. The front entry will address Roosevelt Avenue inclusive of green space to house a statement entryway. The proposed structured parking will enter and exit on 13th Street, shifting resident parking needs away from the nearby Monon Trail and the pedestrian focused Roosevelt Avenue entrance and retail space.

Under the proposed CS zoning the uses on the Property shall include structured parking, multifamily development, neighborhood serving retail uses, including but not limited to restaurants, coffee shops and other service industry uses.

Design standards/landscaping/site plan:

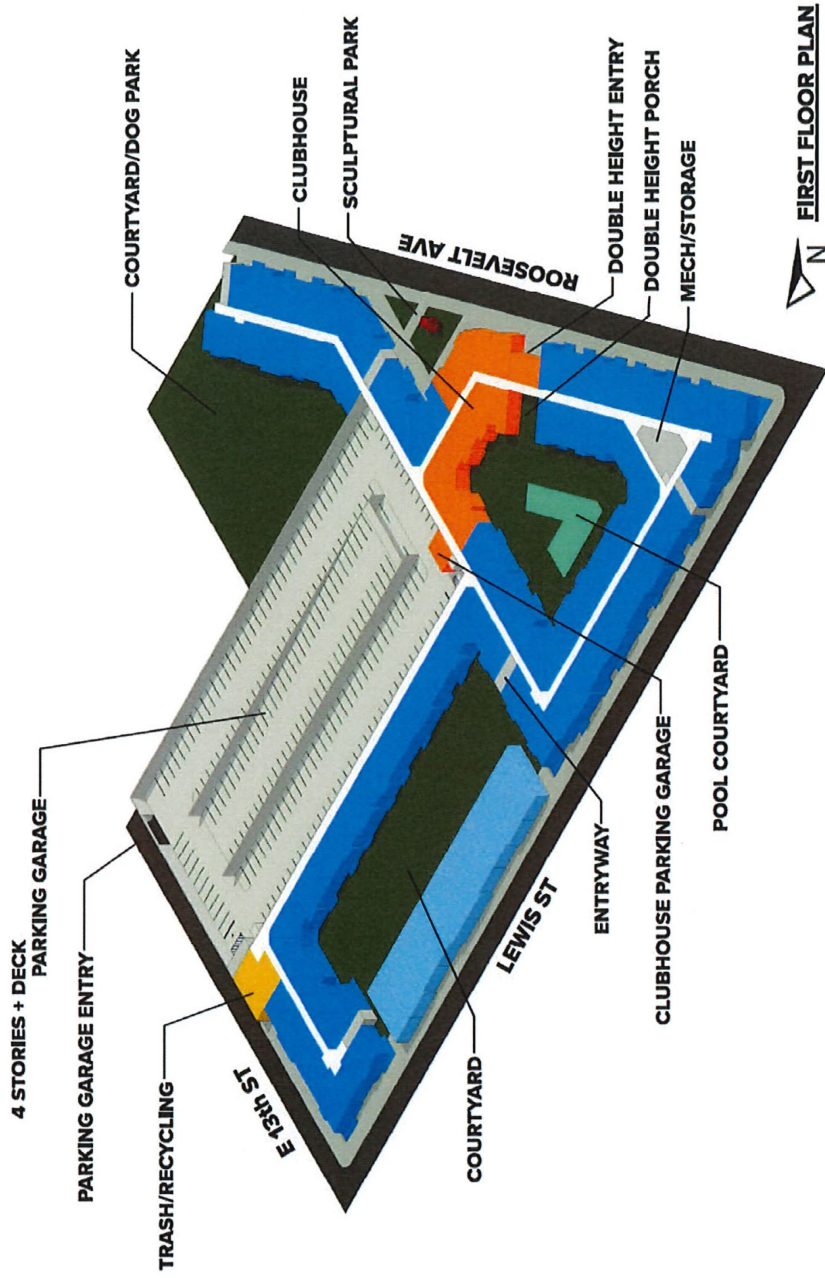
The petitioner has attached a proposed conceptual site plan for the Property. The final site plan and landscape design will be subject to administrator's review and approval.

The petitioner has provided conceptual elevations for various façades four story multi-family structure and the brownstones attached as Exhibit B to the CS statement. These are intended to show conceptual design aesthetic which will be included as part of the development of the Property. The overall structure will have a mean roof height of approximately 55' feet with some elevated roof portions being as high as 65' above grade.

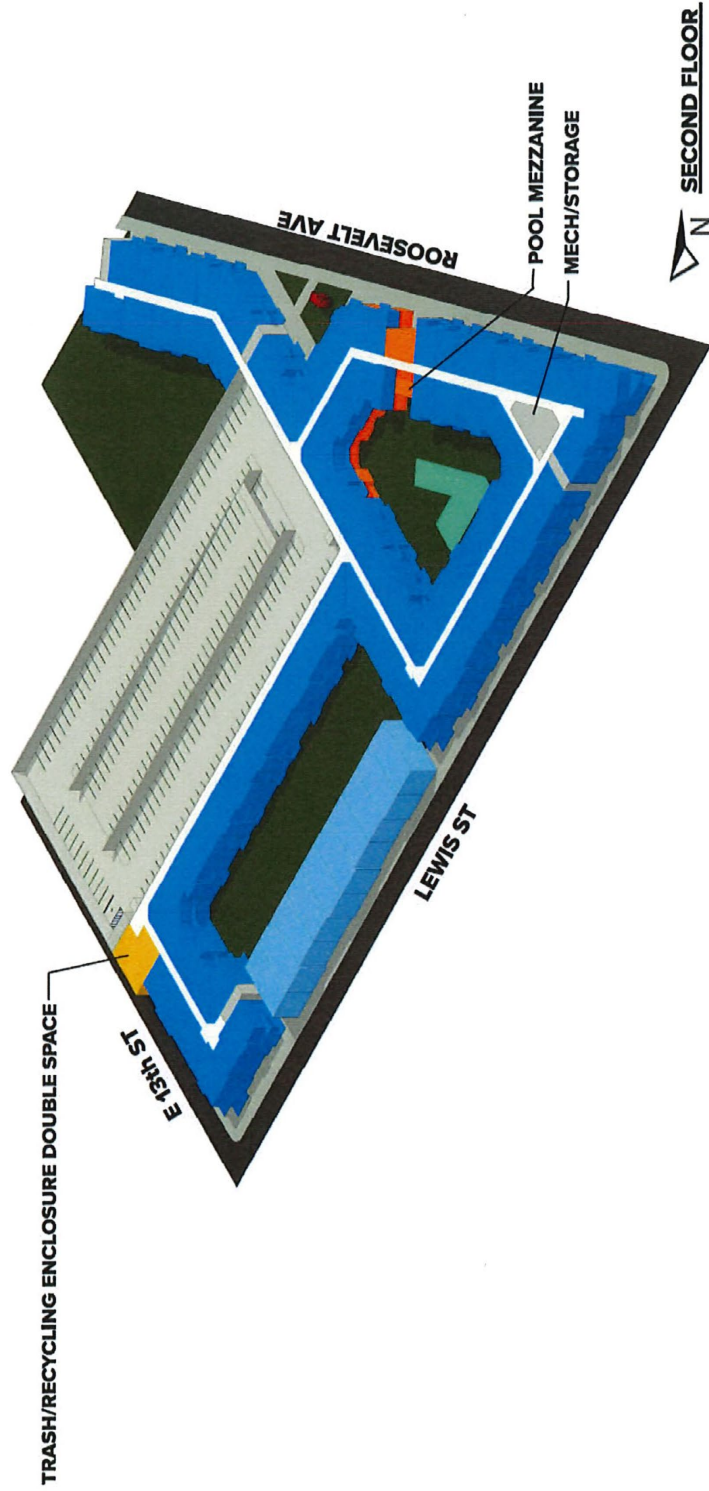
Parking:

As noted above structured parking will be developed as part of Connect. The parking structure will be four stories with deck parking, comprising approximately 600 total parking spaces. At grade parking will be provided in limited areas at the perimeter of the site.

The Plan.



The Plan.



12
2021

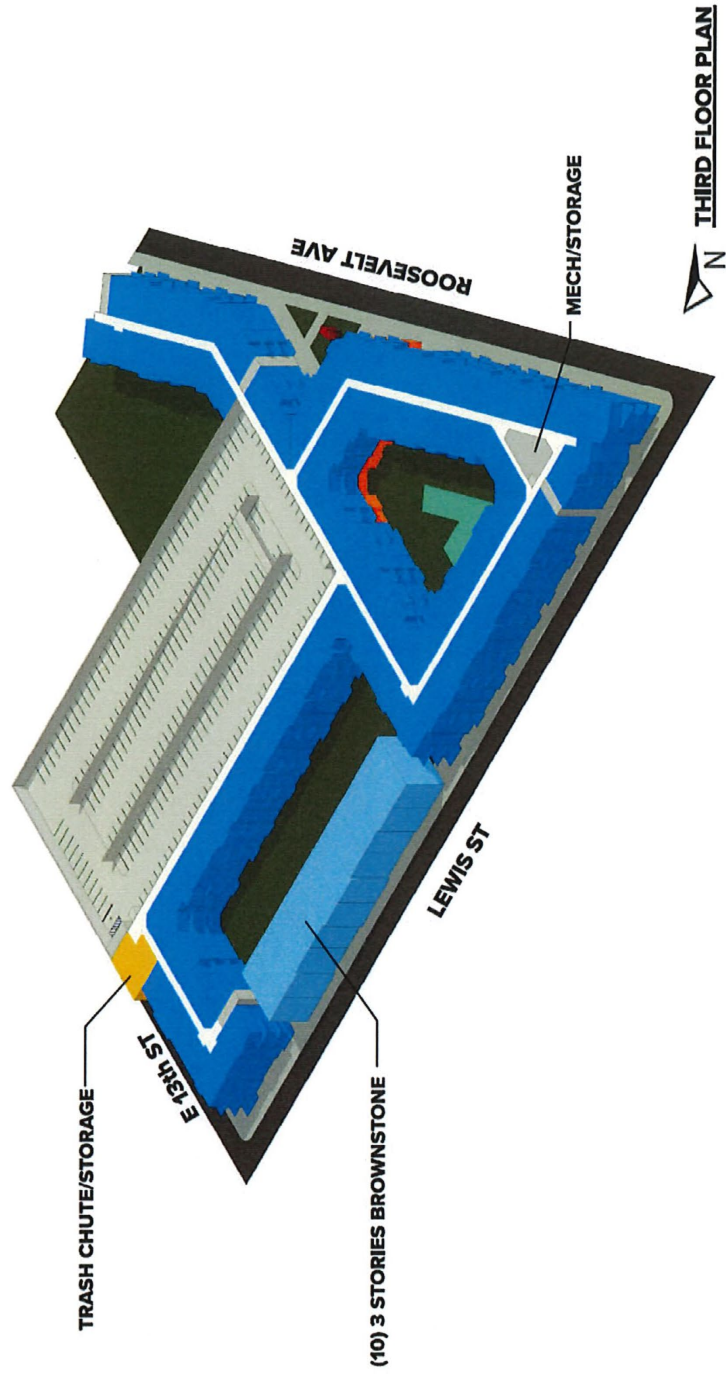


NOMA Development
SITE PLAN PRESENTATION



05

The Plan.



(10) 3 STORIES BROWNSTONE

2021



NOMA Development
SITE PLAN PRESENTATION



06

The Plan.

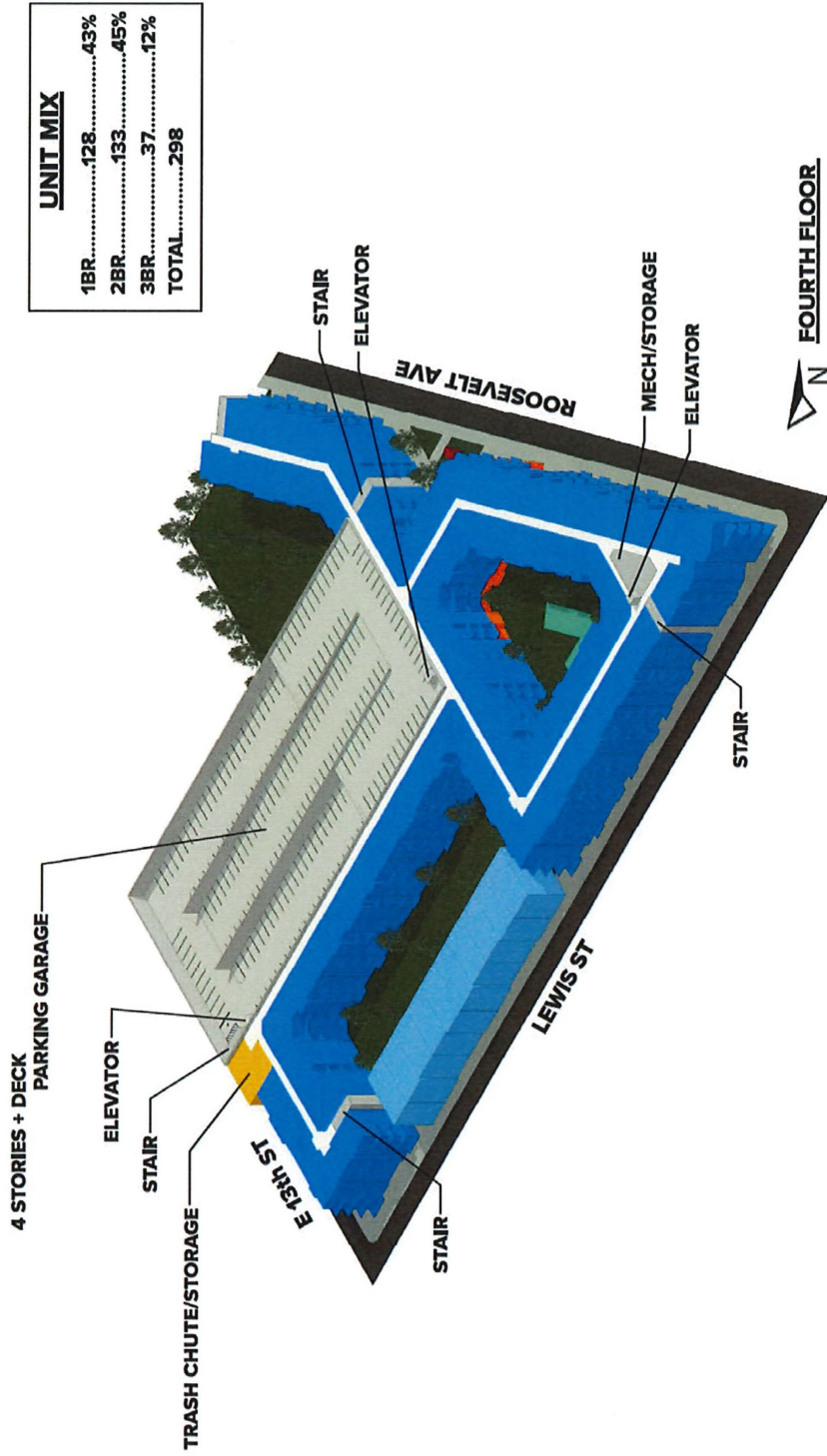


EXHIBIT B TO CONNECT CS STATEMENT

Facades Facing Roosevelt





BROWNSTONES





View looking east along Roosevelt Avenue



View looking west along Roosevelt Avenue



View looking north along Lewis Street



View looking south along Lewis Street towards East 10th Street



View looking south along Lewis Street from northern portion of the site



View looking north at northern terminus of Lewis Street



View of site looking east across Lewis Street



View of site looking southeast across Lewis Street



View of site looking north across Roosevelt Avenue



View of site looking northwest along Roosevelt Avenue



View of site looking northwest across Roosevelt Avenue



View of site looking north across Roosevelt Avenue



View looking east along East 13th Street



View looking west along East 13th Street



View of site looking south across East 13th Street



View of site looking south across East 13th Street



View of site looking south across East 13th Street



View of site looking south across East 13th Street / vacated Lewis Street



View from site looking north across East 13th Street / I-70



View looking northeast along East 13th Street / I-70



View from site looking northeast across East 13th Street towards I-70



View from site looking north across East 13th Street / Yandes Avenue

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-096
Address: 4239 Madison Avenue (*Approximate Address*)
Location: Perry Township, Council District #24
Petitioner: Timothy J. Derloshon, by John Cross
Request: Rezoning of 0.17 acre from the D-3 (TOD) district to the C-3 (TOD) district to provide for neighborhood commercial uses.

RECOMMENDATIONS

Staff **recommends approval** of this request, 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. 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.
2. The following uses shall be prohibited: daily emergency shelter, check cashing or validation service, outdoor advertising off-premises sign (billboard), bar or tavern, wireless communications facility, fireworks sales, cannabidiol (CBD) sales, adult bookstore, smoke shop, vape shop, tattoo parlor, massage parlor, plasma center, department store over 8,000 square feet, pawn shop, any auto-related use and drive through services.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.17-acre site, zoned D-3 (TOD), is developed with a one-story commercial building and associated parking lot. It is surrounded by residential uses to the north, across Markwood Avenue, zoned MU-1; commercial uses to the south, zoned C-3; a single-family dwelling to the east, zoned D-3; and single-family dwellings to the west, across Madison, zoned D-3.
- ◇ Petition 72-UV3-131 provided for the construction of a convenience market with reduced setbacks. Petition 86-UV3-89 provided for a business that assembled safety emblems and flags and Petition 98-UV2-82 provided for a commercial printing business.

REZONING

- ◇ This request would rezone the site from the D-3 (TOD) District to the C-3 (TOD) classification to provide for commercial uses.

(Continued)

- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

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.)

- 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.

- ◇ 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.

Modified Uses

- Small-Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)

Overlays

- ◇ 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.”

(Continued)

- ◇ 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 transit stop located at the University of Indianapolis (north of Hanna Avenue) along Shelby 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 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

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.

(Continued)

- ◇ 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

- ◇ The request would be consistent with the Comprehensive Plan recommendation of community commercial typology.
- ◇ Because of the size / configuration of the site, site access and the fact that this site abuts residential uses to the north, east and west, staff believes there are uses that would not be appropriate and requests that the following uses be prohibited: adult bookstore, CBD head shop, tattoo parlor, massage parlor, plasma center, department store over 8,000 square feet, pawn shop, any auto-related uses, and drive through services.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-3 Commercial uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	MU-1	Single-family dwelling
South -	C-3	Commercial uses
East -	D-3	Single-family dwelling
West -	D-3	Single-family dwellings

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology. Marion County Land Use Pattern Book (2019). The Red Line Transit Oriented Development Strategic Plan (2021).

THOROUGHFARE PLAN

This portion of Madison Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 110-foot right-of-way and a proposed 88-foot right-of-way. This portion of East Markwood Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within the Transit-Oriented Development overlay

(Continued)

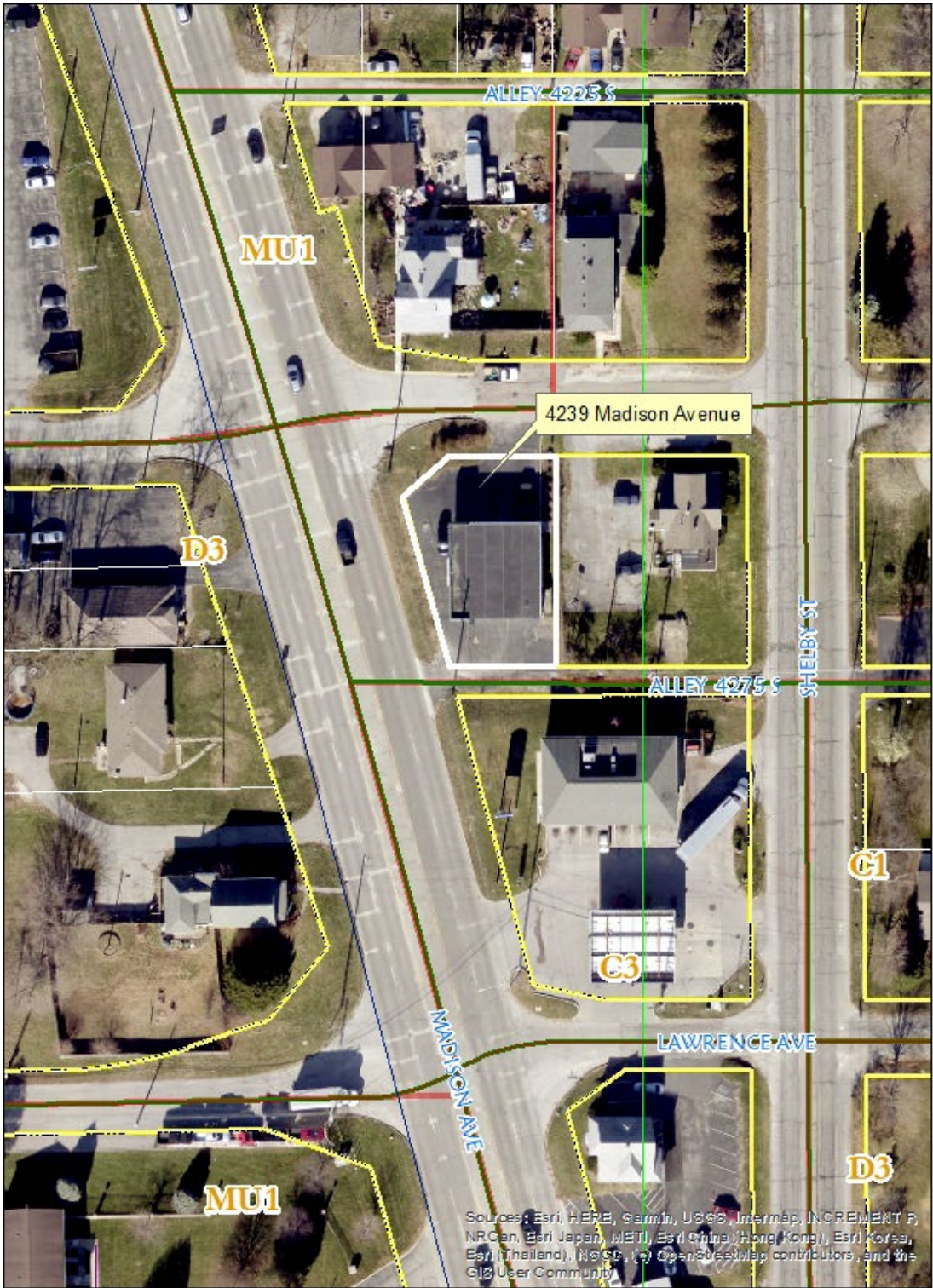
ZONING HISTORY

98-UV2-82; 4239 Madison Avenue, requested a variance of use and development standards of the Dwelling districts Zoning Ordinance to allow for a commercial printed business, with a side yard setback of five feet and a front yard setback of 19 feet from the proposed right-of-way, **granted**.

