



Metropolitan Development Commission Hearing Examiner (April 27, 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, April 27, 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. 2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848 (Amended)**
419 E. Ohio Street, 424 E. Wabash Street, and 124 and 132 N. East Street (Approximate Addresses)
Center Township, Council District #17
Moe's, LLC / Feroze and Sons, LLC; by David Kingen and Emily Duncan

Rezoning of 0.85 acre from the CBD-2 (RC) and I-3 (RC) Districts to the CBD-2 (RC) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for encroachments into the clear-sight triangles of the abutting streets and alleys.

Vacation of the first north-south alley west of East Street, being twelve feet in width, from the south right-of-way line of Ohio Street, south 195 feet to the north right-of-way line of Wabash Street, with a waiver of the assessment of benefits.

****Petitioner is requesting a continuance, to a date to be determined, due to new representation.**

- 2. 2023-ZON-004**
5680 Eden Village Drive (Approximate Addresses)
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 requests continuance to May 25th, 2023 for additional discussion with petitioner**

- 3. 2023-ZON-025 / 2023-VAR-002**
1002 West Hanna Avenue and 3500 Division Street (Approximate Addresses)
Lauth Group, Inc., by Brian J. Tuohy
Perry Township, Council District #20

Rezoning of 24 acres from the I-2 (FF) and D-3 (FF) districts to the I-3 (FF) district to provide for a plastic recycling facility.

A variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for development within the north and east transitional yards (100-foot transitional yard required).

****Petitioner requests continuance to May 11th, 2023 for an amendment**

4. 2023-CZN-814 / 2023-CVR-814 | 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street (Approximate Addresses)

Pike Township, Council District #1

Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark

Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted).

**** Staff requests a continuance to the May 11, 2023 hearing to allow for the submittal and review of a traffic impact study.**

5. 2023-CZN-817 / 2023-CVR-817

5959 East 38th Street and 3700, 3742 and 3790 North Arlington Avenue (Approximate Addresses)

Warren Township, Council District #13

Horizon Bank, by Joseph D. Calderon

Rezoning of 5.8 acres from the MU-2 (FW) (FF) (TOD) and C-4 (FW) (FF) (TOD) district to the MU-2 (FW) (FF) (TOD) district to provide for a mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a) Building heights of 50 feet for multi-family structures (maximum 35 feet permitted),b) A drive-through service unit located on the side of a proposed bank and not accessed by an alley (required to be located behind building and be accessed by an alley),
- c) Improvements located within the 60-foot Stream Protection Corridor of Pogues Run (not permitted),
- d) With deficient interior parking lot landscaping (not permitted),
- e) With parking located in front of proposed buildings with a zero-foot setback (parking prohibited in front of buildings, 50-foot setback required),
- f) With portions of proposed buildings located behind the required Front Building Line (0'-10' building line required).

***Automatic Continuance filed by a registered neighborhood organization, continuing this petition to May 25th, 2023**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864

370 S. Franklin Road (Approximate Address)

Warren Township, Council District #18

JAW Enterprises, LLC and M & K Warehouse Services, LLC, by William T. Rosenbaum

Rezoning of 3.543 acres from the D-A district to the C-7 district.

Rezoning of 3.45 acres from the D-A district to the I-2 district.

Approval of a Subdivision Plat to be known as M.B. Rapp Acres, dividing 6.82 acres into two lots.

7. 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874

202 Miley Avenue, 213 and 217 North Traub Avenue, and 255 N Belmont Avenue (Approximate Addresses)

Center Township, Council District #16

Miley Inc., by David Kingen and Emily Duncan

Rezoning of 2.09 acres (202 Miley Avenue) from the D-5 and I-4 (RC) (TOD) districts to the C-S (RC) (TOD) district to provide for the following uses: Micro-Brewery, All C-1 permitted uses, Test Kitchen, Event Space,

Restaurant/Tap Room, Food Truck Area, Warehousing as an accessory use, Interior and Exterior Live Entertainment and a Dog Park.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance (for 202 Miley Avenue) to legally establish zero-foot building and parking north and south setbacks and transitional yards (minimum ten feet required), 54 parking spaces (112 parking spaces required), to allow access from a public street if alley is not vacated (access from alley required if available), parking located within twenty-five feet of a street frontage (not permitted) along 44.5% of the Ohio Street frontage (maximum 40% permitted), a front building line of 55.5% of Ohio Street frontage (60% frontage required), to legally establish the existing building with current transparency and wall planes, and to provide for five public entrances (seven public entrances required) and a dog park with a zero-foot south side setback without landscaping (ten-foot transitional yard with landscaping required).

Vacation of a portion of the first east-west alley north of Ohio Street, being 14 feet in width, from the east right-of-way line of Traub Avenue, east 176 feet to the east right-of-way line of the first north-south alley east of Traub Avenue, with a waiver of the Assessment of Benefits.

Vacation of the first north-south alley, being 26 feet in width, from the north right-of-way line of Ohio Street, north 165.96 feet, to the first east-west alley north of Ohio Street, with a waiver of the Assessment of Benefits.

8. 2022-ZON-102 (Amended)
3431 Carson Ave. (Approximate Address)
Perry Township, Council District #21
Maninder Singh and Jasbir Singh

Rezoning of 0.52 acre from the D-4 District to the C-1 District to provide for commercial uses.

9. 2023-APP-009
555 W. Hanna Ave. (Approximate Address)
Perry Township, Council District #16
City of Indianapolis, Department of Parks and Recreation

Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and resurfaced basketball court.

10. 2023-APP-010
1129 Vandeman St. (Approximate Address)
Center Township, Council District # 21
City of Indianapolis, Department of Parks and Recreation

Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and a resurfaced basketball court.

11. 2023-APP-011
480 St. Paul Street. (Approximate Address)
Center Township, Council District #17
City of Indianapolis, Department of Parks and Recreation

Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and resurfaced basketball court.

12. 2023-APP-012
254 E. Beecher St. (Approximate Address)
Center Township, Council District #16
City of Indianapolis, Department of Parks and Recreation

Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and resurfaced basketball court.

13. 2023-MOD-006
5943 Lafayette Road (Approximate Address)
Pike Township, Council District #8
Eagle Creek Community Church, by Kylie Holley

Modification of Development Statement and Commitments related to 90-Z-58 and 93-SE2-8 to provide for a sign program for the existing religious use which would allow signs per the SU-1 zoning classification.

- 14. 2023-ZON-012**
813 South Kenwood Street (Approximate Address)
Center Township, Council District #16
Aaron Jefferson, by Brent Bennett

Rezoning of 0.07 acre from the C-5 (RC) district to the D-8 (RC) district to provide for residential uses.

- 15. 2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806**
818, 822, 826, 830, 834 and 838 Union Street, 831, 835 and 837 Charles Street, and 23, 27 and 31 Sycamore Street (Approximate Address)
Center Township, Council District #16
The Redevelopment Group, by Russell L. Brown

Rezoning of 0.18 acre from the D-8 (RC) district to the CBD-2 (RC) district to provide for residential uses.

Approval of a Subdivision Plat to be known as Meridian Enclave, dividing 0.99 acre into eighteen lots and one common area.

Vacation of the first and second alleys south of Sycamore Street, both being twelve feet in width, from the west right-of-way line of Union Street, west 184.61 feet to the east right-of-way line of Charles Street, with a waiver of the assessment of benefits.

