



Metropolitan Development Commission Hearing Examiner (9-28-2023) Meeting Agenda

Meeting Details

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

Date: Thursday, September 28, 2023 **Time:** 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-ZON-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.

****Staff request for continuance to October 26, 2023**

2. 2023-ZON-068 | 510 and 555 Fairfield Avenue

Center Township, Council District #9
GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen

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

****Petitioner request for continuance to October 26, 2023**

3. 2023-ZON-070 | 456 South Emerson Avenue

Center Township, Council District #12
Marjorie Armour & Shane Brothers, by David Kingen

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

****Petitioner request for continuance to October 26, 2023**

4. 2023-ZON-087 (Amended) | 6621 East 82nd Street (6633, 6637 and 6641 East 82nd Street – tenant space)

Lawrence Township, Council District #3
Castleton Village, LP, by Andi M. Metzel

Rezoning of 0.11 acre from the C-S district to the C-S district to add automobile-related product sales and automobile service to include window tinting, protective films and coatings, wraps and graphics, electronics, security systems, detailing, and wheel packages (no tire installation), as permitted uses.

****Petitioner withdrawal of the Petition**

5. 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.

****Automatic Continuance to October 26, 2023 filed by Registered Neighborhood Organization**

6. 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).

****Automatic Continuance to October 26, 2023 filed by Registered Neighborhood Organization**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2023-APP-027 | 739 North Traub Avenue

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, ball courts, a shelter and other park improvements.

8. 2023-ZON-084 | 5640 East 38th Street (3800 Block of Audubon Road)

Lawrence Township, Council District #13

Jeff Hasser

Rezoning of 0.47 acre from the SU-1 district to the D-5 district to provide for single-family detached dwellings.

9. 2023-CZN-839 (Amended) | 802 South West Street

Center Township, Council District #16

McCarty West Associates, LLC, by Hannah Able

Rezoning of 0.25 acres from the I-4 (RC) district to the CBD-2 (RC) district to provide for multi-family dwelling uses.

10. 2023-CZN-847 / 2023-CAP-847 / 2023-CVC-847 | 4175 and 4225 West Washington Street

Wayne Township, Council District #22

Department of Parks and Recreation, by Kate Warpool

Rezoning of 2.11 acres from the C-5 (TOD) and SU-2 (TOD) districts to the PK-1 (TOD) district to provide for park uses.

Park District One approval to provide for a new playground, parking area, game courts, shelters and other park improvements.

Vacation of Roena Street, being 50 feet in width, from the south right-of-way line of Washington Street, south 210.37 feet to the north right-of-way line of Oliver Street, with a waiver of the assessment of benefits.

11. 2023-CVR-849 / 2023-CPL-849 | 1111 North Hamilton Avenue

Center Township, Council District #17

D-5

Jennifer Serviss White and Marshall White, by Adam Dehart

Variance of Development Standards to legally establish and provide for the subdivision of a duplex on a 40-foot wide, 6,100-square foot lot (minimum 60-foot wide, 7,200-square foot lot required).

Approval of a Subdivision Plat, to be known as Replat of Lot 44 in Clifford Place, dividing 0.14-acre into two single-family attached lots.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

12. 2023-MOD-009 (Amended) | 4375 Kentucky Avenue

Decatur Township, Council District #22

C-S

Five Star Oil, Inc., by Garrett E. Lawton

Modification of the Commitments related to 2019-ZON-053 to extend the deadline for the completion of all commitments to March 31, 2024 (previous commitments required completion by several dates in 2020).

13. 2023-ZON-073 | 8300 Camby Road

Decatur Township, Council District #20

Second Circle Investments, LLC, by Andrew Rossell

Rezoning of 2.67 acres from the C-1 district to the C-3 district to provide for neighborhood commercial uses.

14. 2023-ZON-078 | 4021 West 71st Street

Pike Township, Council District #7

Turner Adventures, LLC, by Rebekah Phillips

Rezoning of 0.53 acre from the C-1 district to the I-1 district to provide for a commercial contractor.

15. 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.

16. 2023-ZON-083 | 2991 East Troy Avenue

Perry Township, Council District #21

Timothy Agee d/b/a The Sanctuary, Inc., by Greg Ilko

Rezoning of 2.3 acres from the D-5 district to the SU-7 district to provide for a food pantry ministry.

17. 2023-CVR-832 / 2023-CPL-832 (Amended) | 2144 East 12th Street

Center Township, Council District #17

D-5

Bybee Holdings LLC, by Jynell D. Berkshire

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

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

b) Lot Two containing an area of 2,968 square feet and a lot width of 27.82 feet (40-foot lot width required);

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

c) The dwelling on Lot One being a manufactured home less than 23-feet wide (not permitted), and having a five-foot rear yard setback (20-foot rear yard setback required), and

d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

18. 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.

19. 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.

20. 2023-CZN-851 / 2023-CVR-851 | 8333 Masters Road

Lawrence Township, Council District #3
Wurster Construction Co., Inc., by Brian J. Tuohy

Rezoning of 2.03 acres from the C-1 and C-S districts to the I-2 district to provide for a commercial and building contractor.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 8,000-square feet of outdoor storage (maximum 3,000-square feet or 25% of the total gross floor area of the building permitted), located 200 feet from a protected district (500-foot separation required) with an eight-foot rear yard setback (30-foot rear setback 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

Item 1.

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 continued this petition from the August 24, 2023 hearing, to the September 28, 2023 hearing, to provide time to submit a request to modify the commitments and provide required notice.

Staff is requesting a **continuance from the September 28, 2023 hearing, to the October 26, 2023 hearing**, to provide additional time for discussions with the petitioner regarding recent information related to the zoning history of this site and consultation with the Department of Public Works.

Petition 89-Z-189 rezoned seven acres (including this site) to the C-S district. The developer was required to connect West 57th Street between Georgetown Road and the residential property to the west. According to the rezoning file, the developer filed for bankruptcy and the connection was never made.

Petition 2002-ZON-072 provided for the multi-family development to the east, across Eden Village Drive, and included a commitment that the Department of Public Works would determine an appropriate financial contribution for the West 57th Street connection based upon the “pro rata portion of land in the development.” That has not occurred.

Staff felt an approval petition to modify the commitment related to West 57th Street would be appropriate but determined that because the commitment would impact the residential areas to the west and north, at least 50% of the homeowners would be required to support the modification. Staff is not confident that this would be possible.

Because of the history of this site, staff believes it would not be appropriate to burden the current petitioner with the costs associated with the West 57th Street connection when previous developments have not made any financial contributions.

When the Department of Public Works determines that the West 57th Street connection is a priority, staff would request a commitment similar to the 2002 commitment for this current rezoning request, with the understanding that sidewalks would be installed along the northern and eastern boundaries of this site as part of the staff’s approval of this request.

Consequently, additional time will be required to amend the site plan that would limit access to the site along Eden Village Drive and provide time for the petitioner to work with the neighborhood association.

(Continued)

The petitioner has filed an approval petition, which will be docketed for the September 28, 2023 hearing, which impacts development of this site. Staff, therefore, is requesting a continuance of this rezoning request to the September 28, 2023 hearing, so that both petitions can be heard together.

The Hearing Examiner continued this petition from the from the June 29, 2023 hearing, to the July 27, 2023 hearing, and from the July 27, 2023 hearing, to the August 24, 2023 hearing, to provide time for the petitioner to submit an approval petition modifying commitments related to 89-Z-158.

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 March 23, 2023 hearing, to the April 27, 2023 hearing, and to the May 25, 2023 hearing, at the request of staff to provide time to review and discuss revisions to the request.

The Hearing Examiner continued this petition from the February 23, 2023 hearing, to the March 23, 2023 hearing, at the request of the petitioner's representative to explore other rezoning options, which may require new notice.

kb

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.

The petitioner requests a **continuance from the September 28, 2023 hearing to the October 26, 2023 hearing** to allow time for dialogue to continue with all concerned parties.

Staff had previously 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.

klh

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

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

The petitioner has requested a **continuance from the 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
-----	---------	-------------------

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**.

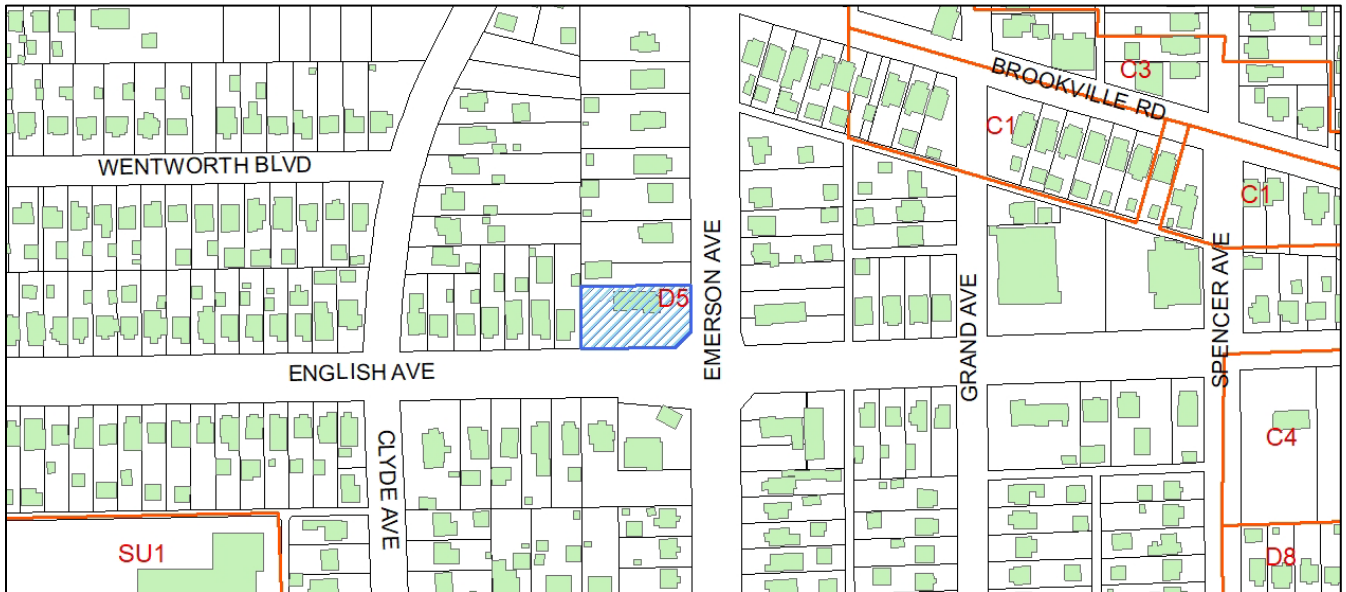
79-UV2-124; 601-609 South Emerson Avenue (southeast of site); requested a variance of development standards to provide for a storage space and additional parking for the existing facility and to legally establish the existing signs, **approved**.

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 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-087 (Amended)
Address: 6621 East 82nd Street (6633, 6637 and 6641 East 82nd Street – tenant space) (Approximate Address)
Location: Lawrence Township, Council District #3
Petitioner: Castleton Village, LP, by Andi M. Metzel
Request: Rezoning of 0.11 acre from the C-S district to the C-S district to add automobile-related product sales and automobile service to include window tinting, protective films and coatings, wraps and graphics, electronics, security systems, detailing, and wheel packages (no tire installation), as permitted uses.

The petitioner submitted a request to **withdraw** this petition. 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-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.

A timely automatic continuance request was filed by a registered neighborhood organization **continuing this petition from the September 28, 2023 hearing, to the October 26, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

MI

STAFF REPORT

Item 6.

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).

A timely automatic continuance was filed by a registered neighborhood organization that would **continue this petition from the September 28, 2023 hearing, to the October 26, 2023 hearing.** This would require acknowledgment from the Hearing Examiner.

kb

STAFF REPORT

Item 7.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-027
Address: 739 North Traub Avenue (approximate address)
Location: Center Township, Council District #11
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, ball courts, a shelter and other park improvements.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to substantial compliance with the site plan file-dated August 15, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 2.96-acre site, zoned PK-1, is developed as a park (Lentz Park), bounded by religious uses to the north and alleys to the east, west and south. It is surrounded by religious uses to the north, zoned SU-1, and single-family dwellings to the south, east and west, all zoned D-5.

PARK DISTRICT ONE APPROVAL

- ◇ The Ordinance classifies Hospital District One and Two as Development Plan Districts. "No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance."
- ◇ "The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission."
- ◇ 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:

(Continued)

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The Site and Development Plan must include layout and elevation plans for all proposed buildings and structures, and must indicate:
- a. Proposed uses, buildings and structures.
 - b. All existing uses, buildings and structures, in addition to any proposed to be demolished.
 - c. Proposed buildings and structures and the use of each.
 - d. Elevations of all sides of each building.
 - e. Zoning and existing land uses of adjacent properties.
 - f. Off-street vehicle and bicycle parking layouts with summary table of the number of required off-street parking, loading, and stacking spaces.
- ◇ This request would provide for Park District One approval to provide for the installation of playground equipment, ball courts, a shelter and other park improvements.
- ◇ The Comprehensive Plan recommends park typology and defines “small-scale park a public or private parks that are generally under 10 acres in size.”

Planning Analysis

- ◇ The request would replace the existing playground equipment and provide an upgrade of existing public facilities within this park that would expand and improve recreation opportunities for the surrounding residential neighborhood, resulting higher quality of life for the park users and surrounding land uses.

(Continued)

- ◇ Improvements would include a sport court (plus space for a second future sport court), fitness equipment, a new playground and a new 24-foot by 44-foot shelter / grill station.
- ◇ The planned improvements would also include enhanced pedestrian connectivity to the neighborhood, including 14 parallel parking spaces along the eastern boundary.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1 Park

SURROUNDING ZONING AND LAND USE

North -	SU-1	Religious uses
South -	D-5	Single-family dwellings
East -	D-5	Single-family dwellings
West -	D-5	Single-family dwellings

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

THOROUGHFARE PLAN This portion of North Traub Avenue 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 There is no overlay for this site.

SITE PLAN File-dated August 15, 2023

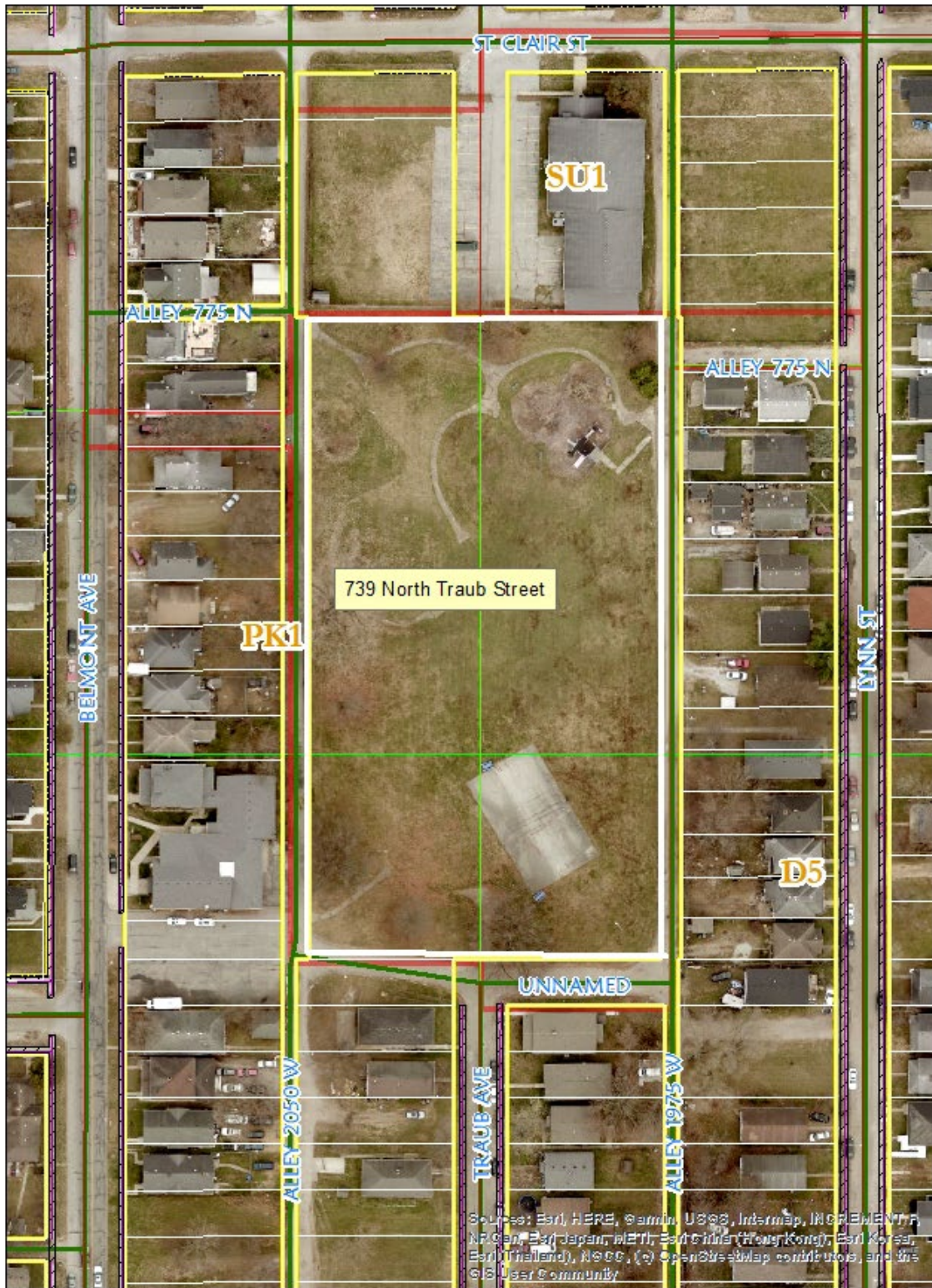
ELEVATIONS File-dated August 15, 2023

FINDINGS OF FACT File-dated August 15, 2023

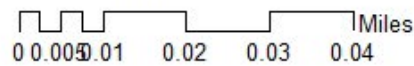
ZONING HISTORY

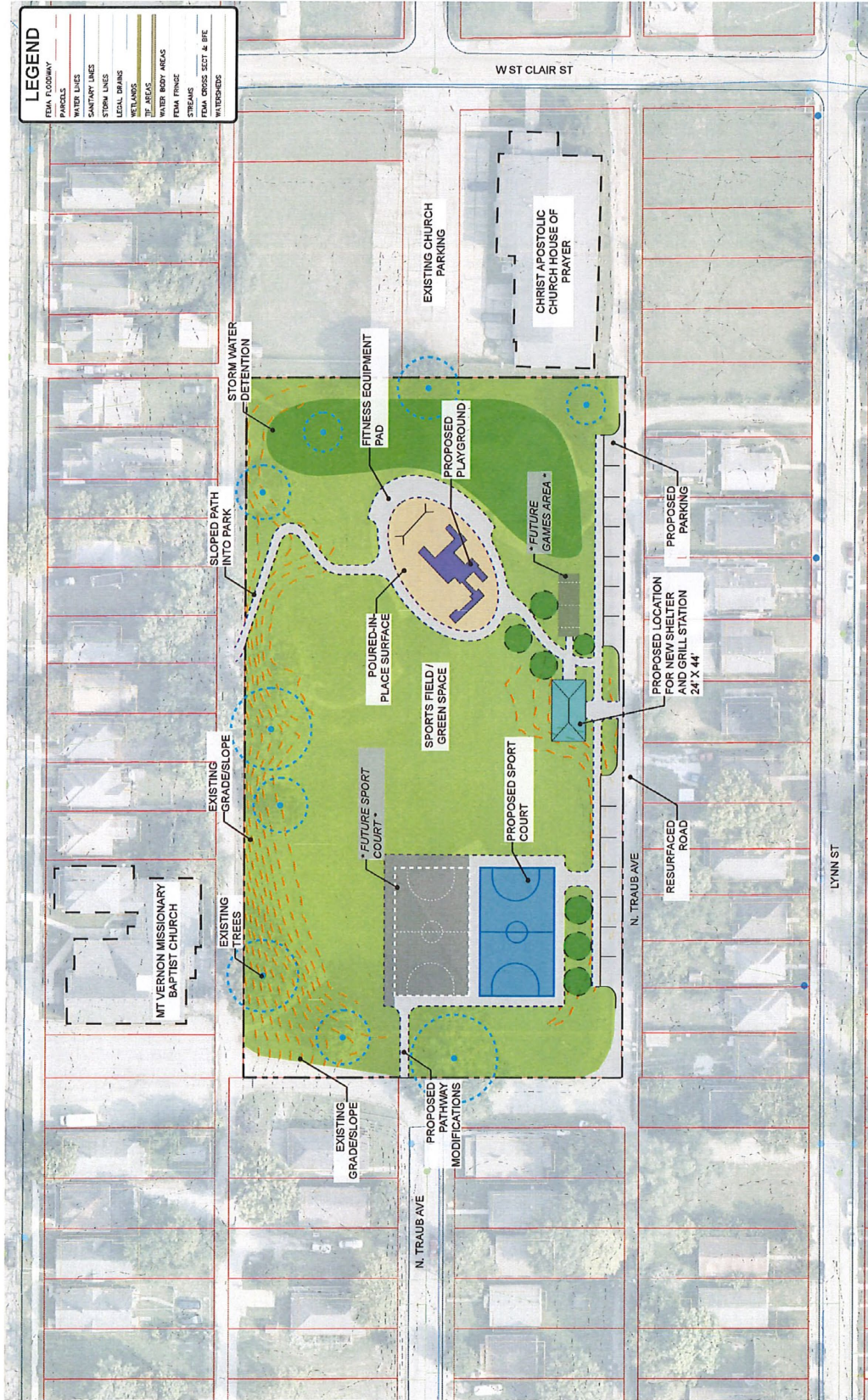
2015-CZN 837 / 2015-CVC-837; 1756, 760, 764 and 768 Lynn Street and 1941 West St. Clair Street (northeast of site), requested rezoning of 0.51 acre from the D-5 (W-1) district to the SU-1 (W-1) classification to provide for religious uses and vacation of Traub Avenue beginning at the south right-of-way line of West St. Clair Street, south 186.29 and vacation of the first north-south alley, west of Lynn Street, being 10 feet wide, beginning at the south right-of-way line of West St. Clair Street, south 187.18 feet, **approved and approved**.

kb



739 North Traub Street





LENTZ PARK | 700 N. TRAUB ST. INDIANAPOLIS, IN

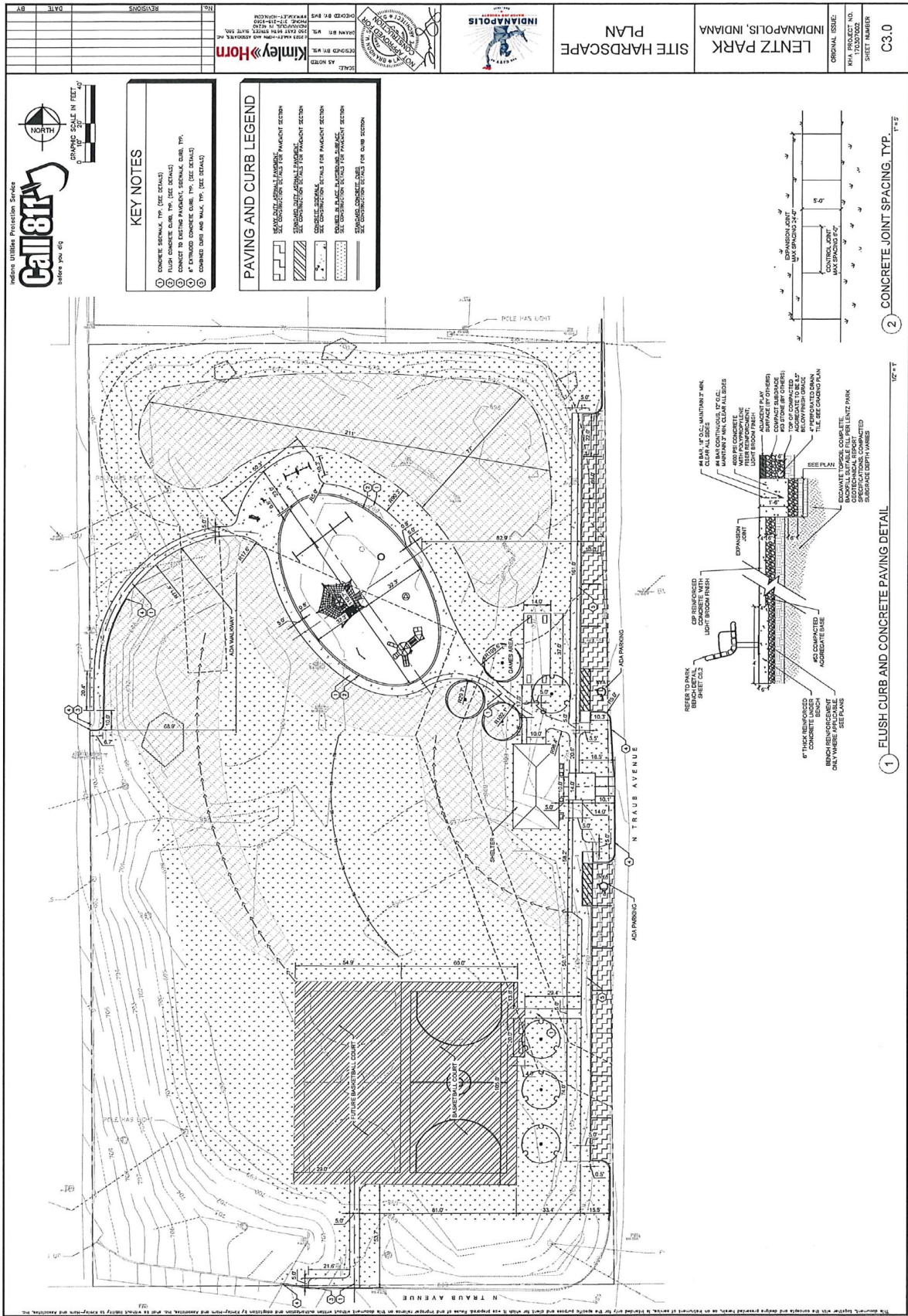
AUGUST 2023



Kimley»Horn

DRAFT - NOT FOR CONSTRUCTION PURPOSES

** = FUTURE PHASE PROGRAMS



Petition Number _____

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

FINDINGS OF FACT

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

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

the land use plan identifies that the 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:

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

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

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

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

the park is serviced by the owner, Indy Parks, and the Department of Public Works, property drainage 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.