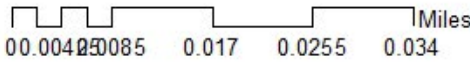
86-UV3-89; 4239 Madison Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for use of an existing building for the assembly of safety emblems and flags, **granted**.

72-UV3-131;4239 Madison Avenue, requested a variance of use of the Dwelling Districts Zoning ordinance to provide for the construction of a convenience market with reduced setbacks, **granted**.

kb



4239 Madison Avenue





View looking south along Madison Avenue



View looking north along Madison Avenue



View looking east along Markwood Avenue



View of looking east along Markwood Avenue



View of site looking east along northern boundary



View of site looking east along southern boundary



View from site looking southeast at adjacent commercial uses



View from site looking southwest across Madison Avenue



View from site looking west across Madison Avenue



View from site looking southeast along eastern boundary and residential uses



View of rear of site looking west across Shelby Street

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-852 / 2023-CVR-852
Address: 1902 Alvord Street (*Approximate Addresses*)
Location: Center Township, Council District #17
Petitioner: Urban Core Associates, LLC, by Joseph D. Calderon
Request: Rezoning of 0.64 acre from the MU-1 district to the D-8 district to provide for a townhome development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development with lots ranging from 800-square feet to 1,100-square feet (minimum 2,000-square foot lot required), with a 10-foot rear setback (fifteen feet required) and with main-floor area ranging from 406-square feet to 466-square feet (660-square feet required).

The Hearing Examiner acknowledged a timely automatic continuance that continued this petition from the September 28, 2023 hearing, to the October 26, 2023 hearing.

RECOMMENDATIONS

Staff **recommends approval** of these requests, 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. 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.
2. Connections to the Monon Trail and all greenways / trails shall be prohibited unless reviewed and approved by the Department of Public Works, Greenways Section or its equivalent agency.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.64-acre site, zoned MU-1, is undeveloped and surrounded by undeveloped land to the north, zoned D-8; single-family dwellings to the south, across East 19th Street, zoned D-P; single-family dwellings to the east, across Alvord Street, zoned D-8; and the Monon Trail to the west, zoned, I-3.

(Continued)

REZONING

- ◇ This request would rezone the site from the MU-1 District to the D-8 classification. “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.
- ◇ The Comprehensive Plan recommends village mixed-use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-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.
- 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.

(Continued)

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.)

- Recommended without additional conditions.

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.

Infill Housing Guidelines

- ◇ 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.”

(Continued)

- ◇ 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

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.”
- ◇ Elevations were submitted with the petition that would be “similar to” those that would be constructed on this site. Because elevations for the site were not submitted, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed residential development would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character.

Site Plan

- ◇ The site plan, file dated August 25, 2023, depicts the development of the overall site with 42 townhomes. The townhomes would front on Alvord Street to the east and adjacent to the Monon Trail to the west.
- ◇ Access would be gained from a central 30-foot-wide private street between North 19th Street and North 20th Street.
- ◇ Rezoning petitions 2022-ZON 059 / VAR-004 rezoned the northern portion of the parcel to D-8. This petition would result in development of the entire parcel under one zoning district.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a townhome development with lots ranging from 800-square feet to 1,100-square feet when the Ordinance requires a 2,000-square foot lot.
- ◇ The request would allow for a 10-foot rear setback when the Ordinance requires fifteen feet and with main-floor area ranging from 406-square feet to 466-square feet when the Ordinance requires 660-square feet.
- ◇ All three of these variance requests would permit smaller units and more units on site than the Ordinance would allow but given the mix of residential types and densities in the vicinity, staff believes the reductions are acceptable and supportable. Additionally, similar variances have been approved for the adjoining development to the north that would result in an overall consistency as the site is developed.

Planning Analysis

- ◇ Historic aerials seem to indicate that the site was transitioning from residential to industrial use in the 1930s and 1940s, was used industrially from the 1950s through the 1990s, and has been mostly vacant since that time. The site is adjacent to former rail rights-of-way to the west that includes The Monon Trail. Between 16th Street and Fall Creek, the properties lining the former rail corridors were historically a mix of industrial and residential uses. After the closure of the railroad and establishment of the Monon Trail, a variety of residential uses have begun to replace the industrial uses.
- ◇ The request would be consistent with the Comprehensive Plan recommendation of village mixed-use typology and compatible with and supportive of the residential redevelopment occurring in the immediate area. Furthermore, the proposed D-8 District would be consistent with surrounding D-8 districts.
- ◇ For these reasons, staff recommends approval of the rezoning request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

MU-1 Undeveloped land

SURROUNDING ZONING AND LAND USE

North -	D-8	Undeveloped land
South -	D-P	Single-family dwellings
East -	D-8	Single-family dwellings
West -	I-3	Monon Trail

COMPREHENSIVE PLAN

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

Marion County Land Use Pattern Book (2019).

Infill Housing Guidelines (2021)

(Continued)

THOROUGHFARE PLAN	This portion of Alvord Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 62-foot right-of-way and a proposed 48-foot right-of-way. This portion of East 19 th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated August 25, 2023
CONCEPTUAL ELEVATIONS	File-dated August 25, 2023
FINDINGS OF FACT	File-dated August 25, 2023

ZONING HISTORY

2022-ZON-059 / 2022-VAR-004; 1902 Alvord Street (north of site); requested the rezoning of 1.38 acres from the MU-1 district to the D-8 district, to provide for a townhome development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development with lots ranging from 1,074 square feet to 1,091-square feet and a 10-foot west rear setback and main floor area ranging from 405-square feet to 466-square feet, **approved and granted.**

2011-ZON-077; 1902 Alvord Street (west of site), requested rezoning of 2 acres from the I-3-U district to the C-2 classification, **approved.**

VICINITY

2023-ZON-027; 1130 and 1134 East 19th Street (east of site), requested rezoning of 0.14 acres from the C-3 district to the D-8 district to provide for single-family dwellings, **approved.**

2020-CZN 838 / 2020-CVR-838; 1126 East 19th Street (east of site), requested rezoning of 0.7 acre from the C-3 district to the D-8 district and a variance of development standards to provide for a single-family dwelling on a lot with 29.5 feet of frontage, with a porch and steps with a 0.5-foot setback and with 49% open space, **approved and granted.**

2020-CZN-813 / 2020-CVR-813; 1118 East 19th Street (east of site), requested rezoning of 0.14 acre from the C-3 district to the D-8 district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling with a 9.5-foot front setback from Alvord Street and a four-foot rear setback and detached garage with a 9.5-foot front setback from Alvord Street and a six-foot rear setback, **approved and granted.**

(Continued)

2019-CZN-850 / 2019-CVR-850; 1118 East 19th Street (east of site), requested the rezoning of 0.1039 acre from the C-3 district to the D-8 classification and to reduce the required front setback from 18 feet to twelve feet, **withdrawn**.

2019-ZON-128; 1051 East 19th Street and 1720 North Alvord Street (west of site), requested rezoning of 2.12 acres from the I-3 district to the D-P district to provide for 37 single-family attached dwelling units at a density of 17.5 units per acre, **approved**.

2019-ZON-103; 1661 Cornell Avenue (southwest of site), requested the rezoning of 0.12 acre from the I-3 district to the D-8 classification, **approved**.

2019-DV3-041; 1136 and 1138 East 19th Street (east of site), requested a variance of development standards to provide for a two-family dwelling with reduced setback, **granted**.

2018-ZON-013, 1136 and 1138 East 19th Street (east of site); requested rezoning of 0.116 acre, from the C-3 District, to the D-8 classification to provide for residential uses, **approved**.

2015-CZN-835, 2015-CVR-835; 1102 East 16th Street (south of site), requested the rezoning of 4.5 acres from the I-3-U, D-8 and C-5 districts to the C-3C classification, and to provide for a reduced setback and reduction in the number of require parking spaces, **approved**.

2011-ZON-077; 1902 Alvord Street (west of site), requested rezoning of 2 acres from the I-3-U district to the C-2 classification, **approved**.

2006-ZON-085; 1115 East 19th Street (west of site), requested rezoning of 0.24 acre from the C-3 district to the D-8 classification, **approved**.

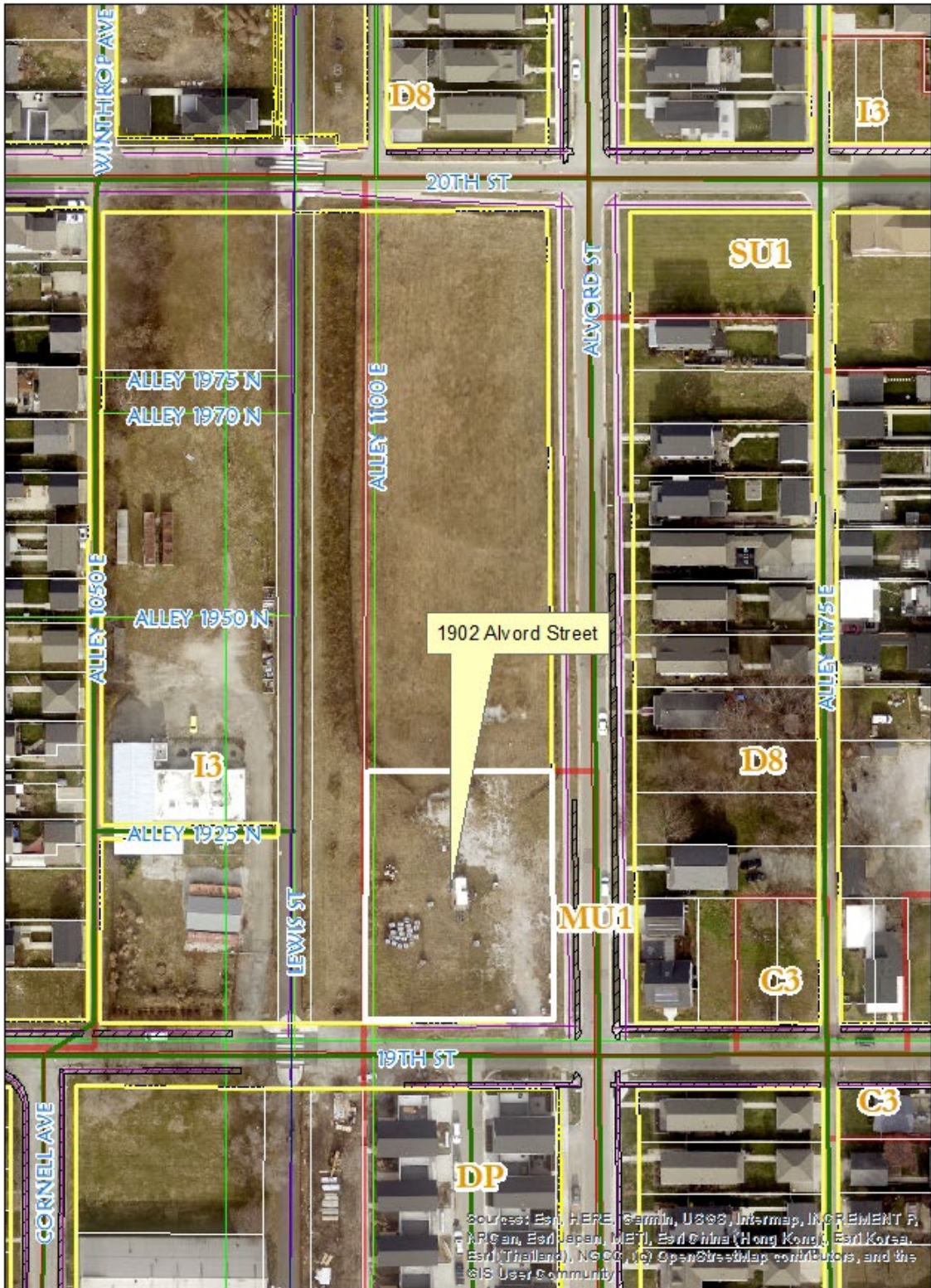
2000-UV1-006; 1824 Yandes Street (east of site), requested a variance of use of the commercial Zoning Ordinance to provide for the use of a detached garage for storage for an existing church, **granted**.

95-UV1-37; 1802 – 1804 Alvord Street (south of site), variance of use to provide for automobile repair and a gravel parking area, **granted**.

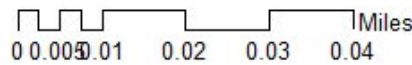
94-UV3-112; 1714 – 1720 Alvord Street (south of site), variance of use to legally establish a social organization, **granted**.

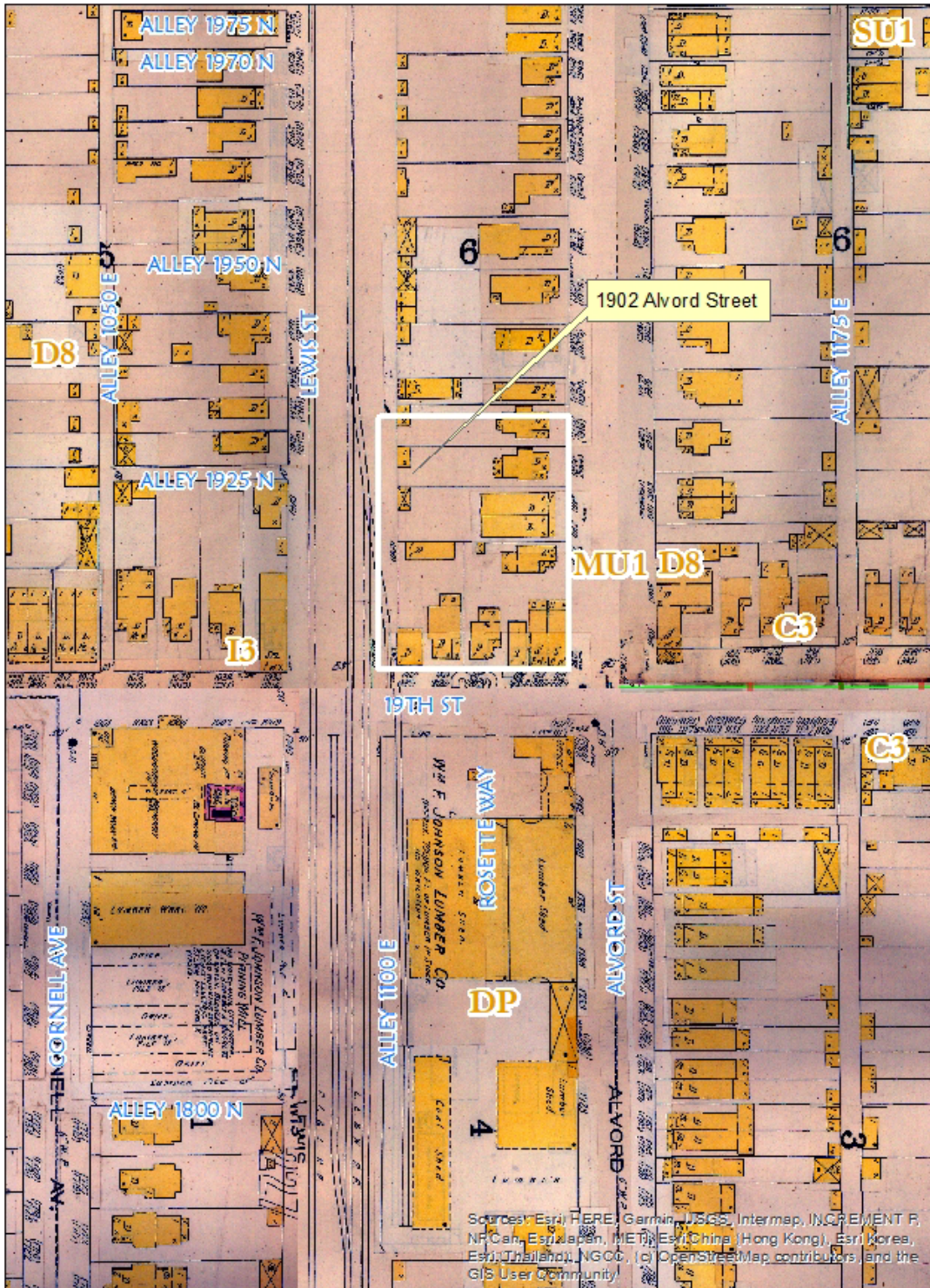
91-UV1-41; 1824 Yandes Street (east of site), requested a variance of use of the Commercial Zoning Ordinance to permit the construction of a church, **granted**.

kb

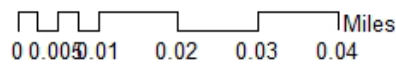


1902 Alvard Street





1902 Alford Street





The Bakery | The Talbott II



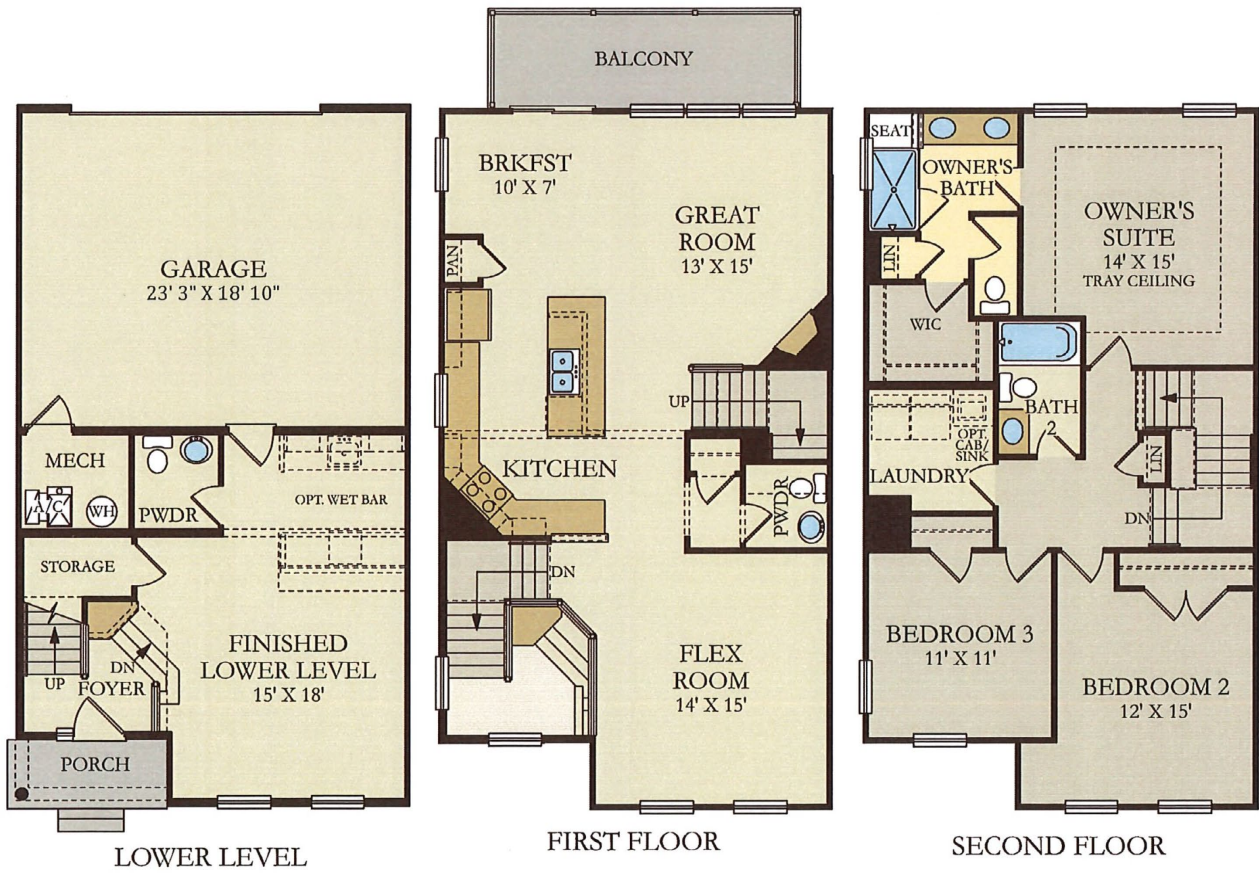
Elevation

LENNAR.COM

* Elevation is an artist rendering and may include optional features, refer to Sellers blueprints for exact elevation details.



The Bakery | The Talbott II



Elevations of a home may vary and we reserve the right to substitute and/or modify design and materials, in our sole opinion and without notice. Garage sizes may vary from home to home and may not accommodate all vehicles. The specific features in a home may vary from home to home and from one community to another. We reserve the right to substitute equipment, material, appliances and brand names with items of equal or higher value, in our sole opinion. Color and size variations may occur. The prices of our homes, included features, and available locations are subject to change without notice. Please see the actual home purchase agreement for additional information, disclosures and disclaimers relating to the home and its features. Plans and elevations are artist's renderings and may contain options which are not standard on all models. Lennar reserves the right to make changes to these floor plans, specifications, dimensions and elevations without prior notice. Stated dimensions and square footage are approximate and should not be used as representation of the home's precise or actual size. Any statement, verbal or written, regarding "under all" or "finished area" or any other description or modifier of the square footage size of any home is a shorthand description of the manner in which the square footage was estimated and should not be construed to indicate certainty. Visit Lennar.com or see a Lennar New Home Consultant for further details and important legal disclaimers. This is not an offer in states where prior registration is required. Void where prohibited by law. Copyright © Lennar Corporation. Lennar and the Lennar logo are U.S. registered service marks or service marks of Lennar Corporation and/or its subsidiaries. 7/19

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 rear yard setback is sufficient given that it adjoins a recreational trail, and the ground floor level includes a garage, with the units each having well more than the overall minimum amount of living area required.

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 property adjoining the rear setback variance is a recreational trail, which will be segregated from the Subject Property with a buffer yard, and the main floor building footprint is well more than the minimum square footage, such that the ground floor unit building size will be compatible with both the ordinance and nearby residences.

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

the lot has insufficient depth for its width, lending to the request for the rear yard setback, and the main floor area requirement does not factor in a townhome style product where the lower level is at grade and the main living area is above grade.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



View looking south along Alvord Street



View looking north along Alvord Street



View looking west along East 19th Street



View looking east along East 19th Street



View of site looking north across East 19th Street



View of site looking north across East 19th Street



View of site looking north across East 19th Street



View looking north of abutting north /south alley to the west (Monon Trail on the left)



View of site looking west across Alvord Street



View of site looking west across Alvord Street



View of site looking west across Alvord Street



View looking south along the Monon Trail



View looking north along the Monon Trail

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-857 / 2023-CVR-857 / 2023-CPL-857
Address: 436-444 Spruce Street and 1441 Deloss Street (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams
Requests: Rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 (TOD) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with direct vehicular access to Deloss Street (not permitted).