- 16. 2023-CZN-815 / 2023-CAP-815**
1945 Orange Street (Approximate Address)
Center Township, Council District #21
City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Rezoning of 0.6 acre from the D-5 (FF) district to the PK-1 (FF) district to provide for park uses.

Park District One Approval to provide for new playground equipment, a rubberized play surface and sidewalks.

- 17. 2023-CZN-816 / 2023-CVR-816**
5110 East 82nd Street (Approximate Address)
Washington Township, Council District #3
J.C. Hart Company, Inc., by Michael Rabinowitch

Rezoning of 10.5 acres from the C-S (FF) district to the C-S (FF) district to provide for a multi-family uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 62-foot tall multi-family building (maximum 45-foot height permitted).

- 18. 2023-CZN-818 and 2023-CVC-818**
2810, 2826, 2834, 2838 and 2844 Ruckle Street (Approximate Address)
Center Township, Council District #9
Mapleton Fall Creek Development Corporation, by Andrea Townsend

Rezoning of 0.48 acre from the MU-2 district to the D-8 district.

Vacation of the first two 16-foot wide, east-west alleys north of 28th Street, from the west right-of-way line of Ruckle Street, west 131 feet, to the first north-south alley west of Ruckle Street, as Recorded as Instrument Number A201600096587, in the Office of the Recorder of Marion County, Indiana, with a waiver of the Assessment of Benefits.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 19. 2022-CVC-840**
5436 Brookville Road (Approximate Address)
Warren Township, Council District #12
Baldeep Baidwan, by David Kingen and Emily Duncan

Vacation of the first northwest-southeast alley north of Brookville Road, being fifteen feet in width, from the southwest corner of Lot 40 in Witz and Spannuth's Addition, as recorded in Plat Book 16, Page 6 in the Office of the Marion County Recorder, southeast 210.40 feet to the northeast corner of Lot 5 in said subdivision, with a waiver of the Assessment of Benefits.

20. 2022-CZN-868

431 South Shortridge Road (*Approximate Addresses*)

Warren Township, Council District #18

Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan

Rezoning of 2.74 acres from the D-A district to the C-7 district.

21. 2023-APP-002

8501 Harcourt Road (*Approximate Address*)

Washington Township, Council District #1

8501 Harcourt ICJV, LLC, by Amber Swanner

Hospital District One Approval to provide for one wall sign.

22. 2023-ZON-013

2457 & 2461 Shelby Street (*Approximate Addresses*)

Center Township, Council District #21

Inpraedium Quarters, LLC, by David Kingen

Rezoning of 0.21 acre from the C-1 (TOD) district to the D-8 (TOD) district to legally establish multi-family dwelling uses.

Fees for this petition remain unpaid. Therefore, Staff requests that this petition be dismissed.

PETITIONS FOR PUBLIC HEARING (New Petitions):

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: 2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848 (Amended)
Address: 419 and 441 East Ohio Street, 424 East Wabash Street, and 124 and 132 North East Street (*Approximate Addresses*)
Location: Center Township, Council District #17
Petitioner: Moe's, LLC / Feroze and Sons, LLC, by Michael Rabinowitch
Request: Rezoning of 0.35 acre from the I-3 (RC) district to the CBD-2 (RC) district.

Vacation of the first north-south alley west of East Street, being twelve feet in width, from the south right-of-way line of Ohio Street, south 195 feet to the north right-of-way line of Wabash Street, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for encroachments into the clear-sight triangles of the abutting streets and alleys.

ADDENDUM FOR APRIL 27, 2023, HEARING EXAMINER

This companion petition was continued, by request of the petitioner, from the January 26, 2023, hearing to the April 27, 2023, hearing. The owner of the site has retained new representation, who has submitted a written request to continue this companion petition. A hearing date was not identified in the request.

ADDENDUM FOR JANUARY 26, 2023, HEARING EXAMINER

This companion petition was amended in early January to include a variance petition. New Legal Notice is required in order for this companion petition to be heard; therefore, a continuance is warranted to the February 23, 2023, hearing.

ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER

This companion petition was continued from the October 13, 2022, hearing, to the December 1, 2022, hearing. As of this writing, no new information has been submitted to the file.

OCTOBER 13, 2022, HEARING EXAMINER

RECOMMENDATIONS

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

Staff **recommends denial** of the vacation request and provides the following motion:

(Continued)

STAFF REPORT 2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848 (Continued)

RECOMMENDED MOTION (Denial): That the Hearing Examiner find that the proposed vacation is not the public interest; that the Hearing Examiner deny Declaratory Resolution 2022-CVC-848.

Should the vacation request be approved against staff's recommendation, staff provides the following motion:

RECOMMENDED MOTION (Approval): That the Hearing Examiner find that 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 2022-CVC-848; 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:

REZONING PETITION / COMPREHENSIVE PLAN

- ◇ After Legal Notice was provided, the rezoning request was amended to include only the land area that is currently zoned I-3 (RC). Originally, the request included land that was already zoned CBD-2 (RC). The resulting amendment would rezone 0.35-acre to CBD-2 (RC).
- ◇ The subject site contains two lots, with one lot being 12,334 square feet in size , with the other lot, being 3,040 square feet in size. Both lots are improved with a surface parking lot.
- ◇ The Comprehensive Plan recommends City Neighborhood development. City Neighborhood largely consists of multifamily dwellings. However, City Neighborhood areas are dense and walkable with a full range of city services and public amenities. Access to individual parcels is generally by an alley or internal parking structures. City Neighborhood development would also support small- and large-scale commercial uses on the first floor of mixed-use structures.
- ◇ To the north of the site, across Ohio Street, are attached single-family dwellings. Adjacent to the east is a gasoline station, with restaurant space, and an office building. To the south is a parking structure and to the west is a surface parking lot, an event venue, and offices. The site is near very densely developed land and is notably within the Mile Square. The request to rezone to CBD-2 (RC) would be consistent with existing zoning surrounding the site. Since mixed-use development would be an acceptable use within the City Neighborhood recommendation and permitted in CBD-2 (RC), this request would be compatible with the Plan.

TRANSIT-ORIENTED DEVELOPMENT

- ◇ The site is within the transit-oriented development (TOD) overlay zone. The Ordinance specifies that sites zoned CBD would not be required to comply with the TOD development standards. However, much of the intent of the TOD, which includes reduced parking and increased pedestrian use, is noted in the Regional Center Design Guidelines and would apply to any new development.

(Continued)

STAFF REPORT 2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848 (Continued)

REGIONAL CENTER OVERLAY DISTRICT

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed for demolition of an existing commercial structure at 419 East Ohio Street.

VACATION SUMMARY

- ◇ This request would vacate an improved alley with direct access of several lots to Ohio Street and an east-west alley to the south. The subject alley is the first north-south alley west of the Ohio Street and East Street intersection. It is located between an office building at 424 East Wabash Street and the gasoline station at 132 North East Street. The alley also provides access to existing surface parking lots at 419 East Ohio Street.
- ◇ The submitted Findings of Fact state that the vacation would 'consolidate five pieces of property and allow for the development of a Regional Center / Cole Noble Historic neighborhood mixed-use project'. 'Furthermore, it will eventually rid the Regional Center and Cole Noble neighborhood of three surface parking lots.'
- ◇ As of this writing, no plans have been submitted for development of this site, other than a proposed demolition of the existing office building, located at 419 East Ohio Street.
- ◇ Alleys provide an important means of access to interior portions of property. The Comprehensive Plan, as noted above, recommends City Neighborhood development. This typology indicates that 'typical access to individual parcels is generally by an alley or internal parking structures'.
- ◇ This alley is improved with brick, which is an indication of its long-standing use. Any proposed development should be designed to use this alley to provide access to the alley to the south and to Ohio Street to the north. Approval of vacation of rights-of-way are required to be 'in the public interest'. There has not been any established reasoning to indicate that this vacation request would be in the public interest.
- ◇ Therefore, staff **recommends denial** of the proposed vacation.