P:\CurrentPlanning\45 Forms\Current Apps\FOF-Development Plan Approval.doc

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.

DECISION

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

Adopted this _____ day of _____, 20 ____

Commission President/ Secretary



View looking west along the street / alley along the southern boundary of the site



View looking east along the street / alley along the southern boundary of the site



View of site looking north across southern east / west alley



View of site looking north across intersecting alleys at the southeast corner of the site



View of site looking west



View of site looking west



View from site looking west at existing playground



View of site looking west along northern boundary



View of site looking east along northern boundary



View of site looking east



View of site looking east



View of site looking east

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-084
Address: 5640 East 38th Street (3800 Block of Audubon Road) (Approximate Addresses)
Location: Lawrence Township, Council District #13
Petitioner: Jeff Hasser
Request: Rezoning of 0.47 acre from the SU-1 (TOD) district to the D-5 (TOD) district to provide for single-family detached dwellings.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.47-acre subject site consists of two parcels (4002389 and 4002390) that are currently developed as a parking lot that was once used for the church south of the site, zoned SU-1. Single-family dwellings are located north and east of the site, zoned D-5, and a multi-family development is west of the site, zoned D-10.
- ◇ The site is in the Devington Neighborhood and is part of the Puritan Realty Co's subdivision that was platted August 7, 1913.

REZONING

- ◇ The request would rezone the parcels to the D-5 district to provide for single-family detached dwellings.
- ◇ The site is zoned SU-1, which is a special use district that only allows for the operation of a religious use and associated accessory uses which have historically been located here.
- ◇ The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The Comprehensive Plan recommends community commercial development for the southern portion of the site. The Community Commercial typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

(Continued)

- ◇ The northern portion of the site does not have a recommendation since it was once part of 39th Street that extended west of Audubon Road which was vacated and became private property.

TRANSIT-ORIENTED DEVELOPMENT OVERLAY

- ◇ The site falls within a ¼ mile of a proposed Purple Line Bus Rapid Transit Station at 38th Street and Layman Avenue that would promote a mix of uses at station area and primarily residential beyond in this walkable neighborhood typology as envisioned by the Purple Line Transit-Oriented Development Strategic Plan (2021).

Staff Analysis

- ◇ Per the submitted site plan and survey, the two parcels would be divided in a manner that would allow for three individual lots with single-family dwellings on each lot.
- ◇ In staff's opinion, the requested D-5 district for single-family detached dwellings would be appropriate at this mid-block location since it is surrounded by residential uses on three sides.
- ◇ Although the Comprehensive Plan recommends community commercial development for the subject site, an introduction of commercial uses this far north on the block would be out of place. Staff does not typically make recommendations contrary to the Comprehensive Plan unless it is apparent that the recommendation would not align with the context of the area or other plans such as the Purple Line Transit-Oriented Development Strategic Plan (2021).
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

SU-1	Compact	Parking lot
------	---------	-------------

SURROUNDING ZONING AND LAND USE

North	SU-1	Residential (Single-family dwelling)
South	SU-1	Parking lot
East	D-5	Residential (Single-family dwellings)
West	D-10	Residential (Multifamily dwellings)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial development.

THOROUGHFARE PLAN

38th Street 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.

TRANSIT-ORIENTED DEVELOPMENT

This site is located within the Transit-Oriented Development Overlay, specifically the Bus Rapid Transit Purple Line.

(Continued)

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 August 17, 2023.

SURVEY File-dated August 17, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2023-UV3-014; 5640 East 38th Street (south of site) Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 50 multi-family dwelling units and independently operated social services (not permitted), granted.

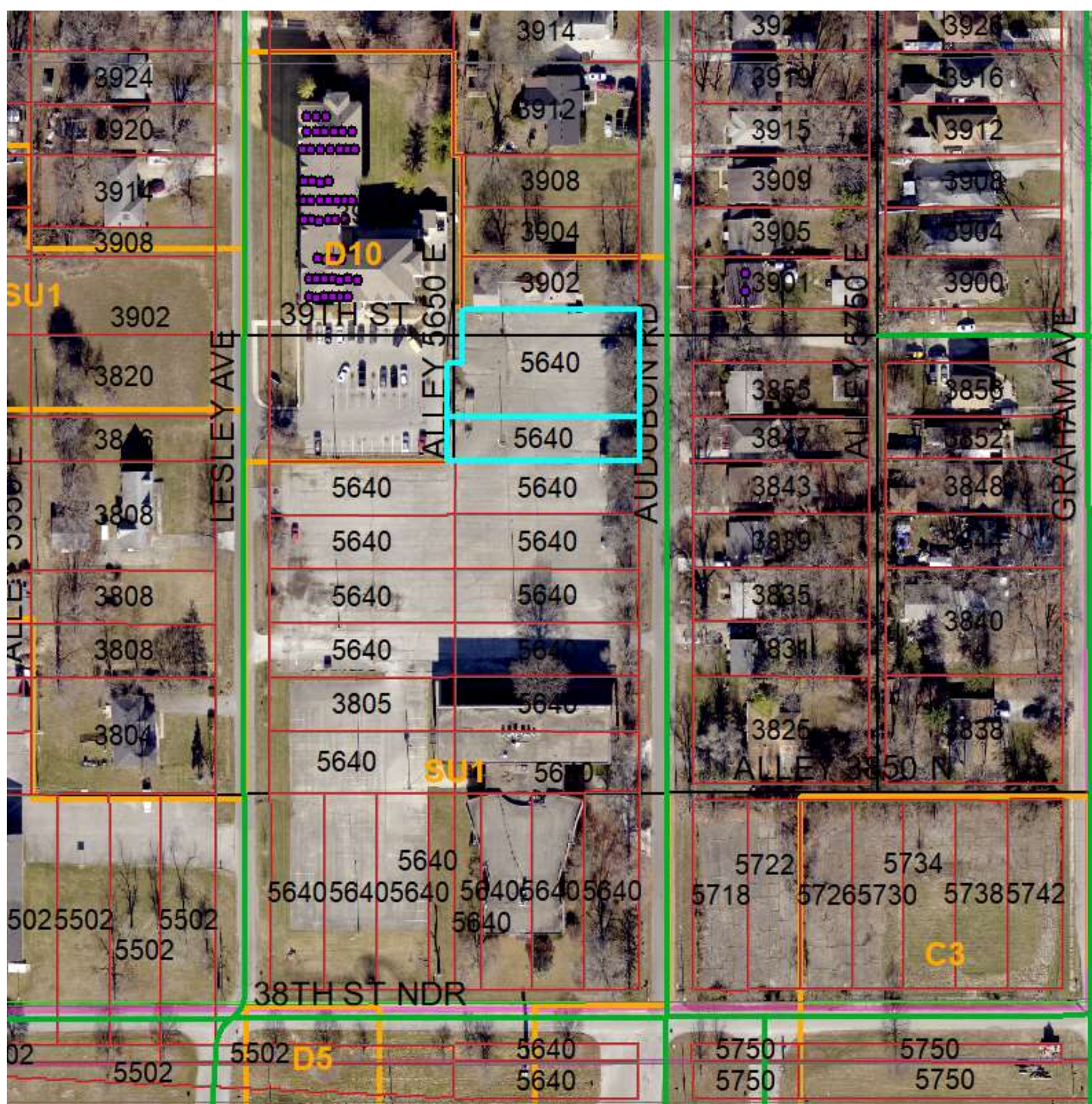
2022-ZON-129; 3904 and 3908 Audubon Road (north of site), Rezoning of 0.85 acres from the SU-1 district to the D-5 district, **approved**.

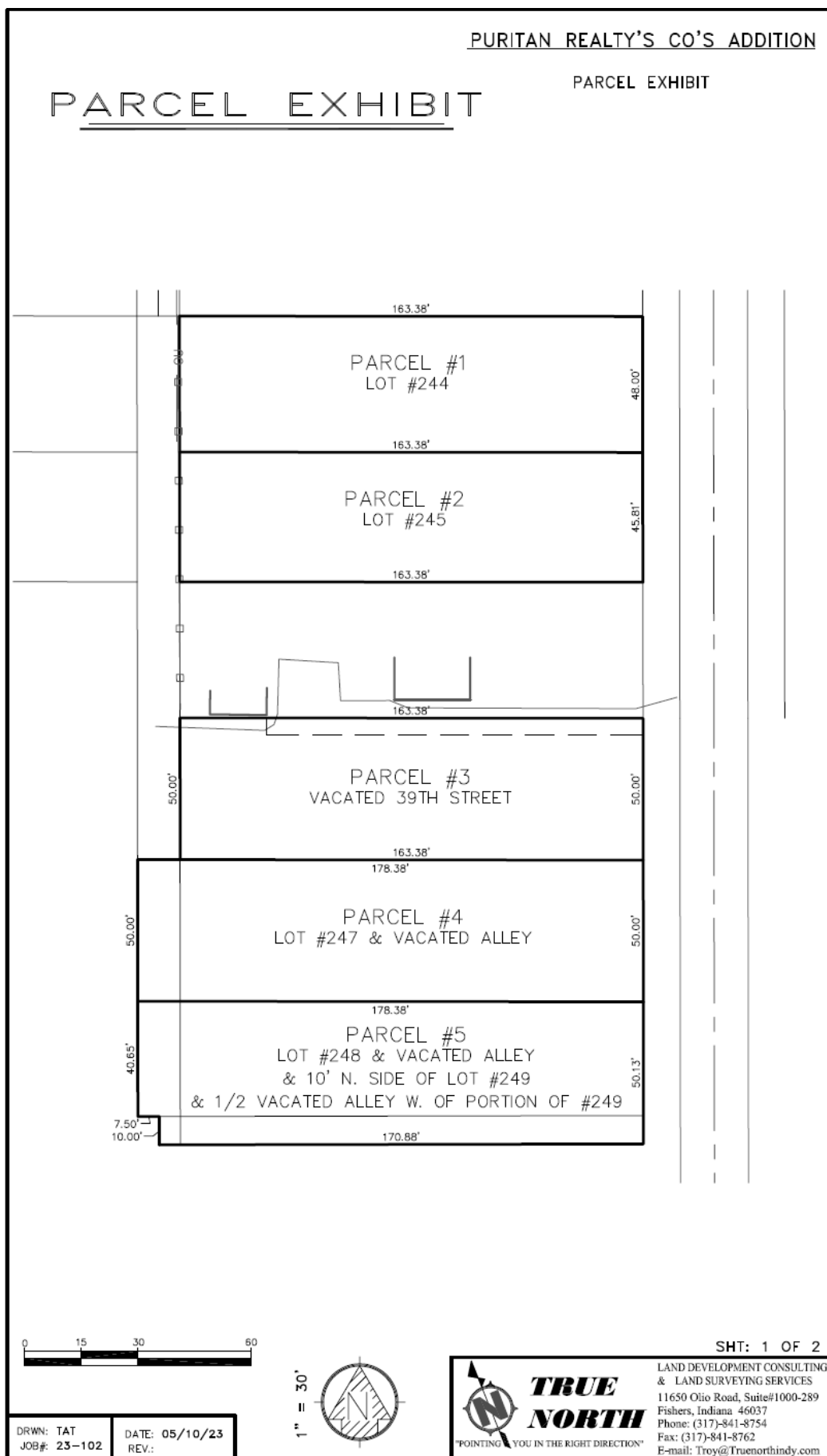
96-Z-94; 5604 to 5640 East 38th Street (south and southwest of site), Rezoning of 0.8 acre, being in the D-5 District, to the SU-1 classification to conform the zoning classification for an existing church use and to provide for additional parking, **approved**.

96-Z-33; 3901 North Lesley Avenue (west of site), Rezoning of 1.5 acres, being in the SU-1 and D-5 Districts, to the D-10 classification to provide for multi-family residential development, **approved**.

95-Z-198; 3901 Lesley Avenue (west of site), Rezone 1.5 acres from SU-1 and D-5 to D-10 with a variance of development standards to permit the construction of a multi-family dwelling, **withdrawn**.

MI





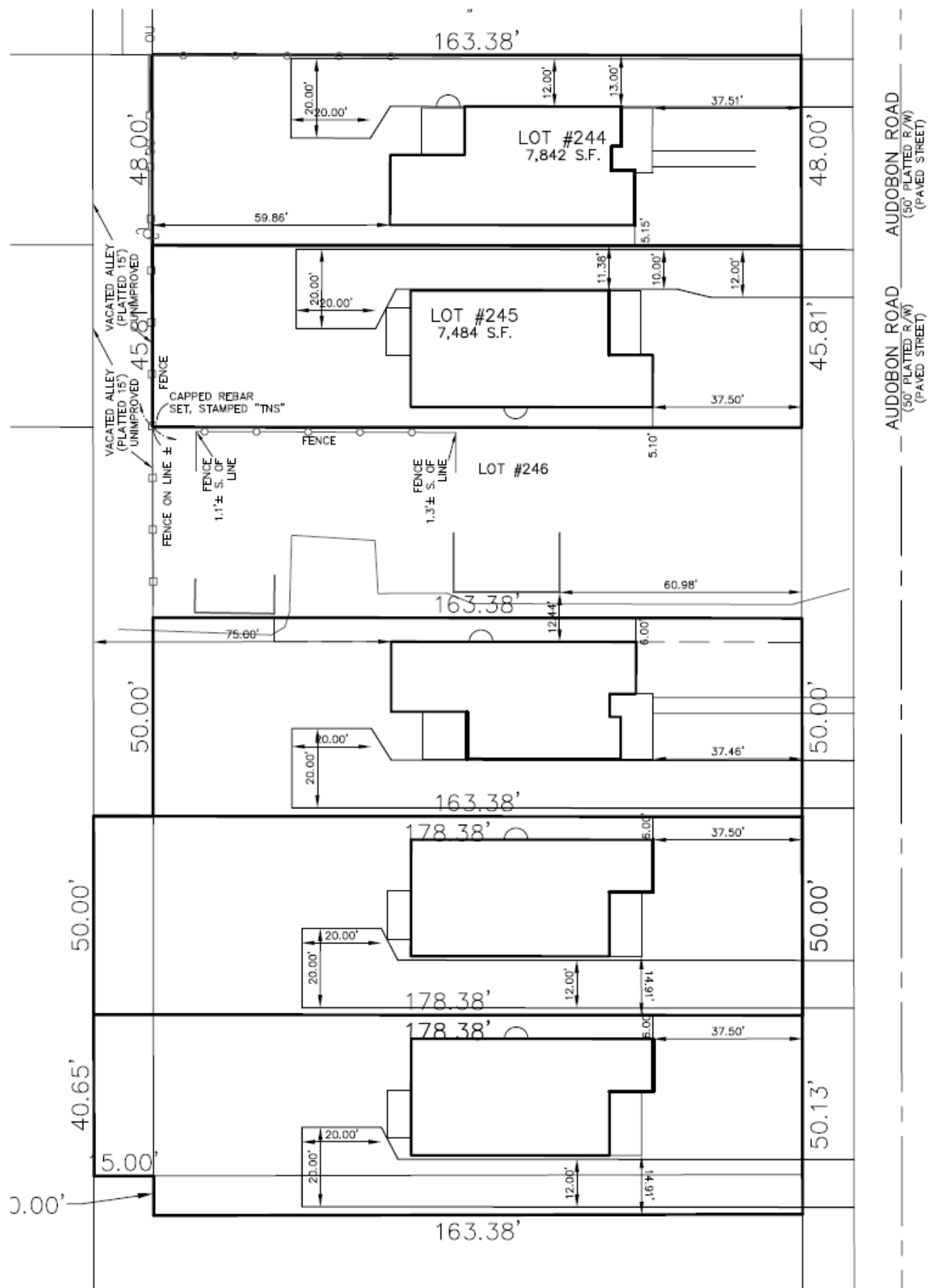




Photo of the Subject Property: 5640 East 38th Street (Parcel 4002390).



Photo of the Subject Property: 5640 East 38th Street (Parcel 4002389).



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



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



Photo of the remaining church parking lot and building.



Photo of the multi-family development west of the site.



Photo of the subject site looking northeast on the site.

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-839 (Amended) / 2023-CVR-839 (Withdrawn)
Address: 802 South West Street (Approximate Address)
Location: Center Township, Council District #16
Petitioner: McCarty West Associates, LLC, by Hannah Able
Request: Rezoning of 0.25-acre from the I-4 (RC) district to the CBD-2 (RC) district to provide for multi-family dwelling uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-story, 21-unit multi-family building on a 10,931-square foot lot (minimum 12,000-square foot lot required for a medium apartment use), a zero-foot corner side setback along McCarty Street (ten feet required), a zero-foot south side setback (five feet required), a zero-foot rear setback (ten feet required), with a Floor-Area Ratio (FAR) of 1.35 (maximum 0.8 FAR permitted) and a Livability Space Ratio (LSR) of 0.48 (minimum 0.66 LSR required).

ADDENDUM FOR SEPTEMBER 28, 2023, HEARING EXAMINER

At the September 14, 2023, Hearing Examiner, the Hearing Examiner acknowledged the withdrawal of 2023-CVR-839 and continued 2023-CZN-839 to the September 28, 2023, hearing. 2023-CZN-839 was amended to a request a rezoning to CBD-2 (RC), which eliminated the need for the development standards variances. In response to the amended rezoning petition, staff, therefore, **recommends approval** of 2023-CZN-839.

ADDENDUM FOR SEPTEMBER 14, 2023, HEARING EXAMINER

This companion petition was continued from the August 10, 2023, hearing, to the September 14, 2023, hearing, by request of a remonstrator. On August 28, 2023, the rezoning petition was amended to request a rezoning to CBD-2 (RC). Legal Notice was provided for the September 28, 2023, hearing. Therefore, to meet minimum notification requirements for the amended petition, this petition should be **continued** to the **September 28, 2023**, hearing. Additionally, it is expected that the companion variance will be withdrawn. Staff will provide a recommendation on the amended request prior to the September 28, 2023, hearing.

AUGUST 10, 2023, HEARING EXAMINER

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

LAND USE

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

REZONING

- ◇ This request would rezone the site from the I-4 (RC) District to the D-10 (RC) classification, for multi-family dwellings. The existing structure would be demolished. "The D-10 district is intended for high density housing formats, in moderate- or large-scale multi-unit building types. This district can be used at transitions and urban centers and corridors, including the high-density residential recommendations of the Comprehensive Plan, and the City Neighborhood and Urban Mixed-Use Typologies of the Land Use Pattern Book."
- ◇ The Comprehensive Plan recommends office / industrial mixed-use typology. "The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research, and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology."
- ◇ The request would not comply with the Plan. However, recent development proposals in the area include a large mixed-use development a few blocks north of this site that includes an entertainment complex, multi-family dwellings, retail uses and hotels. The site is also near Lucas Oil Stadium. When Lucas Oil Stadium was planned, the area to the south of the stadium, including near this site, was considered to have the potential of mixed-uses, including residential, commercial retail. Staff believes that this rezoning would be an acceptable deviation of the Plan and recommends approval of the request.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for four-story building, with ground level space for a leasing office, amenities, and a lobby. Additionally, surface parking for 22 spaces would be provided. Bicycle parking is also noted on the site plan, but specifics on the location of those spaces are not shown.
- ◇ A number of variances are requested, due to the small size of the site, which causes the difficulty in meeting D-10 development standards. The Ordinance does provide relief for sites in the Regional Center from meeting typical front yard setbacks. The approved plan can set the front yard setbacks, per the Ordinance.

(Continued)

- ◇ The Ordinance requires that medium apartment uses be located on a lot with a minimum size of 12,000 square feet, and with ten-foot corner side yard setbacks, five-foot side yard setbacks and ten-foot rear yard setbacks. Additionally, the floor area ratio cannot exceed 0.8 and the livability space ratio is required to be a minimum of 0.66.
- ◇ The request would provide for the structure to encroach into the corner side yard, side yard and rear yard, plus would provide for a floor area ratio of 1.35 and a livability space ratio of 0.48. These deficiencies relate entirely to the size of the lot in comparison to the density of the proposed use. Developed lots within the Regional Center are commonly the highest density of sites within the city. Higher density can lead to decreased use of vehicles, especially within walking or biking distance of downtown offices, entertainment facilities and recreation areas. Therefore, staff supports the requested variances.

SITE PLAN

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

REGIONAL CENTER OVERLAY DISTRICT

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

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA AND LAND USE

I-4 (RC) Compact Vacant tavern

SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office / industrial mixed-use typology.
THOROUGHFARE PLAN	This portion of West Street is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 48-foot right-of-way. McCarty Street is designated as a primary arterial with an existing and proposed 88-foot right-of-way.

(Continued)

STAFF REPORT 2023-CZN-839 / 2023-CVR-839 (Continued)

Item 9.