Approval of a Subdivision Plat to be known as Baker Midwest, Minor Plat, combining three platted lots (four tax parcels) into One Lot with a waiver of the Subdivision Regulations to allow for access to Deloss Street (exclusive alley access required).

The Hearing Examiner continued these petitions from the October 12, 2023 hearing, to the October 26, 2023 hearing, at the request of staff.

RECOMMENDATIONS

Staff **recommends approval** of rezoning and variance request, 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. 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.
2. Final site and building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 8, 2023, 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.

(Continued)

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.
11. That a waiver of the Subdivision Regulations be granted to allow for access to Deloss Street.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.25-acre site, zoned I-2 (TOD), is comprised of four vacant parcels. It is surrounded by multi-family residential to the north, across Deloss Street, zoned D-8 (TOD); a religious use to the south, zoned, D-5 (TOD); a single-family dwelling to the east, across Spruce Street, zoned I-2 (TOD); and a single-family dwelling to the west, zoned I-2 (TOD).

REZONING

- ◇ This request would rezone the site from the I-2 (TOD) District to the D-8 (TOD) classification. “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.”
- ◇ 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 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.”

(Continued)

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

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

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.

Attached Housing

- 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

- ◇ 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.

- Modifications for attached Housing - A residential density of 15+ units per acre is recommended

Overlays

- ◇ 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.”

(Continued)

- ◇ 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 at the intersection of Southeastern Avenue and U.S. 40 (Washington Street), with a Central Business District typology.
- ◇ Central Business District Center stations are located in the Regional Center with the region’s highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural and civic institutions and a focus on enhanced placemaking and livability.
- ◇ Characteristics of the central business district center typology are:
 - The most dense core of the city with high-rise buildings + active public spaces
 - Mix of office, entertainment, civic, retail, active public space and residential is desired
 - Off-street parking should be avoided

Infill Housing Guidelines

- ◇ 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

Additional Topics

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

(Continued)

- ◇ “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.”
- ◇ Because the document submitted depicting the elevations is unreadable, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character and the Infill Housing Guidelines.

VARIANCE OF DEVELOPMENT STANDARDS.

- ◇ The variance would provide for a multi-family development with direct vehicular access to Deloss Street. If an abutting improved alley exists, the Ordinance requires that site access be via the alley.
- ◇ As proposed, the abutting east / west alley would be used for one-way ingress to the site, with egress along Deloss Street. Given the multi-unit structure and the need for parking, staff believes the access along Deloss Street would have minimal impact on surrounding land uses.
- ◇ Furthermore, this development would increase density, support the TOD goals and aspirations, as well as support redevelopment occurring in this area.

PLAT

- ◇ As proposed, the plat would reduce the four parcels (0.25 acre) down to one approximately 90 feet by 120 feet lot. The proposed lot would be consistent with the requirements of the D-8 zoning classification.
- ◇ The plat would not provide for any new streets. The proposed structure would front on Spruce Street. Vehicular access to the lots would be from the first east-west alley south of Deloss Street.

Site Plan

- ◇ The site plan, file-dated September 8, 2023, depicts a nine-unit structure at the southwest corner of the intersection of Spruce Street and Deloss Street with eight parking spaces and drive isle to the west of the building.
- ◇ One-way access would be gained from the east / west alley to the south, with gated egress to the north onto Deloss Street.

(Continued)

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

- ◇ The request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology and compatible with residential redevelopment occurring in the immediate area. Consequently, staff recommends approval of the rezoning request.
- ◇ Staff would note that historical maps indicate that the site was initially developed with single-family dwellings, one of which was demolished between 2009 and 2010 and a second single-family family dwelling was demolished between 2018 and 2019. The site has remained undeveloped since then.
- ◇ As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-2 (TOD) Undeveloped land

SURROUNDING ZONING AND LAND USE

North - D-8 (TOD) Multi-family dwellings
South - D-5 (TOD) Religious use
East - I-2 (TOD) Single-family dwelling
West - I-2 (TOD) Single-family dwelling

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.
The Blue Line Transit Oriented Development Strategic Plan (2018)
Marion County Land Use Pattern Book (2019).
Infill Housing Guidelines (2021)

THOROUGHFARE PLAN

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

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within an overlay.

SITE PLAN

File-dated September 8, 2023

ELEVATIONS

File-dated September 8, 2023

PLAT

File-dated September 8, 2023

FINDINGS OF FACT

File-dated September 8, 2023

(Continued)

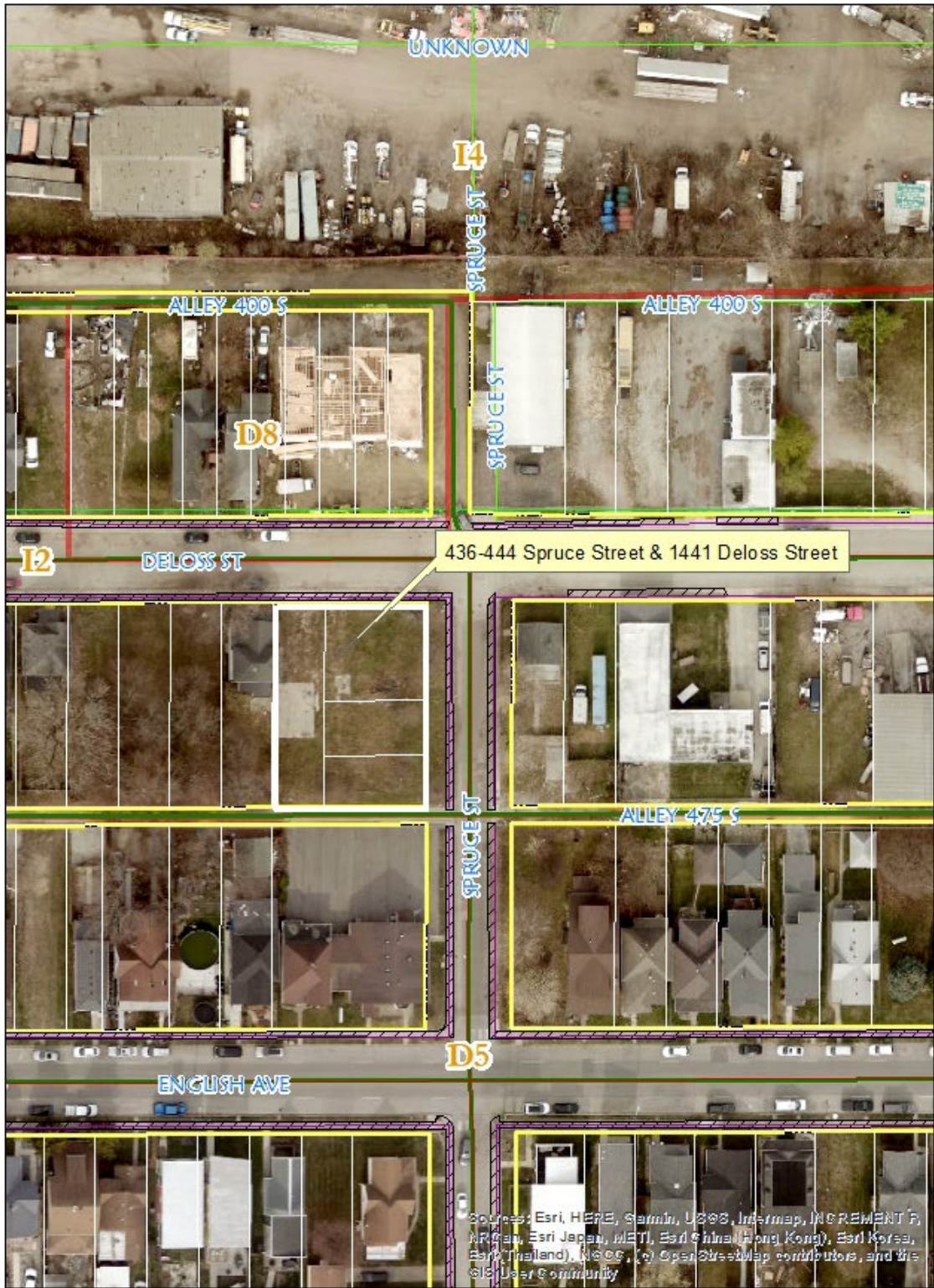
ZONING HISTORY

2023-ZON-005; 1405 Deloss Street, requested rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling, **approved**.

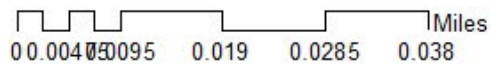
2018-ZON-044; 1426, 1430, 1438 and 1446 Deloss Street (west of site), requested a rezoning of 0.52 acre from the I-2 District, to the D-8 classification, **approved**.

2018-CZN-836 / 2018-CVR-836 / 2018-CPL-836; 1409, 1426, 1430, 1434, 1438 and 1446 Deloss Street (west of site), requested rezoning of 0.25 acre from the I-2 district to the D-8 district; a variance of development standards to provide for two townhomes buildings separated by three feet and with three-foot side setbacks; and approval of a Subdivision Plat to be known as Lambda Chi Alpha Townhomes, dividing 0.58 acre into ten single-family attached lots **approved and granted**.

kb



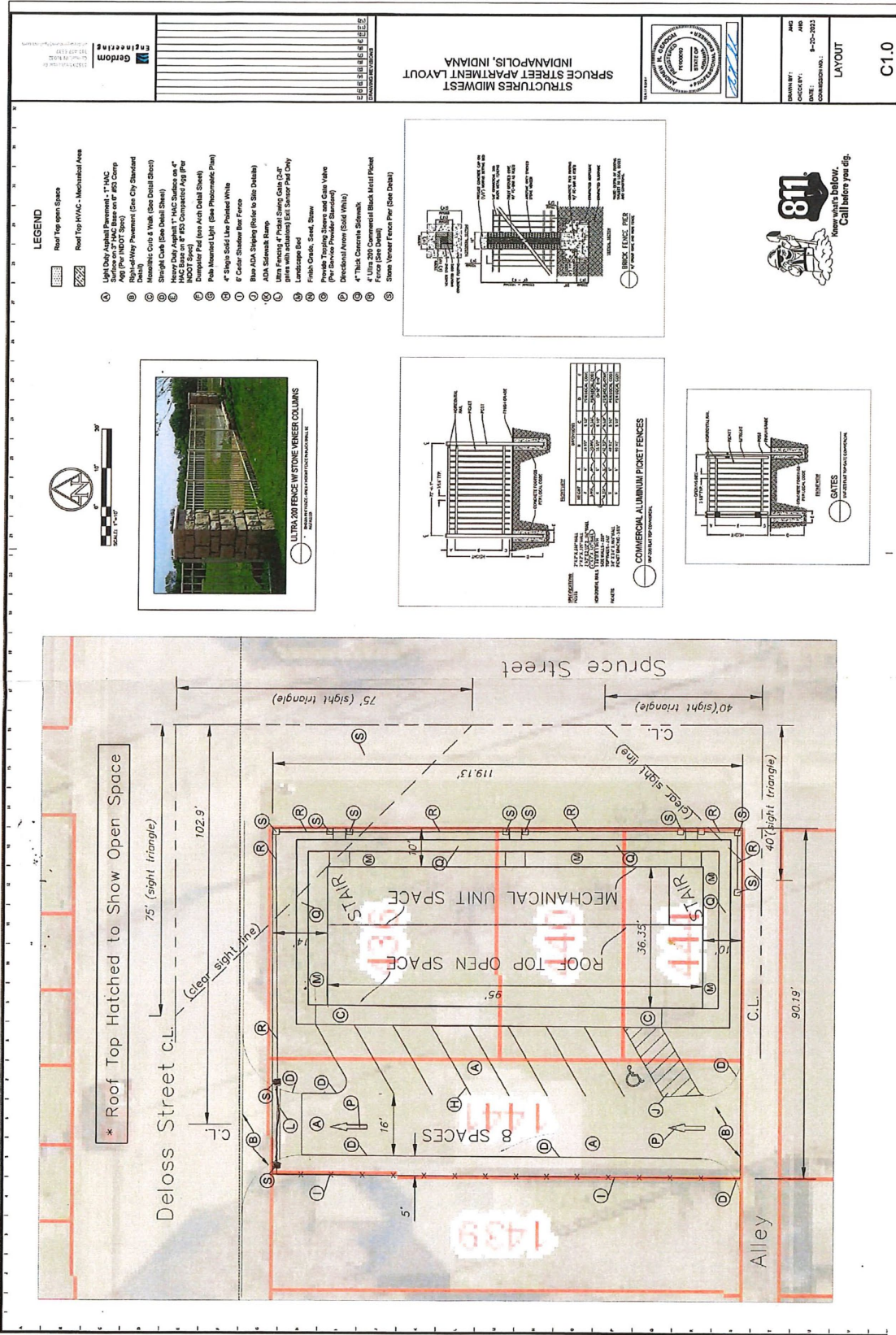
436-444 Spruce Street and 1441 Deloss Street



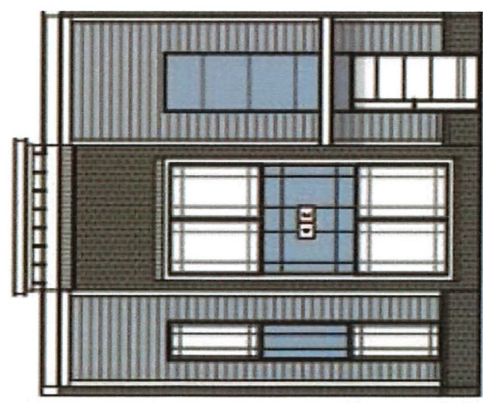


436-444 Spruce Street & 1441 Deloss Street

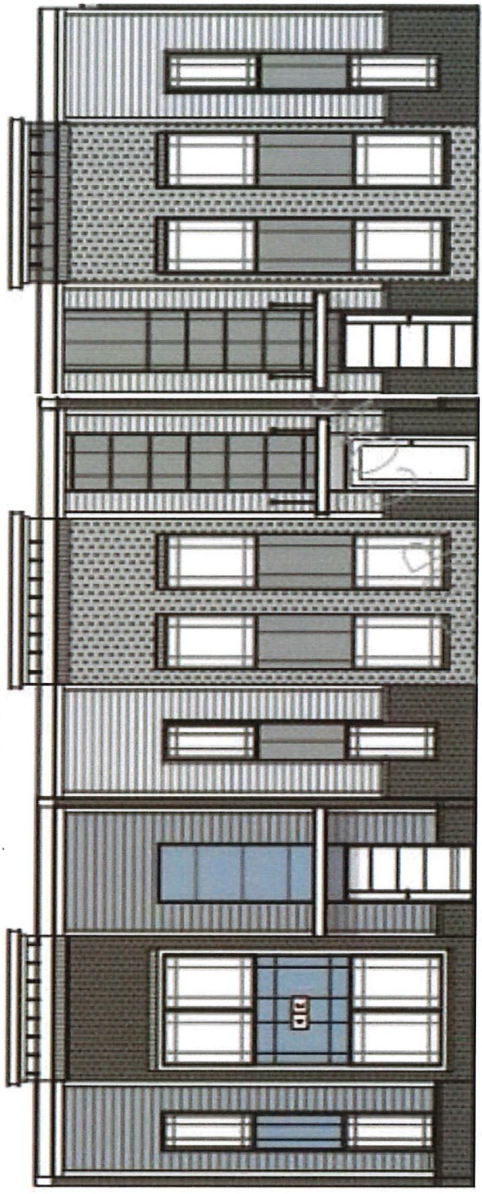




- FINISH LEGEND**
- MATERIAL
 - 1/2" ASPHALT SHINGLES
 - 1/2" 1" x 4" TRIM BOARD
 - 2" SOLID KICKER - BRICK CHAFF-THEFT RESIST
 - 1/2" ASPHALT SHINGLES
 - 1" SOLID TRIM - SPECIAL SERVICE
 - COLOR
 - 1/2" GOLF GREEN
 - 1/2" TAN
 - 1/2" CHERRY ICE
 - 1/2" SPARKS BLAZE
 - 1/2" HERRING
 - 1/2" CEMENTALICE
 - 1/2" BROWN
 - 1/2" BROWN
 - 1/2" BROWN
 - 1/2" BROWN
 - 1/2" BROWN
 - 1/2" BROWN



Side Elevation



Front Elevation

FRUCTION

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 access will be exit only and will be gated. The curb cut is exiting access only for 9 vehicles at this location. The public health, safety, morals and general wefare have been considered in the design of the proposed vehicle exit to the public right of way. The pedestrian and vehicular traffic safety will not be compromised.

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 adjacent property will not be negatively impacted, because the proposed gated, exit only access point is reducing the traffic previously experienced and permitted under the current zoning from 2 full access points to a buzy commercial enterprise.

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

The petitioner is endeavoring to redevelop the site in accordance with the Comprehensive Plan. In order to provide parking and to have a successful project parking must be provided and this can only be accomplished by providing a one way exit only to Deloss Street. Redevelopment an investment is difficult and the petitioner is trying to accomplish a positive improvement to the neighborhood while providing a safe, attractive addition for housing. This project is not possible without the requested access to Deloss Street.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



View looking north along Spruce Street



View looking south along Spruce Street at intersection with Deloss Street



View looking east along Deloss Street



View looking west along Deloss Street



View east / west alley along the southern site boundary



View of site looking south across Deloss Street



View of site looking south across Deloss Street



View of site looking southeast across Deloss Street



View of site looking west across Spruce Street



View of site looking west across Spruce Street



View of site from alley looking north



View of site from alley looking north



View of site from alley looking north

STAFF REPORT

Item 12.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-004
Address: 5680 Eden Village Drive (*Approximate Addresses*)
Location: Pike Township, Council District #8
Petitioner: Olanrewaju Ahmeed Azeez
Request: Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

The Hearing Examiner acknowledged the automatic continuance filed by the petitioner that continued this petition from the February 23, 2023 hearing, to the March 23, 2023 hearing,

The Hearing Examiner continued this petition from the March 23, 2023 hearing, to the April 27, 2023, hearing, and to the May 25, 2023 hearing at the request of staff.

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the May 25, 2023 hearing, to the June 29, 2023 hearing.

The Hearing Examiner continued this petition from the June 29, 2023 hearing, to the August 24, 2023 hearing, to the September 28, 2023 hearing, and to the October 26, hearing, at the request of staff.

RECOMMENDATIONS

Staff **recommends approval** of the request, 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. 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.
2. A site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
3. A sidewalk shall be installed along the West 57th Street right-of-way that abuts this site and along the frontage of Eden Village Drive prior to occupancy of any of the dwelling units.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.55-acre site, zoned C-S, is undeveloped and surrounded by single-family dwellings to the north, undeveloped land to the south and multi-family dwellings to the east, across Eden Village Drive, all zoned C-S; and single-family dwellings to the west, zoned D-P.

(Continued)

- ◇ Petition 89-Z-158 rezoned seven acres, including this site, to the C-S district for professional office and low-intensity commercial development.

REZONING

- ◇ This request would rezone the site from the C-S District to the D-6 classification to provide for multi-family development uses. “The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”
- ◇ The Comprehensive Plan recommends 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 Comprehensive Plan consists of two components that include the Pattern Book 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

- 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

(Continued)

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
- 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 5 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.

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 or otherwise interspersed with detached housing.
- Duplexes should be architecturally harmonious with adjacent housing.
- Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

Multi-family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).

- Should be located along arterial or collector streets, parks, or greenways.
- Parking should be either behind or interior to the development.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

(Continued)

- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Site Plan

- ◇ The original request was for six to 14 townhomes, but the petitioner has been exploring denser options. A site plan file-dated April 26, 2023, provided for the two 12-unit multi-family buildings, with access drives along the West 57th Street unimproved right-of-way and along Eden Village Drive. Approximately 40 parking spaces are proposed.
- ◇ The amended conceptual site plan, file dated May 10, 2023, was submitted that depicted a large emergency vehicle and a wider access drive along West 57th Street from 31.4 feet to 32.1 feet. Otherwise, the conceptual plans are the same.
- ◇ Obviously, access along West 57th Street would not be possible unless the petitioner constructed the missing portion of West 57th Street in compliance with the Department of Public Works standards for public streets.
- ◇ Each three-story building would be approximately 34 feet tall and consist of 12 dwelling units for a total of 24 units, resulting in a density of 15.48 units per acre.
- ◇ As proposed, variances for development standards would be necessary that would include, but not limited to, the required 30-foot perimeter yard along the southern boundary and possibly the required 0.40 ratio for the maximum floor area and the 1.80 ratio for the minimum livability space. Because this is an undeveloped site with few constraints, staff would be hesitant to support any requested variances.

(Continued)

THOROUGHFARE PLAN	This portion of Eden Village Drive is designated in the Marion County Thoroughfare Plan as a local street with an existing 68-foot right-of-way and a proposed 50-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is not located within and overlay.
SITE PLAN / ELEVATIONS	April 26, 2023
SITE PLAN / ELEVATIONS (AMENDED)	May 10, 2023

ZONING HISTORY

89-Z-189; 5710 Georgetown Road (includes this site), requested rezoning 23.5 acres, being the SU-3 and D-6II Districts to the C-S classification to provide for a mixed-use commercial development including all C-2 uses, retail convenience / service establishments, personal service establishments, post office, professional services establishments, mini-warehouses, miniature golf and an indoor commercial amusement / recreation facility, **approved**.

VICINITY

2017-CAP-821 / 2017-CVR-821; 4940 West 56th Street (south of site), requested a modification of Commitments to terminate all commitments related to 89-Z-158, 95-Z-201 and 2008-APP-071 and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 60-foot-tall assisted living facility and to provide for 20% transparency **approved and granted**.

2008-ZON-838 / 2006-VAR-838; 4900 West 56th Street (included subject site), requested rezoning of 0.83 acre, being in the C-S District to the C-S classification to provide for C-3 uses and the sale of auto parts and accessories, and a variance of development standards of the Commercial Zoning Ordinance to provide for reduced side setbacks to the west, east and north, **denied**.

2008-APP-071; 5620 Eden Village Drive (east of site), requested approval of a modification of the site plan related to petition 95-Z-201 top provide for a bank with a drive through and modification commitments numbers two, four, five, ten, and fifteen, **approved**.

2002-ZON-072, 5665 Eden Village Drive (east of site), requested rezoning of 3.40 acres, being in the C-S District to the C-S classification to provide for multi-family residential development, **approved**.

(Continued)

95-Z-201; 4902 West 56th Street (east of site), requested rezoning of 3.12 acres, being in the C-S District, to the C-S classification to provide for C-1 uses, gymnasium and tennis facilities, mini-warehouses, drinking places, and eating places, hotel, not exceeding two stories and limited C-3 uses, **approved**.

89-Z-158; 4950 West 56th Street (included site), requested rezoning of 7.0 acres being in the D-2 and SU-3 Districts, to the C-S classification to provide for professional office and low-intensity commercial development, **approved**.