Procedure

- ◇ Neither the Division of Planning nor the Hearing Examiner or Metropolitan Development Commission determine 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

(Continued)

STAFF REPORT 2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848 / 2022-CVR-848 (Continued)

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 a 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 petitioner has requested a waiver of the Assessment of Benefits. The subject right-of-way is improved, with brick. The City clearly invested in the establishment, use and maintenance of this alley in the past. Therefore, staff would not support a waiver of the assessment of benefits.

GENERAL DESCRIPTION:

Vacation of the first north-south alley west of East Street, being twelve feet in width, from the south right-of-way line of Ohio Street, south 195 feet to the north right-of-way line of Wabash Street, with a waiver of the assessment of benefits.

UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement
CEG, Gas:	No answer, retain easement
CEG, Water:	No answer, retain easement
CEG, Wastewater	No answer, retain easement
Power:	No answer, retain easement
Cable:	No answer, retain easement
DPR:	No answer, retain easement
DPW, TS:	No answer, retain easement

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AND LAND USE

I-3 (RC) and CBD-2 (RC) Compact	One commercial structure and surface parking
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SURROUNDING ZONING AND LAND USE

North -	CBD-2 (RC)	Attached single-family dwellings
South -	CBD-2 (RC)	Parking structure
East -	CBD-2 (RC)	Bank
West -	I-3 (RC) and CBD-2 (RC)	Office / event venue

COMPREHENSIVE PLAN	The Comprehensive Plan recommends the site for City Neighborhood development.
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(Continued)

STAFF REPORT 2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848 (Continued)

THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that Ohio Street is a primary street, with a 78-foot right-of-way existing and proposed. East Street is a primary street, with a 78-foot right-of-way existing and proposed.
URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY	The site is located within the Urban mixed-use typology.
TRANSIT-ORIENTED DEVELOPMENT	The site is located within a transit-oriented development area.
VACATION EXHIBIT	File-dated August 1, 2022
FINDINGS OF FACT	File-dated August 1, 2022

ZONING HISTORY - SITE

2022-REG-055; 419 East Ohio Street, requested Regional Center Approval for demolition of an existing commercial building, **pending**.

2019-MOD-003; 124 and 132 North East Street and 441 East Ohio Street; requested a modification of commitments, related to 2003-MOD-152 to modify commitment one to provide for the sale of alcohol beverages for on-premises consumption in a family restaurant, without carry-out sales, **approved**.

2010-REG-064; 441 East Ohio Street, requests Regional Center Approval for wall signs, **approved**.

2004-DV1-002; 441 East Ohio Street, requests a variance of development standards of the Sign Regulations, to provide for an 11.9-foot tall, 9.17-foot wide, 107.75-square foot pylon sign, with a three-foot setback from the Ohio Street right-of-way and 4.17-foot setback from the East Street right-of-way, **granted**.

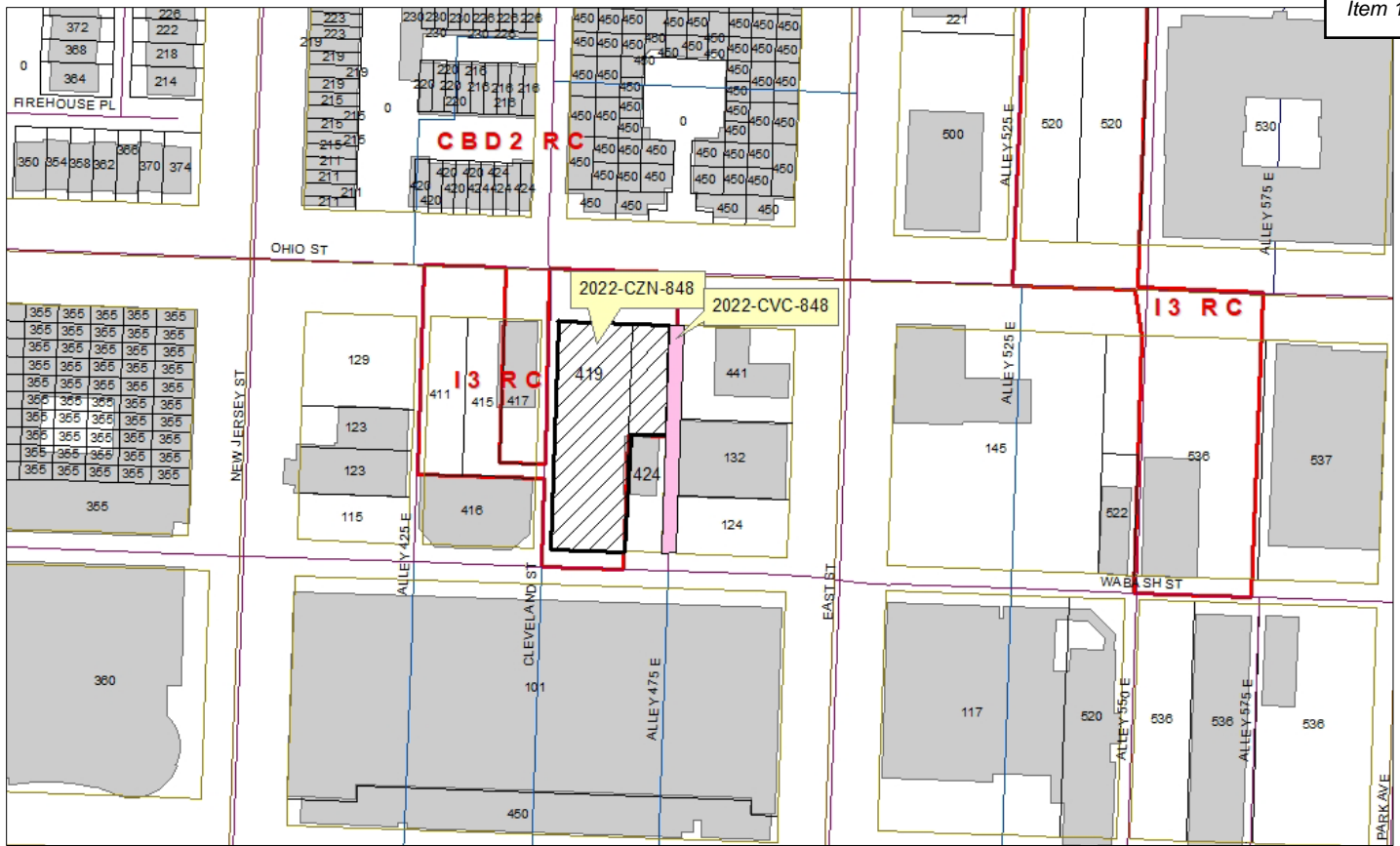
2003-APP-067; 441 East Ohio Street, requests Regional Center Approval for a remodeling of a gasoline station and to provide for an 11.9-foot tall, 9.17-foot wide, 107.75-square foot pylon sign, with a three-foot setback from the Ohio Street right-of-way and 4.17-foot setback from the East Street right-of-way, **approved**.