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

SITE PLAN File-dated June 26, 2023

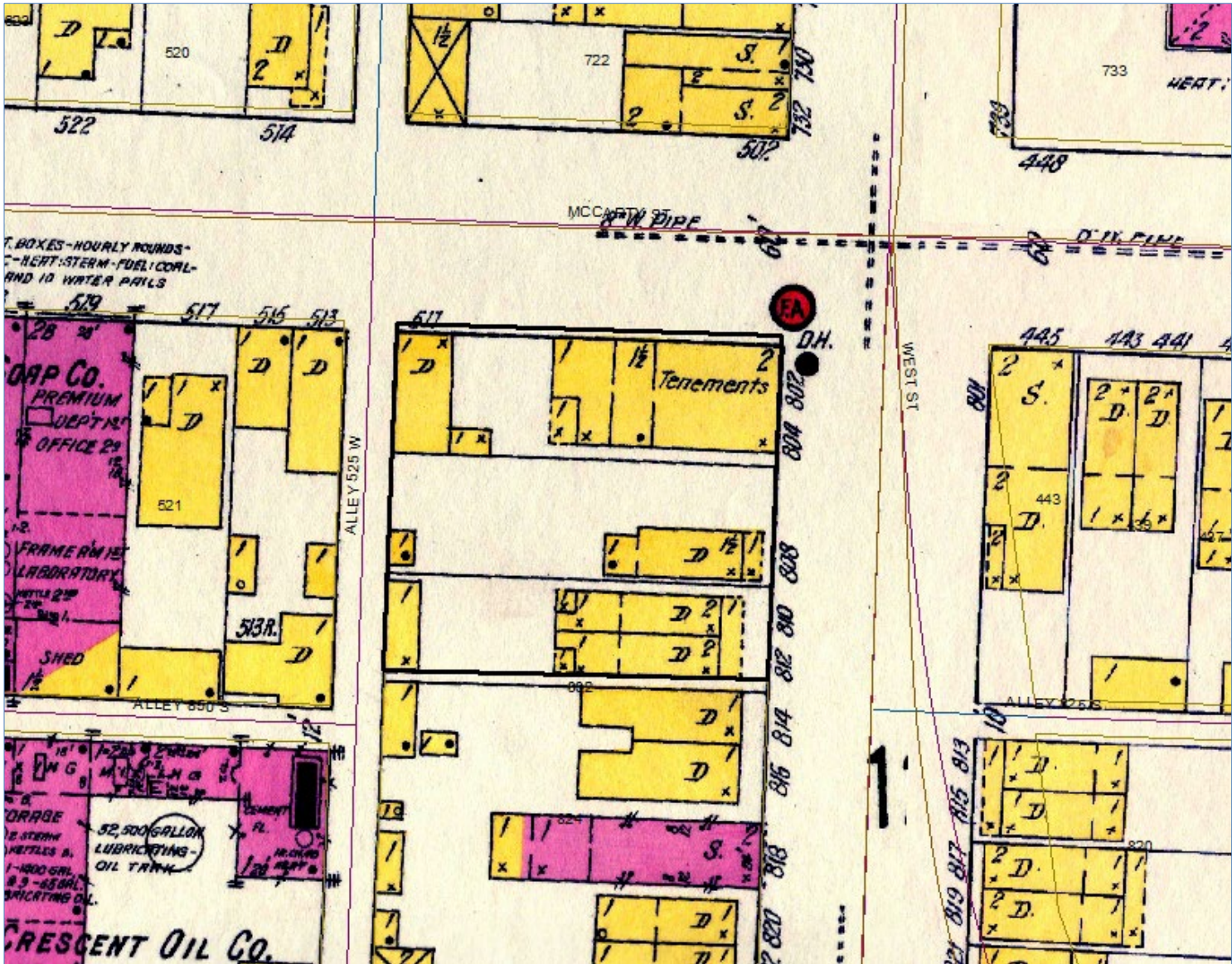
ZONING HISTORY – SITE

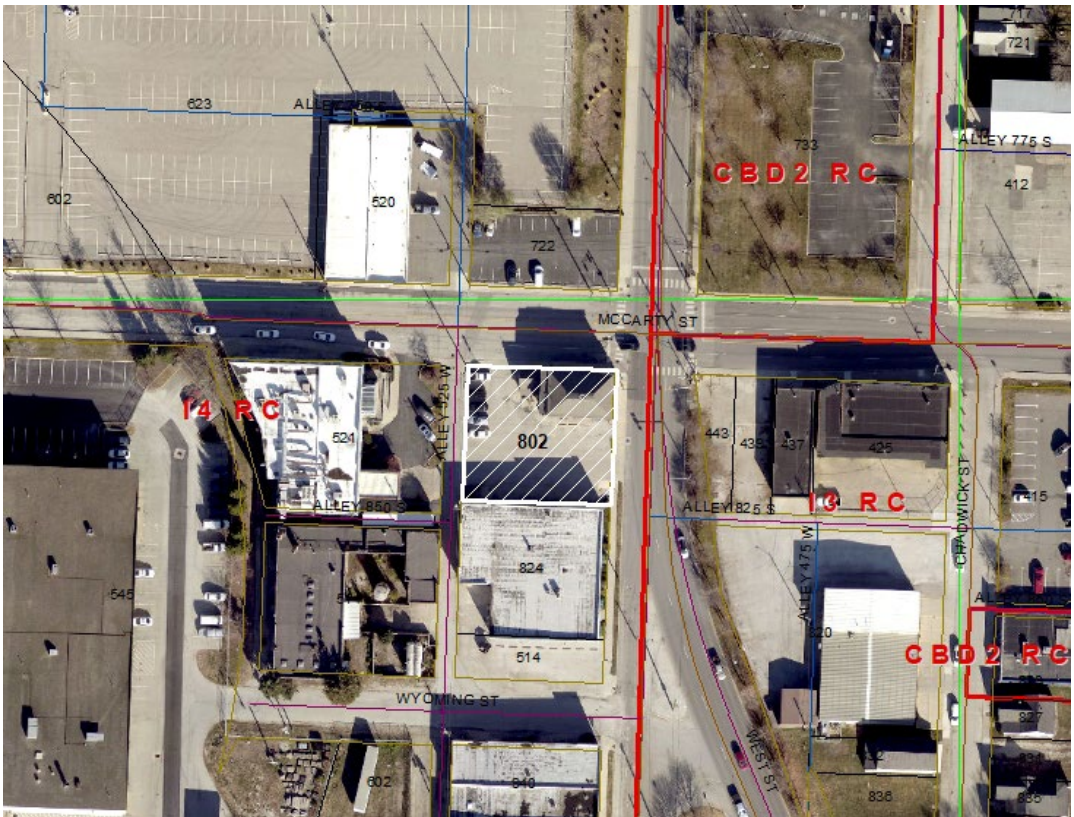
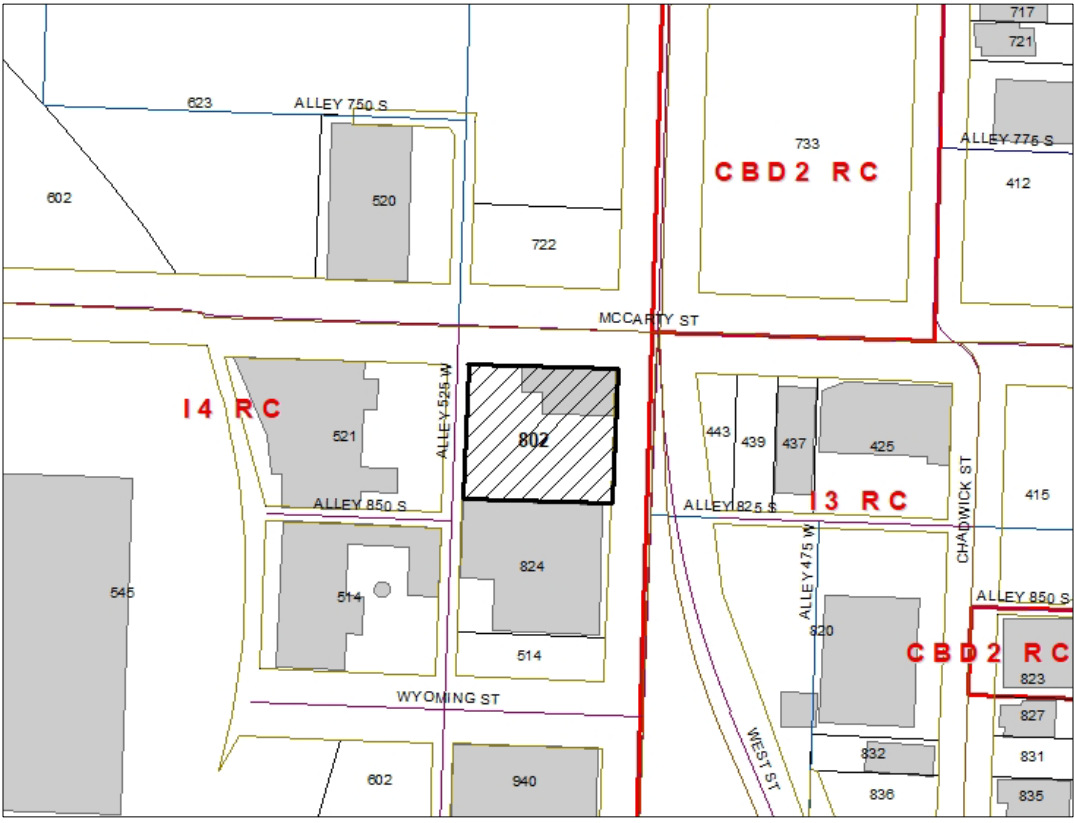
None.

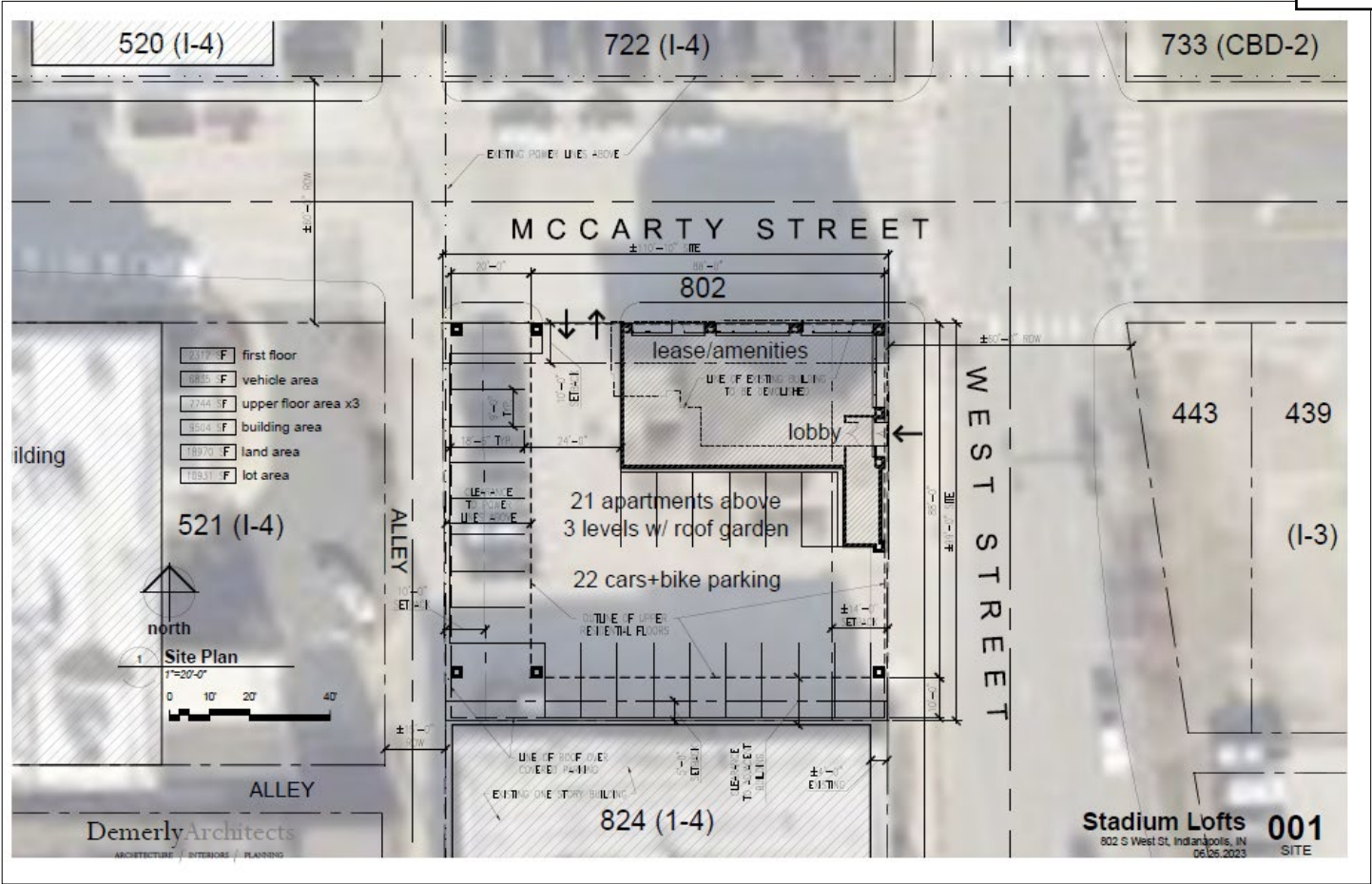
ZONING HISTORY – VICINITY

None.

JY *****









Views of the site from McCarty Street and West Street intersection



Views of the site from McCarty Street



View of the alley directly west of the site



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

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-847 / 2023-CAP-847 / 2023-CVC-847
Address: 4175 and 4225 West Washington Street (Approximate Addresses)
Location: Wayne Township, Council District #22
Petitioner: Department of Parks and Recreation, by Kate Warpool, AIA
Request: Rezoning of 2.11 acres from the C-5 (TOD and SU-2 (TOD) districts to the PK-1 (TOD) district to provide for park uses.

Park District One Approval to provide for a new playground, parking area, game courts, shelters, and other park improvements.

Vacation of Roena Street, being 50 feet in width, from the south right-of-way line of Washington Street, south 210. 37 feet to the north right-of-way line of Oliver Street, with a waiver of the assessment of benefits.

RECOMMENDATIONS

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

Staff recommends **approval of Park District-One approval** petition.

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

RECOMMENDED MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-847; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

SITE / REQUESTS

- ◇ This site comprises of four parcels, with three parcels west of Roena Street, zoned SU-2, and one parcel east of Roena Street, zoned C-5. These parcels are improved with a long-standing public park, which is named Christina Oaks Park, with Roena Street dividing the park into two sections. Currently, no sidewalks exist along Washington Street or Taft Avenue.
- ◇ The rezoning petition would rezone the site to PK-1 district for park uses, the approval petition would provide for significant improvements to the park and the vacation petition would vacate Roena Street, from Washington Street south to Oliver Avenue.

(Continued)

STAFF REPORT 2023-CZN-847 / 2023-CVC-847 / 2023-CVR-847 (Continued)**COMPREHENSIVE PLAN / PARK IMPROVEMENT PLAN**

- ◇ The Comprehensive Plan recommends Park development therefore, the request would comply with the Plan.
- ◇ The site plan indicates that the existing children's playground would be relocated south of the existing playground and would be larger. The existing playground would be the location of a stormwater detention area. A pickleball court would be constructed the center of the park, adjacent to a proposed parking area. Additional improvements include walking paths, with future plans for a shelter, and a splash pad. The existing Roena Street curb cut from Washington Street would be removed. A sidewalk is planned along Taft Avenue, with the Department of Public Works planned to install sidewalks along Washington Street in the very near future.

PLANNING ANALYSIS

- ◇ This request would result in a major improvement to a long-standing urban park, including much-needed safety improvements by removing Roena Street that divides the park. Details on the Roena Street vacation request is below. Sidewalks would be constructed along the public streets, which will provide a safe manner for the public to access the park. Finally, the planned improvements would provide additional recreational opportunities to this neighborhood. For these reasons, staff supports the rezoning and approval petitions.

VACATION

- ◇ This request would provide for the vacation of a portion of Roena Street from the south right-of-way line of Washington Street to the north right-of-way line of Oliver Avenue. Roena Street is used to gain access to properties to the south, which is a residential neighborhood. However, multiple other ways to gain access to this neighborhood exist.
- ◇ The right-of-way of Oliver Avenue east of Roena Street is 50 feet in width, however, the right-of-way of Oliver Avenue west of Roena Street is 15 feet in width, which is essentially an alley. Aerial photography of this portion of Oliver Avenue indicates that the pavement of this street is approximately five feet within the subject site (4225 West Washington Street).
- ◇ The result of vacating Roena Street would improve the public safety of the park by removing a local street that divides the two sections of the park, therefore, staff recommends approval of the proposed vacation.

(Continued)

STAFF REPORT 2023-CZN-847 / 2023-CVC-847 / 2023-CVR-847 (Continued)

PROCEDURE

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

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

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

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

ASSESSMENT OF BENEFITS

- ◇ The MDC's Rules of Procedure exempt City agencies from fees, including the assessment of benefits for street or alley rights-of-way where the vacation would be used for the public. Therefore, the waiver of the assessment of benefits is automatic.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-2 / C-5 (TOD Compact Christina Oaks Park

SURROUNDING ZONING AND LAND USE

North	SU-1 / C-7 (TOD	Church / Motorcycle dealer
South	D-4 (TOD)	Residential
East	D-5 (TOD)	Commercial contractor
West	C-5 (TOD)	Automobile body shop

COMPREHENSIVE LAND USE PLAN The Wayne Township Land Use Plan recommends Park development

TRANSIT-ORIENTED DEVELOPMENT The site lies within the Transit-Oriented Development Overlay.

(Continued)

STAFF REPORT 2023-CZN-847 / 2023-CVC-847 / 2023-CVR-847 (Continued)

THOROUGHFARE PLAN	Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with an 88-foot existing and proposed right-of-way.
DEVELOPMENT PLANS	File-dated August 16, 2023
FINDINGS OF FACT	File-dated August 17, 2023 (Vacation and Variance)
SITE PLAN	File-dated August 16, 2023
VACATION SURVEY	File-dated August 16, 2023

ZONING HISTORY – SITE

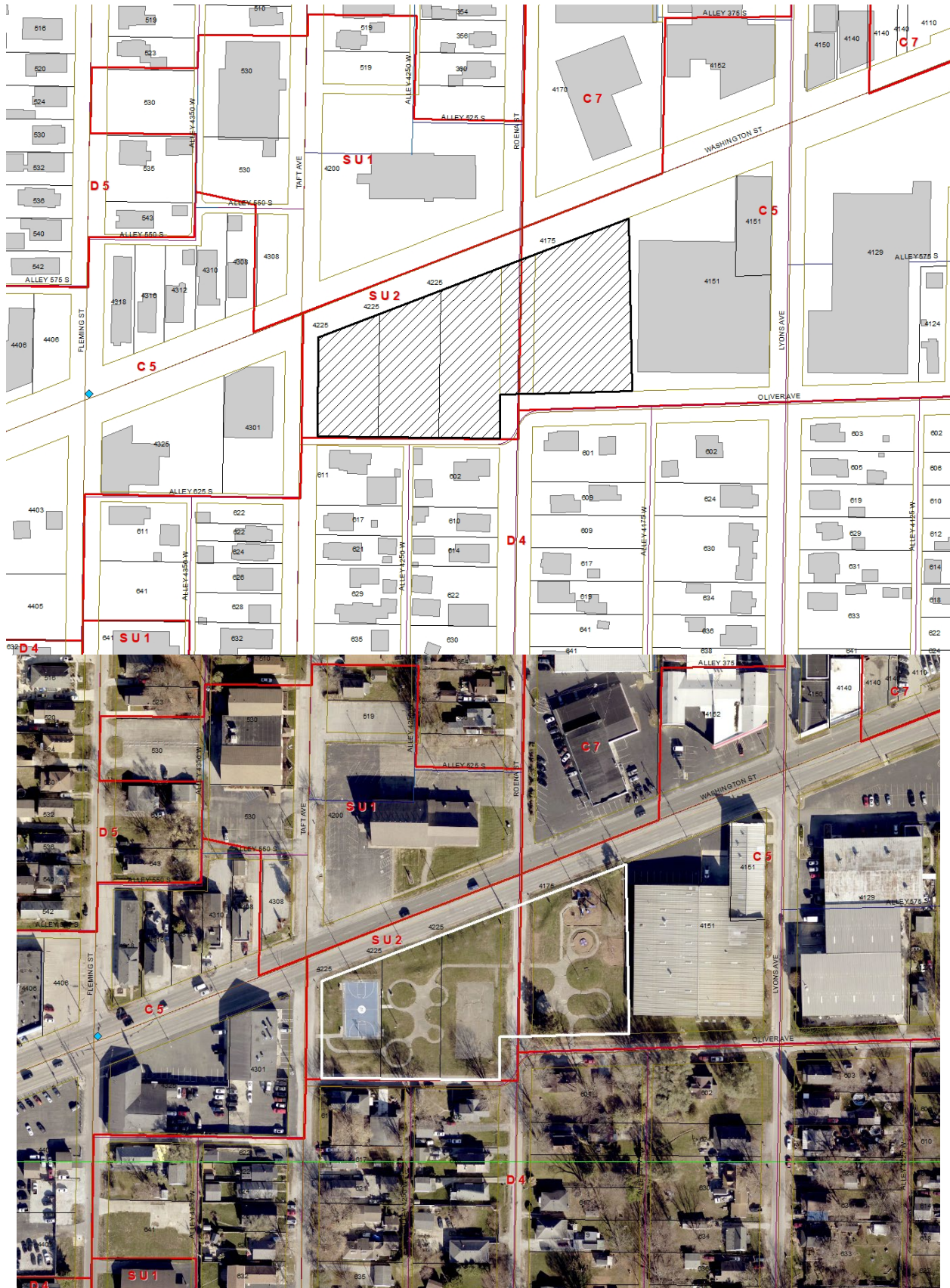
2015-ADM-507; 4225 West Washington Street, requested Administrator's Approval to provide for a wireless communications facility on an existing light pole, **approved**.

ZONING HISTORY – VICINITY

2021-UV1-009; 4151 West Washington Street, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial laundry, **granted**.

JY

STAFF REPORT 2023-CZN-847 / 2023-CVC-847 / 2023-CVR-847 (Exhibits)





429 N Pennsylvania Ave, Suite 304
Indianapolis, IN 46204 |
+1 317 981 7257
jsheld.com

MEMO – EXHIBIT A

To: Indianapolis Department of Metropolitan Development
Re: Legal Description – Christina Oaks Park
Updated: August 11, 2023

Christina Oaks Park – Detailed Description of Proposal

Requesting a rezoning from SU-2 and C5 to PK1 to accurately reflect the use of the land as a park. Improvements to the park will be made including the companion vacation petition of Roena Street to connect two sides of the park currently split by a public street and a companion approval petition with a site plan indicating the improvements planned for the park. The improvements will be completed in the phases identified in the attached site plan including a new playground in Phase 1 and additional improvements identified on the site plan in the following phases. The street vacation is key to this development and will improve safety by bringing both sides of the park together and eliminating the need for visitors to cross the street from the side with the basketball courts to the side with the playground.

Petition Number _____

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

FINDINGS OF FACT

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

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

The land use plan identifies that the property is used as a park with a major arterial street to the north and the traditional neighborhood typology to the south. 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. We are also requesting the vacation of Roena Street in between the two sides of the park to create one wholistic park and improve safety for park patrons and the community.

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 in the attached site plan will come in future phases.