88-Z-265; 5150 West 56th Street (west of site), requested rezoning of 21.43 acres, being in the A-2, SU-3 and SU-43 district, to the D-6II classification to provide for multi-family residential development, **approved**.

88-Z-264 / 88-DP-9; 5150 West 56th Street (FW/FP) (west of site), requested rezoning of 39.41 acres, being the A-2, D-6II, and SU-43 Districts to the D-P classification to provide for zero lot line single-family and two-family residential development, **approved**.

88-Z-44; 5802 Georgetown Road (east of site), requested rezoning of 23.6 acres, being in the SU-3 District to the D-7 classification to provide for multi-family residential development, **approved**.

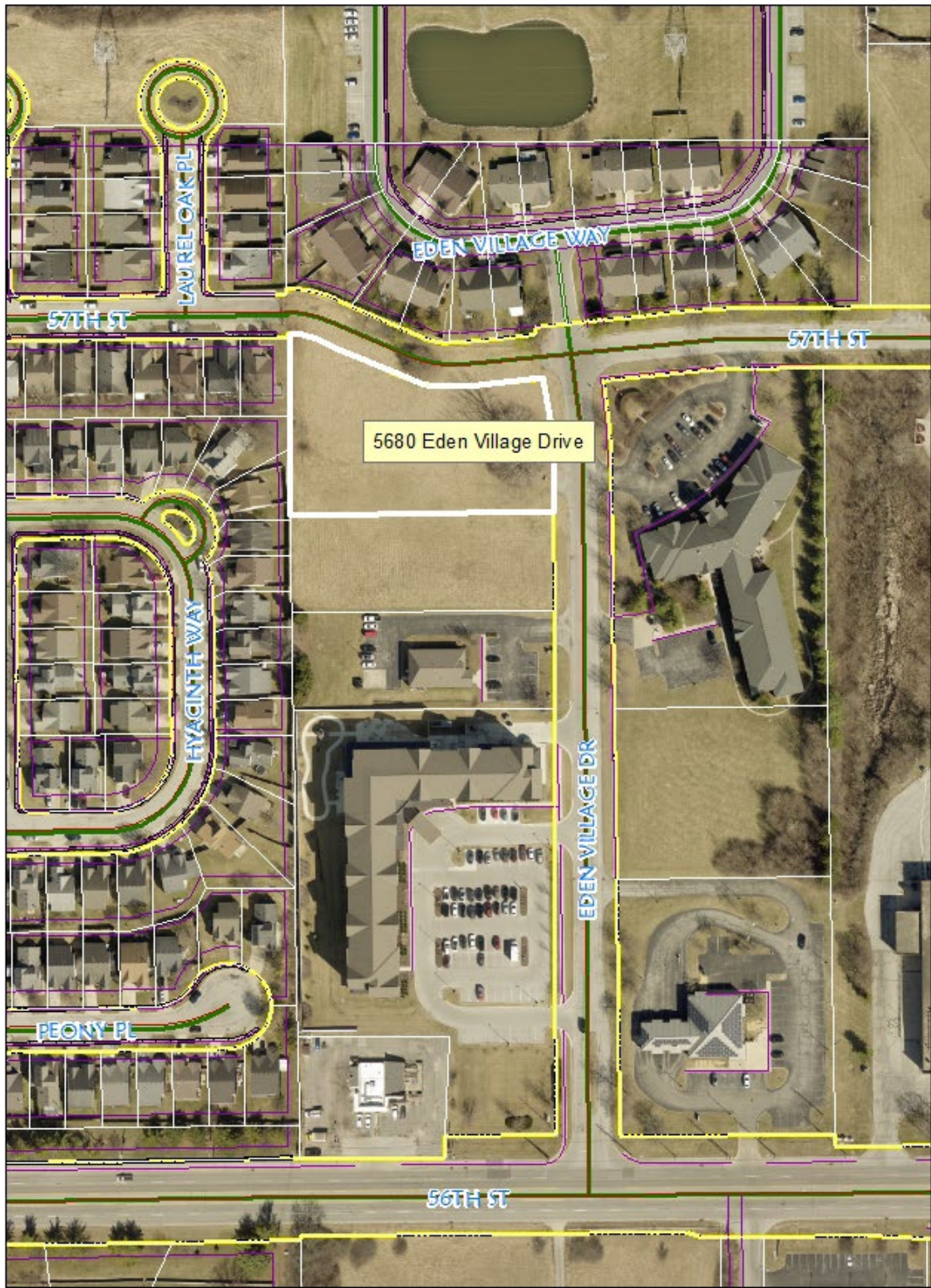
87-Z-178 / 87-CV-22; 5660 Georgetown Road (east of site), requested rezoning of 15.0 acres to the C-3 classification to provide for a community shopping center, **approved**.

86-UV3-79; 5050 West 56th Street (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a building addition to an existing restaurant and tavern, **granted**.

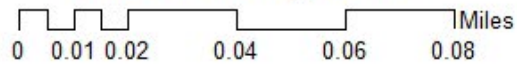
83-Z-152; 4950 Georgetown Road (east of site), requested the rezoning of 13.7 acres, being the D-P District to the C-3 classification to provide for retail use, **approved**.

77-Z-320; 4900 West 56th Street (east of site), requested rezoning of 86.51 acres, being in the SU-8 and A-2 District, to the SU-9 classification to provide for a golf course, **approved**.

kb

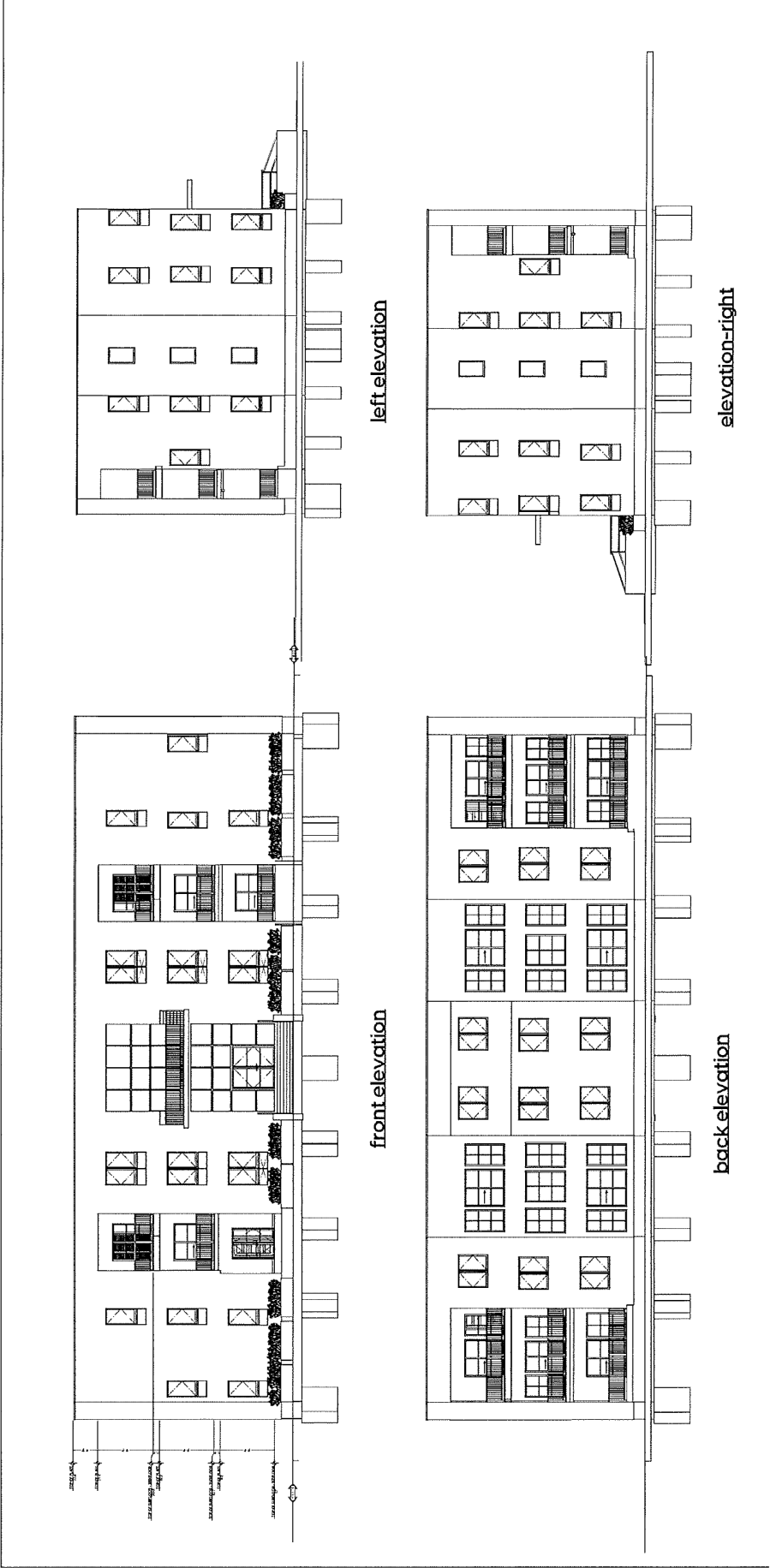


5680 Eden Village Drive





5680 Eden Village Dr - EDEN VILLAGE APARTMENTS
Total buildings footprint: 11,800 sqft. Total Lot size:
51,524 sqft. Total impervious use 29,000 sqft (56%). Each
building comprises 12 units with on-site building
management.



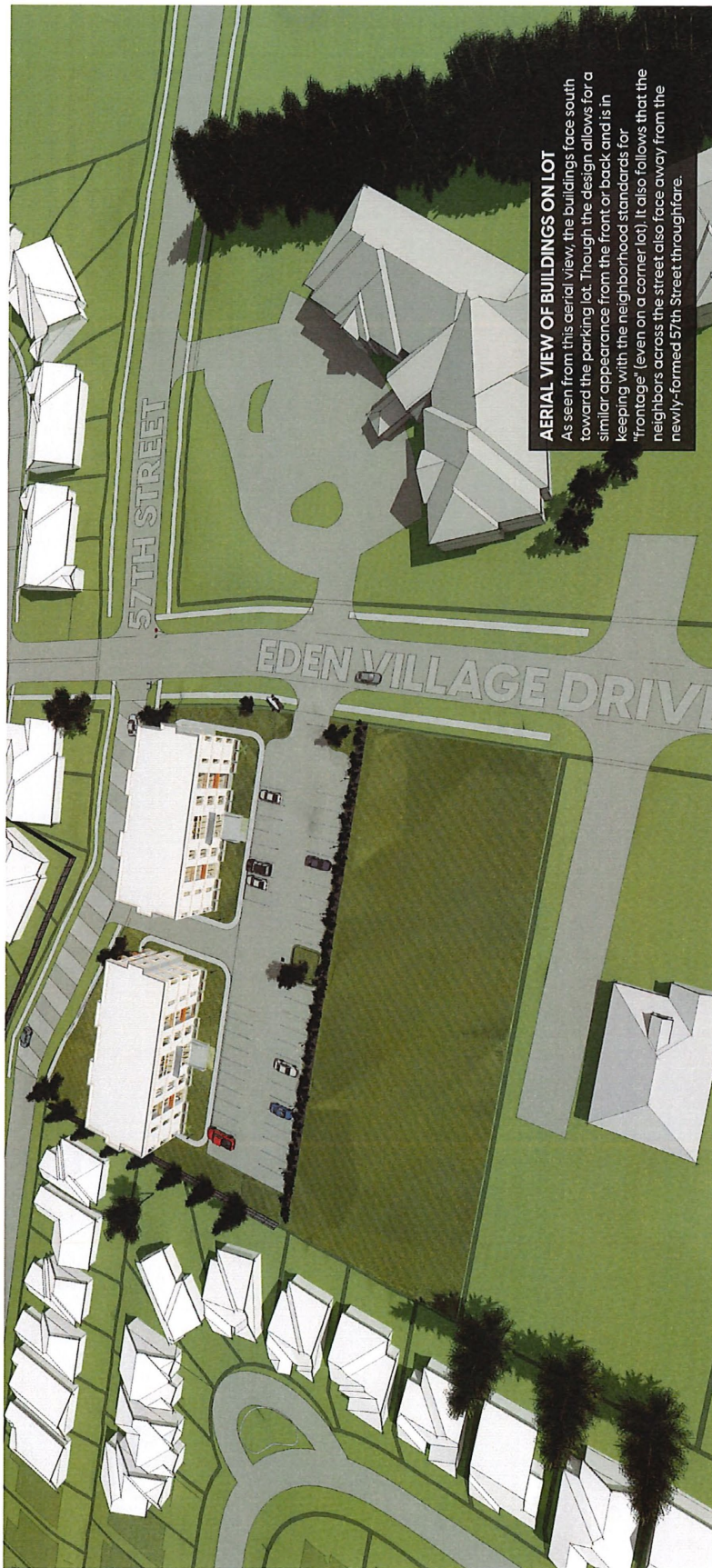


EDEN VILLAGE APARTMENTS

Depicted here is a very general view of the buildings (without design cues or a final roofline). This has been done with intention, to offer flexibility to the interested parties. We suggest a typical muted color palette not dissimilar to the nearby residential units. Further, if a gable/hip roof system is desired, we may add it to continue compliance with neighborhood standards.



BUILDING DIMENSIONS
Each building comprises three levels above grade with a maximum height of about 34 feet, width of 120 feet and dept of 50 feet and is surrounded by both structured and unstructured landscaping for water retention and to maintain neighborhood standards.



AERIAL VIEW OF BUILDINGS ON LOT

As seen from this aerial view, the buildings face south toward the parking lot. Though the design allows for a similar appearance from the front or back and is in keeping with the neighborhood standards for "frontage" (even on a corner lot), it also follows that the neighbors across the street also face away from the newly-formed 57th Street throughfare.

EXHIBIT A
89-Z-189 COMMITMENTS

900002670 1300 0/300

NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607, Resolution No. 85-R-69, 1985, of the Metropolitan Development Commission requires the owner to make Commitment #1.

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. 36-7-4-607, 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 Exhibit "A"

RECORDS SECTION
90 JAN - 9 PM 3:05
MARION COUNTY RECORDS

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. SEE ATTACHED EXHIBIT "B"

- 3. _____
- 4. _____
- 5. _____

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 persons acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined herein 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.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 89-2-189 by the City-County Council changing the zoning classification of the real estate from a SU-3 zoning classification to a C-2 zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the _____ zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity or owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. _____

The undersigned hereby authorizes the Division of Development Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 89-2-189.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 1999.

Signature _____ (Seal) Signature _____ (Seal)
 Printed _____ Printed By: Ronald K. Fisher
 Ronald K. Fisher, President

STATE OF INDIANA)
) 89:
 COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared _____, Ronald K. Fisher, President, owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

90000470

Witness by hand and Notarial Seal this 2nd day
of November, 1982

Signature Nancy M. Swales
Printed NANCY M. SWALES
County of Residence Maricopa

My Commission expires:
March 5, 1990

This instrument was prepared by John H. Van Duzee

5271A/JB

- 3 - 90000070

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
 - (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
 - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
 - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

- 1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
 - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

- 2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

5271/jh

000002670

Part of the Southeast Quarter of Section 6, Township 10 North, Range 3 East in Marion County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter of Section 6; thence North 89° 42' 48" West along the South line of said Southeast Quarter a distance of 1417.82 feet; thence North 03° 43' 26" East 48.00 feet to the North 48.00 feet right of way line of West 56th Street; thence North 89° 42' 48" West along said Right of Way line and parallel with the South line of said Southeast Quarter a distance of 1090.55 feet to the East line a Parcel conveyed to Patterson, Johnston, Speth and McDonough by a Quitclaim Deed recorded as Instrument No. 66-47923 in the Office of the Recorder of Marion County; thence North 02° 52' 41" East along the East line of said Parcel a distance of 141.35 feet; thence North 36° 42' 04" West along the North line of said parcel a distance of 179.72 feet to the West line of said Southeast Quarter; thence North 00° 05' 48" West along the West line of said Southeast Quarter a distance of 379.98 feet, to the Point of Beginning of this description said point being the Northwest corner of Parcel II; thence North 00° 05' 48" West along the West line of said Southeast Quarter a distance of 1138.85 feet to the Southwest corner of the Briarwoods Apartments recorded as Instrument No. 73-80413 in the Office of the Recorder of Marion County, said point being South 00° 05' 48" East 933.78 feet from the Northwest corner of said Southeast Quarter of Section 6; thence South 89° 50' 26" East along the south line of said Briarwoods Apartments and parallel with the North line of said Southeast Quarter a distance of 685.00 feet to the Southeast corner of said Briarwoods Apartments, said point also being on the West line of Parcel IV; thence South 00° 05' 48" East along the West line of Parcel IV and parallel with the west line of said Southeast Quarter a distance of 365.48 feet to the Southwest corner of Parcel IV; thence South 89° 42' 48" East along the South line of Parcel IV and parallel with the South line of said Southeast Quarter a distance of 677.82 feet to the West Right of Way line of Georgetown Road per Metropolitan Transit Authority Plans for Project No. CP67-10A; thence South 05° 18' 31" East along said West Right of Way line of Georgetown Road a distance of 381.04 to the Northeast corner of Parcel I; thence South 89° 42' 48" West along the North line of Parcel I and parallel with the South line of said Southeast Quarter a distance of 787.98 to the Northwest corner of Parcel I; thence South 00° 05' 48" East along the West line of Parcel I and parallel with the West line of said Southeast Quarter a distance of 395.65 feet to the Northeast corner of Parcel II; thence North 89° 42' 48" West along the North line of Parcel II and parallel with the South line of said Southeast Quarter a distance of 629.46 to the Northwest corner of Parcel II, said point being the Point of Beginning; containing in all 23.468 acres, more or less; subject to highways, right of way and easements.

RECORDED
MAR 27 1970

EXHIBIT "D"

ZONING COMMITMENTS

Wishard Park Development Corp
Docket No. 89-2-189

1. Final site plans, development plans and elevations for the development of any site shall be subject to the review and approval of the Administrator of the Division of Development Services ("Administrator"). Upon submission to the Administrator of any final site plans, development plans and elevations as required hereby, copies thereof shall be mailed, First Class United States Mail, to the Pike Township Residents Association at the address then on file for notice purposes in the Office of the Department of Metropolitan Development.
2. Landscape plans for each site proposed for development shall be submitted for approval by the Administrator prior to application for an improvement location permit with respect to such site. Such landscape plans shall include perimeter landscape treatment, including bounding and screening on the north perimeter of Area 1 (subject to any requirements of Indianapolis Power & Light Company or its successor or assigns) and screening in Area 3 for the residential development to the west.
3. Areas 1, 2 and 3 shall each be developed as separate integrated Areas for purposes of signage and internal access. A sign program (not to include incidental site development, leasing or for-sale signs) shall be developed and submitted for approval by the Administrator for each Area.
4. A roadway intended for dedication to the public shall be constructed within Areas 1 and 3 as shown on the site plan (the southern boundary of Area 2 ends at the northern boundary of the proposed road). Unless otherwise approved by Indianapolis Department of Transportation, such roadway shall have a right of way of 70 feet within Areas 1 and 3 tapering into a 50 foot right of way in the western portion of Area 3.
5. No billboard advertising signs (as defined by the applicable Sign Ordinance) shall be permitted to be constructed upon the real estate.
6. No "Adult Entertainment Business" as defined by Section 100 of the Adult Entertainment Business Ordinance (or any successor ordinance), shall be permitted upon the real estate.
7. No package liquor stores shall be permitted upon the real estate.
8. Dumpsters shall be contained within enclosures or otherwise screened from view.

300004670

EXHIBIT B
2002-ZON-072 COMMITMENTS



12/09/2002 11:41 317-327-7883

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PAGE 01/04

(4)

Legal Description Missing
At Time Of Recording.

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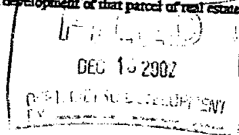
STATEMENT OF COMMITMENTS

5451+5461
Eden Village Dr

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. See Exhibit B
3. _____
4. _____
5. _____

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

12/10/02 01:01PM NANDA MARTIN MARION CTY RECORDER JRC 15.00 PAGES: 4

Inst # 2002-0240433

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2002-ZON-072 by the City-County Council changing the zoning classification of the real estate from a C-S zoning classification to a C-S zoning classification; or
 - (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;
- and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (600) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. _____

The undersigned hereby authorizes the Division of Neighborhood Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # _____.

IN WITNESS WHEREOF, owner has executed this instrument this 9th day of December, 2002.

Signature: [Signature] Signature: _____

Printed: Demetri Damaskos, Director of Development Printed: _____

STATE OF INDIANA)
COUNTY OF MARION) SS:

Before me, a Notary Public in and for said County and State, personally appeared Demetri Damaskos owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9th day of December, 2002.
[Signature]
Notary Public
Nick Smvrnis
Printed Name of Notary Public
My Commission expires: 10/02/07
My County of residence: Marion

This instrument was prepared by Ann Able, Metropolitan Development Commission
MDC's Exhibit B -- page 2

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
 - (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
 - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
 - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

- 1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
 - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

- 2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

EXHIBIT B

1. The petitioner shall financially contribute towards the construction of the remaining portion of East 57th Street, in the amount to be determined by a formula developed by Department of Public Works (DPW). That contribution shall be conveyed to the DPW within (30) days of receipt of a written notice from DPW to convey said financial contribution.
2. Development shall be in accordance with the presented site plan file-dated 5-15-02.
3. Building shall be a maximum of 2-stories in height, completely comprised of a brick facade with a gable roof.
4. Sidewalks shall be provided along 57th Street extending to the eastern property line and along Eden Village Drive extending to the southern property line.
5. ANEPA shall contribute a reasonable portion of funds for the construction of 57th Street, from Eden Village Drive westward connecting with the existing 57th Street, based upon their pro-rata portion of land in the development.



View looking north along Eden Village Drive



View looking south along Eden Village Drive



View looking east along West 57th Street



View looking west at unimproved portion of West 57th Street



View of site looking west across Eden Village Drive at access drive



View of site looking west across Eden Village Drive



View looking west across Eden Village Drive at adjacent property to the south of site



View looking north across West 57th Street at adjacent development to the north



View from site looking south at adjacent multi-family development

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

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

This petition was continued from the September 28, 2023, hearing to the October 26, 2023, hearing by request of the petitioner. Staff requested and was granted a continuance from the August 10, 2023, hearing to the September 28, 2023, hearing to allow time for the petitioner to submit requested information and to allow the petitioner and the neighborhood organization additional time to discuss the request.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography and mapping indicate that the subject site was originally developed in the 1940s or early 1950s with a grocery store. That building appears to be the one that still sits on the site today. The site is currently occupied by a company that restores damaged fabrics.
- ◇ The Mapleton Fall Creek Neighborhood Land Use Plan, a segment of the Comprehensive Plan, recommends Special Use for 510 Fairfield Avenue and Community Commercial for 555 Fairfield Avenue.
- ◇ The Special Use category is intended for a variety of public, semi-public and private land uses that either serve specific public purposes such as schools churches, libraries, neighborhood centers and public safety facilities, or are unique uses exhibiting significant impacts on adjacent property such as a university or the State Fairgrounds. At the time of the plan, 510 was used as parking for the Special Use across 34th Street to the south.