2003-ZON-152; 441 East Ohio Street and 132 North East Street, requests a rezoning of 0.32-acre, from the I-3-U (RC) district to the CBD-2 (RC) classification, **approved**.

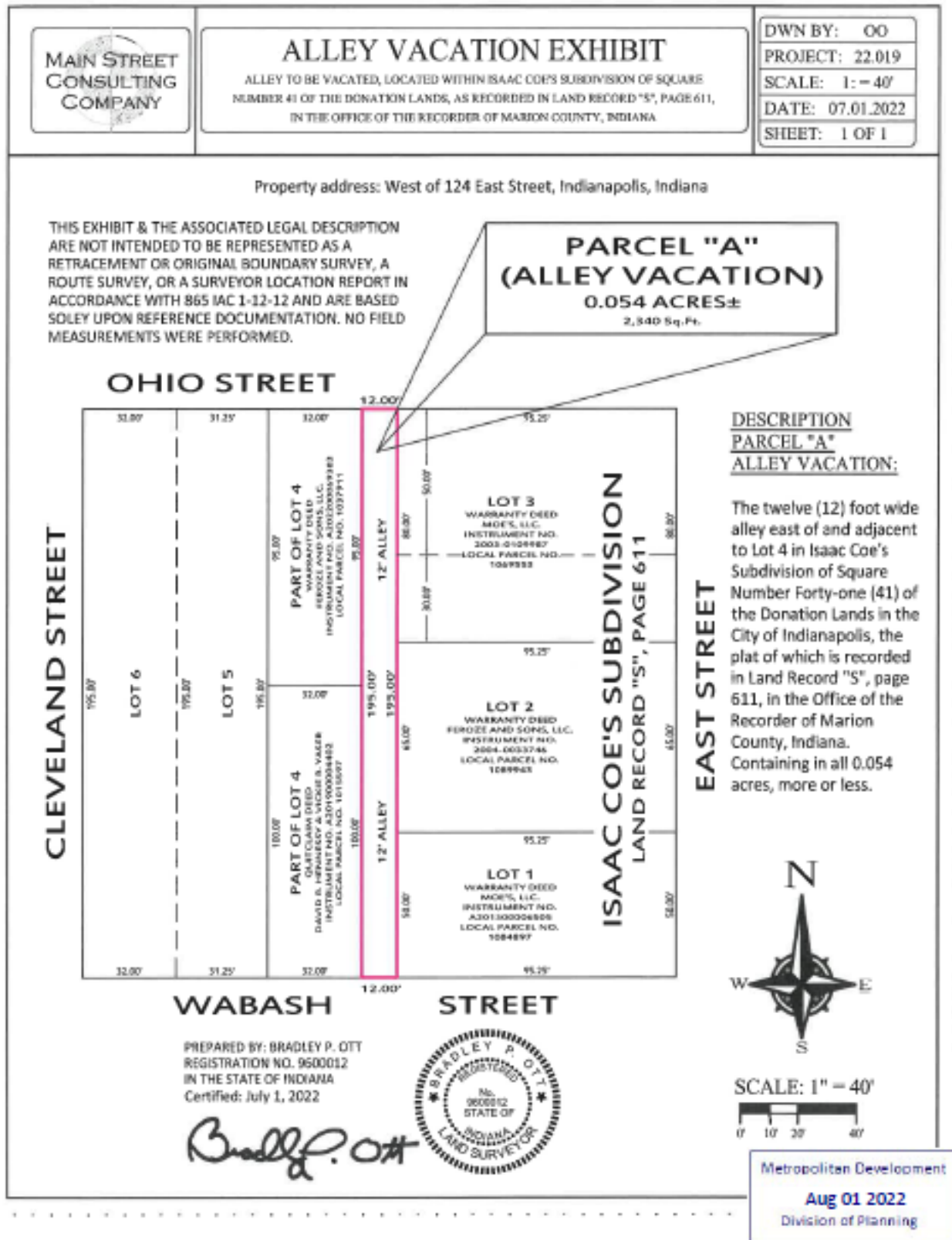
ZONING HISTORY - VICINITY

None.

JY



Zoning and aerial maps of the site and surrounding area
2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848



Vacation Exhibit - 2022-CZN-848 / 2022-CVC-848/ 2022-CVR-848

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 vacation would be in the public interest as it will consolidate five pieces of property and allow for the development of a Regional Center/ Cole Noble Historic neighborhood mixed use project. Furthermore it will eventually rid the Regional Center and the Cole Noble neighborhood of three surface parking lots.

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 ____

Metropolitan Development
Aug 01 2022
Division of Planning

Proposed Findings of Fact – 2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848



View of existing structure at 419 East Ohio Street and the proposed subject alley
2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848



View of existing building at 419 East Ohio Street and surface parking lots, from the west looking east
2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848



View of existing building at 419 East Ohio Street and subject alley
2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848



View of south end of site, looking west
2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848



View of the subject alley looking north toward Ohio Street
2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848



Close-up view of existing condition of the subject alley
2022-CZN-848 / 2022-CVC-848 / 2022-CVR-848

STAFF REPORT

Item 2.

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 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.

The Hearing Examiner continued this petition from the March 23, 2023 hearing, to the April 27, 2023 hearing at the request of staff to provide time to review and discuss revisions to the request.

Staff would request a **continuance from the April 27, 2023 hearing, to the May 25, 2023 hearing**, for additional time for continued discussions with the petitioner and their representative regarding site development options.

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STAFF REPORT

Item 3.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-025 / 2023-VAR-002
Address: 1002 West Hanna Avenue and 3500 Division Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Lauth Group, Inc., by Brian J. Tuohy
Request: Rezoning of 24 acres from the I-2 (FF) and D-3 (FF) districts to the I-3 (FF) district to provide for a plastic recycling facility.

A variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for development within the north and east transitional yards (100-foot transitional yard required).

These petitions will need to be **continued, with notice, from the April 27, 2023 hearing to the May 11, 2023 hearing**, to provide time to amend the request to add a variance of development standards. Staff understands that notice has been sent in accordance with the Rules of Procedure for the May 11, 2023 hearing.

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STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-814 / 2023-CVR-814
Address: 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street
(Approximate Address)
Location: Pike Township, Council District #1
Petitioner: Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark
Requests: Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted).

Staff is requesting a **continuance from the April 13, 2023 hearing, to the May 11, 2023 hearing**, to provide additional time for the requested Traffic Impact Study (TIS) to be conducted and submitted for review and comments.

kb

STAFF REPORT

Item 5.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-817 / 2023-CVR-817
Address: 5959 East 38th Street and 3700, 3742 and 3790 North Alington Avenue
(Approximate Address)
Location: Warren Township, Council District #13
Petitioner: Horizon Bank, by Joseph D. Calderon
Requests: Rezoning of 5.8 acres from the MU-2 (FW) (FF) (TOD) and C-4 (FW) (FF) (TOD) district to the MU-2 (FW) (FF) (TOD) district to provide for a mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a) Building heights of 50 feet for multi-family structures (maximum 35 feet permitted),
- b) A drive-through service unit located on the side of a proposed bank and not accessed by an alley (required to be located behind building and be accessed by an alley),
- c) Improvements located within the 60-foot Stream Protection Corridor of Pogues Run (not permitted),
- d) With deficient interior parking lot landscaping (not permitted),
- e) With parking located in front of proposed buildings with a zero-foot setback (parking prohibited in front of buildings, 50-foot setback required),
- f) With portions of proposed buildings located behind the required Front Building Line (0'-10' building line required).