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

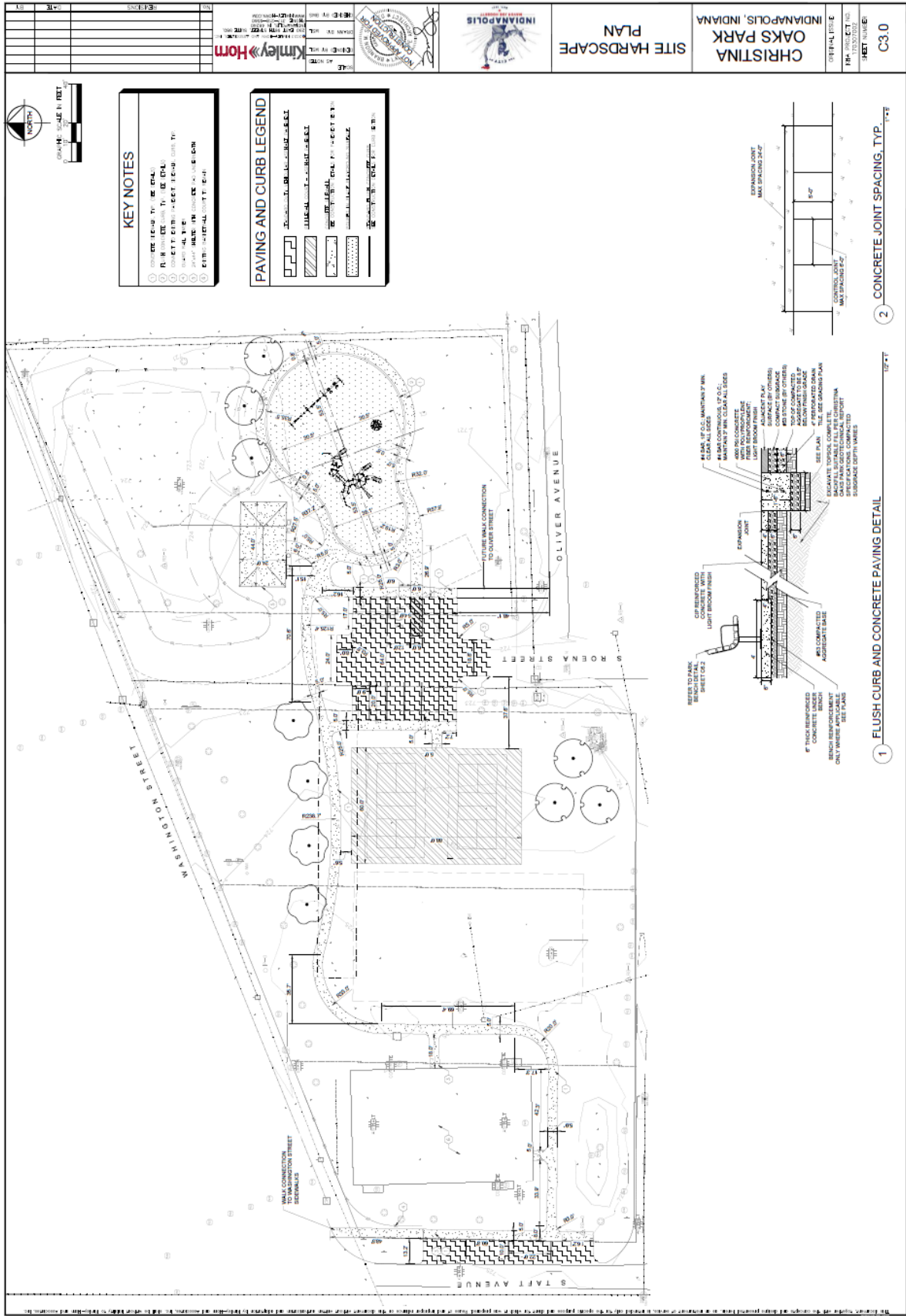
Existing paths are already included in the existing park; new paths are planned for future park and/or infrastructure projects; and new parking spaces are included. DPW is also planning to add a new sidewalk along Washington street improving pedestrian connectivity to the surrounding neighborhood.

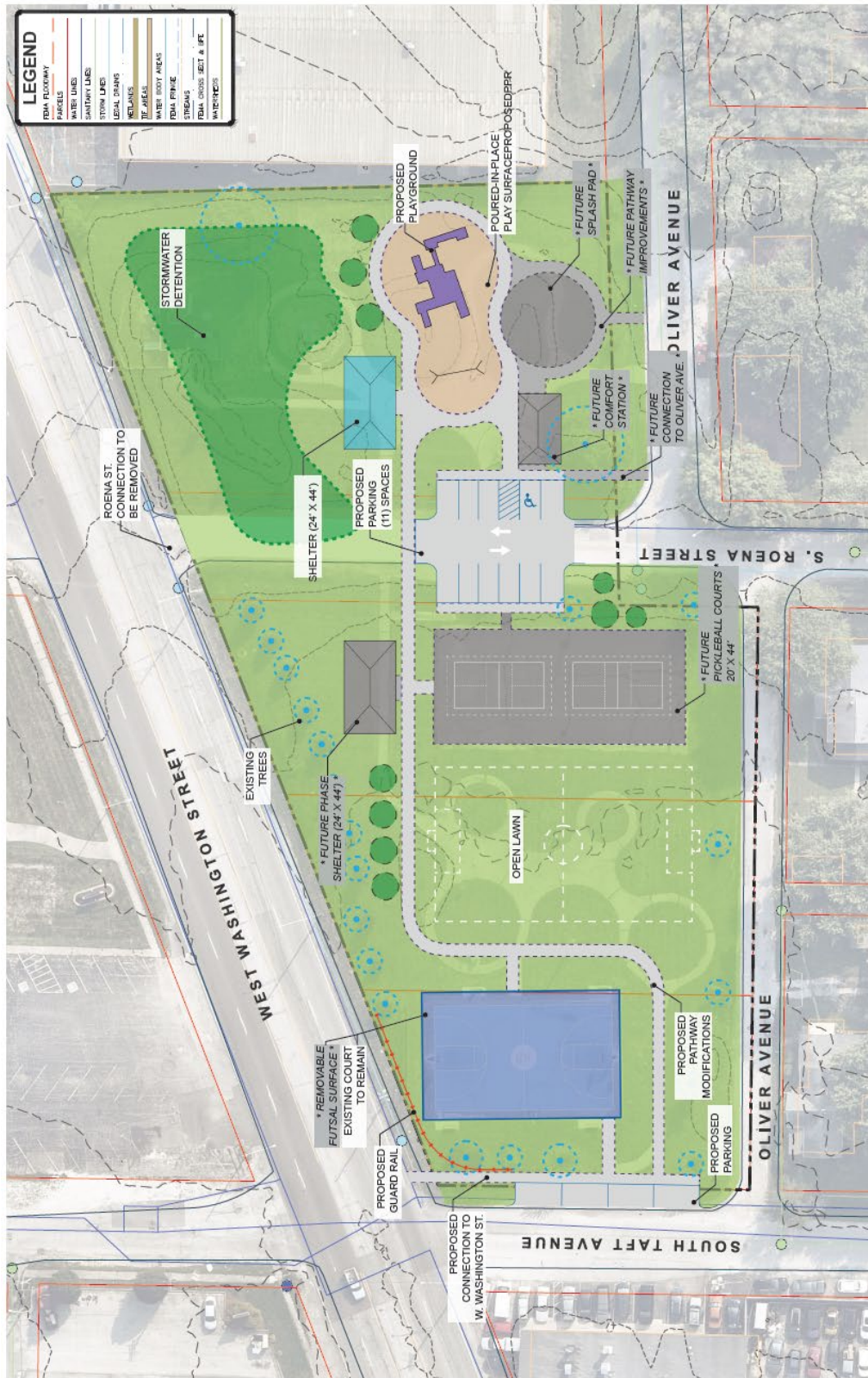
D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

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 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.





CHRISTINA OAKS PARK | 4205 W. WASHINGTON ST. INDIANAPOLIS, IN

AUGUST 2023

DRAFT - NOT FOR CONSTRUCTION PURPOSES



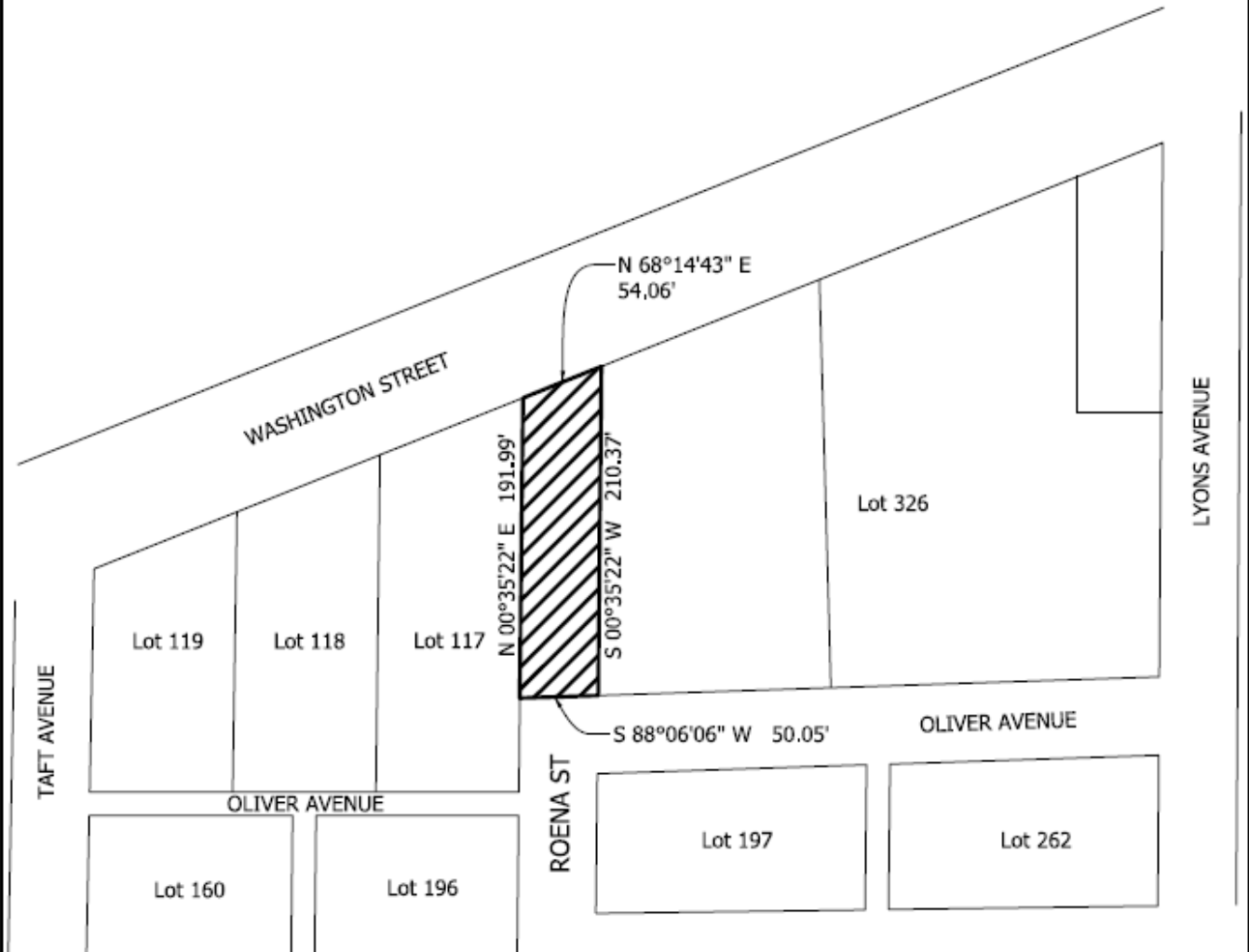
Project: 22SU050
 County: Marlon
 Section: 7 & 8
 Township: 15 North
 Range: 3 East

Exhibit "B"
 Vacation of a Portion of Roena Street

Page: 2 of 2
 Prepared by: ADG
 Checked by: DCT



Hatched Area is the
 Approximate Vacation

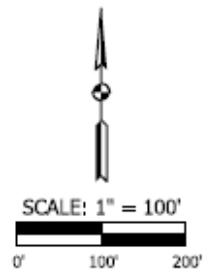


FLEMING GARDEN PLACE 2ND ADDITION

David C. Thomas
 LS #21300006



David C. Thomas
 Date: 2/24/2023



SJCA Inc. Project: 22SU050
 **SJCA**
 9102 North Meridian Street, Suite 200, Indianapolis, IN 46260
 Phone: (317) 566-0629

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

The land on either side of this 210' stretch of Roena Street is a park use, with one side having playground equipment and the other having basketball courts and open land.

Indy Parks would like to vacate this stretch of Roena Street to unite both sides of Christina Oaks Park to both expand the park, it's amenities and create a safer environment for park patrons and the community. The inconvenience for vehicular traffic is minimal as access to Washington Street can be gained by using Oliver Avenue to S. Taft Street or

Oliver Avenue to S. Lyons Avenue each just one block from Roena Street. Granting vacation will be putting the pedestrian first.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 _____

STAFF REPORT 2023-CZN-847 / 2023-CVC-847 / 2023-CVR-847 (Photos)



Views of the eastern portion of the park



View of the western portion of the park, along Washington Street



View of the western portion of the park (top); eastern connecting sidewalk



View of the western connecting sidewalk (top); view of section of Roena Street to be vacated



Views of Oliver Avenue east and west of Roena Street



Overall view of the park

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-849 / 2023-CPL-849
Address: 1111 North Hamilton Avenue (approximate address)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Jennifer Serviss White and Marshall White, by Adam Dehart
Requests: Variance of Development Standards to legally establish and provide for the subdivision of a duplex on a 40-foot wide, 6,100-square foot lot (minimum 60-foot wide, 7,200-square foot lot required).

Approval of a Subdivision Plat, to be known as Replat of Lot 44 in Clifford Place, dividing 0.14-acre into two single-family attached lots.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated August 15, 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.
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. No detached single-family dwellings shall be built on the individual lots.

(Continued)

2023-CVR-849 / 2023-CPL-849 STAFF REPORT (Continued)**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-5 and developed with a two-family dwelling. The site was developed as a multi-unit house in 2022 (ILP22-01884).
- ◇ This request would provide for the subdivision of a duplex on a 40-foot wide, 6,100-square foot lot where the requirement is a minimum 60-foot wide, 7,200-square foot lot. The proposed plat would divide the existing parcel into two lots.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for the subdivision of a two-family dwelling on a 40-foot wide, 6,100 square foot lot. Single-family attached dwellings are only permitted in the D-5 district as duplexes per Table 742-103.03; however, the existing lot is less than the minimum lot width, 60-feet, and minimum lot size, 7,200 square feet.
- ◇ The reduction of lot width is a difference of 20 feet and the reduction of lot size is a difference of 1,100 square feet. Staff would note that the dwelling meets the required minimum lot width and area for a multi-unit house, which may have two to four units. Staff would not be opposed to a slight reduction of lot width and area to allow for a duplex where other multi-unit development is permitted.
- ◇ Staff would note that a condominium agreement could allow for each dwelling unit to be owned individually without requiring a plat or variance. Staff believes that a variance for reduced lot size to allow for platting of the duplex for individual ownership could be granted with minimal impact on the surrounding properties. Staff would not be opposed to a variance for minimum lot width and lot size for the purposes of dividing a two-family dwelling.

PLAT

- ◇ This proposed plat would divide the existing parcel into two lots. Lots One and Two would each contain half of the two-family dwelling with the lot line following the common wall and continuing through the rear of the lot. The proposed plat meets the standards of the D-5 zoning classifications and the proposed companion variance.

TRAFFIC / STREETS

- ◇ The proposed lots would front on Hamilton Avenue, with alley access to the rear. No new streets are proposed as part of this petition.

(Continued)

2023-CVR-849 / 2023-CPL-849 STAFF REPORT (Continued)**PROCEDURE**

- ◇ This plat petition, if approved, only legally establishes the division of land. In the event that the existing duplex were to be removed, any new construction that does not conform to the site plan approved by variance would be required to meet all development standards of the D-5 Dwelling District, including, but not limited to, setbacks, minimum lot width and frontage, and minimum open space

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

D-5	Compact	Two-family residential
-----	---------	------------------------

SURROUNDING ZONING AND LAND USE

North	D-5	Single-family residential
South	D-5	Single-family residential
East	D-5	Single-family residential
West	D-5	Single-family residential

COMPREHENSIVE LAND USE PLAN	Light Industrial
-----------------------------	------------------

THOROUGHFARE PLAN	Hamilton Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing and proposed right-of-way.
-------------------	--

SITE PLAN & PRELIMINARY PLAT	File-dated August 15, 2023
------------------------------	----------------------------

FINDINGS OF FACT	File-dated August 15, 2023
------------------	----------------------------

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2018-HOV-063, 1047 North Hamilton Avenue, variance to provide for a single-family dwelling with eight feet between primary dwellings, **approved**.

2011-LNU-001, 1102 Jefferson Avenue, approval to legally establish an accessory structure with deficient setbacks

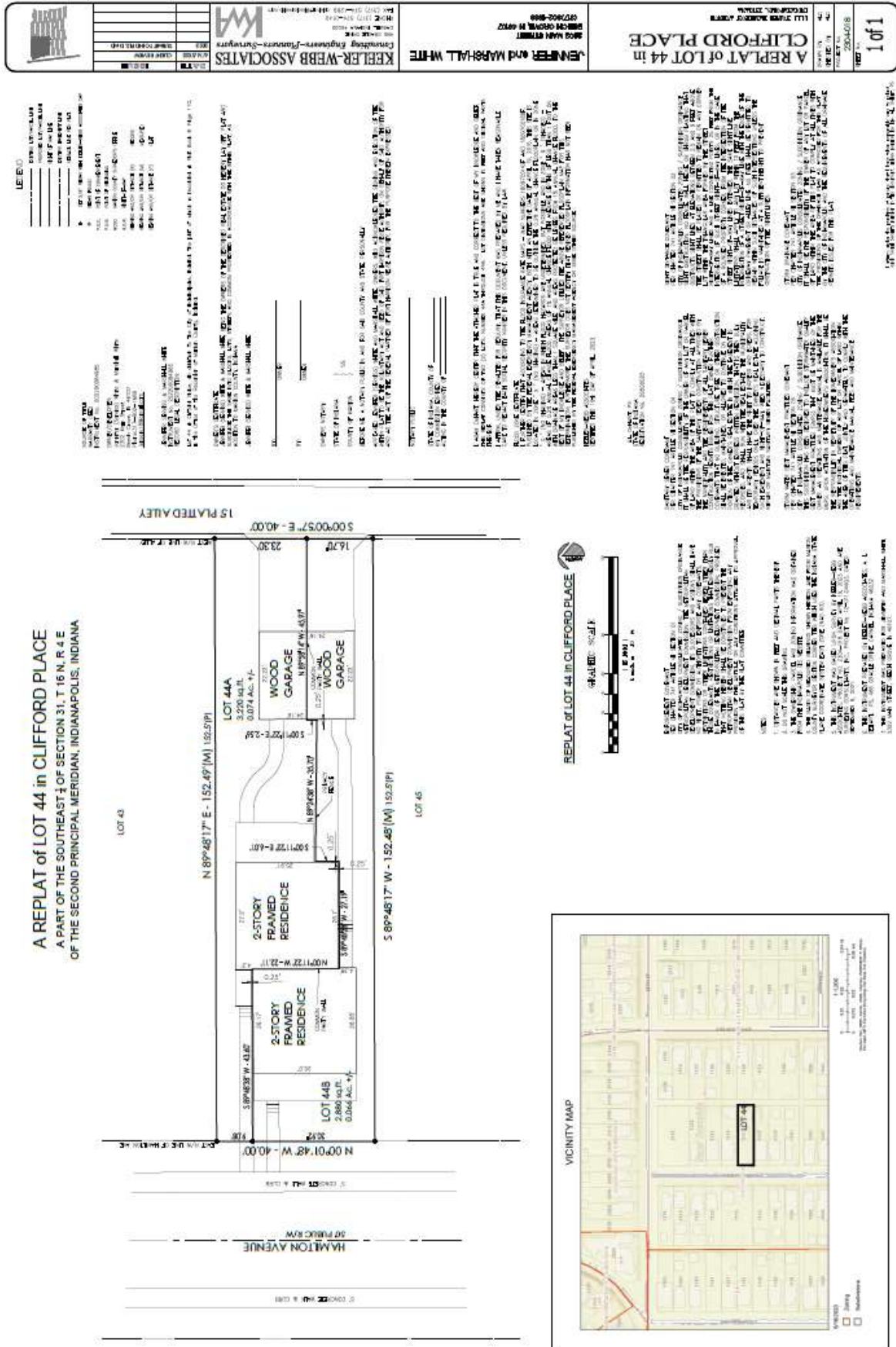
95-V1-48, 1125 North Hamilton Avenue, variance to provide for a six-foot-tall fence in the front yard of an existing dwelling, **approved**.

AR

2023-CVR-849 / 2023-CPL-849 Aerial Map



2023-CVR-849 / 2023-CPL-849 Preliminary Plat and Site Plan



2023-CVR-849 / 2023-CPL-849 Findings of Fact

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 existing platted lot is adequately sized for the recent development of a duplex on the lot. Splitting the residences into two separate lots will not be a detriment to the public health, safety, morals and general welfare of the public. The remainder of the bulk standards for this structure on the propose lot split will comply with all other UDO standards.

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:

It is unlikely the use and value of the adjacent properties will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on adjacent surrounding properties, because the use of the property will not change. Splitting the property will increase the value of properties.

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

Strict adherence to the UDO would result in the inability of the owner(s) to enjoy the maximum benefits of the lot split. There is a practical difficulty in complying with the D5 zoning as the platted lot does not meet the minimum standards for a Duplex.

2023-CVR-849 / 2023-CPL-849 Photos



Subject site viewed from Hamilton Avenue



Subject site viewed from alley

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-MOD-009 (Amended)
Address: 4375 Kentucky Avenue (approximate address)
Location: Decatur Township, Council District #22
Zoning: C-S
Petitioner: Five Star Oil, Inc., by Garrett E. Lawton
Request: Modification of the Commitments related to 2019-ZON-053 to extend the deadline for the completion of all commitments to March 31, 2024 (previous commitments required completion by several dates in 2020).

The Hearing Examiner continued this petition from the August 24, 2023 hearing, to the September 28, 2023 hearing, to provide time for the petitioner's representative to amend the petition and provide new notice.

The amended request extends completion time from September 30, 2023, to March 31, 2024. Staff continues to **recommend approval** of the request that would provide additional time to complete the commitments.

It is staff's understanding that the commitment requiring expansion and installation of the water line will require additional time. Staff would expect, however, that all commitments will be completed by March 31, 2024, and will not support further time extensions.

The Hearing Examiner continued this petition from the July 27, 2023 hearing, to the August 24, 2023 hearing, at the request of the petitioner's representative to provide time to amend the petition and send new notice. The amended petition has not been submitted at this time.

The Hearing Examiner continued this petition from the June 29, 2023 hearing, to the July 27, 2023 hearing, at the request of staff and the petitioner's representative to provide additional time for discussions with the Prosecutor's Office related to on-going violations.