(Continued)

STAFF REPORT 2023-ZON-068 (Continued)

- ◇ The Community Commercial category is intended for low-intensity commercial and office uses. The uses in this category would fulfill a broad range of personal, professional and business services and neighborhood-serving retailing.
- ◇ The site is currently under investigation by the Department of Business and Neighborhood Services for operation of a land use that is not permitted by the site’s zoning district.

ZONING

- ◇ This petition requests a rezoning from the D-5 district to the C-3 district. The D-5 district provides for a variety of housing types, but not commercial uses. The D-5 district is a mismatch to the current and historic uses of the site. The C-3 district is designed for professional and personal services and neighborhood-servicing retailing. It is not intended for uses that are heavy traffic generators.
- ◇ The current use of the site is not permitted in the C-3 district. The existing use could continue to operate as a legally non-conforming use if it was legally conforming at the time of its establishment, however there is no indication that this is the situation. As staff understands the use, the current use would fall into the “Dry Cleaning Plant or Industrial Laundry” land use category. This use is permitted in the C-7 district and the industrial districts, which are districts that are much more intense than those envisioned by the Land Use Plan.
- ◇ The petitioner has stated that the non-conforming use will be moved from the site to a compliant location and that the operations remaining in the building will conform to the C-3 District.
- ◇ The C-3 district is appropriate as it is responsive to the Community Commercial recommendation of the Comprehensive Land Use Plan for the eastern portion of the site. As such, staff recommends approval of this petition. However, staff notes that the grant of this request doesn’t constitute approval of a use that isn’t compliant in the C-3 district.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Restoration service
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SURROUNDING ZONING AND LAND USE

North	D-3, D-8	Multi-family dwelling complex, single-family dwelling
South	D-5, SU-1	Single-family dwellings, vacant religious structure
East	SU-1	Religious use
West	D-5	Barber shop

(Continued)

STAFF REPORT 2023-ZON-068 (Continued)

COMPREHENSIVE LAND USE PLAN	The Mapleton Fall Creek Neighborhood Land Use Plan (2013) recommends Special Use for 510 and Community Commercial for 555 Fairfield Avenue.
THOROUGHFARE PLAN	<p>Fairfield Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 78-foot proposed right-of-way.</p> <p>Park Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.</p> <p>34th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.</p>
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

2017-UV2-026; 510 Fairfield Avenue, requested a variance of use to provide for a wireless communications facility and variances of development standards for deficient landscaping and with barbed wire fencing, **denied**.

ZONING HISTORY – VICINITY

2006-ZON-001; 3433 Central Avenue (north of site), requested the rezoning of 4.7 acres from the D-3 district to the D-8 district, **approved**.

2003-UV1-039; 3433 Central Avenue (north of site), requested a variance of use to legally establish four multi-family residential structures, **approved**.

2002-UV3-018; 3421 North Park Avenue (east of site), requested a variance of use to provide for a food pantry and related offices, **approved**.

(Continued)

STAFF REPORT 2023-ZON-068 (Continued)

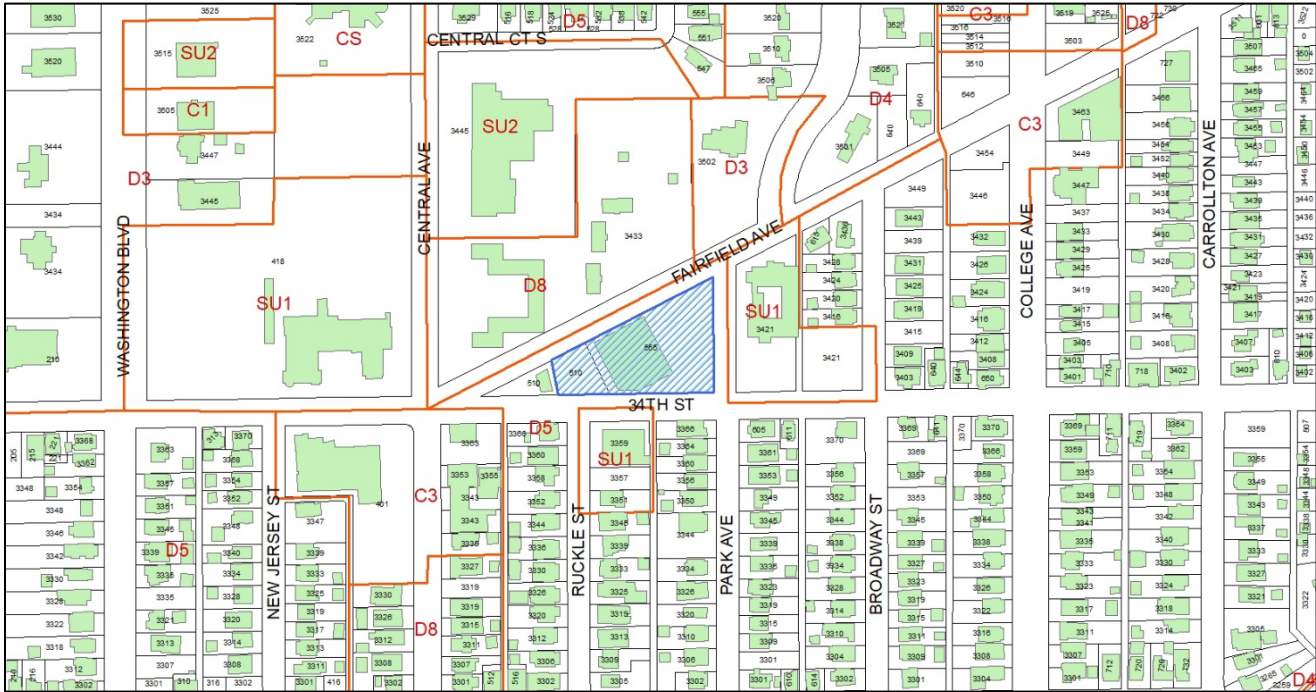
98-Z-185; 3421 North Park Avenue (east of site), requested the rezoning of 1.35 acre from the D-5 district to the SU-1 district, **approved.**

90-Z-137; 3502 Watson Road (north of site), requested the rezoning of 1.3 acre from the D-3 district to the D-8 district, **approved.**

81-Z-152; 3359 North Ruckle Street (south of site), requested the rezoning of 0.75 acre from the D-5 district to the SU-1 district, **approved.**

klh

STAFF REPORT 2023-ZON-068, Location



STAFF REPORT 2023-ZON-068, Aerial photograph (2022)



STAFF REPORT 2023-ZON-068, Photographs



Looking southeast along Fairfield Avenue and the east end of the subject site.



Looking southeast across Fairfield Avenue at the site.



Looking south across the west end of the site and the neighbor to the south.



Looking north across 34th Street at the west end of the site and the multi-family complex to the north.



Looking north across 34th Street the site.



Looking north across 34th Street at the east end of the site.



Looking north across Fairfield Avenue at the neighbors to the north.



Looking southwest along Fairfield Avenue at the neighbors to the west.



Looking south at the neighbor to the west.



Looking south on Ruckle Street.



Looking southwest across 34th Street at the neighbors to the south.



Looking east across Park Avenue at the neighbor to the east.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

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

This petition was continued from the September 28, 2023, hearing to the October 26, 2023, hearing. As of this writing, no new information has been submitted to the file.

The petitioner has requested a **continuance from the September 28, 2023, hearing to the October 26, 2023, hearing** to allow time for further discussions among the petitioner, neighborhood, and staff.

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

RECOMMENDATION

Staff **recommends denial** of this request. Should the Hearing Examiner decide to approve this petition, staff requests that the approval be subject to following commitments in addition to the commitments offered by the petitioner:

1. Within six months of the grant of this petition, the east driveway and curb cut onto English Avenue shall be closed, the pavement removed, and the curb fully restored.
2. Within six months of the grant of this petition, the east driveway and curb cut onto Emerson Avenue shall be reduced in width to thirty feet, the pavement removed, and the curb fully restored.
3. Within six months of the grant of this petition, pavement shall be removed, and landscaping installed to bring this site in compliance with the landscape standards of the Ordinance currently in effect.
4. No automobile body repair or auto painting shall be conducted on the site.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

(Continued)

STAFF REPORT 2023-ZON-070 (Continued)

LAND USE

- ◇ Historic aerial photography indicates that the intersection of Emerson and English avenues has long been a commercial node, dating back to at least 1950. However, it's difficult to determine when the commercial structure on the subject site, the northwest corner of the intersection, was built. It appears to have been a gasoline filling station and likely had automobile repair as an accessory use.
- ◇ Current land uses at the intersection are a gas station, automobile services, a liquor store, and a laundromat. These uses are tightly enveloped by single-family dwellings.
- ◇ The 2018 Comprehensive Land Use Plan recommends Community Commercial for the subject site. This typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. Uses in the Community Commercial typology are typically those found in the C-1 and C-3 zoning districts and the least intense uses of the C-4 district.
- ◇ The abutting properties to the north and west are recommended in the Land Use Plan for the Traditional Neighborhood and Suburban Neighborhood typologies. These typologies are primarily intended for residential development.

ZONING

- ◇ This petition requests a rezoning from the D-5 district to the C-4 district. The D-5 district provides for a variety of housing types, but not commercial uses. The D-5 district is a mismatch to the current and historic uses of the site. The C-4 district is designed for major business groupings, regional shopping centers and those uses that draw users from a wide area or that generate a significant amount of traffic. Typical uses permitted in the C-4 district are indoor spectator venues, night clubs, motels, firearms sales, fireworks sales, liquor stores, car washes, gas stations, and automobile repair.
- ◇ The petitioner has offered a commitment that would limit the C-4 uses on the site to automobile repair only. It is staff's opinion that auto repair is a land use that frequently creates negative impacts on surrounding properties in terms of noise, smells, and visual clutter.
- ◇ When abutting Protected Districts such as dwelling districts, C-4 uses are required by the Ordinance to provide ten-foot-wide transitional yards. These yards are meant to provide for buffering and screening and must not include structures and pavement. The subject site is essentially paved from property line to property line, except for the existing building and a space behind it to the north. The Ordinance also requires landscaping along the street frontage and within the site. The site currently provides no space for landscaping.

(Continued)

STAFF REPORT 2023-ZON-070 (Continued)

- ◇ Three driveways serve the site, one from Emerson Avenue and two from English Avenue. The east English Avenue driveway is about 25 feet from the intersection of the two streets, which creates a hazardous situation. Staff requests that this driveway be removed by demolishing the pavement and replacing the curb.
- ◇ The north driveway on Emerson Avenue is over forty feet in width. Although currently chained off, this driveway is available for use. To promote pedestrian safety, the Ordinance restricts driveway widths to 30 feet. Staff requests that this driveway be reduced in width to bring it in line with the current Ordinance.
- ◇ Given the Land Use Plan recommendation and the site’s history as part of a commercial node at this intersection, it is staff’s opinion that a rezoning to a commercial district is warranted. However, given the very close proximity of densely developed dwellings to the site, staff does not think that a rezoning to a district as intense as the C-4 is appropriate. If this petition was amended to the C-3 district and commitments were included concerning the removal of the east English Avenue entrance, reducing the width of the Emerson Avenue entrance, and removing pavement to create landscape bed, staff would be likely to its approval.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Automobile Repair
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwelling
South	D-5	Gas station, single-family dwelling
East	D-5	Automobile servicing, single-family dwelling
West	D-5	Single-family dwelling

COMPREHENSIVE LAND USE PLAN The Center Township Comprehensive Plan (2018) recommends Community Commercial.

THOROUGHFARE PLAN Emerson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an 81-foot existing right-of-way and a 78-foot proposed right-of-way.

(Continued)

STAFF REPORT 2023-ZON-070 (Continued)

English Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an existing right-of-way ranging from 80 feet to 125 feet and a 78-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

56-V-240; 456 South Emerson Avenue, requested a variance of use to permit a gasoline filling station, **approved**.

ZONING HISTORY – VICINITY

88-HOV-67; 5055 English Avenue (south of site), requested a variance of development standards to provide for the inclusion of pricing information on a principal identification sign, **approved**.

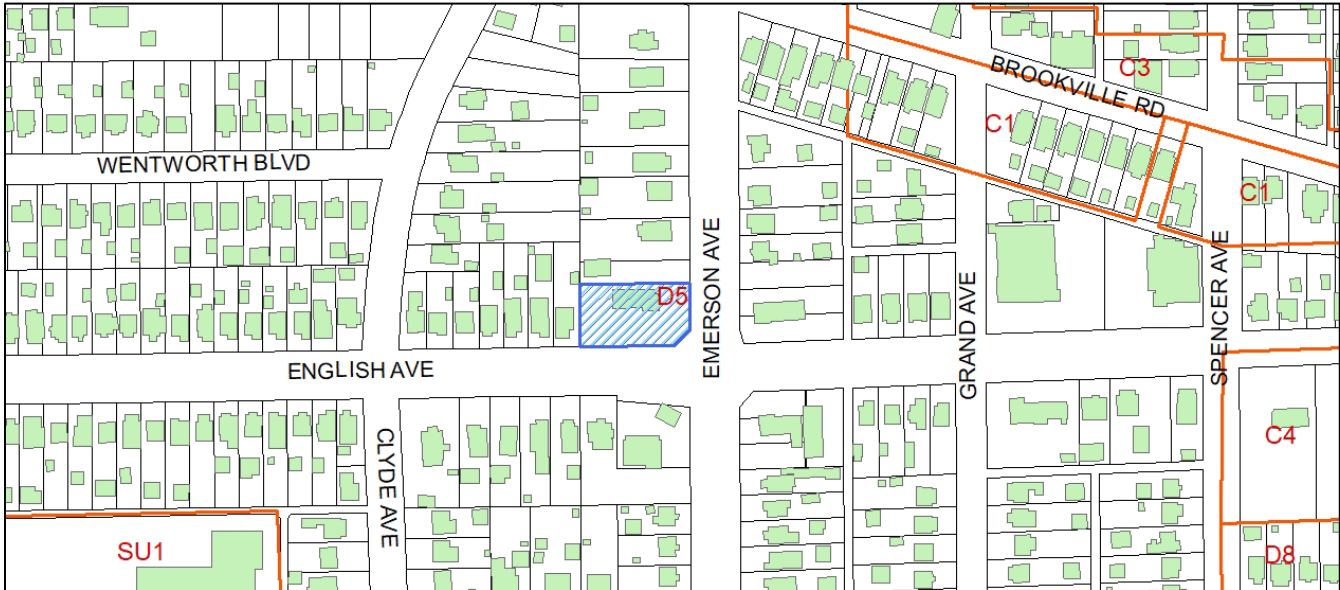
79-UV2-124; 601-609 South Emerson Avenue (southeast of site); requested a variance of development standards to provide for a storage space and additional parking for the existing facility and to legally establish the existing signs, **approved**.

78-UV3-104; 500 South Emerson Avenue (south of site), requested a variance of use and development standards to provide for a convenience store with a gas pump island, **approved**.

68-V2-43; 601-609 South Emerson Avenue (southeast of site); requested a variance of use to provide for a liquor store, **approved**.

klh

STAFF REPORT 2023-ZON-070, Location



STAFF REPORT 2023-ZON-070, Aerial photograph (2022)



STAFF REPORT 2023-ZON-070, Proposed Commitments

ATTACHMENT "D":

Petitioner agrees to the following commitments:

1. Within six (6) months of the grant of this petition, the east driveway and curb cut onto English Avenue shall be closed, the pavement removed, and the curb fully restored.
2. Within six (6) months of the grant of this petition, the driveway and curb cut onto Emerson Avenue shall be reduced in width to thirty feet. The pavement removed and the curb fully restored.
3. Within six (6) months of the grant of this petition, pavement shall be removed, and landscaping installed to bring this site in compliance with the landscape standards of the Ordinance currently in effect.
4. An auto repair facility providing the following services (diagnostics, tune ups, brakes, tires repair, shocks, struts, exhaust, batteries, starters, electrical, alternates) shall be the only C4 uses that shall be permitted on the subject property.
5. A hedge row will be installed and maintained along the east and south property lines. The landscaping shall be completed and maintained at all times thereafter.
6. The trash from the dumpster shall only be picked up by the refuse company between the hours of 7 am and 9 pm.
7. No alcohol sales shall be permitted on the property.
8. "No loitering" signs will be posted on the property and enforced.
9. Security cameras, utilizing the I blink system, shall be erected on the site, and maintained, and shall be monitored and maintained. Footage from the recordings on the security cameras shall be retained and made available to IMPD through this system.
10. No off-site advertising signs will be permitted on the premises.
11. No banners, streamers or temporary signs will be permitted on the premises.
12. No outdoor speakers will be permitted on the premises.
13. All lighting shall be fully shielded and Illuminating & Engineering Society of North America (IESNA) full cutoff certified. Light emitted at all property lines at any height, including from signage, shall measure ten (10) lumens or less in both horizontal and vertical directions.
14. The exterior of the façade of the existing building shall be remodeled and updated.
15. A maximum of one free standing sign, either ground or pylon shall be permitted on the subject property.
16. No bath salts or drug paraphernalia, including but not limited to rolling papers, blunt wraps, pipes, screens, steel cylinders or cartridges filled with nitrous oxide, from or crackers, clips and small spoons shall be sold from or permitted on the premises.
17. A solid six-foot-tall privacy fence shall be extended further east along the north property line to a point stopping ten feet from the east property line.

9/19/23

STAFF REPORT 2023-ZON-070, Proposed Excluded Uses**ATTACHMENT “E”:**

Petitioner commits to exclude the following uses from the site:

1. Emergency shelter
2. Nursing home
3. Club or lodge
4. Plasma Blood Center
5. Check cashing or validation service
6. Mortuary or funeral home
7. Outdoor advertising off premise sign
8. Tattoo parlor
9. Bar or tavern
10. Pawn shop
11. Substation or utility distribution node
12. Wireless communication facility
13. Parking lot
14. Parking garage
15. Transit Center

STAFF REPORT 2023-ZON-070, Photographs



Looking northwest at the subject site from the intersection of Emerson & English avenues.



Looking north across English Avenue at the site.



Looking north across English Avenue at the site and the neighbors to the west.



Looking west English Avenue.



Looking south across English Avenue from the site.



Looking west along English Avenue at the neighbors to the south.



Looking south along Emerson Avenue from the subject site.



Looking east across Emerson Avenue at the neighbors to the southeast.



Looking east across Emerson Avenue at the neighbors to the east.



Looking east across Emerson Avenue at the neighbor to the east.



Looking northwest across Emerson Avenue at the neighbors to the north.



Looking west across Emerson Avenue at the site and the neighbor to the north.

STAFF REPORT

Item 15.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-085
Address: 6531 East 34th Street (*approximate addresses*)
Location: Warren Township, Council District #13
Petitioner: Ben Singh Bashal
Request: Rezoning of one acre from the D-3 district to the I-2 district to provide for light industrial uses.

ADDENDUM FOR OCTOBER 26, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 28, 2023 hearing, to the October 26, 2023 hearing, at the request of the neighborhood organization.

September 28, 2023

RECOMMENDATIONS

Staff **recommends denial** of this request, if approved, staff would request that approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. 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.
2. A 24-foot half right-of-way shall be dedicated along the frontage of East 34th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 1.0-acre site, zoned D-3, is developed with a single-family dwelling and an accessory building. It is surrounded by a single-family dwelling to the north across East 34th Street, zoned D-3; undeveloped land to the south, zoned C-S; and single-family dwellings to the east and west, both zoned D-3.

(Continued)

REZONING

- ◇ This request would rezone the site from the D-3 District to the I-2 (Light Industrial) classification. “The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.
- ◇ The Comprehensive Plan recommends suburban neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ Because industrial use is not a recommended land use within this typology, there are no guidelines provided in The Pattern Book.

Overlays

- ◇ This site is also located within an overlay, specifically the Industrial Reserve 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 Industrial Reserve (IR) overlay 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.

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.

(Continued)

- ◇ 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.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along East 34th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology or compatible with the adjacent residential redevelopment.
- ◇ This site is located within an industrial reserve overlay but rezoning a one-acre site centrally located within an area consisting of five parcels developed with single-family dwellings would not be appropriate and would be disruptive to those residential uses.
- ◇ Staff would note that the industrial reserve overlay is meant for large parcel size, proximity to compatible uses, and/or interstate access. This site and request does not comply with any of these recommendations.

(Continued)

◇ Furthermore, the Ordinance would require a 30-foot side transitional yard. The site is approximately 90 feet wide and 475 feet long, which would leave a 30-foot-wide strip the length of the parcel for development. Because of the impact on abutting residential uses, staff would not support development standards that would reduce the buffer that would mitigate the negative impact on adjacent land uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-3 Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-3	Single-family dwelling
South -	C-S	Undeveloped land
East -	D-3	Single-family dwelling
West -	D-3	Single-family dwelling

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

THOROUGHFARE PLAN This portion of East 34th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA This site is located within the compact context area.

OVERLAY This site is located within an industrial reserve overlay

ZONING HISTORY

2023-ZON-086; 6185, 6421, 6423 and 6441 East 34th Street (west of site), requested rezoning of acres from the D-3 and C-S districts to the I-3 district to provide for truck/trailer parking and repair, **pending**.

99-Z-77; 6147-6423 East 34th Street (west of site), requested rezoning of 6.51 acres from the D-3 District to the C-S classification to provide for a construction business, **approved**.

99-V1-34; 6423 East 34th Street (west of site), requested a variance of use to provide for a construction business with outdoor storage and parking of six commercial vehicles, three equipment trailers, and a backhoe, **withdrawn**.

97-Z-206; 6105 East 34th Street (west of site), requested rezoning of five acres from the D-3 District, to the C-S classification to provide for an excavating and sewer construction business, **approved**.

(Continued)

95-Z-87 / 95-CV-17; 6361 East 34th Street (east of site), requested rezoning of 35.748 acres, being in the D-A District, to the C-S classification to provide for heavy construction equipment sales, rental and service and other I-2-@ industrial uses and a variance of development standards of the Commercial Zoning Ordinance to provide for development of a heavy construction equipment sales, rental and service and other I-2-S industrial use operations, with access to be gained by way of an easement to Elizabeth Street, **approved and granted**.

94-UV3-2; 6423 East 34th Street (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an existing construction business with outside storage of materials and the construction of a 50- by 30-foot garage resulting in the square footage devoted to the accessory buildings exceeding the square footage of the primary building, **granted**.