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the April 27, 2023 hearing, to the May 25, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-864A / 2022-CZN-864B / 2023-CPL-864
Address: 370 South Franklin Road (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: JAW Enterprises, LLC and M & K Warehouse Services, LLC, by William T. Rosenbaum
Requests: Rezoning of 3.543 acres from the D-A district to the C-7 district.
 Rezoning of 3.45 acres from the D-A district to the I-2 district.
 Approval of a Subdivision Plat to be known as M.B. Rapp Acres, dividing 6.82 acres into two lots.

This is the third hearing for these petitions. This petition was automatically continued from the **March 9, 2023 hearing** to the **April 13, 2023 hearing**; and continued from the **April 13, 2023 hearing** to the **April 27, 2023 hearing** so that the petitioner could be present at the hearing.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 8, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-A and developed with a commercial building and outdoor storage for boat sales.
- ◇ This petition would subdivide the property into two lots. The northern lot would be rezoned to the C-7 district and contain the existing commercial development. The southern lot would be rezoned I-2. No development is proposed at this time for the southern lot.

REZONING

- ◇ This petition would rezone this site from the D-A district to the C-7 and I-2 districts.
- ◇ The comprehensive plan recommends light industrial uses. These recommended land uses may include light industrial uses, and heavy commercial uses, such as other vehicle sales, rental, or repair.
- ◇ The I-2 light industrial district is intended for industries that present minimal risk and typically do not create objectionable characteristics, which is consistent with the light industrial typology recommended by the comprehensive plan.
- ◇ The site proposed to be rezoned to the C-7 district obtained a variance of use to permit boat sales and outdoor storage. The C-7 district is intended for commercial uses that typically include outdoor storage and display of sizable merchandise, and generate truck traffic. This land use is also consistent with the light industrial typology. The proposed rezoning would be appropriate for the existing development and use of this site.
- ◇ Staff is, therefore, recommending approval of the rezoning to the I-2 district and rezoning to the C-7 district.

PLAT

- ◇ The plat would subdivide the subject site into two lots. Lot One would be 3.25 acres and contain the existing commercial development. Lot Two would be 3.16 acres; no development was proposed for Lot Two at the time of submittal. The proposed plat meets the standards of the C-7 and I-2 zoning classifications as proposed in the companion rezoning.

(Continued)

2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)**TRAFFIC / STREETS**

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

SIDEWALKS

- ◇ Sidewalks are required on Franklin Road.

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

D-A	Metro	Commercial
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SURROUNDING ZONING AND LAND USE

North	C-7	Commercial
South	D-A / I-2	Industrial
East	D-2 / I-2	Residential / Industrial
West	D-2	Undeveloped / Interstate

COMPREHENSIVE LAND USE PLAN	Light Industrial
THOROUGHFARE PLAN	Franklin Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 34-foot existing and a 90-foot proposed right-of-way.

PRELIMINARY PLAT	File-dated February 8, 2023
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ZONING HISTORY – SITE

2018-UV1-028, variance to provide for the expansion of a maintenance and storage building for an adjacent boat sales business with a 28-foot south side setback, **approved**.

2015-UV1-041, variance to provide for the construction of a 5,000-square foot maintenance storage building for an adjacent boat sales business, with paved off-street parking and gravel storage areas, **approved**.

ZONING HISTORY – VICINITY

2020-DV3-012, 375 South Franklin Road, variance to provide for additions to an existing single-family dwelling and garage with a 0.5-foot north side setback, **approved**.

2012-ZON-025, 416 South Franklin Road, rezoning of 3.9 acres from the D-A district to the I-2-S classification, **approved**.

2012-CZN-815, 416 South Franklin Road, rezoning of 12.41 acres from the I-2-S and D-A districts to the I-2-S district, **approved**.

2012-CVC-815, 416 South Franklin Road, Vacation of a portion of Beechwood Avenue, being 50 feet in width from the east right-of-way line of Interstate 465 to a point 271.96 feet to the east, **approved**.

(Continued)

2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)

2012-CVR-815, 416 South Franklin Road, variance to provide for a 31-foot-tall building addition, with a 45-foot front building setback and a zero-foot parking and access drive setback, with 45,000 square-feet of outdoor truck and trailer storage, **approved**.

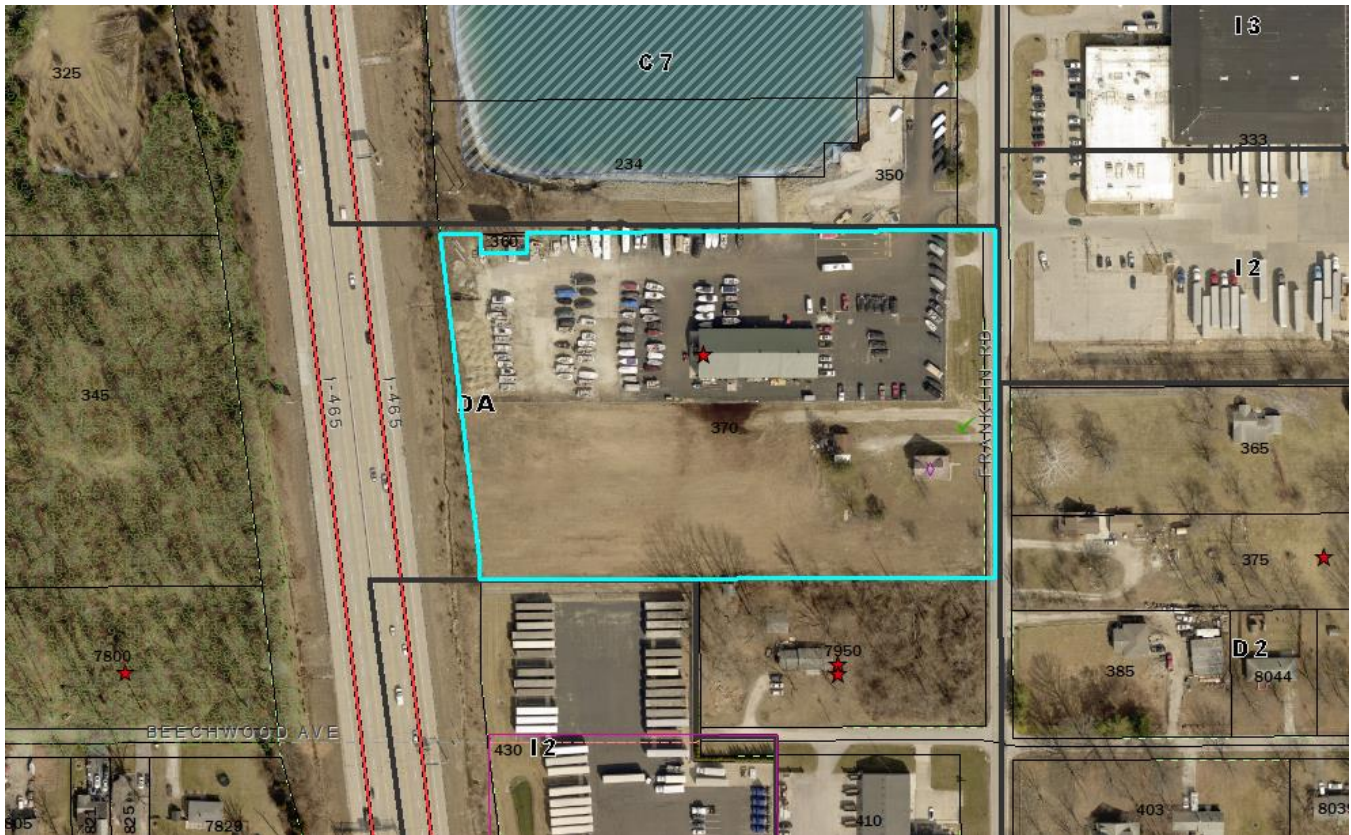
99-UV3-98, 375 South Franklin Road, variance to provide for a plumbing contractor business, **denied**.