The Hearing Examiner continued this petition from the June 15, 2023 hearing, to the June 29, 2023 hearing, at the request of the petitioner's representative.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

LAND USE

- ◇ This 0.82-acre site, zoned C-S, is developed with a fueling station and convenience store with additional tenant spaces. It is surrounded by industrial uses to the west, across Kentucky Avenue, zoned C-S; single-family dwellings to the north and east zoned D-A; and a hotel and commercial uses to the southwest, zoned C-S.
- ◇ Petitions 2019-ZON-053 / 2020-VAR-004 requested rezoning the site from the C-S District to the C-S classification to provide for a convenience store / gasoline station and C-3 uses; modification of commitments related to 2002-ZON-178; and variances to legally establish reduced setbacks. a zero-foot southwest side yard setback, an eleven-foot northeast transitional yard, a zero-foot southeast rear yard and a five-foot front yard.
- ◇ Petition 2002-ZON-178 rezoned the site to the C-S District to provide for a gas station, convenience store, hotel, and restaurant. Petition 2018-PLT-072 platted the site that separated the gasoline station / convenience store from the hotel and commercial uses. Petitions 2018-CZN-850 / 2018-CVR-850 provided for a hotel and other commercial uses adjacent to the south of this site.

MODIFICATION

- ◇ This request would modify commitments related to 2019-ZON-053 to extend the deadline for the completion of all commitments to September 30, 2023, when the previous commitments required completion by several dates in 2020.
- ◇ The Comprehensive Plan recommends office industrial mixed-use typology. “The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology.”
- ◇ The 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

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

(Continued)

Small-Scale Retailing, and Personal or Professional Services

- Should be subordinate to and serving the primary uses of production, warehousing, and offices.
- Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.
- Should be located and served in such a way that the use will not interfere with industrial traffic or loading

Overlays

- ◇ This site is located within an overlay, specifically the Residential Corridor Reserve (RR) 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 Residential Corridor Reserve (RR) overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by school, hospital, or corporate campuses.

Planning Analysis

- ◇ As previously noted, this request amends the completion date of many of the commitments agreed upon during the 2019-ZON-053 / 2020-VAR-004 rezoning and variance process.
- ◇ An Agreed Judgement and Order (Cause Number 49D04-2206-OV-21933, file-dated November 16, 2022) enumerated those commitments that have not been satisfied and / or completed. The defendant (Five Start Oil Inc.) admitted to the allegations and agreed to comply with the commitments related to the 2019 rezoning.
- ◇ Staff would note that further extensions of the completion date will not be supported because final approval by the City-County Council was on November 16, 2020. Staff believes there has been adequate time within which to complete and comply with the required and agreed upon commitments associated with 2019-ZON-053 / 2020-VAR-004.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-S

Fueling station / convenience store / commercial uses

(Continued)

SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwelling
South -	C-S	Commercial use / hotel
East -	D-A	Single-family dwelling
West -	C-S	Industrial uses

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

Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of Kentucky Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 162-foot right-of-way and a proposed 112-foot right-of-way.

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

OVERLAY This site is located within the residential corridor reserve.

SITE PLAN File-dated May 1, 2023

ZONING HISTORY

2019-ZON-053 / 2020-VAR-004; 4375 Kentucky Avenue, requested rezoning of 0.82 acre from the C-S district to the C-S district to provide for a convenience store and gasoline station and C-3 uses and to modify Commitments Three, Six and Seven of petition 2002-ZON-178; and a variance of development standards to legally establish reduced setbacks along the southwest side yard northeast transitional yard, southeast rear yard and a five-foot front yard, **approved and granted**.

2013-ZON-080 / 2014-VAR-001; 4375 Kentucky Avenue, requested rezoning of 4.79 acres from the C-S District to the C-S classification and a modification of Commitment #3 of 2002-ZON-178 to provide for a liquor store, in addition to the uses previously permitted; and a variance of development standards of the Commercial Zoning Ordinance to provide for a liquor store within 20 feet of a D-3 zoned protected district, **withdrawn**.

2002-ZON-178; 4375 Kentucky Avenue, requested rezone 4.79 acres from the D-A and D-3 Districts, to the C-S classification to provide for a gas station, convenience store, hotel and restaurant, **approved**.

2000-ZON-180; 4375 Kentucky Avenue, requested a rezoning of 4.92 acres from D-A and D-3 to C-6, to provide for commercial uses, **denied**.

(Continued)

VICINITY

2018-CZN-850 /, 2019-CVR-850; 4545 Kentucky Avenue; 4251 Meadowlark Lane and 5500, 5560, 5570 and 5590 Varna Drive, requested rezoning of 3.97 acres from C-S to C-S to provide for retail uses in addition to the uses approved by 2002-ZON-178, and to Modify Commitment Six to modify the site plan of May 2, 2003 and a variance of development standards to provide for a 46.5-foot tall hotel, with a 109-foot front setback and 20% transparency, **approved and granted**.

2018-PLT-072; 4100 Kentucky Avenue (south of site), requested approval of a Subdivision Plat, to be known as Woodspring Suites, subdividing 5.376 acres into four lots, **approved**.

2000-ZON-112; 4701 Kentucky Avenue, requested a rezoning of 7.35 acres, being in the D-3 District, to the C-S classification, to provide for an integrated center with a hotel, restaurants, and C-1 uses, **approved**.

97-UV2-101; 4245 Kentucky Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish an administrative office use within an existing single-family residence (not permitted) and the placement of a pylon sign being 4 by 7.66 feet and 5.08 feet in height (pylon sign not permitted), **denied**.

87-UV1-73; 4209 Kentucky Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations for commercial archery, with a ground sign and wall sign, **denied**.

81-Z-21; 4353 Kentucky Avenue, requested a rezoning of 3.8 acres from A-2 to C-3 to provide for a florist shop, **withdrawn**.

kb





View looking north along Kentucky Avenue



View looking south along Kentucky Avenue



View of site looking southeast



View from site looking northwest at adjacent dwelling



View of site south along eastern boundary



View of site looking southwest



View of site looking south at adjacent land uses



View of site looking north along eastern boundary



View from rear of site looking northwest



View from site looking north along southern boundary



View from site looking south



View of shoebox lighting fixture



View looking north along northern boundary

STAFF REPORT

Item 13.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-073
Address: 8300 Camby Road (*Approximate Addresses*)
Location: Decatur Township, Council District #20
Petitioner: Second Circle Investments, LLC, by Andrew Rossell
Request: Rezoning of 2.67 acres from the C-1 district to the C-3 district to provide for neighborhood commercial uses.

The Hearing Examiner acknowledged a timely automatic continuance from a neighborhood organization that continued this petition from the August 24, 2023 hearing, to the September 28, 2023 hearing.

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 / receptacles provided for the proper disposal of trash and other waste.
2. A 40-foot half right-of-way shall be dedicated along the frontage of Camby 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

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 2.67-acre site, zoned C-1, is undeveloped and surrounded by commercial uses to the north, across Camby Road, zoned C-5; single-family dwellings to the south and east, zoned D-A; and commercial uses to the west, across Camby Crossing Drive (private drive) zoned C-5.
- ◇ Petition 2021-ZON-139 requested rezoning from the C-1 District to the C-7 classification to provide for a self-storage facility, which was withdrawn by the petitioner. Petition 2006-ZON-059 rezoned this site from the D-A District to the C-1 classification to provide for office buffer commercial uses.

(Continued)

REZONING

- ◇ This request would rezone the site from the C-1 District to the C-3 classification. “The C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

- ◇ The 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)

◇ 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.

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

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
- Should not include outdoor display of merchandise.

◇ 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)

CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated July 21, 2023.

ZONING HISTORY

2021-ZON-139; 8300 Camby Road, requested rezoning of 2.77 acres from the C-1 district to the C-7 classification to provide for a self-storage facility, **withdrawn**.

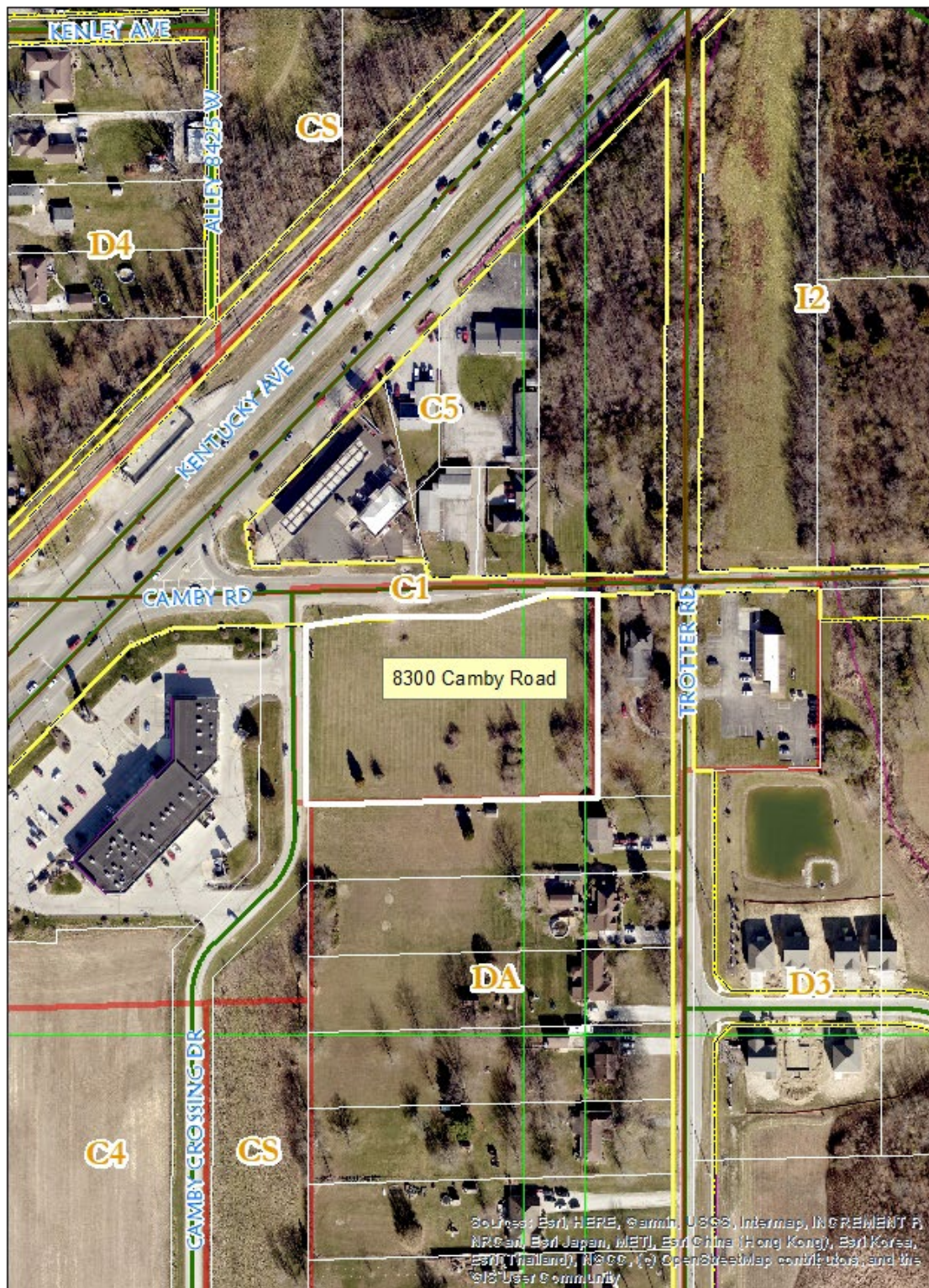
2006-ZON-059; 8300 and 8301 Camby Road, requested rezoning of 2.95 acres, from the D-A District to the C-1 classification to provide for office-buffer commercial uses, **approved**.

VICINITY

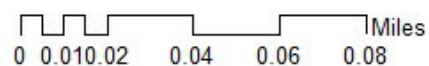
2005-ZON-186, 6600 and 6833 Kentucky Avenue and 8032 and 8210 Camby Road (east of site), requested rezoning of 43.5 acres, being in the D-A district to the C-5 classification to provide for general commercial uses; **withdrawn**.

88-Z-229, 7109 Kentucky Avenue (west of site), requested rezoning of 5.25 acres from the C-5 and A-2 districts to the C-5 classification; **approved**.

kb



8300 Camby Road







View looking southeast along Camby Road



View from site looking northwest at intersection of Camby Road and Kentucky Avenue



View looking north along Camby Crossing Drive



View of site looking east across Camby Crossing Drive



View of site looking east across Camby Crossing Drive



View of site looking northeast across Camby Crossing Drive



View of site looking south across Camby Road



View of site looking southeast across Camby Road



View from site looking northeast along Camby Road



View from site looking west across Camby Crossing Drive

STAFF REPORT

Item 14.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-078
Address: 4021 West 71st Street (Approximate Addresses)
Location: Pike Township, Council District #7
Petitioner: Turner Adventures, LLC, by Rebekah Phillips
Request: Rezoning of 0.53 acre from the C-1 district to the I-1 district to provide for a commercial contractor.

ADDENDUM FOR THE SEPTEMBER 28, 2023, HEARING EXAMINER

This petition was continued from the September 14, 2023 hearing, to the September 28, 2023 hearing at the request of the petitioner to allow additional time to work with a registered neighborhood organization. No additional information has been provided to the case file.

Staff continues to recommend approval subject to the two commitments in the staff report.

September 14, 2023

RECOMMENDATIONS

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

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of 71st Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A sidewalk shall be installed within one year of approval along 71st Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.53-acre subject site is in the Augusta - New Augusta Neighborhood developed with a residential building that was converted into office use in 1978 after it was rezoned to the C-1 district. It is surrounded by undeveloped land to the west, south, and east, zoned I-2, with commercial and industrial uses to the north, zoned C-S and I-1.

(Continued)

REZONING

- ◇ The request would rezone the site from the C-1 district to the I-1 district to provide for a commercial contractor, specifically offices for a pest control company and a holiday lighting company.
- ◇ The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly.
- ◇ The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.
- ◇ The Comprehensive Plan recommends light industrial development for this site. "The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often 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."
- ◇ Where light industrial uses are proposed, industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street.
- ◇ Small-Scale Offices, Retailing, and Personal or Professional Services should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along 71st Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

- ◇ Because the proposed I-1 district would align with the light industrial development recommendation of the Comprehensive Plan and would not impact the surrounding commercial or industrial uses in the immediate area, staff is recommending approval of the request.
- ◇ Due to the high volume of traffic and pedestrian activity along 71st Street, staff is concerned with the lack of a sidewalk system in this area. Therefore, approval should be subject to two commitments requested by staff for the dedication of right-of-way and the installation of a sidewalk along 71st Street to provide pedestrian connectivity once future development occurs along this street corridor.
- ◇ If additional time for the sidewalk installation is needed, then staff is willing to consider an extension of the timeframe in the future through a modification petition, but staff will not support more than a one-year timeframe for the sidewalk installation at this time since it is not evident that it could not be installed within a year.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-1	Metro	Office
-----	-------	--------

SURROUNDING ZONING AND LAND USE

North	C-S / I-1	Commercial / Industrial
South	I-2	Undeveloped
East	I-2	Undeveloped
West	I-2	Undeveloped

COMPREHENSIVE PLAN

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

THOROUGHFARE PLAN

71st Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 90-foot existing right-of-way and a 119-foot proposed right-of-way.

TRANSIT-ORIENTED DEVELOPMENT

This site is not located within the Transit-Oriented Development Overlay.

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.

PLAN OF OPERATION

File-dated August 4, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

78-Z-35; 4021 West 71st Street (subject site), Rezoning of the site being in the A-2 district to the C-1 classification to permit real estate office, **approved.**

ZONING HISTORY – VICINITY

2017-ZON-084; 4040 and 4042 West 71st Street (north of site), Rezoning of 3.14 acres from the C-S district to the C-S classification to provide for C-1 uses, I-1 uses, warehouse and event center, **approved.**

2003-ZON-187; 4040 and 4042 West 71st Street (north of site), Rezoning of 3.139 acres from the I-1-S District to the C-S classification to provide for C-1 and I-1-S uses, including an expansion of existing contractor offices and warehouses, **approved.**

2002-ZON-179; 4212 West 71st Street (northwest of site), Rezoning of 9.974 acres from I-1-S to I-3-S, to provide for industrial uses within an existing structure, **approved.**

2001-ZON-131; 3980 West 71st Street (northeast of site), Rezoning of 2.08 acres from the C-P District to the SU-1 classification to provide for religious uses, **approved.**

98-Z-115; 4202 West 71st Street (northwest of site), Rezoning of 1.939 acres from I-1-S(FF) to I-2-S(FF), **approved.**

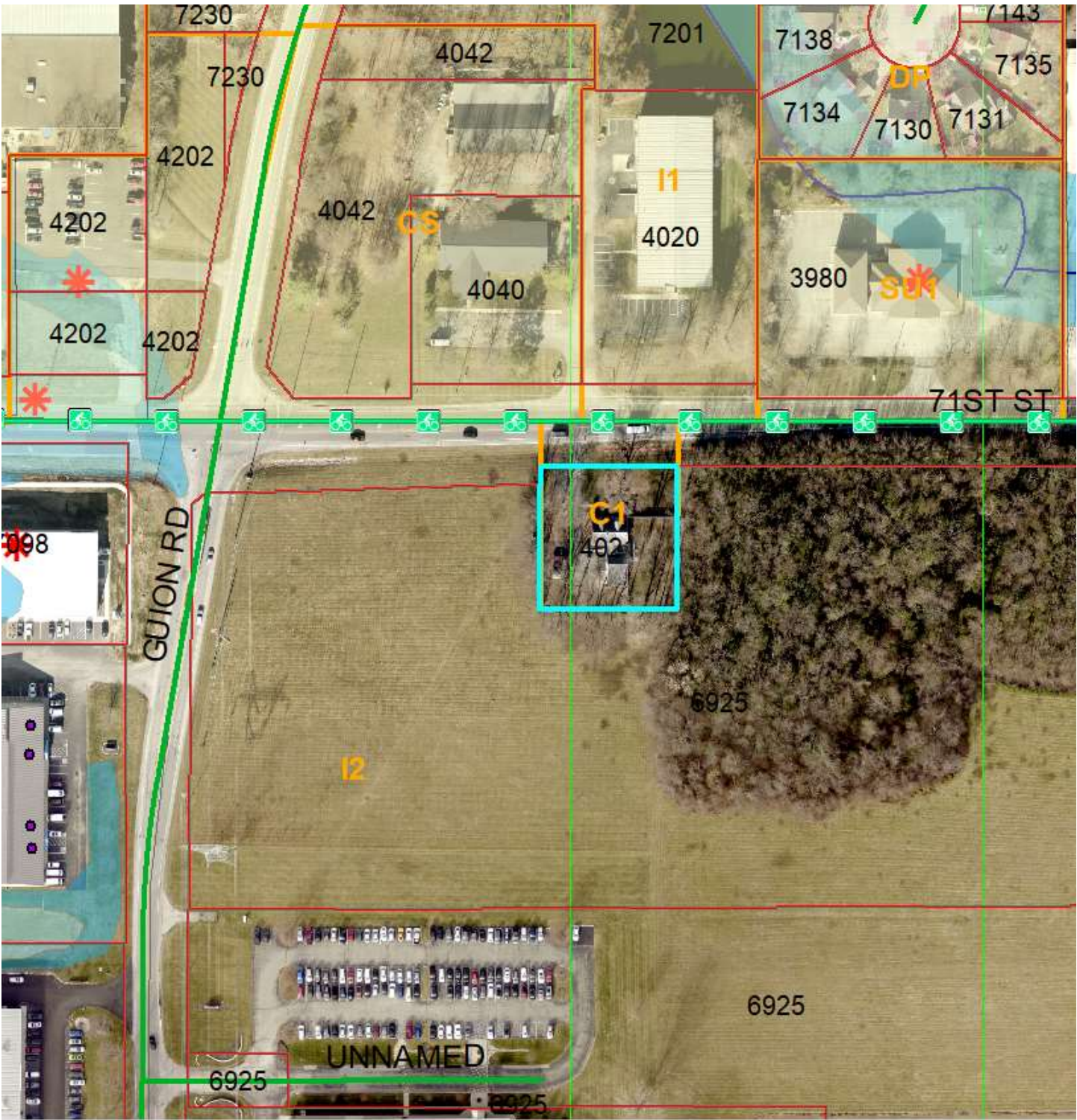
96-CP-22Z / 96-CP-22P; 3840 West 71st Street (northeast of site), Rezoning of 13.77 acres from the D-S District to the C-P classification to provide for single-family residential, commercial and industrial development and plan approval dividing 13.77 acres into 28 residential lots and three commercial blocks, **approved.**

86-Z-256; 4002 West 71st Street (northeast of site), Rezoning of 12.77 acres, being in the A-2 district, to the D-S classification, to provide for residential development, **approved.**

86-Z-38; 4102 West 71st Street (north of site), Rezoning of 16.32 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

70-Z-247; 4202 West 71st Street (northwest of site), Rezoning of 16.25 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

MI



- PLAN OF OPERATION -

Petitioner, Turner Adventures, LLC, submits the following plan of operation in support of its rezoning petition with respect to the property commonly known as 4021 W. 71st Street, Indianapolis, Indiana 46268.

Business:

The office building will be used for business operations of two businesses:

- A mosquito and tick control company called Ethan and Capricia Turner LLC d/b/a Mosquito Squad of Greater Indianapolis ("Mosquito Squad").
- A holiday lighting company called Lightin Up LLC.

Workforce:

Approximately four (4) employees who will work on-site. Employees use the parking lot on property. There will be approximately six (6) to eight (8) trucks coming and going daily from the building.

Clients and Customers:

Clients of Mosquito Squad are residents in the greater Indianapolis area who desire mosquito or tick control at their property. Clients of Lightin Up are residents in the greater Indianapolis area who desire to have holiday lighting installed on their residence or business. It is not anticipated that clients will come to the office. Rather, sales will be conducted via e-commerce and over the phone and services will be provided at clients' residences or businesses.

Processes Conducted on Site:

The employees would use the facility to run the operations of Mosquito Squad and Lightin Up.

Materials Used:

Mosquito Squad would store approximately one (1) to three (3) barrels of product at the site. In addition, holiday lights would be stored at the site.

Shipping and Receiving:

Very minimal shipping and receiving is anticipated. Employee uniforms are delivered approximately once per week, barrels of product are delivered approximately one (1) to two (2) times per year, and approximately one (1) other may be delivered per week.

Waste:

Standard trash and recycling is disposed of appropriately.



Photo of the Subject Property: 4021 West 71st Street



Photo of the western property boundary of the site.



Photo of the existing buildings on site.



Photo of the southern property boundary.



Photo of the street frontage looking east on 71st Street.



Photo of the industrially zoned property north of the site.



Photo of the commercially zoned property north of the site.



Photo of the street frontage looking west on 71st Street.

**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.

This petition was continued from the September 14, 2023 hearing, to the September 28, 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 / receptables provided for the proper disposal of trash and other waste.
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.

(Continued)

- 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.

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."

Continued)

- ◇ 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

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.

(Continued)

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;
 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)

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.
 - 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.

(Continued)

- 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.
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.

(Continued)

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.

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.