93-Z-94; 6141 East 34th Street, (west of site), requested rezoning of 5.14 acres, being in the D-A District to the C-S classification to provide for a combination self-storage facility and existing contractor office / utility building, **approved**.

91-UV3-16; 6607 East 34th Street (east of site), required a variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit the continued operation of a plumbing business within an existing garage with outdoor storage, **granted**.

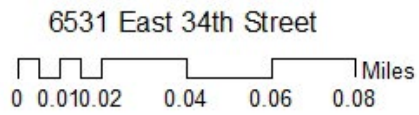
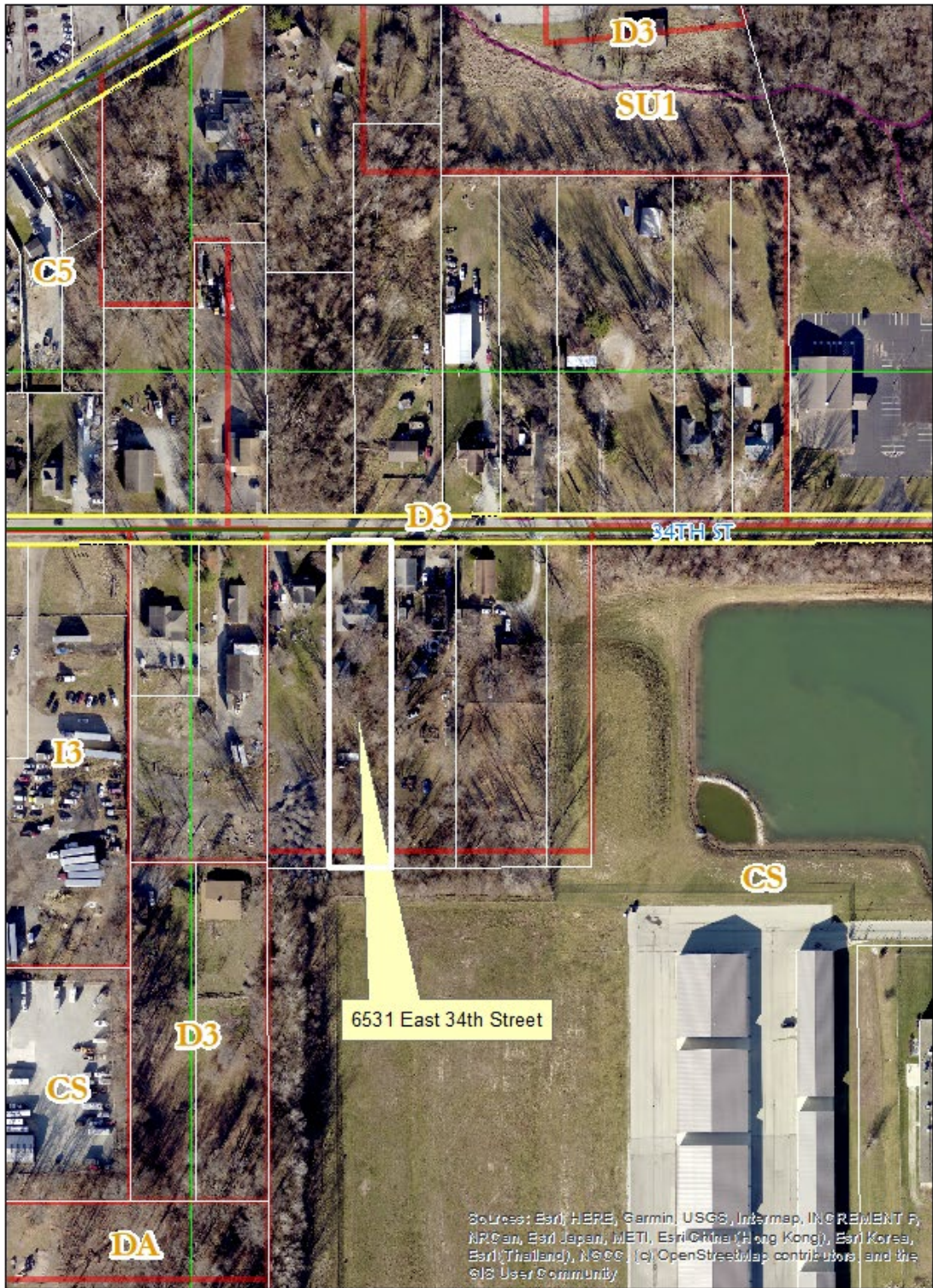
89-Z-140; 6669 East 34th Street (east of site), requested rezoning of 34 acres, being in the A-2 District, to the I-2-S classification to provide for light industrial uses, **withdrawn**.

88-UV1-90; 6141 East 34th Street (west of site), requested a variance of use to permit construction of a utility building for the storage of equipment and vehicles related to a concrete construction business, **granted**.

86-Z-340; 6601 East 34th Street (east of site), requested rezoning office acres, being in the I-3 U District, to the C-ID classification to provide for outside storage of fences and an office and warehouse, **approved**.

79-Z-150; 6105 East 34th Street (west of site), requested rezoning of five acres, being in the D-3 District to the C-7 classification to provide for an office building with a shop for heavy and light equipment rental, **denied**.

kb





View looking east along East 34th Street



View looking east along East 34th Street



View looking west along East 34th Street



View from site looking east at adjacent single-family dwellings

STAFF REPORT

Item 16.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-086
Address: 6185, 6421, 6423 and 6441 East 34th Street (*approximate addresses*)
Location: Warren Township, Council District #13
Petitioner: Ben Singh Bashal
Request: Rezoning of 4.3 acres from the D-3 and C-S districts to the I-3 district to provide for truck/trailer parking and repair.

ADDENDUM FOR OCTOBER 26, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 28, 2023 hearing, to the October 26, 2023 hearing, at the request of the neighborhood organization.

September 28, 2023

RECOMMENDATIONS

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

1. 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.
2. A 24-foot half right-of-way shall be dedicated along the frontage of East 34th 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. Access drives, internal drives and parking areas shall be paved and striped prior to the operation of the proposed use.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 4.30-acre site, zoned D-3 and C-S is developed with a single-family dwelling and accessory buildings. It is surrounded by a single-family dwelling to the north across East 34th Street, zoned D-3; a single-family dwelling to the south, zoned D-A; single-family dwellings to the east, zoned D-3; and industrial uses to the west zoned I-3 and C-S.

(Continued)

REZONING

- ◇ This request would rezone the site from the D-3 and C-S Districts to the I-3 (Medium Industrial) classification. “The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.”
- ◇ The Comprehensive Plan recommends heavy commercial typology for the northern portion of the site and light industrial typology for the southern portion of the site.
- ◇ The following elements of the Pattern Book apply to this site:
 - ◇ “The Heavy Commercial typology provides for consumer-oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.”
 - ◇ “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 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.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.

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.

Light Industrial Uses (These 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)

- 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 (Heavy commercial uses generally include outdoor operations, storage, and/or display.)

- Removed as a recommended land use where they would be adjacent to a living typology.

(Continued)

Overlays

- ◇ The eastern portion of this site is also located within an overlay, specifically the Industrial Reserve 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 Industrial Reserve (IR) overlay 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.

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.

(Continued)

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along East 34th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Planning Analysis

- ◇ The request would generally be consistent with the Comprehensive Plan recommendation of heavy commercial and light industrial uses, but The Pattern Book expressly states that both uses should not be located adjacent to living typologies, not use local streets and feed onto arterial streets.
- ◇ Residential uses are located directly north of this site, East 34th Street is classified as a local street and this site does not feed onto an arterial street. Additionally, the pavement width of East 34th Street in this area is 20 feet, which would not be able to appropriately accommodate large trucks and trailers.
- ◇ The site plan, file dated August 22, 2023, provides for stone surface of the access drives and all parking areas. The Ordinance requires paved surfaces consisting of bricks, concrete or compacted aggregate base and surface with an asphaltic pavement. This would be particularly important given the proposed use involving heavy equipment and vehicles.
- ◇ As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-3 / C-S	Single-family dwelling / accessory buildings
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SURROUNDING ZONING AND LAND USE

North -	D-3	Single-family dwelling
South -	D-A	Single-family dwelling
East -	D-3	Single-family dwelling
West -	I-3 / C-S	Industrial uses

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy commercial and light industrial typologies.

Marion County Land Use Pattern Book (2019).

(Continued)

THOROUGHFARE PLAN	This portion of East 34 th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	The eastern portion of the site is located within the Industrial Reserve Overlay.
SITE PLAN	File-dated August 22, 2023

ZONING HISTORY

2023-ZON-085; 6531 East 34th Street (east of site), requested rezoning of one acre from the D-3 district to the I-2 district to provide for light industrial uses, **pending**.

99-Z-77; 6147-6423 East 34th Street (west of site), requested rezoning of 6.51 acres from the D-3 District to the C-S classification to provide for a construction business, **approved**.

99-V1-34; 6423 East 34th Street (west of site), requested a variance of use to provide for a construction business with outdoor storage and parking of six commercial vehicles, three equipment trailers, and a backhoe, **withdrawn**.

97-Z-206; 6105 East 34th Street (west of site), requested rezoning of five acres from the D-3 District, to the C-S classification to provide for an excavating and sewer construction business, **approved**.

95-Z-87 / 95-CV-17; 6361 East 34th Street (east of site), requested rezoning of 35.748 acres, being in the D-A District, to the C-S classification to provide for heavy construction equipment sales, rental and service and other I-2-@ industrial uses and a variance of development standards of the Commercial Zoning Ordinance to provide for development of a heavy construction equipment sales, rental and service and other I-2-S industrial use operations, with access to be gained by way of an easement to Elizabeth Street, **approved and granted**.

94-UV3-2; 6423 East 34th Street (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an existing construction business with outside storage of materials and the construction of a 50- by 30-foot garage resulting in the square footage devoted to the accessory buildings exceeding the square footage of the primary building, **granted**.

93-Z-94; 6141 East 34th Street, (west of site), requested rezoning of 5.14 acres, being in the D-A District to the C-S classification to provide for a combination self-storage facility and existing contractor office / utility building, **approved**.

91-UV3-16; 6607 East 34th Street (east of site), required a variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit the continued operation of a plumbing business within an existing garage with outdoor storage, **granted**.

(Continued)

89-Z-140; 6669 East 34th Street (east of site), requested rezoning of 34 acres, being in the A-2 District, to the I-2-S classification to provide for light industrial uses, **withdrawn**.

88-UV1-90; 6141 East 34th Street (west of site), requested a variance of use to permit construction of a utility building for the storage of equipment and vehicles related to a concrete construction business, **granted**.

86-Z-340; 6601 East 34th Street (east of site), requested rezoning of office acres, being in the I-3 U District, to the C-ID classification to provide for outside storage of fences and an office and warehouse, **approved**.

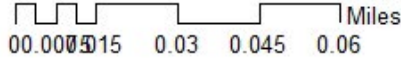
79-Z-150; 6105 East 34th Street (west of site), requested rezoning of five acres, being in the D-3 District to the C-7 classification to provide for an office building with a shop for heavy and light equipment rental, **denied**.

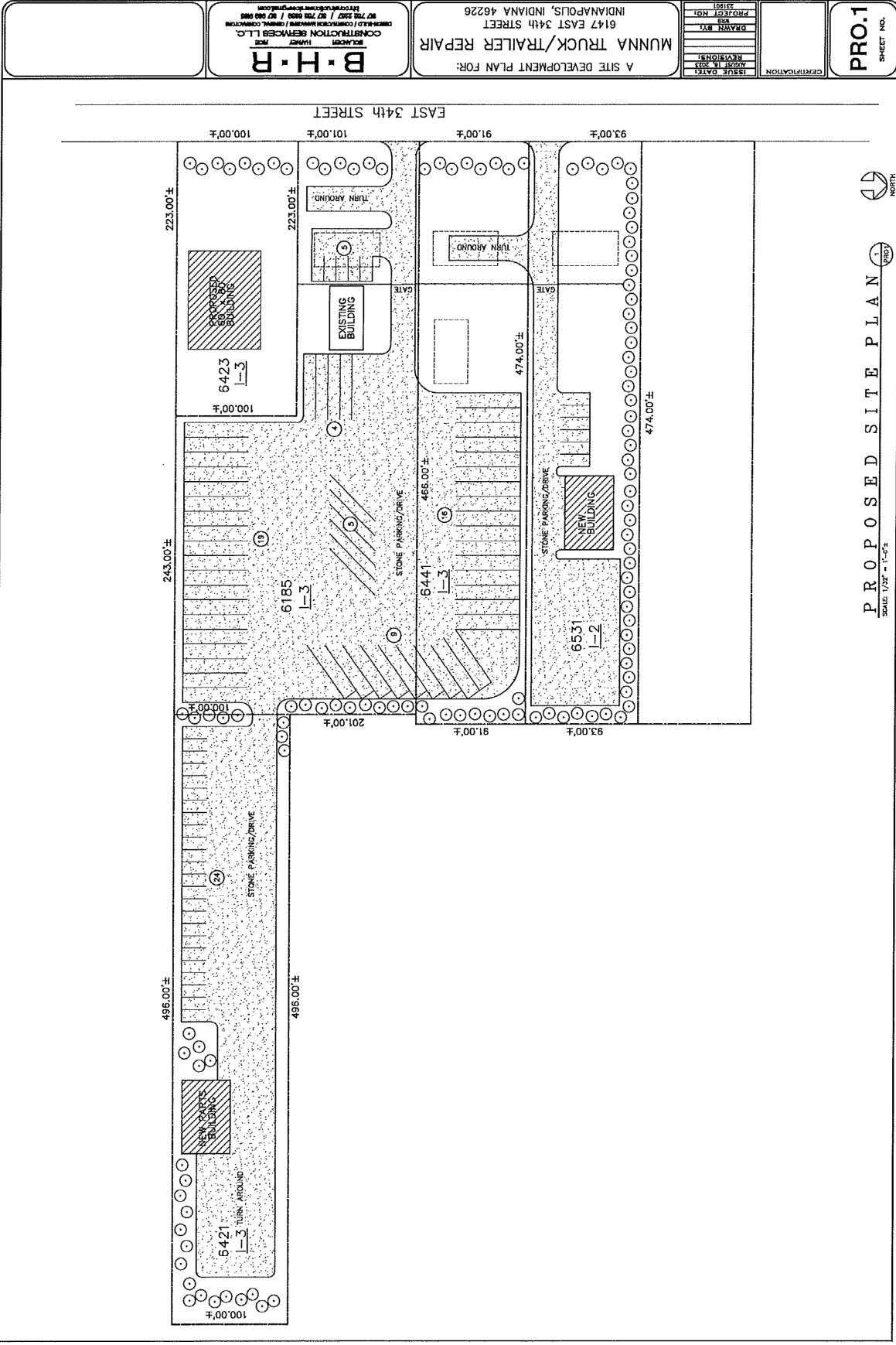
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Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGIS, (c) OpenStreetMap contributors, and the GIS User Community

6185, 6421, 6423 and 6441 East 34th Street





NORTH
PROPOSED SITE PLAN
 SCALE: 1/32" = 1'-0"

PROJ.1
SHEET NO.

ISSUE DATE	
REVISIONS	
DATE	
BY	
PROJECT NO.	
PROJECT NAME	

A SITE DEVELOPMENT PLAN FOR:
MUNNA TRUCK/TRAILER REPAIR
 6147 EAST 34th STREET
 INDIANAPOLIS, INDIANA 46226

B.H.R.
 ENGINEERS
 CONSTRUCTION SERVICES L.L.C.
 20775 STATE ST. SUITE 200
 INDIANAPOLIS, INDIANA 46228
 TEL: 317.552.1100
 WWW.BHRENGR.COM



View looking east along East 34th Street



View looking east along East 34th Street



View looking west along East 34th Street



View from site looking east at adjacent single-family dwellings



View of site looking northeast



View looking east



View looking east



View of site looking east



View of site looking south



View from site looking west at adjacent uses

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-844 / 2023-CPL-844
Address: 11805 Brookville Road (*Approximate Address*)
Location: Warren Township, Council District #19
Petitioner: DGOGIndianapolisIN05032023, LLC, by Alex Intermill and Tyler Ochs
Requests: Rezoning of 1.55 acres from the SU-1 district to the C-3 district to provide for retail development.

Approval of a Subdivision Plat to be known as RSBR Brookville Road, subdividing 4.30 acres into two lots.

October 26, 2023

This petition was continued from the September 14, 2023 hearing to the October 26, 2023 hearing at the request of remonstrators. No new information has been received as of the writing of this report.

September 14, 2023

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 6, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is a 4.30-acre lot, zoned SU-1, and is undeveloped.
- ◇ This petition would subdivide the property into two lots and rezone one of the lots to the C-3 district to permit a commercial retail development.

REZONING

- ◇ This petition would rezone 1.55 acres of this site from SU-1 district to the C-3 classification.
- ◇ The comprehensive plan recommends community commercial uses, which are typically in freestanding buildings or small shopping centers. Uses may include small-scale shops, grocery stores, drug stores, etcetera. The proposed use would be a general store, which is supported by the comprehensive plan.
- ◇ Potential issues for this site are use of a septic system and fire hydrant access.
- ◇ Public sewer is not available at this site, so a commercial development would require state approval for a septic system. It has not been determined if the site is suitable for a septic system.
- ◇ This site would be subject to the following Indiana Fire Code provisions:

Indiana Fire Code 2014

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

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

Exceptions:

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

3. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)

4. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

PLAT

- ◇ The plat would subdivide the subject site into two lots—Lot One being 1.55 acres and Lot Two being 2.45 acres. The proposed plat meets the standards of the C-3 zoning classifications as proposed in the companion rezoning.

TRAFFIC / STREETS

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

SIDEWALKS

- ◇ Sidewalks are required along Brookville Road.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-1	Metro	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	SU-9 / PK-1	Undeveloped / Baseball Fields
South	D-A	Agriculture / Undeveloped
East	C-3	Undeveloped
West	SU-1	Undeveloped

**COMPREHENSIVE LAND USE PLAN
THOROUGHFARE PLAN**

Community Commercial
Brookville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 95-foot existing and proposed right-of-way.

PRELIMINARY PLAT

File-dated September 6, 2023

SITE PLAN

File-dated August 4, 2023

ZONING HISTORY – SITE

2009-ZON-082, rezoning of twelve acres from the SU-9 district to the SU-1 district, **approved**.

87-Z-89, rezoning of 147 acres from the A-2 district to the SU-9 district, **approved**.

ZONING HISTORY – VICINITY

2020-ZON-053, 11815 Brookville Road, rezoning of 4.62 acres from the C-3 district to the C-7 district, **withdrawn**.

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

2019-ZON-117, 11815 Brookville Road, rezoning of 4.22 acres from the SU-9 district to the C-3 district, approved.

2018-ZON-052, 11815 Brookville Road, rezoning of 4.22 acres from the SU-9 district to the C-7 district, denied.

2010-ZON-059, 2600 Kitley Road and other locations, rezoning of 173.70 acres (in various locations) to the PK-1 district for park use, approved.

2010-ZON-027, 11850 Brookville Road and other locations, rezoning of 355.42 acres to the PK-1 district for park use, approved.

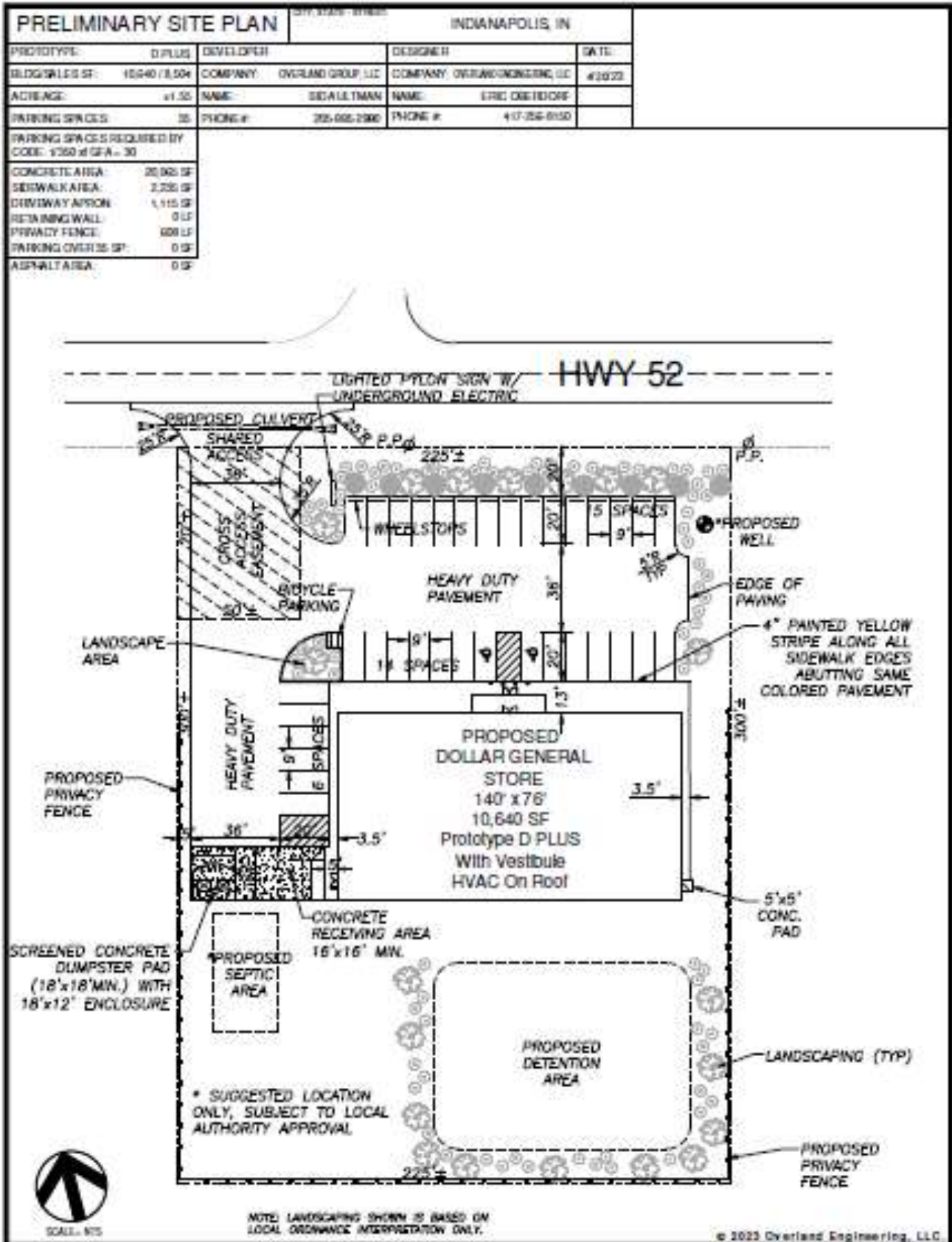
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2023-CZN-844 / 2023-CPL-844 Aerial Map



2023-CZN-844 / 2023-CPL-844 Preliminary Site Plan*

*Not reviewed for compliance



2023-CZN-844 / 2023-CPL-844 Site Photos



Subject site viewed from intersection of Brookville Road and Sorrel Street, looking south



East of site, looking south



North of site- baseball fields and community center

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-848 / 2023-CPL-848
Address: 2069 Yandes Street (Approximate Addresses)
Location: Center Township, Council District #17
Petitioner: M/E Residential, LLC, by David Gilman
Requests: Rezoning of 0.42 acre from the I-3 district to the D-8 district.