76-UV3-139, 7950 Beechwood Avenue, variance to permit occupancy of a trailer on rear of lot, for a period of two years, **approved**.

72-UV2-128, 7950 Beechwood Avenue, variance to permit an existing house trailer to remain on a permanent basis, limited to current occupant, **approved**.

AR

2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 Aerial Map



2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 Site Photos



Proposed Lot One, looking west



Proposed Lots One and Two, looking southwest



Proposed Lot One, Lot Two shown left



Proposed Lot Two, looking south



Proposed Lot Two, Interstate shown at the rear, looking west.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874 (Amended)
Address: 202 Miley Avenue (Approximate Address)
Location: Center Township, Council District #16
Petitioner: Miley Inc., by David Kingen and Emily Duncan
Request: Rezoning of 1.95 acres from the I-4 (RC) (TOD) districts to the C-S (RC) (TOD) district to provide for the following uses: Micro-Brewery, All C-1 permitted uses, Test Kitchen, Event Space, Restaurant/Tap Room, Food Truck Area, Warehousing as an accessory use, Interior and Exterior Live Entertainment and a Dog Park.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish zero-foot building and parking north and south setbacks and transitional yards (minimum ten-foot required), 54 parking spaces (112 parking spaces required), to allow access from a public street if alley is not vacated (access from alley required if available), parking located within twenty-five feet of a street frontage (not permitted) along 44.5% of the Ohio Street frontage (maximum 40% permitted), a front building line of 55.5% of Ohio Street frontage (60% frontage required), to legally establish the existing building with current transparency and wall planes, and to provide for five public entrances (seven public entrances required) and a dog park with a zero-foot south side setback without landscaping (ten-foot transitional yard with landscaping required).

Vacation of a portion of the first east-west alley north of Ohio Street, being 14 feet in width, from the east right-of-way line of Traub Avenue, east 176 feet to the east right-of-way line of the first north-south alley east of Traub Avenue, with a waiver of the Assessment of Benefits.

Vacation of the first north-south alley, being 26 feet in width, from the north right-of-way line of Ohio Street, north 165.96 feet, to the first east-west alley north of Ohio Street, with a waiver of the Assessment of Benefits.

RECOMMENDATIONS

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

1. Maximum attendees in the event space shall be: Interior 50.
2. Frequency events per month (interior and exterior): one (1) per month

(Continued)

STAFF REPORT 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874 (Continued)

3. Hours of operation for any events on site: 11am to 7pm
4. Types of events hosted on the site: farmers markets and vendors fairs
5. No more than three performers on any one day at the event space

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

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 2022-CVC-874; 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:

LAND USE

- ◇ The subject site is zoned I-4 and I-4 (RC), with the eastern-most portion within the Regional Center. The site consists of a large industrial building, of which portions date to at least 1915, two accessory structures and a parking area. The site also contains an area for outside storage. The surrounding area comprises of an established residential neighborhood south, southeast, and southwest of the site, a railroad track system, and heavy industrial uses to the north.
- ◇ This petition would rezone this property to the C-S district, in order to re-use the existing buildings and parking areas. This request would permit fifty on-site parking spaces where 112 spaces are required, a reduction to zero-foot north and south setbacks for buildings and parking areas, access from a public street when alley access is provided and required, parking within 25 feet of a street frontage, a front building line of 55.5%, where a minimum of 60% is required, to legally establish the existing building with current transparency and wall planes, and to provide for fine public entrances, where a minimum of seven are required. This request would also vacate a north-south alley and east-west alley, that abut the site to the west.

REZONING

- ◇ This petition would rezone this site from the I-4 district to the C-S district to permit all C-1 uses, a micro-brewery, test kitchen, event space, a restaurant / tap room, food truck area, warehousing, as an accessory use, interior and exterior live entertainment, and a dog park. The comprehensive plan recommends residential, with a density of over 15 units per acre.
- ◇ Staff recommends approval of the rezoning. The high-density residential recommendation of the Plan likely contemplates removal of the existing building for redevelopment of the site. This petition would re-use the large and historic industrial building that would, potentially, be cost-

(Continued)

STAFF REPORT 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874 (Continued)

prohibitive to be used for residential uses. The size of the lot limits the size of potential events on the site, given the 54 on-site parking spaces. Staff is concerned that persons could seek to park vehicles in the neighborhood, if the on-site parking area would be full for any given event, or if multiple events would occur at the same time. To reduce the potential of large crowds, the petitioner has submitted a list of commitments that includes a maximum number of attendees to 50, a commitment of only one event per month (interior and exterior), hours of operation to be from 11am to 7pm, allowing for only farmers markets and vendors fairs as the types of events held on the site and no more than three performers on any one day at the event space. Staff finds these restrictions acceptable.

- ◇ The proposed site plan includes areas for parking, a food truck area, re-use of an existing building for a restaurant / tap room and parking areas for vehicles and bicycles. No new construction is proposed with this development.

VARIANCE

- ◇ As noted above, several development standards variances are requested with this petition. This request would provide for legally establishing the existing development in order to use the site for uses that would reduce impacts of the existing heavy industrial zone of the site. Staff supports the variances due to the hardship in meeting the Ordinance to reuse the existing conditions of the site.

VACATION

- ◇ The subject site includes two alleys: Parcel A is an east-west and north-south alley, from Traub Street to the west property line of the subject site, south to Parcel B, which is an alley that abuts the site, south to Ohio Street. These alleys are used by some neighbors, however, vehicles drive over an undeveloped parcel in order to make a turn, that, as platted, would be a 90-degree turn and nearly impossible to maneuver. The result of this vacation, if it would be approved, would eliminate drivers from driving over private property.

ASSESSMENT OF BENEFITS

- ◇ The subject rights-of-way is not improved; therefore, the request for a waiver of the Assessment of Benefits would be acceptable.

REGIONAL CENTER OVERLAY DISTRICT

- ◇ Approximately 1/3 of the site (extreme eastern portion) lies within the Regional Center overlay district. In this designated area, design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning.