(Continued)

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

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.
-------------------	--

(Continued)

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

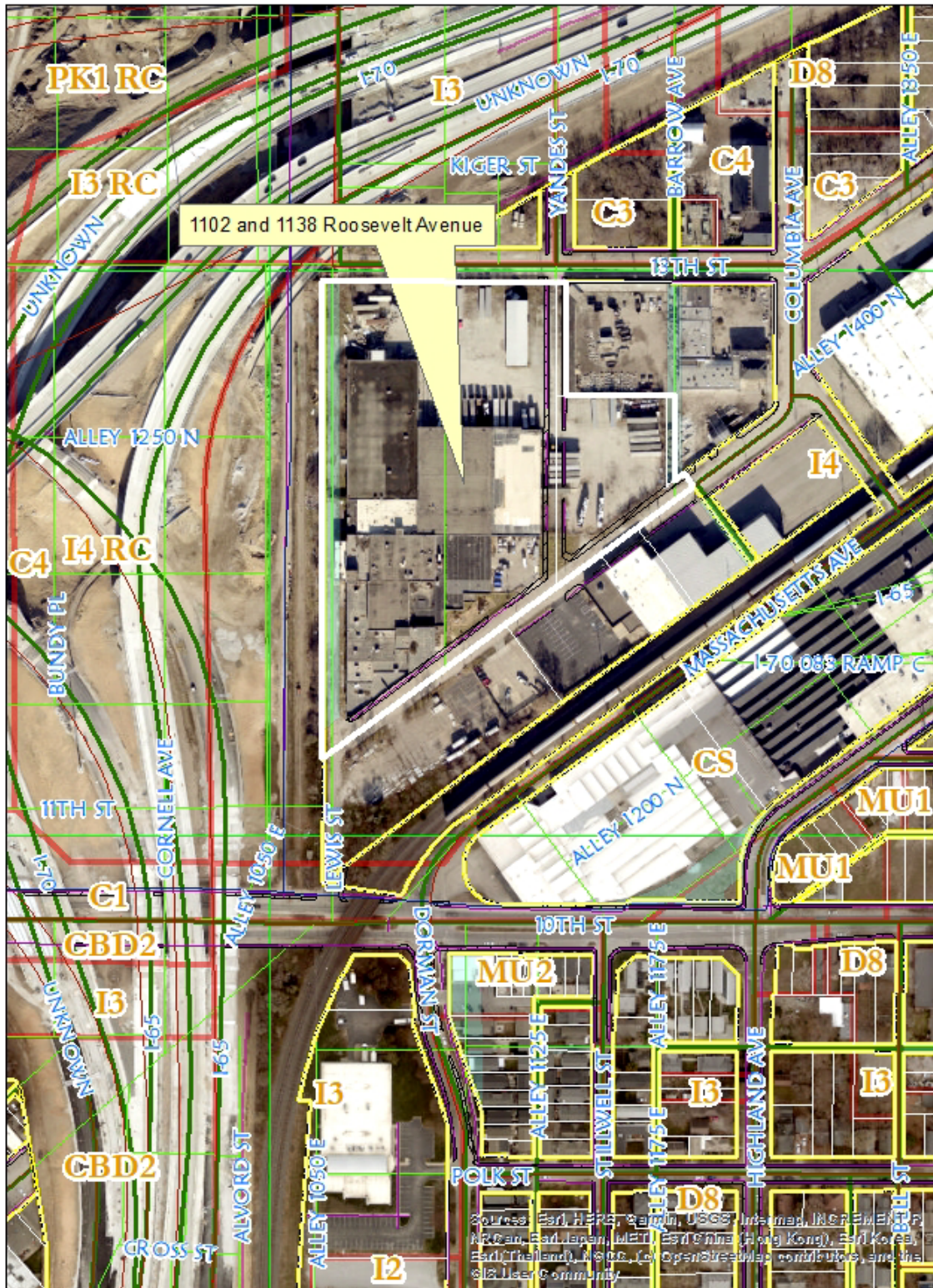
ZONING HISTORY

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**.

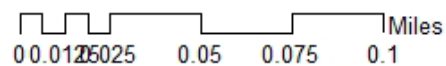
81-VAC-5 (Instrument #81-26585); requested vacation of Parcel 1- Part of Roosevelt Avenue from the east right-of-way line of Lewis Street to a point 642.4 feet northeast, Parcel 2-Part of Yandes Street from the south right-of-way line of East 13th Street to the north right-of-way line of Roosevelt Avenue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

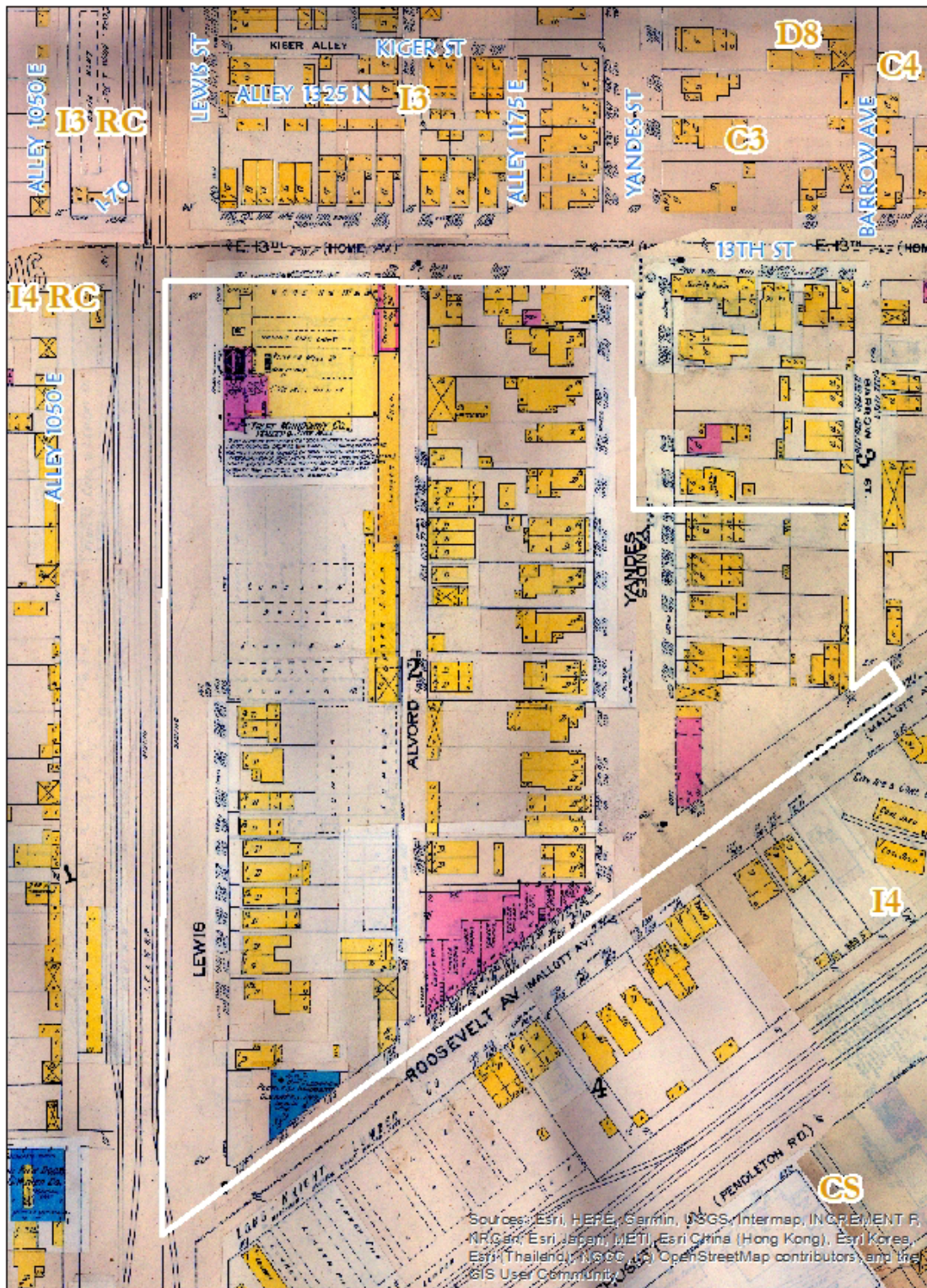
80-VAC-37 (Instrument #81-22400); requested vacation of the first alley east of Yandes Street (aka Barrow Street) from the north right-of-way line of Roosevelt Avenue to the south right-of-way line of 13th Street, **approved**.

kb



1102 and 1138 Roosevelt Avenue





1102 and 1138 Roosevelt Avenue



0 0.006 0.01 0.02 0.03 0.04 Miles

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:

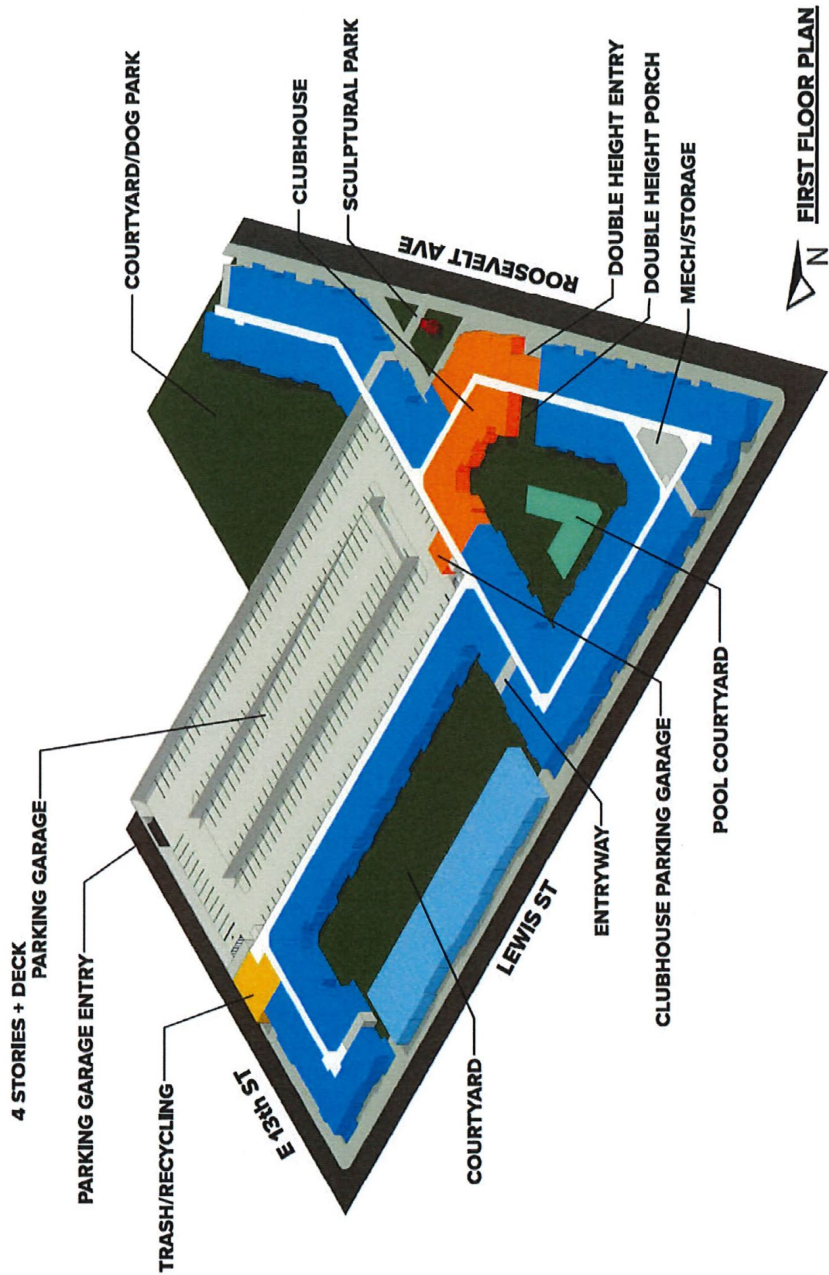
The petitioner has attached a proposed conceptual site plan for the Property. The final site plan and landscape design will be subject to administrator's review and approval.

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:

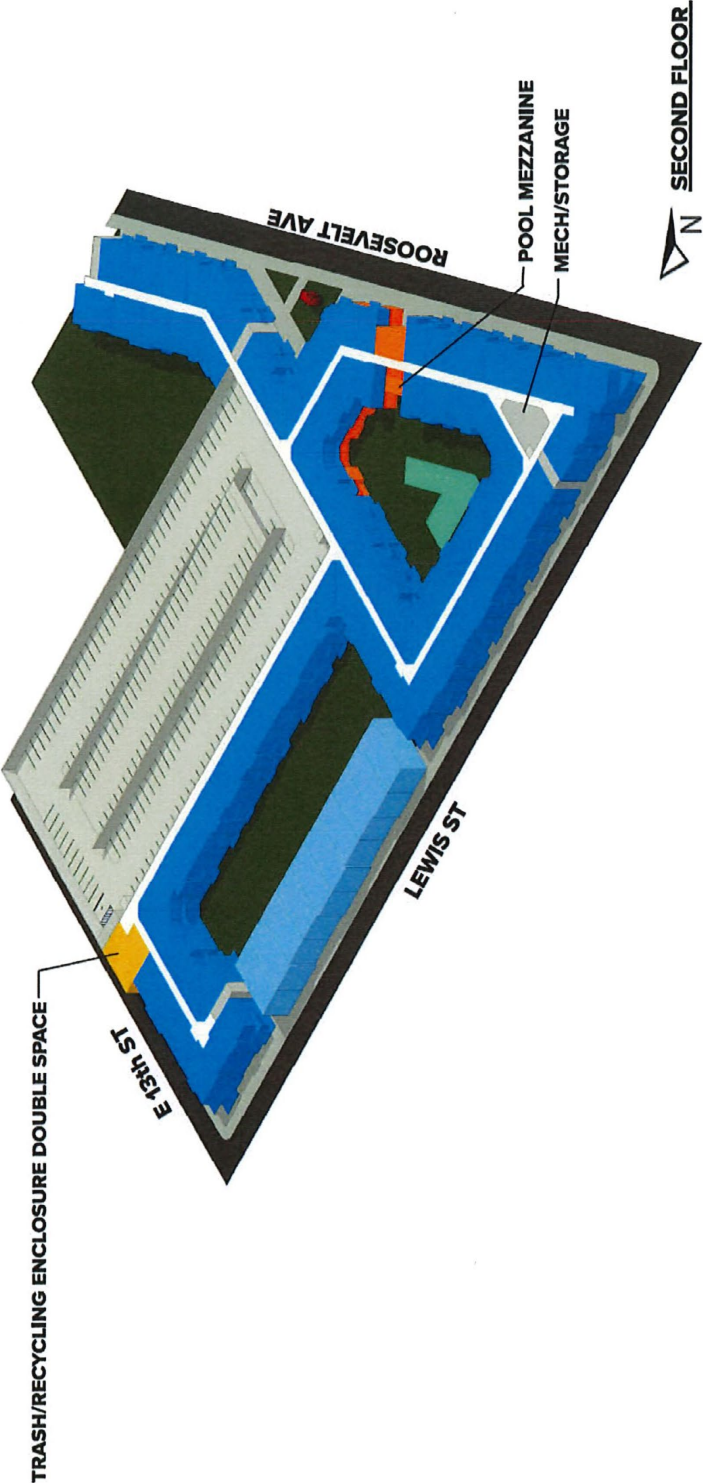
As noted above structured parking will be developed as part of Connect. The parking structure will be four stories with deck parking, comprising approximately 600 total parking spaces. At grade parking will be provided in limited areas at the perimeter of the site.

The Plan.

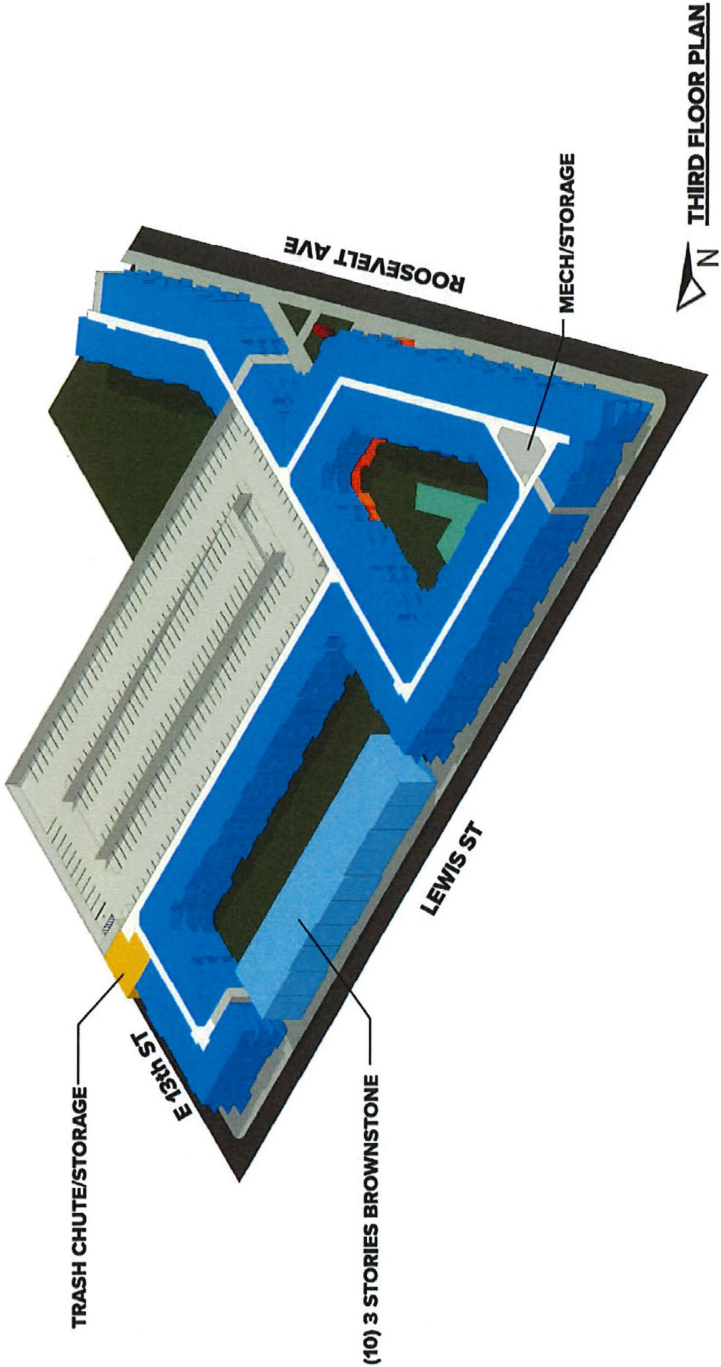


FIRST FLOOR PLAN

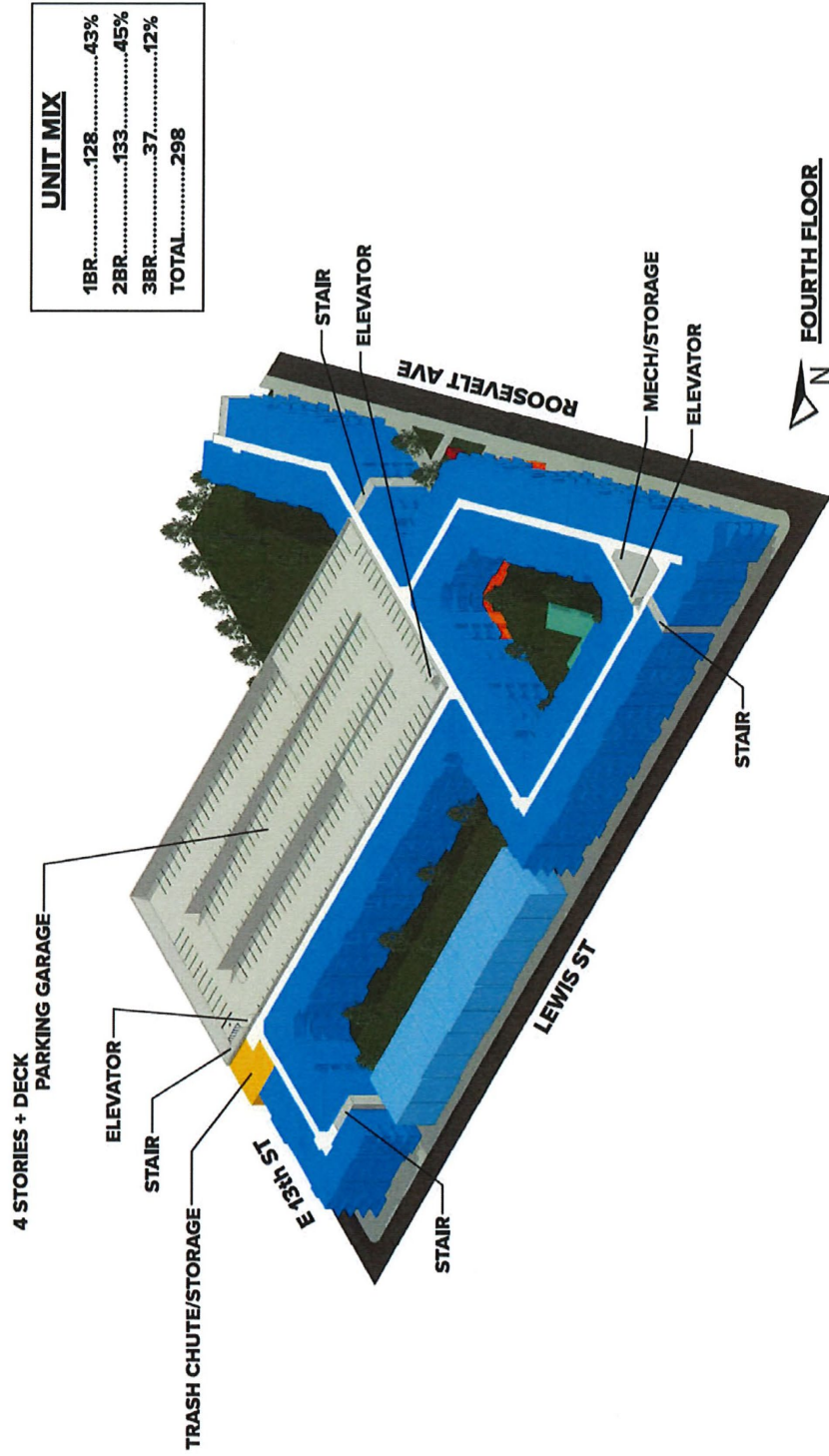
The Plan.



The Plan.



The Plan.