Approval of a Subdivision Plat to be known as Starks Minor Subdivision, dividing 0.42 acre into four lots.

This petition was automatically continued from the September 28, 2023 hearing, to the October 26, 2023 hearing at the request of a registered neighborhood organization.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated August 22, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

STAFF REPORT 2023-CZN-848 / 2023-CPL-848 (Continued)

11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned I-3 and consists of an undeveloped lot within the Martindale-Brightwood neighborhood.
- ◇ This petition would subdivide the property into four equal lots. Two lots would face Yandes Street and two others would face Columbia Avenue.

REZONING

- ◇ This petition would rezone this site from the I-3 district to the D-8 district.
- ◇ The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.
- ◇ 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.
- ◇ The Comprehensive Plan recommends traditional neighborhood development, which 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.

(Continued)

STAFF REPORT 2023-CZN-848 / 2023-CPL-848 (Continued)

PLAT

- ◇ The plat would subdivide the subject site into four lots. The proposed plat meets the standards of the D-8 zoning classifications as proposed in the companion rezoning.

TRAFFIC / STREETS

- ◇ Two of the proposed lots would front on Yandes Street and the other two would front on Columbia Avenue. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are required along Yandes Street and Columbia Avenue.

Staff Analysis

- ◇ Staff is supportive of the requests because the proposed D-8 district and subdivision of the site would allow for residential development to occur in line with the traditional neighborhood recommendation of the Comprehensive Plan.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-3	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	I-3	Railroad Right-of-way
South	I-3	Undeveloped
East	I-3	Industrial
West	D-P	Industrial

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood development.

THOROUGHFARE PLAN

Yandes Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and a 48-foot proposed right-of-way.

THOROUGHFARE PLAN

Columbia Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and a 48-foot proposed right-of-way.

(Continued)

STAFF REPORT 2023-CZN-848 / 2023-CPL-848 (Continued)

PRELIMINARY PLAT File-dated August 22, 2023.
 FINDINGS OF FACT File-dated August 22, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

2022-CZN-835 ; 2069 Yandes Street (subject site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **withdrawn**.

2022-CVC-835 ; 2069 Yandes Street (subject site), Vacation of the first east-west alley north of 20th Street, being 15 feet in width, from the northeast corner of Lot 19, in Block 14 of S.A. Fletcher Jr North East Addition, Recorded in Plat Book 4, Page 34 in the Office of the Recorder of Marion County, Indiana, west a distance of 155 feet to the northeast corner of Lot 16, in Block 14 of said subdivision, **withdrawn**.

ZONING HISTORY – VICINITY

2022-CZN-834 / 2022-CVR-834; 2134 Columbia Avenue (northeast of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district to provide for residential uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a ten-foot front setback (twenty feet required), **approved and granted**.

2022-ZON-005; 2024 Columbia Avenue (south of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house. **approved**.

2021-CZN-816 / 2021-CVR-816; 2035, 2039, 2043 and 2047 Columbia Avenue (southeast of site), Rezoning of 0.47 acre from the I-3 district to the D-8 district and a variance of development standards to provide for a deficient front setback, **approved**.

2021-ZON-104; 2060 Yandes Street (west of site), Rezoning of 3.6 acres from the I-3 district to the D-P district to provide for 54 total units consisting of 50 single-family attached dwellings and four single-family detached dwellings for a density of 15 units per acre, **approved**.

2021-ZON-063; 2057 Yandes Street (south of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021-ZON-059; 2020 Columbia Avenue (south of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

(Continued)

STAFF REPORT 2023-CZN-848 / 2023-CPL-848 (Continued)

2021-ZON-058 / 2021-VAR-008; 2127 Columbia Avenue (northeast of site), Rezoning of 0.13 acre from the I-3 district to the D-8 and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a detached garage with 3.66-foot side setbacks and 48% open space, **approved and granted.**

2021-ZON-028; 2018, 2024 and 2032 Yandes Street (southwest of site), Rezoning of 0.39 acre from the I-3 district to the D-8 district, **approved.**

2020-CZN-829 / 2020-CVR-829: 2030 Yandes Street (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district and a variance of development standards to provide for deficient space between dwellings and deficient open space, **approved.**

2020-ZON-076; 2019 and 2023 Yandes Street (south of site), Rezoning of 0.26 acre from the I-3 district to the D-8 district, **approved.**

2020-ZON-055; 2038 Yandes Street (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved.**

2020-ZON-038; 2028 Columbia Avenue (south of site), Rezoning of 0.1 acre from the I-3 district to the D-8 classification, **approved.**

2019-ZON-038; 2147 Columbia Avenue (northeast of site), Rezoning of 0.21 acre from the I-3 district to the D-8 classification, **approved.**

2019-ZON-028; 2032, 2038, and 2042 Columbia Avenue (south of site), Rezoning of 0.39 acre from the I-3 district to the D-8 classification, **approved.**

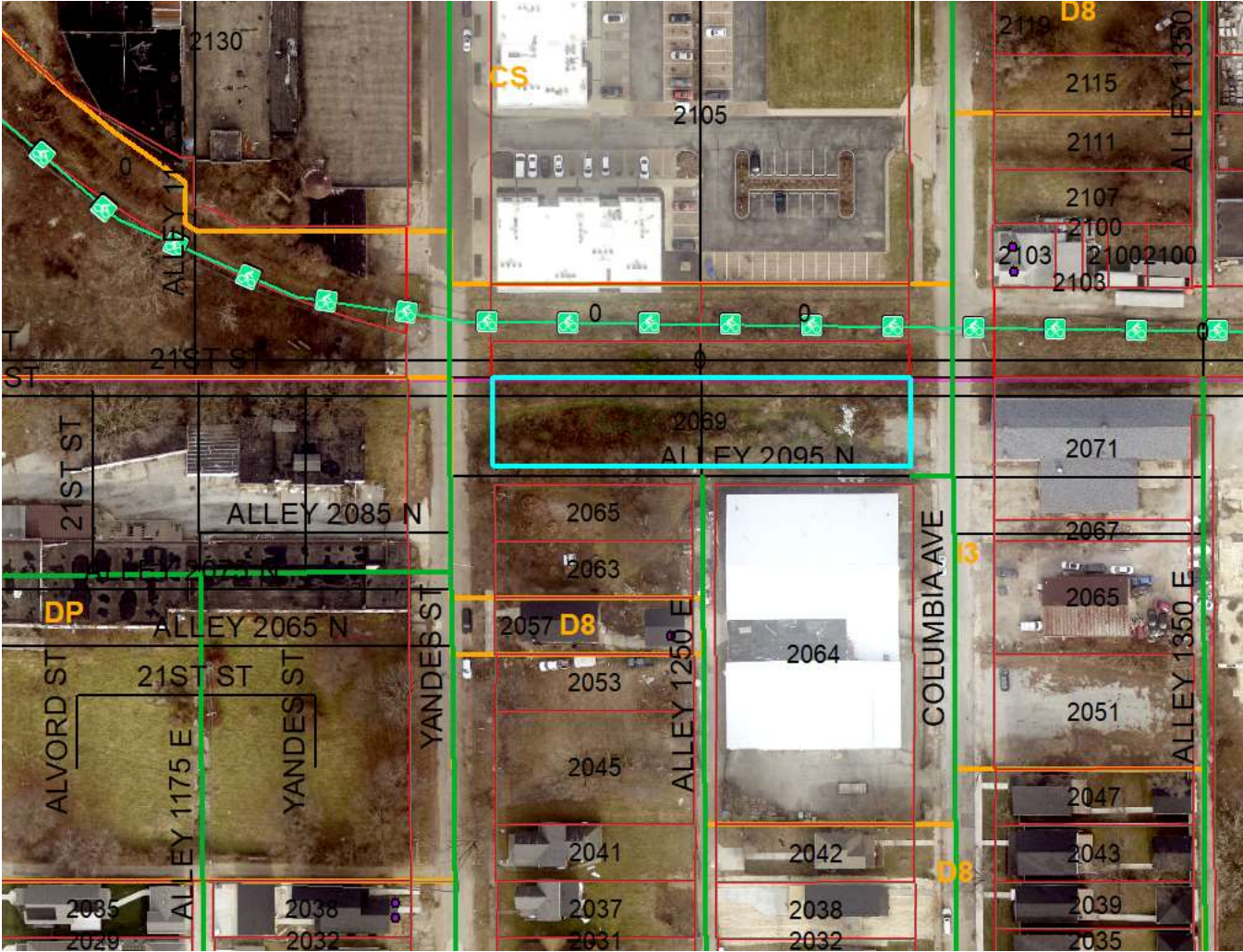
2018-ZON-049; 2111, 2121, 2131, 2132, 2136, 2140 and 2144 Columbia Avenue (north of site), rezoning of 1.188 acres from the I-3 district to the D-8 classification, **approved.**

2017-ZON-030; 2001-2044 Alvord Street (southwest of site), Rezoning of 2.57 acres, from the I-3 district to the D-8 classification, **approved.**

2007-ZON-866 / 2007-VAR-866; 1145 East 22nd Street & 2108 Columbia Avenue (north of site), Rezoning of 6.2 acres, from the I-3-U District, to the C-S classification to provide for two development areas: Parcel "A" permits: mixed-use or stand-alone buildings including dwelling units, offices, C-3 uses, I-1, I-2 and specified I-3 uses and schools Parcel "B" permits: C-3C uses and two-family and multifamily residential uses and a variance of development standards of the Commercial Zoning Ordinance to provide for a zero-foot front setback and yard along Yandes Street; provide for a zero-foot front setback and yard along 22nd Street; provide for zero-foot side and rear yards; and without a setback increase for buildings taller than 35 feet in height, **approved and granted.**

MI

2023-CZN-848 / 2023-CPL-848; Aerial Map



2023-CZN-848 / 2023-CPL-848; Photographs



Photo of Lot 1.



Photo of Lot 2.



Photo of two undeveloped I-3 parcels south of Lot 2 and a single-family dwelling, zoned D-8.



Photo of the existing sidewalk condition.



Photo of the D-P district west of the site.



Photo of the proposed Pogues Run Trail looking east.



Photo of Lot 3.



Photo of Lot 4.



Photo of the industrial building south of the subject site.



Photo of the existing sidewalk condition.



Photo of the proposed Pogues Run Trail looking west.



Photo of the industrial building east of the subject site.

STAFF REPORT

Item 19.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-097
Address: 1620 Industry Drive (*Approximate Address*)
Location: Warren Township, Council District #19
Petitioner: Commercial Team Construction, LLC, by David Gilman
Request: Rezoning of 11.4 acres from the C-S district to the C-S district to add indoor recreational uses to the list of permitted uses and to modify Commitment #2, related to petition 2022-MOD-003, to amend the approved site plan.

RECOMMENDATIONS

Staff **recommends approval** of this request, 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. 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.
2. At the request of the Department of Public Works (DPW), infrastructure compliant with the DPW standards and subject to DPW technical review, related the intersection of Industry Drive and East 16th Street shall be installed that would include, but not be limited to, accel lanes, decel lanes and a passing blister by December 2024.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 11.4-acre site, zoned C-S, is developed with an industrial building and associated parking lot. It is surrounded by a single-family dwelling and industrial uses to the north, zoned D-4 and C-S, respectively; a utility substation / easement to the south, across East 16th Street, zoned D-2 and C-7; commercial uses to the east, zoned C-4 and C-5; and single-family dwellings to the west, zoned D-4.
- ◇ Petition 2022-MOD-003 modified the approved site plan and most of the commitments associated with the 2001-ZON-007 rezoning. See Exhibit A. The 2001 rezoning to C-S permitted office / warehouse uses and general retail. See Exhibit B.

(Continued)

REZONING

- ◇ This request would rezone the site from the C-S District to the C-S classification. “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.”
- ◇ This site has a split Comprehensive Plan recommendation. The northern portion of the site has a land use recommendation of light industrial and the southern portion of the site fronting on East 16th Street is recommended for community commercial.
- ◇ “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 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.”
- ◇ “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Light Industrial Uses (these 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.

- 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 (heavy commercial uses generally include outdoor operations, storage, and/or display.)

- Removed as a recommended land use where they would be adjacent to a living typology.

(Continued)

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.

Large-Scale Schools, Places of Worship, Community- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.

- Only recommended as adaptive reuse.
- Only recommended if the use contributes to the economic viability of the district/if the use generates a customer base for commercial uses.
- 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.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.

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

(Continued)

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

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

Site Plan

- ◇ The site plan, file-dated September 28, 2023, depicts a 23,000-square foot warehouse building with 110 parking spaces to the east and north of the building.
- ◇ Access to the site would be from an existing drive along East 16th Street.

Planning Analysis

- ◇ The request would rezone the site from the C-S District to the C-S classification to allow for indoor recreation and entertainment, which would be generally consistent with the Comprehensive Plan split recommendation of community commercial and light industrial typologies.
- ◇ Indoor recreation and entertainment is defined in the Ordinance as “the offering of entertainment or games of skill to the general public within a fully enclosed building. This definition includes uses such as amusement arcade; bowling alleys; billiard parlor; ballroom; bathhouse; bingo establishment; dancing; firing (gun) range; gymnasium; instruction in baseball, basketball, gymnastics; miniature golf; ice- or roller-skating rink; or other similar indoor commercial amusement/recreation establishment. This definition shall not include off-track mutuel wagering facilities or adult entertainment business.”
- ◇ Indoor recreation and entertainment is permitted in the C-4, C-5 and C-7 districts and in the I-1 and I-2 under the vacancy for five consecutive years provision of the Ordinance.
- ◇ Because the permitted uses of the site are “general retail” and “office / warehouse,” staff supports the use that has been described as offering youth volleyball programs, including tournaments, from January through November, would be an acceptable use that would be compatible with these currently permitted uses and surrounding land uses.
- ◇ Based on the site plan, the 110 proposed parking spaces exceeds the maximum permitted, which is 92 parking spaces. Consequently, a variance of development standards would need to be filed to allow for the additional parking spaces.
- ◇ Staff is also concerned with the increased traffic that would be generated by this use, particularly during tournament events. Staff would request a commitment that would require the installation of a passing blister, an accel lane and a decel lane that would comply with the Department of Public Works standards at the intersection of Industry Drive and East 16th Street.

(Continued)

- ◇ Staff would also encourage the petitioner to contact property owners within the overall site to determine whether agreements could be prepared that would allow on-site parking on those properties during tournament events.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Industrial uses

SURROUNDING ZONING AND LAND USE

North -	D-4 / C-S	Single-family dwelling / industrial uses
South -	D-2 / C-7	Utility substation
East -	C-4 / C-5	Commercial uses
West -	D-4	Single-family dwellings

COMPREHENSIVE PLAN

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

Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN

This portion of Industry Drive is designated in the Marion County Thoroughfare Plan as a private street, with an existing 36-foot pavement width.

This portion of East 16th Street is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 90-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There is no overlay for this site.

SITE PLAN

File-dated September 28, 2023

ELEVATIONS

File-dated September 28, 2023

(Continued)

ZONING HISTORY

2023-PLT-078; 1620 Industry Drive, requested approval of a Subdivision Plat, to be known as 16th Street Commercial Park, dividing 10.51 acres into four lots, **approved**.

2022-MOD-003; 1620 Industry Drive, requested a modification of the site plan and all commitments except for Commitment #1 and replace with commitments and site plan filed with this petition, **approved**.

2001-ZON-007; 1850 North Shadeland Avenue, requested rezoning of 18.6 acres from the D-4, C-4, and C-5 districts to the C-S classification to provide for light industrial (I-2-S) and neighborhood commercial (C-3) uses, **approved**

VICINITY

2015-ZON-037; 6926 East 16th Street (east of site), requested rezoning of one acre from the C-4 district to the C-5 classification, **approved**.

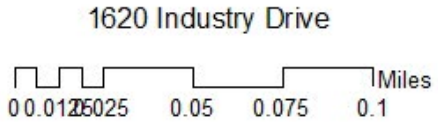
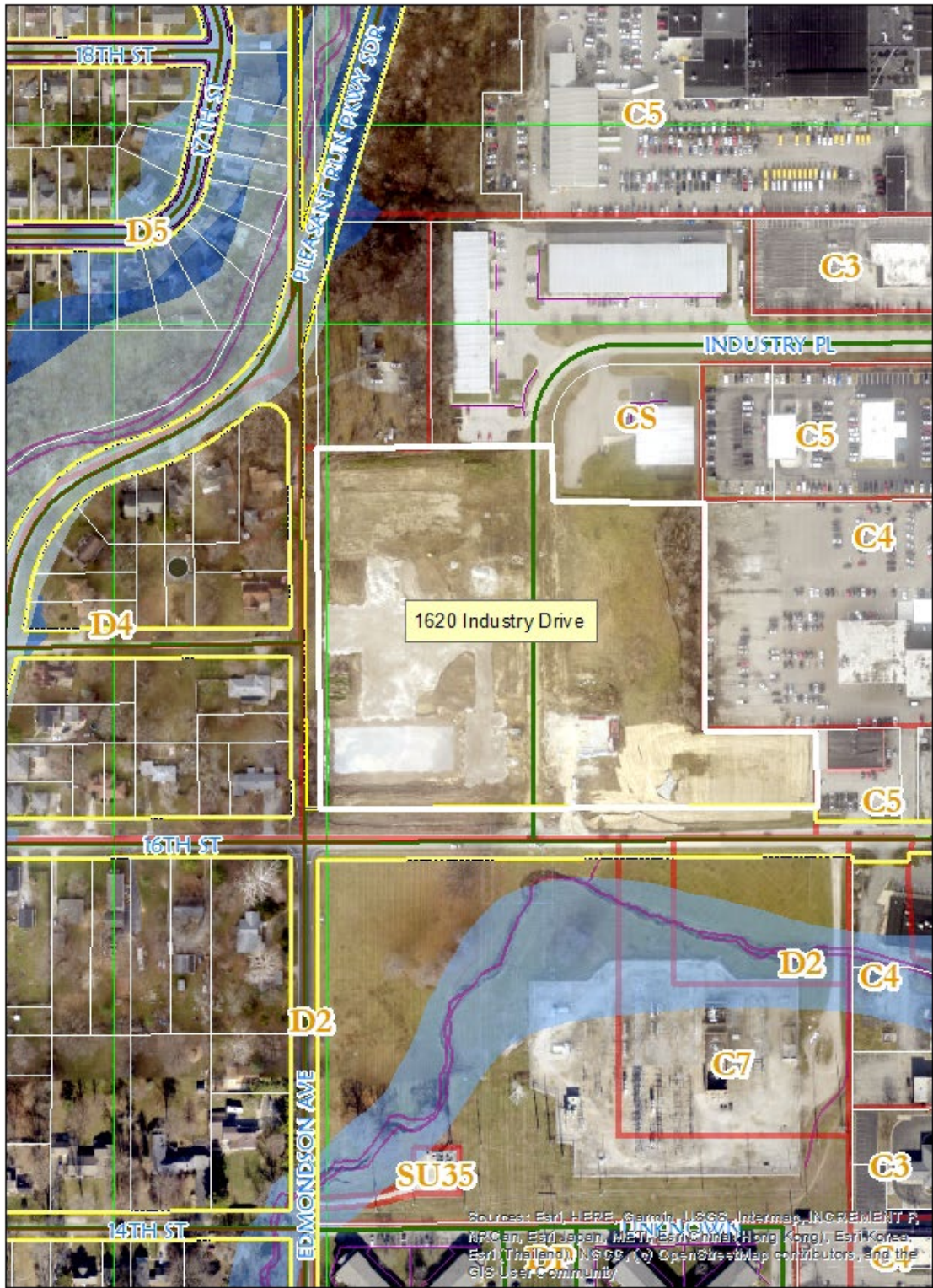
2013-ZON-042 / 2013-VAR-006; 1704 North Shadeland Avenue (east of site), requested rezoning of three acres from the C-4 and C-S districts to the C-5 classification and a variance of development standards to provide for freestanding signs in excel of the Ordinance, **approved and granted**.

2007-UV1-001; 1704 North Shadeland Avenue, 6929 East 16th Street and 6830 Industry Place (east of site), requested a variance of use to provide for an automobile insurance clam center and outdoor storage of vehicles, **granted**.

2000-UV3-014; 1630 North Shadeland Avenue (east of site), requested a variance of development standards to provide of a freestanding sign with a deficient setback, **granted**.

99-Z-17-2 North Shadeland Avenue (north of site), requested rezoning of 8.6 acres from the D-4 district to the C-5 classification, **approved**.

kb



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06/08/2022 01:18 PM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 5

By: CJ



KLH

**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: See Exhibit "A" Attached Hereto And Incorporated By Reference.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Except for the standard Open Occupance and Equal Emnployment Commitment (#1), the Commitments set forth in that certain Statement of Commitments recorded in connection with Case #2001-ZON-007 as Instrument #2001-0069118 are hereby deleted in their entirety and replaced with the Commitments set forth below.

2. The site shall be developed in substantial compliance with the site plan attached hereto as Exhibit "B", including designated uses.

3. No direct access to either Edmondson Avenue on East 17th Street shall be permitted.

4. A forty foot (40') wide transitional yard from the Edmondson Avenue right-of-way and the rest of the western boundary shall be maintained along the east side of the Subject Property.

5. No outside storage of merchandise, material, or product shall be permitted west of Industry Drive, except storage of equipment and vehicles used by the owner/occupant of a building on a parcel shall be permitted. Storage of equipment shall be limited to 25% of the gross floor are of the building on the same lot. Semi-trailers may be stored on-site as part of loading or unloading. No more than three (3) semi-trailers shall be stored in any yard facing Edmondson to the west or 16th Street to the south. East of Industry Drive, no outside storage shall be permitted in excess of twenty-five percent (25%) of the size of a building on a lot, and shall be located in a side or rear yard and suitably screened by solid fencing if facing a residential use.