(Continued)

STAFF REPORT 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874 (Continued)**GENERAL INFORMATION****EXISTING ZONING, CONTEXT AREA, AND LAND USE**

I-4 / I-4 (RC) Compact	Industrial
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SURROUNDING ZONING AND LAND USE

North	I-4	Railroad tracks / heavy industrial
South	D-5 / D-5 (RC)	Residential
East	I-4 (RC)	Residential / railroad tracks
West	SU-16	Residential

COMPREHENSIVE LAND USE PLAN	The Near West Neighborhood Land Use Plan (2014) recommends residential development over 15 units per acre.
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TRANSIT-ORIENTED DEVELOPMENT	A portion of the site lies within the Blue Line Transit-Oriented Development Overlay
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THOROUGHFARE PLAN	Miley Avenue and Ohio Street are classified in the Official Thoroughfare Plan for Marion County, Indiana as local streets, with 48-foot existing and proposed rights-of-way.
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DEVELOPMENT PLAN (C-S)	File-dated November 22, 2022
FINDINGS OF FACT	File-dated November 22, 2022
SITE PLAN	File-dated November 22, 2022
SITE PLAN (AMENDED)	File-dated February 13, 2023
VACATION SURVEY	File-dated November 22, 2022

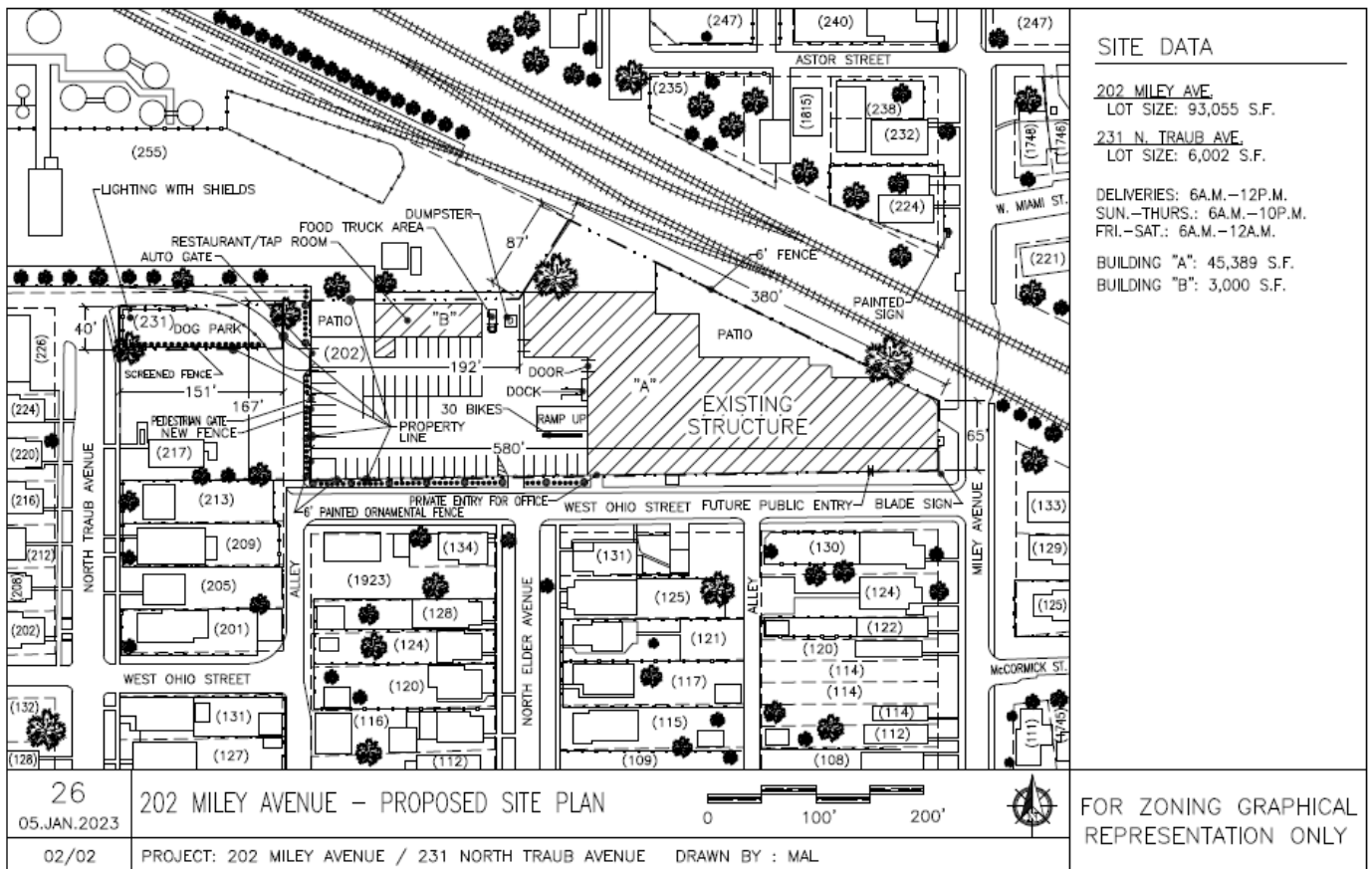
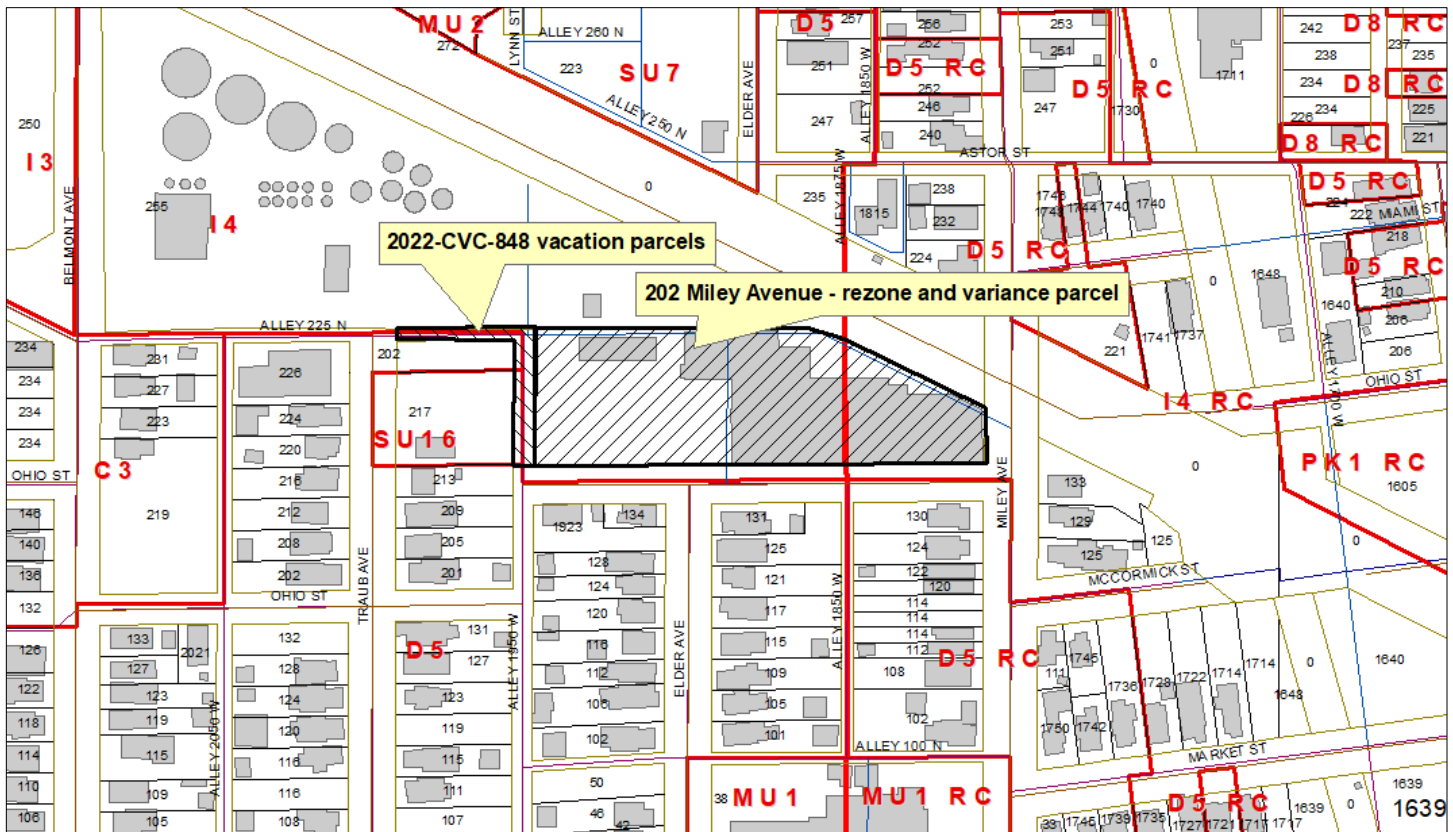
ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