13
2021



NOMA Development
SITE PLAN PRESENTATION

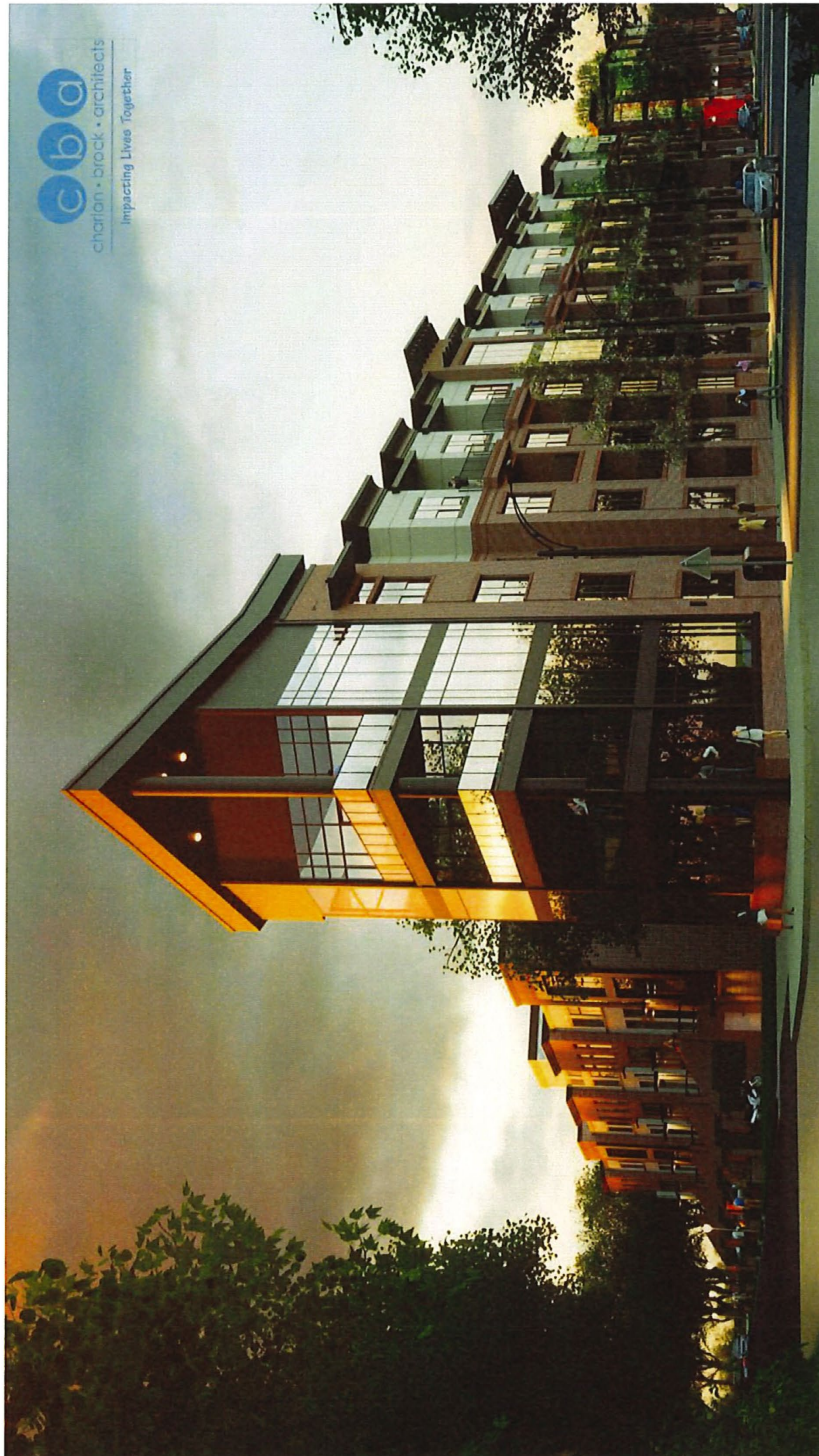


07

EXHIBIT B TO CONNECT CS STATEMENT

Facades Facing Roosevelt





c b a
charlton • brock • architects
Impacting Lives Together

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 16.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-083
Address: 2991 East Troy Avenue (*Approximate Address*)
Location: Perry Township, Council District #21
Petitioner: Timothy Agee d/b/a The Sanctuary, Inc., by Greg Ilko
Request: Rezoning of 2.3 acres from the D-5 district to the SU-7 district to provide for a food pantry ministry.

ADDENDUM FOR THE SEPTEMBER 28, 2023, HEARING EXAMINER

This petition was continued from the September 14, 2023 hearing, to the September 28, 2023 hearing at the request of a remonstrator to allow additional time for discussions and review the request. No additional information has been provided to the case file.

Staff continues to recommend approval subject to the commitment in the staff report.

September 14, 2023

RECOMMENDATIONS

Staff **recommends approval** of the 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:

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees that are 8-inch in caliper (measured 4.5 feet above ground level) or larger, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

SUMMARY OF ISSUES

LAND USE

- ◇ The 2.3-acre subject site is part of a larger 5.3-acre parcel that is currently developed with a church, associated parking lot, and accessory structures with the remainder of the site being undeveloped. The survey notes that the undeveloped portion of the site to be rezoned is located at the southwest corner of the property that fronts along Merts Drive.
- ◇ The 5.3-acre parcel is currently split zoned with the north portion being in the C-3 district and the southern portion including the 2.3-acre area in question being in the D-5 district. It is bordered by single-family dwellings to the west and south, zoned D-5 and a single-family dwelling to the north zoned C-3. The remaining southeastern portion of the 5.3-acre parcel will be undeveloped.

(Continued)

REZONING

- ◇ The request would rezone the subject site to the SU-7 district to provide for a food pantry ministry.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The SU-7 district is intended to be used for charitable institutions that would also include philanthropic and not-for-profit institutions.
- ◇ Lastly, the Comprehensive Plan recommends suburban neighborhood development for the site. The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located on the eastern portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

Continued)

- ◇ The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Staff Exhibit 1 for Table 744-503-3: Replacement Trees.

Staff Analysis

- ◇ In staff’s opinion, the proposed rezoning would align with the suburban neighborhood recommendation of the Comprehensive Plan because it allows for neighborhood serving institutions, which would be the case with the proposed food pantry ministry.
- ◇ The petitioner confirmed that this business would not be operated by the church on site, but if it had been operated by the church the request would have been a permitted accessory use for the church and could have rezoned the entire site to SU-1. Therefore, a separately operated charitable institution would not be seen differently by staff and is supportable.
- ◇ The final development of the site would require Administrator’s Approval for being in a special use district and approval of the rezoning should be subject to a commitment for a tree preservation plan to be submitted for Administrator’s Approval to ensure a significant portion of the dense wooded area remains so the existing ecosystem can continue to thrive.
- ◇ The petitioner has agreed to this commitment as noted in the submitted commitment form.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5	Metro	Undeveloped (Portion to be rezoned)
-----	-------	-------------------------------------

SURROUNDING ZONING AND LAND USE

North	C-3	Residential (Single-family dwellings)/
South	D-5	Residential (Single-family dwellings)
East	D-5	Residential (Single-family dwellings)
West	D-5	Residential (Single-family dwellings)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends suburban neighborhood development.

(Continued)

THOROUGHFARE PLAN	Troy Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 70-foot existing right-of-way and a 90-foot proposed right-of-way.
THOROUGHFARE PLAN	Merts Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.
TRANSIT-ORIENTED DEVELOPMENT	This site is not located within the Transit-Oriented Development Overlay.
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.
SURVEY	File-dated August 10, 2023.
PROPOSED COMMITMENT	File-dated August 31, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

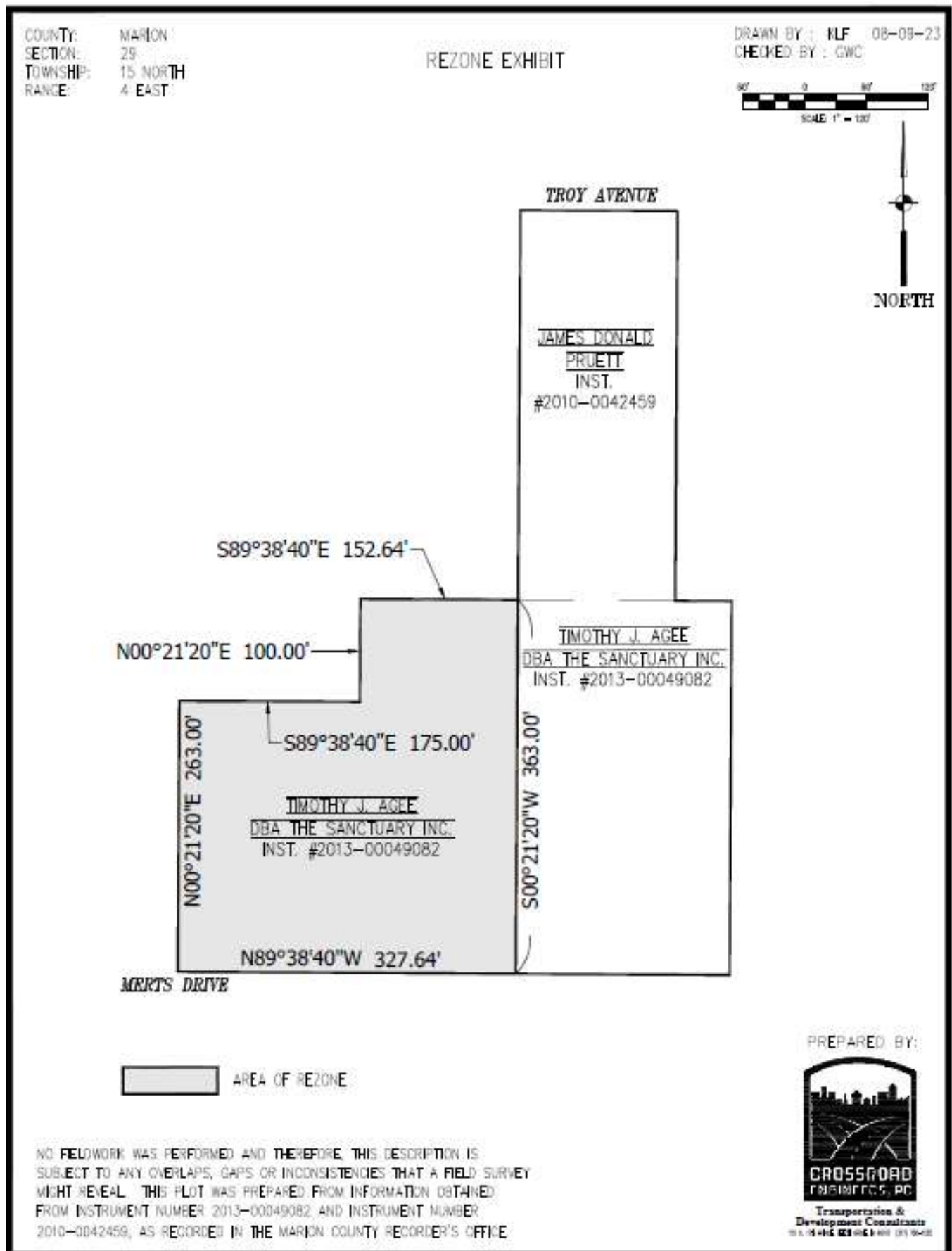
62-Z-35; 356 East Troy Avenue (north portion of site), Rezoning of 7 acres being in the R-4 district, to U3-H1-A2 classifications to permit the construction of a shopping center and service shops, **approved**.

ZONING HISTORY – VICINITY

87-Z-254; 2802 East Troy Avenue (north of site), Rezoning of 9.74 acres, being in the C-3 district, to the C-1 classification, to provide for the construction of a nursing home, **withdrawn**.

MI





STATEMENT OF COMMITMENTS

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

In accordance with I.C. 36-7-4-1015, 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:

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 15 NORTH, RANGE 4 EAST IN MARION COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION 885.84 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID QUARTER SECTION 378.18 FEET TO THE NORTH LINE OF LOT 2 IN THAT PARTITION OF HANSING ESTATES SUBDIVISION RECORDED AS DEED RECORD 9, PAGE 562, IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH PARALLEL TO SAID EAST LINE 363 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE WEST ALONG SAID SOUTH LINE 327.64 FEET TO THE SOUTHEAST CORNER OF BARTLETT'S ADDITION, AN ADDITION IN MARION COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 90-105643 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA; THENCE NORTH ALONG THE EAST LINE OF SAID BARTLETT'S ADDITION 263 FEET; THENCE EAST 175 FEET; THENCE NORTH 100 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 152.64 FEET TO THE POINT OF BEGINNING.

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".

MDC's Exhibit B - - page 1 of 5

2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees that are 8" in caliper (measured 4.5 feet above ground level) or larger, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

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.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2023-ZON-083 by the City-County Council changing the zoning classification of the real estate from a D-5 zoning classification to a SU-7 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 SU-7 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

MDC's Exhibit B - - page 2 of 5

M. Replacement Trees

In the event an Existing Tree that was given credit or a Heritage Tree is removed or dies within 3 years of the ILP issuance date, replacement trees shall be planted. The number of replacement trees that must be planted for each tree lost shall be in accordance with Table 744-503-3: Replacement Trees.

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

In the event that the site cannot accommodate the number of replacement trees required, the Administrator may authorize an alternate location for the planting of the replacement trees within the County as close to the site as feasible.



Photo of the Subject Property: 2991 East Troy Avenue



View of the church parking lot looking south at the portion of the site not included in the request



Photo of the undeveloped southwest portion of the subject site included in the rezone request.



View of the entire street frontage along Merts Drive in the rezone request.



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



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



Photo of the single-family dwelling south of the site across Merts Drive.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

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

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

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

- a) The dwelling on Lot One being a manufactured home less than 23-feet wide (not permitted), and having a five-foot rear yard setback (20-foot rear yard setback required); and
- b) The dwelling on Lot Two having a 5.1-foot rear yard setback.

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

September 28, 2023

The petitioner has submitted an amended request to permit a manufactured home less than 23 feet wide. Staff **recommends denial** of the request for a manufactured home less than 23 feet.

The definition for manufactured homes requires that they are at least 23 feet wide, so an additional variance is required. The intent of this requirement is to ensure that prefabricated dwellings are compatible with existing residential development patterns and minimum floor areas. At this time, elevations and floor plans have not been selected for the proposed manufactured home—only that it is proposed to be 15 feet by 66 feet or 990 square feet. This would meet the 900-square-foot minimum floor area; however, staff is hesitant to recommend approval of any manufactured home without a related floor plan or elevations.

Staff believes a house of this width would not be in character with the neighborhood or infill housing guidelines. The infill housing guidelines recommend building within a setback range; staff believes that a context-specific design could be proposed here that meets setbacks despite the lot's irregular shape—the building footprint does not need to be a rectangle to fit within the required setbacks.

(Continued)

2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)

The infill housing guidelines also recommend that primary structures on undersized lots should be consistent in height, mass, and footprint with structures on the same street. As proposed, the manufactured home would be one of the narrowest buildings of the existing dwellings near the intersection of 12th Street and Jefferson Avenue.

Staff would note there is also an elevation change on the north end of proposed Lot One, as shown on the survey below. Staff has concerns with how placement of a manufactured home will address the existing topography. The developer has provided correspondence that a foundation will most likely be a block foundation that will be partially above grade. Proposed Lot One will front on Jefferson Avenue to the east, and the proposed five-foot north side yard meets standards, but staff believes this layout is not compatible with the existing neighborhood development pattern.

Therefore, staff is **recommending denial** of the manufactured home.

Staff continues to **recommend approval** for the plat and variances for reduced lot sizes, and reduced rear setbacks. See below for additional information.

August 24, 2023

Staff is requesting a continuance for cause **from the August 24, 2023 hearing to the September 28, 2023 hearing** for an amendment for a variance to permit a manufactured home less than 23 feet wide.

The petitioner has provided an amended site plan, eliminating the need for a front setback variance for proposed Lot One.

August 10, 2023

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

July 13, 2023

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

RECOMMENDATIONS

Staff **recommends approval** of the variance petitions to provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing an area of 2,742 square feet and Lot Two containing an area of 2,968 square feet; and the construction of a single-family dwelling on each lot, with: the dwelling on Lot One having a five-foot west rear yard setback; and the dwelling on Lot Two having a 5.1-foot rear yard setback.

(Continued)

2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)

Staff **recommends denial** of the variance to have a 1.8-foot front yard setback from Jefferson Avenue.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 10, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, 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.
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 are met, prior to the recording of the final plat.
11. That no driveway curb cuts shall be permitted for Lot Two

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-5 and is undeveloped. This site is in the Near Eastside neighborhood. This neighborhood is mostly single-family development. Several corner lots are subdivided to provide for two dwellings.
- ◇ This petition would subdivide the property into two lots to be developed with single-family detached dwellings.

(Continued)

2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing 2,742 square feet and Lot Two containing 2,968 square feet.
- ◇ The minimum lot area for D-5 for a detached house-small lot is 5,000 square feet. The standard for detached house-compact lot is 2,500 square feet, but is permitted in D-5II or higher. Staff would note that it would be preferred to rezone to a denser district; however, there is a precedent in the neighborhood for subdivision of corner lots. Staff would not be opposed to reduced lot area where it meets compact lot standards and is consistent with existing development.
- ◇ This request would provide for construction of a single-family dwelling on Lot One with a front yard setback of 1.8 feet where ten feet is required, and a rear setback of five feet where 20 feet is required.
- ◇ Staff would not recommend approval of the 1.8-foot front setback on Jefferson Avenue. Staff would note that the proposed dwelling floor area could be modified or reduced to meet the required setback, and is therefore not supportive.
- ◇ The proposed Lot One is oriented so that its frontage is on the east, making the lot depth only forty feet. This would make the rear yard align with the side yard of adjacent lots, which have a minimum setback of five feet. Staff would note that most lots' rear yards are on the alley while this orientation puts the alley access in the side yard. Given the general placement of the structure is consistent with the north and east/west setbacks of the neighborhood, staff is not opposed to the five-foot rear setback.
- ◇ This request would provide for construction of a single-family dwelling on Lot Two with a 5.1-foot rear yard setback where 20 feet is required. Staff would note that the compact lot standards allow for a 15-foot setback, which would be more appropriate for a lot of this size. Staff would also note that although the front setback could be decreased so that the rear yard could be increased, the current front setback is more consistent with the neighborhood lot averages. Staff would not be opposed to a reduced rear setback where all other setbacks and open space are met, and where the proposed dwelling placement is consistent with the neighborhood development patterns.

PLAT

- ◇ The plat would subdivide the subject site into two lots. The proposed plat generally meets the standards of the D-5 zoning classifications and variances of development standards as proposed in this companion petition.

TRAFFIC / STREETS

- ◇ The proposed lots would both have frontage on Jefferson Avenue to the east. Lot One will also have alley access to the north side yard. Lot Two's frontage would be on East 12th Street to the South. No new streets are proposed as part of this petition.

(Continued)

2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)

- ◇ Staff is requesting a condition that no curb cuts be permitted for Lot Two. Staff believes a driveway on Jefferson Avenue would be too close to the intersection to the south.

SIDEWALKS

- ◇ Sidewalks are existing on the 12th Street and Jefferson Avenue frontages.

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

D-5	Compact	Undeveloped
-----	---------	-------------

SURROUNDING ZONING AND LAND USE

North	D-5	Residential
South	D-5	Residential
East	D-5	Residential
West	D-5	Residential

COMPREHENSIVE LAND USE PLAN Traditional Neighborhood

THOROUGHFARE PLAN East 12th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.
Jefferson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

SITE PLAN File-dated June 10, 2023

PRELIMINARY PLAT File-dated June 10, 2023

FINDINGS OF FACT File-dated June 10, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2022-UV1-004, 1131 Jefferson Avenue, Variance to provide for the detached single-family dwelling with a four-foot north side setback and the construction of a detached garage with three-foot side setbacks, **approved**.

2019-HOV-048, 1135 Jefferson Avenue, variance to provide for a single-family dwelling and attached garage with a five-foot rear setback and 50% open space, **approved**.

2002-UV1-040, 1131 Jefferson Avenue, variance to legally establish a two-family dwelling in the D-5 district, **approved**.

96-V2-5, 1131 Jefferson Avenue, variance to permit an above-ground pool and six-foot-tall fence in the front yard, **approved**.

(Continued)

2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)

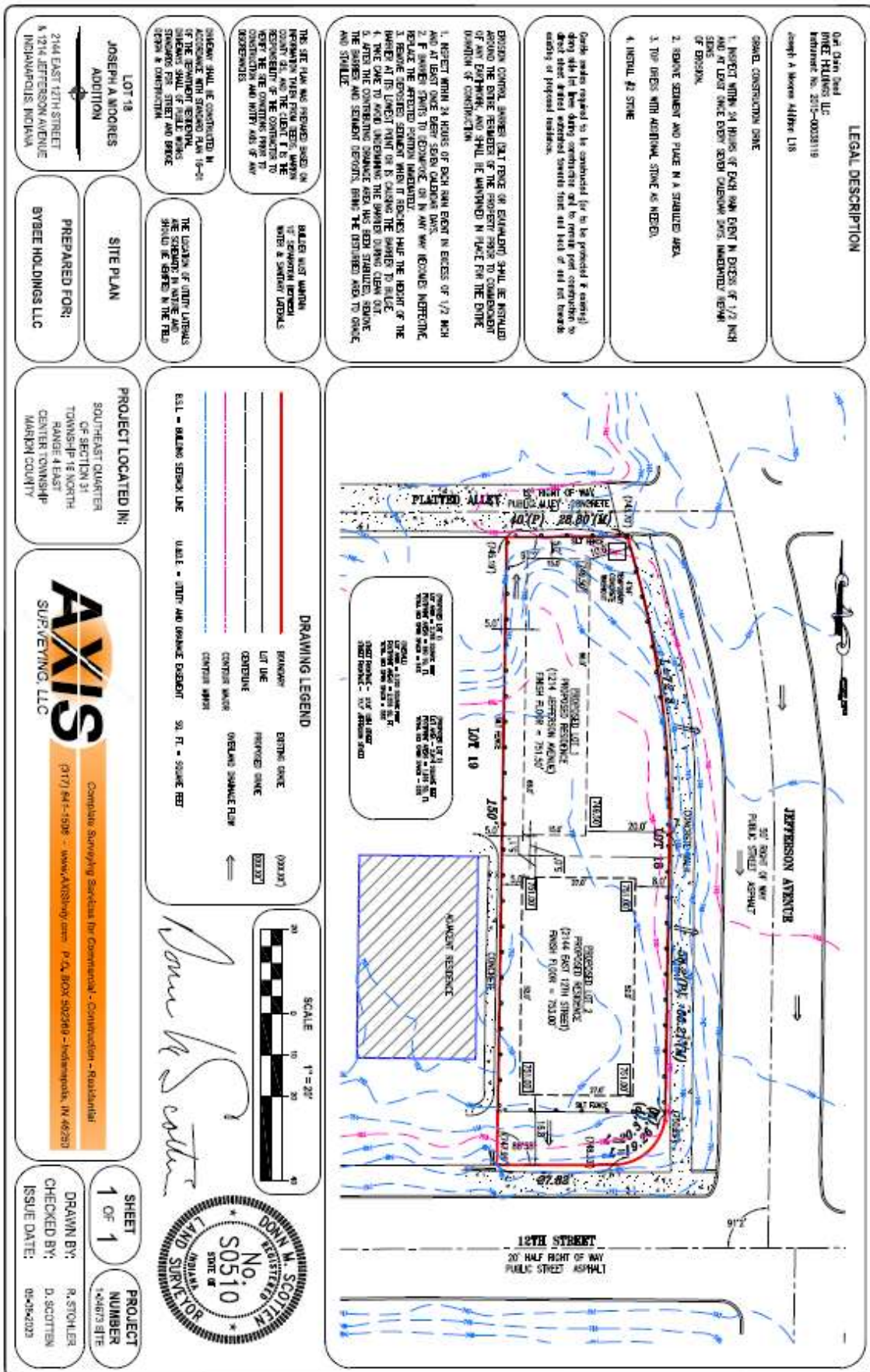
95-V1-48, 1125 North Hamilton Avenue, variance to provide for a six-foot-tall fence in the front yard, **approved**.

88-UV3-105, 2115 East 12th Street, variance to provide for a two-family dwelling in the D-5 district, **approved**.