MDC's Exhibit C -- page 1 of 5

RECORDED
AS RECEIVED

5

6. No building west of Industry Drive shall be taller than thirty-five feet (35') in height, and no building east of Industry Drive shall be taller than forty-five feet (45') in height, both with allowance for a parapet wall not to exceed four feet (4') in height.
7. Detailed building plans, including landscaping plans, shall be submitted for Administrator's Approval prior to obtaining an Improvement Location Permit. In addition, building elevation plans for buildings fronting on 16th Street shall be submitted for Administrator's Approval, which shall not be unreasonably withheld so long as transparency requirements for the façade facing 16th Street are met and such façade features are at least 25% masonry.
8. The following uses shall not be permitted:
 - a) Any Adult Entertainment Use;
 - b) Package Liquor Store;
 - c) Tavern or Bar;
 - d) Tattoo Parlor;
 - e) Fireworks Sales (permanent);
 - f) Motorcycle Sales and Service;
 - g) Wireless Communications facilities in excess of eighty feet (80') in height; and
 - h) Billboards.
9. All freestanding lighting shall meet the requirements set forth in the City of Indianapolis Consolidated Zoning/Subdivision Ordinance in effect as of February 17, 2022.

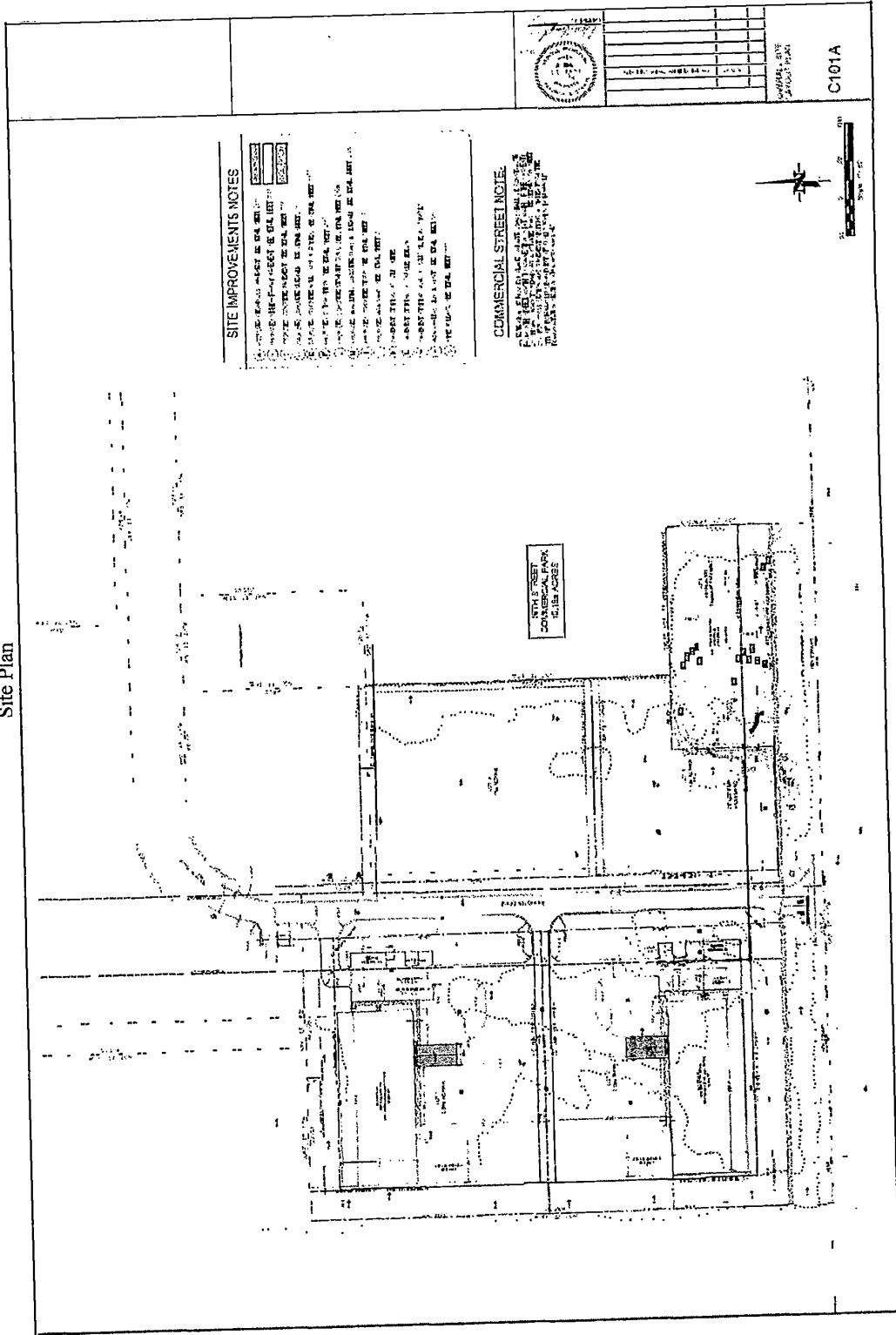
These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper 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 #2022-MOD-003.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Warren Township Development Association.

EXHIBIT 'B'
Site Plan



Subject property is located on the North side of East 16th Street, beginning approximately 434+ feet west of Shadeland Avenue. The proposed development will also contain an ingress and egress private drive on North Shadeland. The development will contain 18.597 acres, more or less. The land will be divided into tract 2 and tract 3.

Tract 2 is 4.902 acres in size and will be developed with two Office/Warehouse structures. The buildings will be 26,208 square feet and 16,800 square feet in size, respectfully. The construction will be fire resistant metal with finished office within the main warehouse shell.

Tract 2 is 13.696 acres in size and will contain a mixture of Office/Warehouse buildings and General Retail structures. There will be four Office/Warehouse buildings varying in size from 16,800 square feet to 32,000 square feet. The General retail will be 18,000 square feet and 24,000 square feet in size. The Office/warehouse will be constructed of fire resistant metal. The General retail will be constructed of fire resistant material, with wood and Masonry exterior.

The estimates of land and building values for assessment purposes and derived from Regulation 17, which is the promulgated and approved manual issued by the State Board of Tax Commissioners. The cost tables and the base year for land values is 1991. These estimates of value are for assessment purposes only, and are not indicative of the current market value of the proposed development.

\$ 249,909 estimated yearly tax revenue per proposed development

\$ 174,921 estimated yearly tax revenue, multi-family use (apartments)

SCANNED

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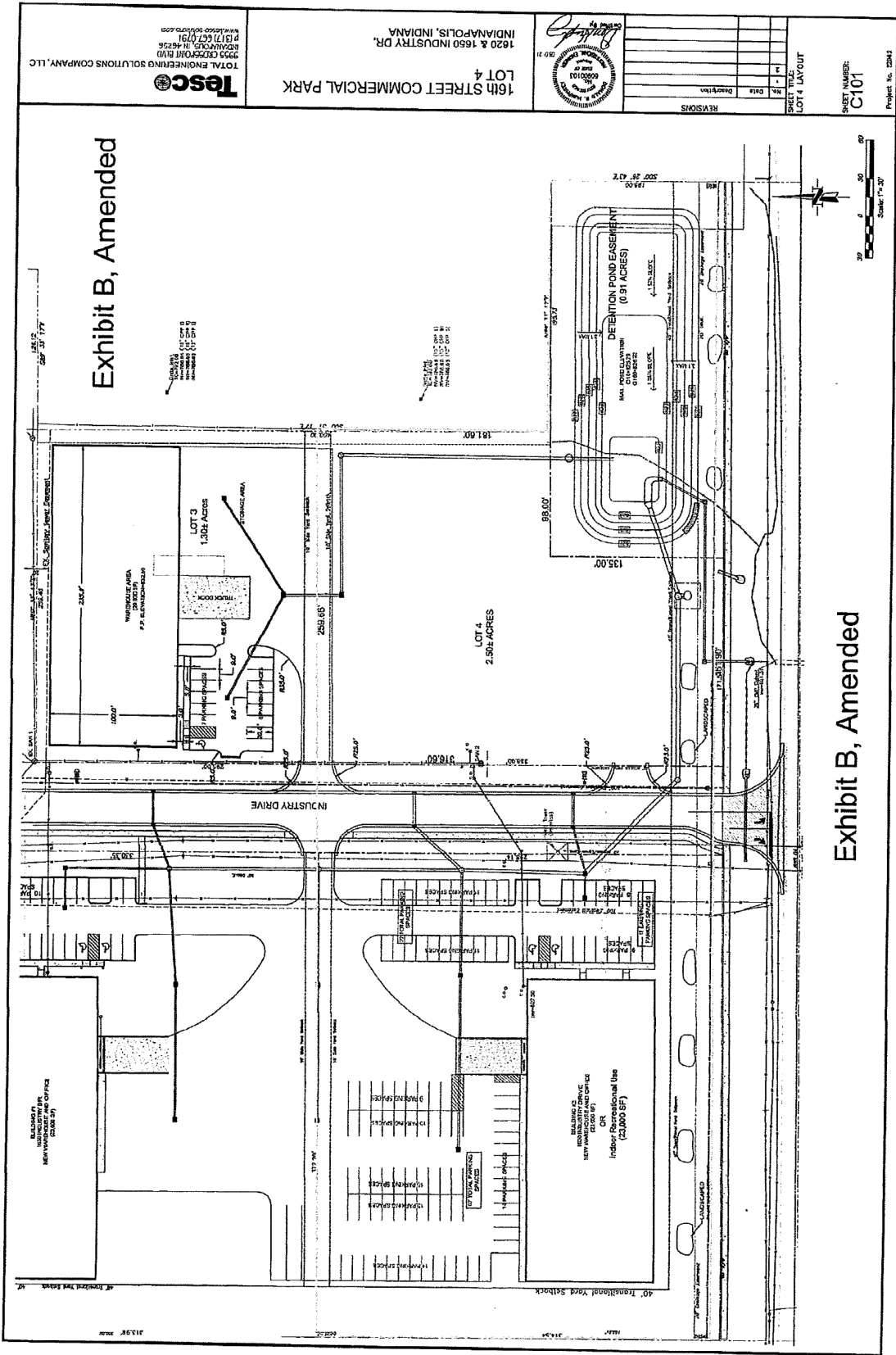


Exhibit B, Amended



View looking south along Industry Drive



View looking south along Industry Drive curve north of site



View looking west along East 16th Street



View looking west along East 16th Street



View from site looking east across Industry Drive and East 16th Street



View of site looking south, across internal drive



View from site looking east across Industry Drive



View from site looking east across Industry Drive



View looking southeast across intersection of East 16th Street and Industry Drive



View looking south across intersection of East 16th Street and Industry Drive



View looking southwest across intersection of East 16th Street and Industry Drive



View looking northwest across Industry Drive of industrial / office uses to the north of site



View looking northwest across Industry Drive of industrial / office uses to the north of site



View looking along the east / west portion of Industry Drive



View looking south across Industry Drive at commercial uses to the northeast of site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-858 / 2023-CVR-858
Address: 7338 Five Points Road (Approximate Address)
Location: Franklin Township, Council District #25
Petitioner: Narinder Sodhi, by Joseph D. Calderon
Request: Rezoning of 5.45 acres from the D-A district to the D-2 district to provide for six single-family detached dwellings.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 30-foot setback from Shelbyville Road and a 25-foot setback from Five Points Road (40-foot setback from proposed right-of-way required along Shelbyville Road and 30-foot setback from Five Points Road required) and to provide for two lots with frontage on a private street (public street frontage required).

RECOMMENDATIONS

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

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

If the rezoning is approved, staff would recommend approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way along Five Points Road and a 45-foot half right-of-way along Shelbyville 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).

SUMMARY OF ISSUES

LAND USE

- ◇ The 5.45 -acre subject site is currently developed with a single-family dwelling and accessory structures along the southern portion of the site and the northern portion is undeveloped. The site is surrounded by single-family dwellings.
- ◇ In 2021, the site received a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two lots measuring 114,686 square feet and 95,669 square feet with one lot having 215 feet of lot width, with minimum side setbacks of 25 feet, aggregate side setbacks of 40 feet and rear setbacks of 40 feet and 80% open space. The site was subsequently granted a subdivision plat approval for two lots.

(Continued)

REZONING

- ◇ The grant of the request would rezone the property from the D-A district to the D-2 district to allow for six single-family detached dwellings.
- ◇ The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan.
- ◇ The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two- family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer 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 conditions, including vegetation, topography, drainage, and wildlife.
- ◇ The Comprehensive Plan recommends rural or estate development. The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. This typology typically has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the development of six lots with deficient front setbacks and two lots without street frontage on a public street. Instead, frontage on a private street would be proposed.
- ◇ Per Table 744-201-1: Dimensional Standards for Districts D-A through D-5II, the proposed D-2 district requires a 40-foot front setback from the proposed right-of-way of Shelbyville Road where a 30-foot setback would be proposed and a 30-foot front setback from Five Points Road would be required and a 25-foot setback would be proposed.

- ◇ The public street frontage requirement is in place to provide direct access from a public road to a dwelling in case of an emergency, thus making it easier and quicker for emergency services to find the address in question.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, typically requests the dedication and conveyance of the proposed right-of-way consistent with the Marion County Thoroughfare Plan. The dedication would include a 40-foot half right-of-way along Five Points Road and a 45-foot half right-of-way along Shelbyville Road.
- ◇ The Department of Public Works (DPW) stated that there are plans to build a roundabout at this intersection to enhance traffic flow and reduce accidents at this location.
- ◇ Per the requested variance of development standards for reduced setbacks, it is understood that the petitioner would not have this right-of-way dedication proposed.

Staff Analysis

- ◇ Staff determined that the strict application of the terms of the Zoning Ordinance would not result in practical difficulties in the use of the property because the site could continue to be used for one single-family dwelling. Furthermore, the site could be developed as previously approved with variance petition 2021-DV1-028 and plat petition 2022-PLT-043, which subdivided the property into two lots with associated development standard variances.
- ◇ Staff has concerns with the proximity of the driveway to the Five Points Road and Shelbyville Road intersection which generates a high volume of vehicular traffic. The additional traffic from the proposed dwellings could be injurious to the public safety of the community since cars would have to make a quick left turn to avoid oncoming traffic from either direction during peak commute hours. Staff would recommend the driveway be located at the furthest southern point along Five Points Road.
- ◇ Staff would not support the variance for private street frontage for two of the proposed lots. It is often difficult for private infrastructure to be maintained by the surrounding property owners, which is why staff would recommend the street be built to the standards of the Department of Public Works and having it be dedicated as a public street.
- ◇ Furthermore, if the site were platted as proposed, the corner lot (Lot #1) would not be allowed to have triple street frontages and sidewalks would need to be installed along Five Points Road and Shelbyville Road. This would include the installation of a pedestrian bridge to cross over the drainage ditch located on the northern section of the site.
- ◇ Due to the desire to not meet the required front setback standards, thus preventing the right-of-way dedication as typically requested by DPW, staff is not supportive of the reduced front setback variances.

- ◇ If the necessary right-of-way were dedicated ensuring future infrastructure improvements would be possible and if the required D-2 setbacks were proposed, then staff could discuss the possibility to potentially support the number of lots that would meet the D-2 development standards.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A	Metro	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-A	Residential (Single-family dwelling)
South	D-3	Residential (Single-family dwellings)
East	D-P / D-A	Residential (Single-family dwellings)
West	D-A	Residential (Single-family dwelling)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends rural or estate neighborhood development.

THOROUGHFARE PLAN

Five Points Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 40-foot existing right-of-way and an 80-foot proposed right-of-way.

THOROUGHFARE PLAN

Shelbyville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 60-foot existing right-of-way and a 90-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

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

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

SITE PLAN

File-dated September 21, 2023.

FINDINGS OF FACT

File-dated September 21, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

2021-DV1-028 (Amended); 7338 Five Points Road (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two lots measuring 114,686 square feet and 95,669 square feet with one lot having 215 feet of lot width, with minimum side setbacks of 25 feet, aggregate side setbacks of 40 feet and rear setbacks of 40 feet and 80% open space (three acre lots, 125-foot frontage on public street, 250-foot lot width, 30-foot side setback, 75-foot aggregate side setback, 75-foot rear setback and 85% open space required), **granted.**

2022-PLT-043; 7338 Five Points Road (subject site), Approval of a Subdivision Plat, to be known as Clover Subdivision, dividing 5.187 acres into two lots, **granted.**

ZONING HISTORY – VICINITY

2018-MOD-015; 7120-7338 Wooden Grange Drive (east of site), Modification of the Development Statement of 2016-ZON-068 to permit a 12-foot aggregate setback in the Villas section (13 feet required) and to replace approved Exhibit “D” under Miscellaneous, Character Exhibits with the Elevation Exhibits filed with this petition, **approved.**

2017-PLT-033; 7008 Shelbyville Road (east of site), Approval of a Subdivision Plat, to be known as Birchwood Park, Section One, dividing 32.3 acres, into 49 lots, **approved.**

2016-ZON-068; 7008 Shelbyville Road (east of site), Rezoning of 64.25 acres from the D-A district to the D-P classification to provide for a variety of single-family and two-family dwellings, **approved.**

2004-PLT-011; 6519 Wolverine Way (west of site), Approval of a Subdivision Plat to be known as A REPLAT OF WESTBROOK SUBDIVISION, SECTION TWO, dividing 28.39 acres into 65 lots, **approved.**

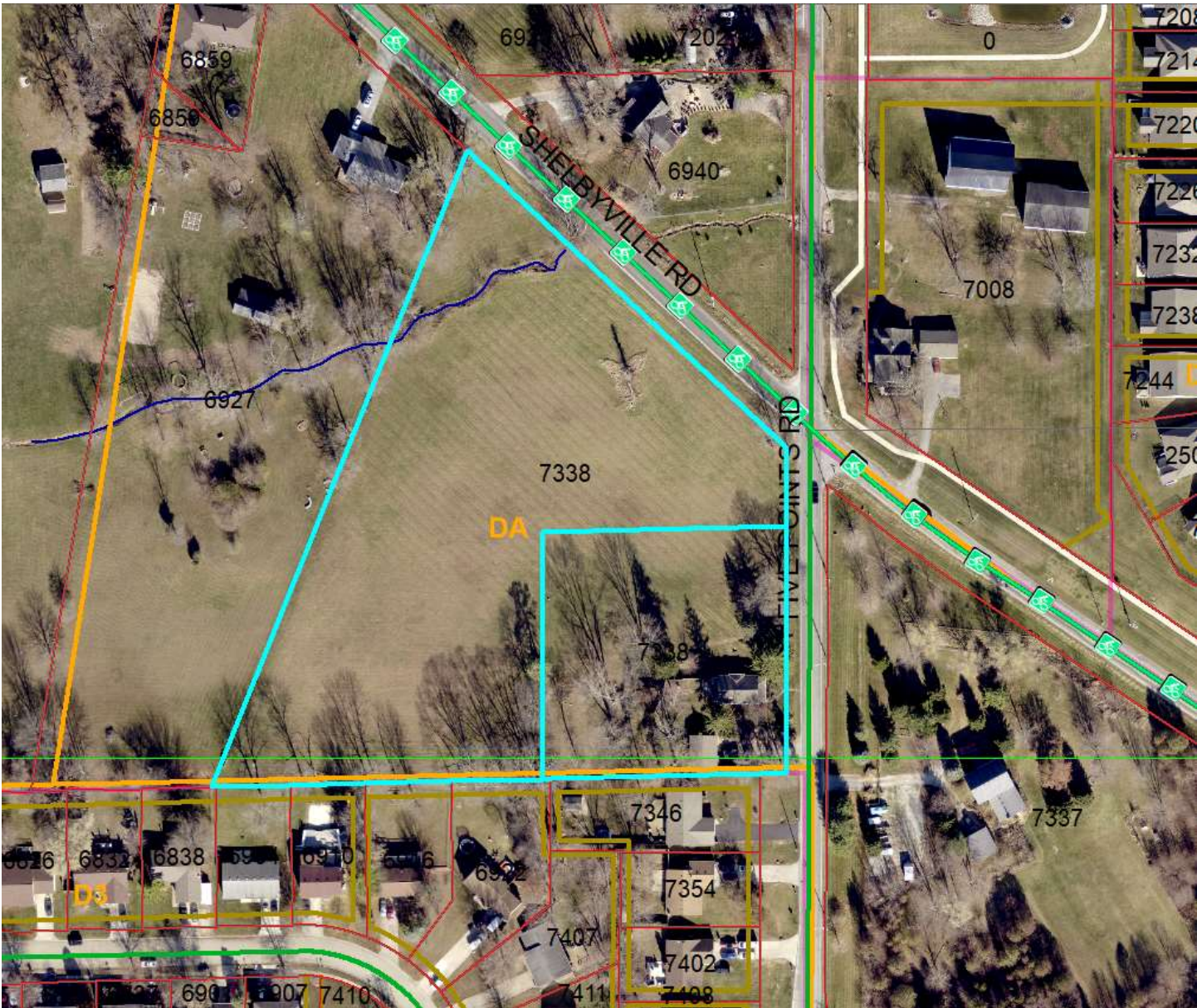
99-CP-32P; 7201 Combs Road (west of site), Approval of a Cluster Subdivision Plat to be known as Westbrook Subdivision, dividing 50.646 acres into 115 lots, **approved.**

97-V3-99; 6835 Shelbyville Road (northwest of site), Variance of development standards of the Sign Regulations to provide for the placement of an illuminated five by 10-foot pole sign being 14 feet in height, located 50 feet from a dwelling district, **granted.**

76-P-06; 6814 Troon Way (southwest of site), Approval of a preliminary plan of a subdivision plat to be known as MUIR FIELD SUBDIVISION, SECTION I, dividing 43.00 acres into 127 lots, being in the D-3 district, **approved.**

76-P-26; 7346 Five Points Road (south of site), **Approval of a preliminary plan of a subdivision plat to be known as MUIR FIELD SUBDIVISION (Section 4),** dividing 38.73 acres into 121 lots, being in the D-3 district, **approved.**

72-Z-269; 6835 Shelbyville Road (northwest of site), Rezoning of 10.04 acres from A-2 to SU-1, **approved.**



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 development will be extremely low density and the rear of the homes will face Shelbyville Road with a high likelihood that setback requirements will be met along Shelbyville Road. None of the improvements encroaching into the required front setback will interfere with visibility from the adjoining public streets.

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 variances sought will still result in a very low density development and will not impact access of visibility to or from any adjacent property.

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

the ordinance applies front yard standards to "double front yards", leading to excessive setbacks for what otherwise is a secondary front, which would otherwise be a side or rear yard.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Photo of the existing single-family dwelling and detached garage on site.



Photo of the eastern street frontage along Five Points Road looking north.



Photo of the eastern street frontage along Five Points Road looking south.



Photo of the subject site at the intersection.



Photo of the subject site northern street frontage along Shelbyville Road looking west.



Photo of the subject site northern street frontage along Shelbyville Road looking east.



Photo of the Shelbyville Road and Five Points Road intersection.



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