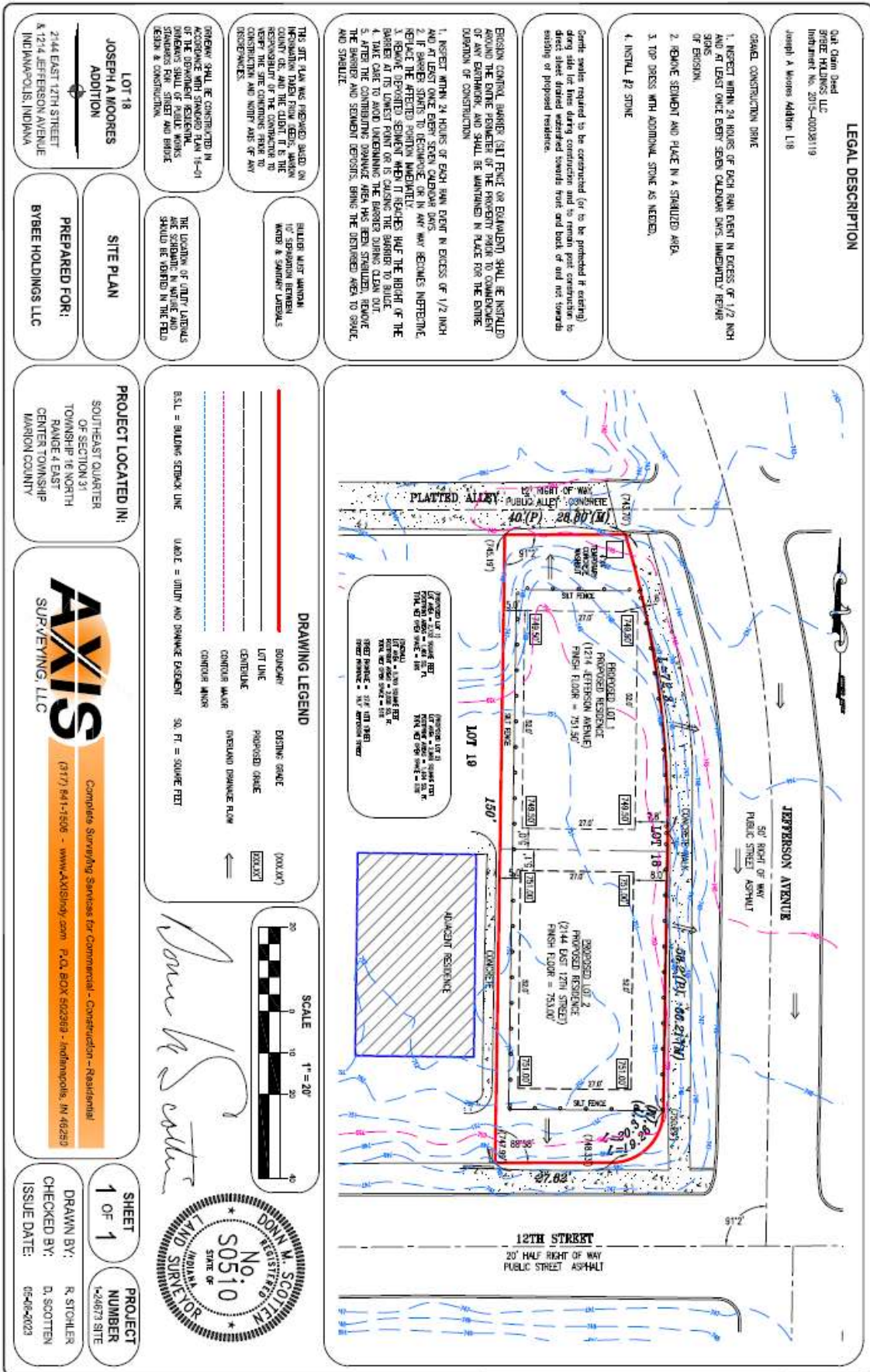
AR

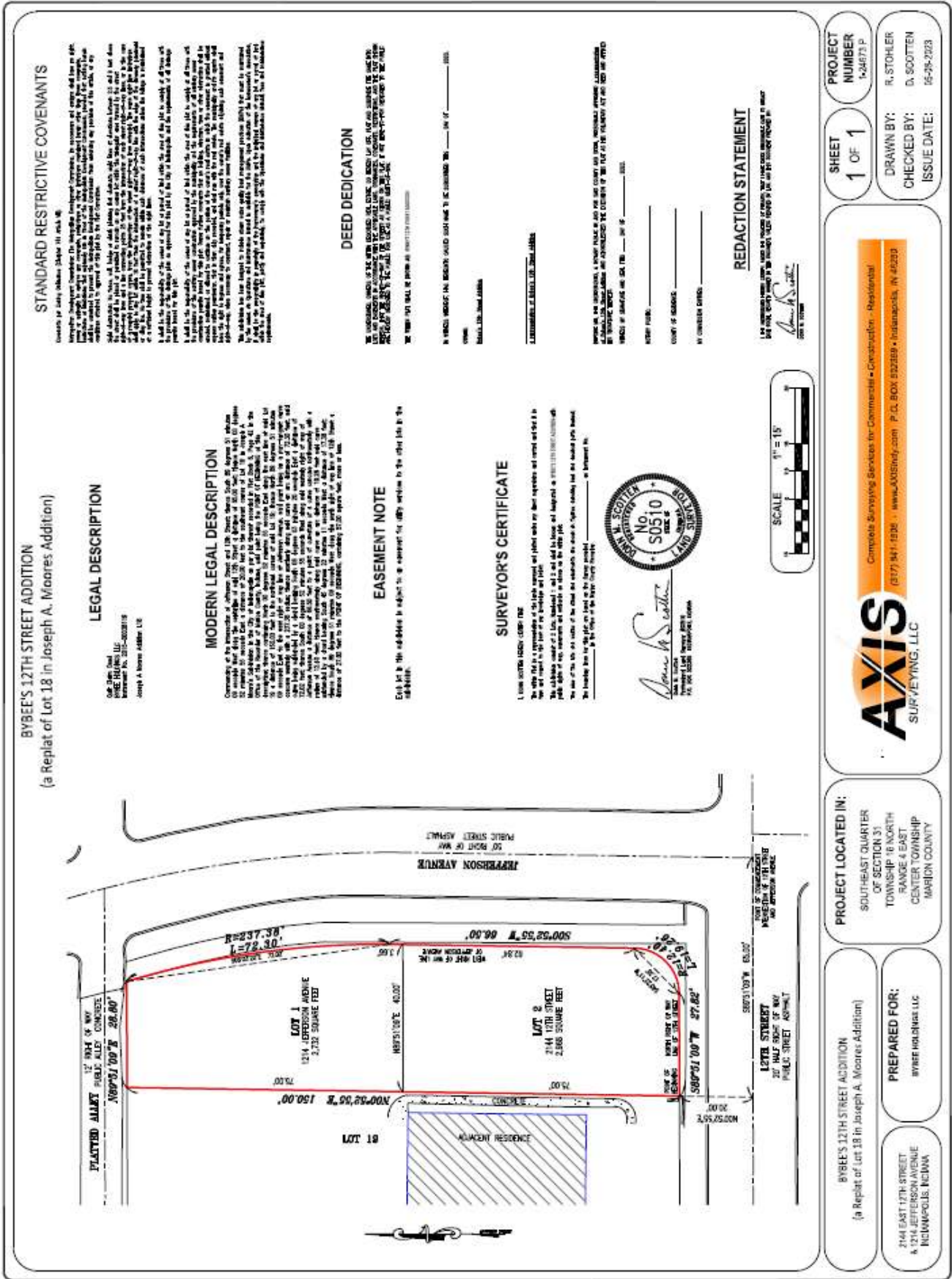
2023-CVR-832 / 2023-CPL-832 Aerial Map

2023-CVR-832 / 2023-CPL-832 Site Plan (Amended)



2023-CVR-832 / 2023-CPL-832 Site Plan





2023-CVR-832 / 2023-CPL-832 Site Photos



Subject site viewed from the intersection of 12th Street and Jefferson Avenue, looking north



Proposed Lot Two, looking north



Proposed Lot One, Jefferson Avenue frontage, looking south



Proposed Lot One, alley access, looking south



East of site



South of Site

STAFF REPORT

Item 18.

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.

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**.

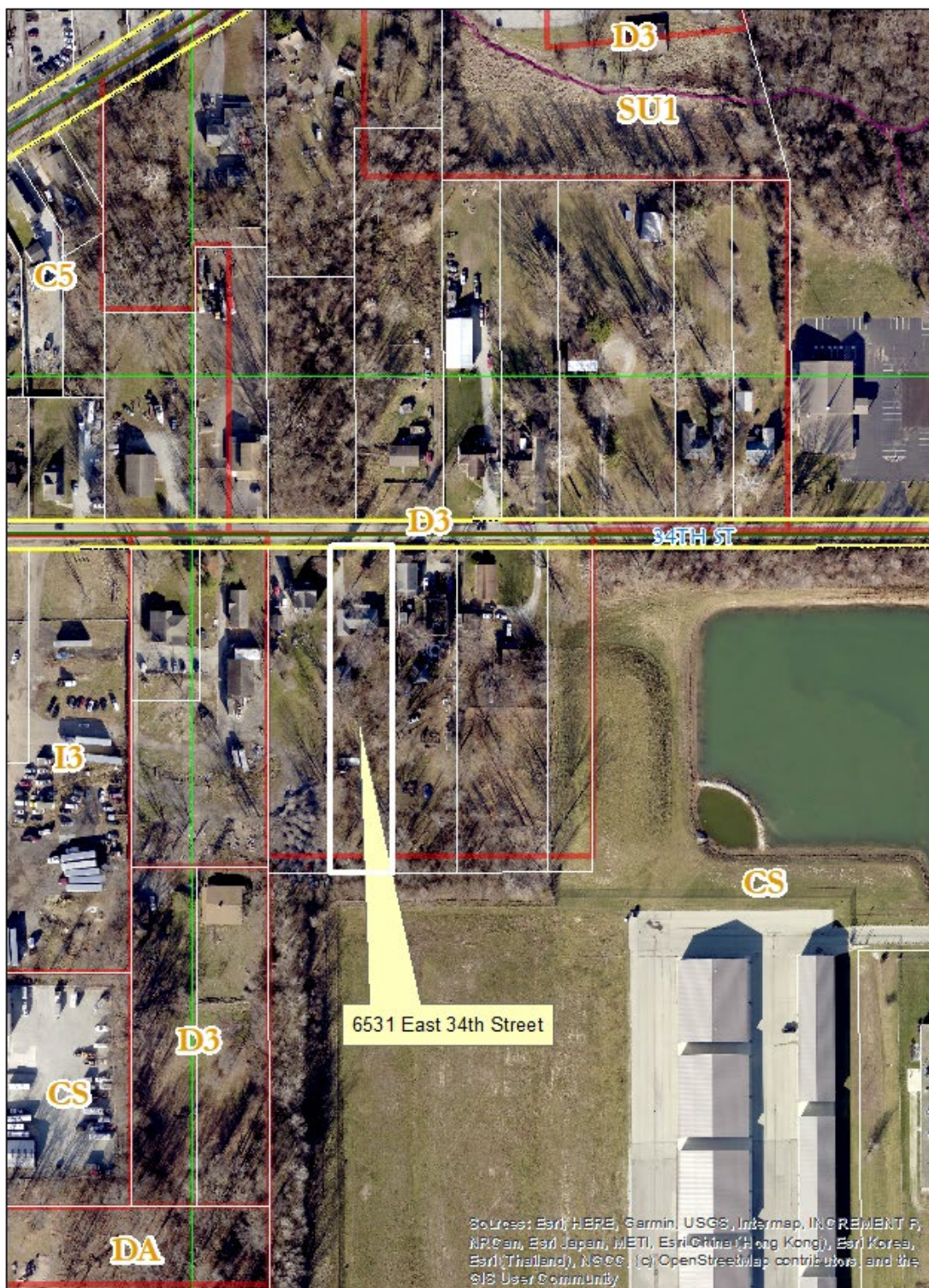
89-Z-140; 6669 East 34th Street (east of site), requested rezoning of 34 acres, being in the A-2 District, to the I-2-S classification to provide for light industrial uses, **withdrawn**.

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 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**.

kb



6531 East 34th Street

0 0.01 0.02 0.04 0.06 0.08 Miles



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 19.

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.

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 / receptacles 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.

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."

(Continued)

- ◇ 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
-----------	--

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 five 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**.

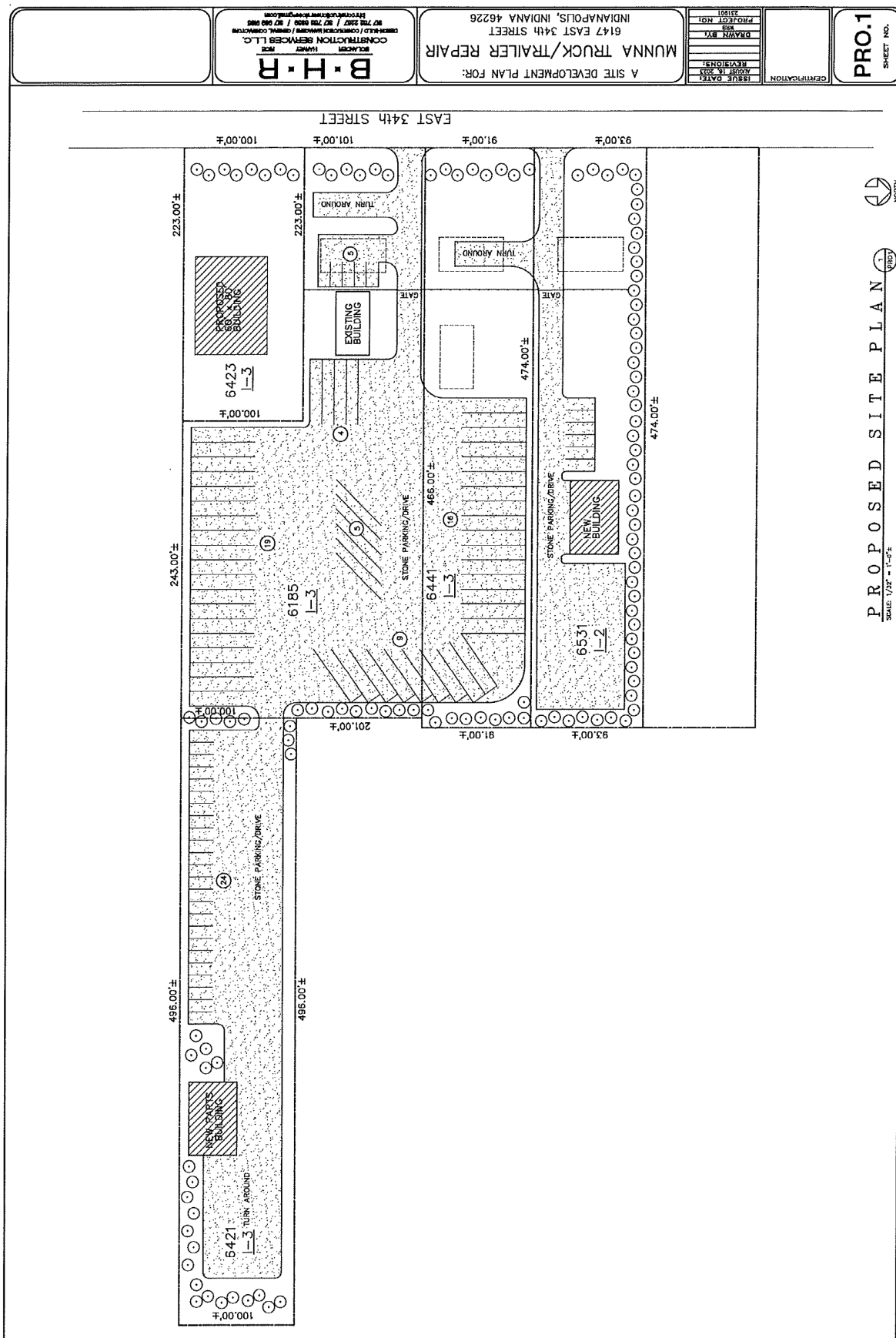
kb



6185, 6421, 6423 and 6441 East 34th Street



00.000 0.015 0.03 0.045 0.06 Miles





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

Item 20.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-851 / 2023-CVR-851
Address: 8333 Masters Road (*Approximate Address*)
Location: Lawrence Township, Council District #3
Petitioner: Wurster Construction Co., Inc., by Brian J. Tuohy
Request: Rezoning of 2.03 acres from the C-1 and C-S districts to the I-2 district to provide for a commercial and building contractor.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 8,000-square feet of outdoor storage (maximum 3,000-square feet or 25% of the total gross floor area of the building permitted), located 200 feet from a protected district (500-foot separation required) with an eight-foot rear yard setback (30-foot rear setback required).

RECOMMENDATIONS

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

Staff **recommends approval** of the rezoning petition, 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 25-foot half right-of-way shall be dedicated along the frontage of Masters 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 2.03-acre subject site consists of two parcels (4013141 and 4036527) and is developed with a commercial building and associated parking lot to be demolished for new construction of a commercial building with parking and outdoor storage.
- ◇ The property is bordered to the north by an industrial use, specifically an electronic parts supplier zoned I-3, to the east by a commercial strip development, zoned C-S, to the west by an indoor amusement center, zoned C-4, and to the south by a commercial use, zoned C-1.

(Continued)

REZONING

- ◇ The request would rezone the C-1 and C-S split zoned property to an I-2 district that would allow for the proposed commercial and building contractor since it would not be permitted in the existing zoning districts.
- ◇ The northern parcel of the subject site is zoned C-S. 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 southern parcel of the subject site is zoned C-1. The C-1 district is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt.
- ◇ The proposed 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 light industrial development for this site. "The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often 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."
- ◇ Where light industrial uses are proposed, industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street.
- ◇ Small-Scale Offices, Retailing, and Personal or Professional Services should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would also allow for 8,000-square feet of outdoor storage within 200 feet from a protected district and with an eight-foot rear yard setback.
- ◇ The I-2 district requires a 30-foot rear setback and limits outdoor storage to a maximum of 3,000 square feet or 25% of the total gross floor area of the building and is not permitted within 500-feet of a protected district.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 25-foot half right-of-way along Masters Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

- ◇ There is an existing protected district, zoned D-5, that is developed with a single-family dwelling southwest of the subject site. Staff would note that this is a very unusual circumstance as all the properties surrounding the dwelling are zoned commercial and industrial.
- ◇ The outdoor storage would be located furthest away from the dwelling as possible by being proposed at the rear of the property abutting the back of the commercial buildings to the east with a reduction of the rear yard to ensure the maximum separation. The outdoor storage would require proper screening per Section 744-508.C. of the Ordinance. Therefore, staff is comfortable with the proposed location and would be supportive of the reduced rear setback and 200-foot separation. Staff does not have concerns with the amount of outdoor storage anticipated.
- ◇ Because the proposed I-2 district would align with the light industrial development recommendation of the Comprehensive Plan, would be in line with the surrounding commercial and industrial uses in the immediate area, and would not significantly impact the single-family dwelling more than the existing uses present, staff is recommending approval of the request.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-1 / C-S	Metro	Commercial (Office)
-----------	-------	---------------------

SURROUNDING ZONING AND LAND USE

North	I-3	Industrial
South	C-1	Commercial (Offices)
East	C-S	Commercial
West	C-4	Commercial (Amusement Center)

COMPREHENSIVE PLAN

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

(Continued)

THOROUGHFARE PLAN	Masters Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing right-of-way and a 50-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 August 25, 2023.
FINDINGS OF FACT	File-dated August 24, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

85-Z-42; 8431 Castlewood Drive (subject site) Rezoning of 5.7 acres, being in the C-4 district, to C-S classification, to provide for the development of a commercial office and industrial park, **approved**.

60-Z-74; 8333 Masters Road (subject site), Rezoning of 0.75 acre, being in the A-2 district, to the B-2 classification to permit an office building, **approved**.

ZONING HISTORY – VICINITY

2017-ZON-004; 8346 Masters Road (west of site), Rezoning of 2.44 acres, from the D-5 district, to the C-4 classification, **approved**.

99-Z-27; 8501 Masters Road (north of site), Rezone 2.98 acres, from SU-9 to I-3-S, to provide for medium suburban industrial development, **approved**.

90-Z-41 / 90-CV-5; 8401 Bash Street (northwest of site), Rezoning of 5.62 acres, being in the I-3-S and C-5 Districts, to the C-S classification to provide for the development of a business park with permitted office, wholesale, warehouse, and distribution uses, and a variance of development standards of the Commercial Zoning Ordinance to permit parking within the front yard along Bash and Dallas Streets and Master Road, **approved / granted**.

85-Z-170; 6902 East 82nd Street (southwest of site), Rezoning of 4.7_ acres, being in the C-4, SU-2 and I-1-S districts to the C-6 classification to provide for highway-oriented commercial uses, **approved**.

84-Z-140; 8505 Masters Road (north of site), Rezoning of 2.98 acres, being in the I-3-S district, to the SU-9 classification, to provide for the use of an existing garage as a department maintenance and repair facility, **approved**.

(Continued)

82-Z-74; 8333 Masters Road (south of site), Rezoning of 0.75 acre from the A-2 district to C-1 classification, **approved.**

81-Z-96; 8328 Masters Road (southwest of site), Rezoning of 3.41 acres, being in the C-4 district, to the I-1-S classification, to provide for an office, reception center and warehouse facility, **approved.**

81-Z-136; 8431 Castlewood Drive (north of site), Rezoning of 2.02 acres, being in the I-3-S, C-4 and A-2 districts, to the I-3-S classification to provide for industrial use, **approved.**

80-Z-103; Various parcels in Castleton (west of site), Rezoning of 43.38 acres, being in the D-5 district, to the C-4 classification, to provide for commercial development in the town of Castleton, **approved.**

MI





KimleyHorn

MASTERS ROAD DEVELOPMENT

SITE PLAN EXHIBIT
INDIANAPOLIS, IN
August 14, 2023



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 requested I-2 zoning for the site permits outdoor storage as an accessory use. The proposed outdoor storage is an accessory use to the proposed primary use of the site. The area adjacent to and north of the site is zoned I-3, which district has no square footage limitation for outdoor storage. The majority of the remaining surrounding sites are commercially or industrially zoned parcels. Only one nearby parcel, southwest of the site, is zoned D5. The proposed outdoor storage will be located on the eastern side of the site and a dry detention pond, along with Masters Road, will separate the proposed outdoor storage from the D5 zoned parcel. Additionally, the proposed outdoor storage will be screened by a fence, and both the east and south borders of the site will be landscaped within a 10' wide buffer area.

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

The proposed outdoor storage is a permitted accessory use within the site's requested I-2 zoning district. The I-3 zoned area adjacent to and north of the site has no square footage limitation to outdoor storage. Most of the surrounding sites are commercially or industrially zoned parcels. The only nearby D5 parcel will be separated/buffered from the proposed outdoor storage by a dry detention pond, landscaping, a fence and Masters Road. The variances will allow for improvements to a currently vacant site.

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

The site is currently split zoned (C-S and C-1) and is located on a street that dead ends one parcel south of the site at the access ramps to I-69. The Petitioner proposes to rezone the site to I-2, which is compatible with the Comprehensive Plan's light industrial recommendation, and plans to construct a one story light industrial flex building for use in connection with its Commercial and Building Contractor business. Without the variances, Petitioner will be unable to improve the vacant, currently split zoned site on a dead end street in a manner necessary for its proposed use. The variances (and rezoning) will allow for the site to be improved and used in a manner that is compatible with the site's light industrial Comprehensive Plan recommendation and with the industrial and commercial areas that nearly surround the site. Because the parcel is not large, the Petitioner's proposed building is only approximately 12,000 sf which size limits the amount of outdoor storage available under the I-2 zoning district. In order to have practically usable amount of outdoor storage, the Petitioner requires a variance of development standards.

DECISION

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

Adopted this _____ day of _____, 20 _____



Photo of the Subject Property: 8333 Masters Road



Photo of the Subject Property: 8333 Masters Road



Photo of the existing building and vehicles stored on site.



Photo of the vehicles stored on site.



Photo of the vehicles stored on site.



Photo of the proposed eight-foot rear yard.



Photo of the subejet site looking south from the northern property boundary.



Photo of the indoor amusement center south of the site.



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



Photo of a commercial office building to the south.



Photo of the existing separation between the subject site and property south.