None.

JY



DEVELOPMENT STATEMENT

Permitted Uses:

1. Micro-brewery
2. All C1 uses
3. Test Kitchen
4. Event Space
5. Restaurant / Tap Room
6. Food Truck area
7. Warehousing, related to the approved uses within the existing building (20,258 square feet).
8. Interior and exterior light music entertainment
9. Dog Park on the 235 No Traub Street property

Parking:

One parking space per three hundred and fifty square feet; fifty- four (54) on-site parking spaces.

Bike racks for minimum of thirty (30) bikes on the 202 No Miley Avenue property.

Space for minimum ten (10) scooters

Fencing and Landscaping:

New dark black, dark brown or dark green painted perimeter chain link fencing around the dog park to connect with the existing chain link fence around the perimeter of the property.(to be painted to match the new fence around the proposed dog park) Identical new fencing to be used around the north side patio. Retention of two large trees on the Traub Street property to provide shade for the users of the dog park

Landscaping per site plan on file

Trash removal:

Dumpster(s) with enclosure (s) per site plan on file. Parking of food trucks when both in operation or parked per the site plan on file.

Lighting:

Exterior lighting with shields to be installed. New lighting for the dog park with shields and timers

Signs:

Re painted historical and over-sized wall sign on the east façade per photo on file

Vertical blade sign on the corner of the primary building at the intersection of West Ohio Street and No Miley Avenue per sign elevation on file.

Large wall sign over public entrance on the west façade and smaller wall sign over the public entry on the east facade

Tenant sign on the south façade near the entry to the public entrances to the offices

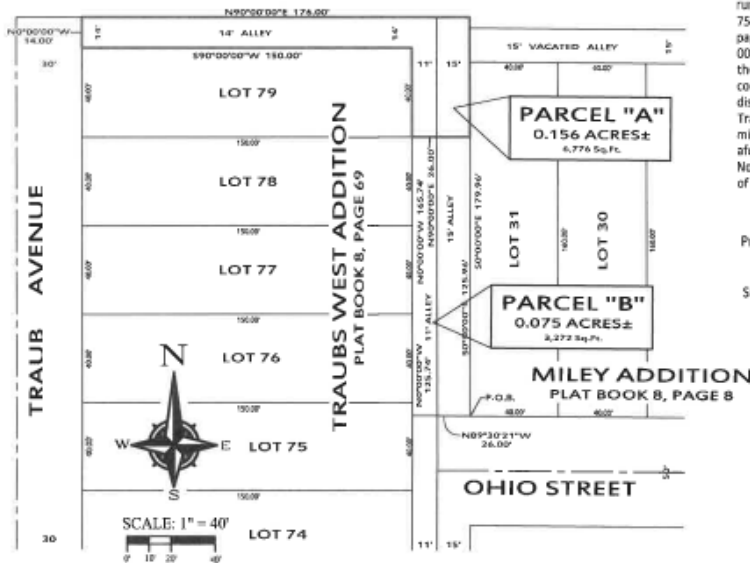
10/31/22

ALLEY VACATION & PERMANENT INGRESS EGRESS EASEMENT (RUNNING WITH THE LAND) EXHIBIT

DESCRIPTION - INGRESS/EGRESS EASEMENT - PARCEL "B":

A portion of a North-South 26 foot public alley to be vacated located East of a portion of Lot 75 and the entirety of Lot 76, Lot 77, and Lot 78 within Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of Lot 78 in Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana; thence running North 90 degrees 00 minutes 00 seconds East a distance of 26.00 feet to a point on the West line of Lot 31 in Miley Addition, the plat of which is recorded in Plat Book 8, page 8; thence running South 00 degrees 00 minutes 00 seconds East a distance of 125.96 feet, on and along the aforementioned West line of Lot 31, to the North line of Ohio Street; thence running North 89 degrees 30 minutes 21 seconds West a distance of 26.00 feet to the East line of Lot 75 in said Traubs West Addition; thence running North 00 degrees 00 minutes 00 seconds West a distance of 125.74 feet to the point of beginning, containing in all 0.075 acres, more or less.



DESCRIPTION - VACATION - PARCEL "A":

A 14 foot alley to be vacated located North of Lot 79 within Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana, an 11 foot alley to be vacated located East of a portion of Lot 75 and located East of the entirety of Lots 76, 77, 78, and 79 within Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana, and a 15 foot alley to be vacated located West of Lot 31 and a vacated alley located North of Lot 31 within Miley Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 8, in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot 31 in Miley Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 8, in the Office of the Recorder of Marion County, Indiana, and running thence North 89 degrees 30 minutes 21 seconds West a distance of 26.00 feet to the East line of Lot 75 in Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana; thence running North 00 degrees 00 minutes 00 seconds West a distance of 165.74 feet to the Northeast corner of Lot 79 in said Traubs West Addition; thence running South 90 degrees 00 minutes 00 seconds West a distance of 150.00 feet to the Northwest corner of Lot 79 in said Traubs West Addition; thence running North 00 degrees 00 minutes 00 seconds West a distance of 14.00 feet to the North line of an existing 14 foot alley, said point also being the Easterly line of Traub Avenue extended Northerly to said North line of said 14 foot Alley; thence running North 90 degrees 00 minutes 00 seconds East a distance of 176.00 feet to a point located at the intersection of the North line of the aforementioned 14 foot alley extended Easterly and the West line of said Lot 31 in Miley Addition extended Northerly; thence running South 00 degrees 00 minutes 00 seconds East a distance of 179.96 feet to the point of beginning, containing in all 0.156 acres, more or less.

Property address: 202 Miley Avenue,
Indianapolis, Indiana

Survey and Certified: May 24, 2021

Survey Prepared by: *Kenneth Gregory Garrison*
Kenneth Gregory Garrison
Registered Land Surveyor No. 29300014



BOUNDARY PROS
KENNETH GREGORY GARRISON - PROFESSIONAL LAND SURVEYOR
LIFE & FIDELITY INSURANCE CO. OF INDIANA
P.O. BOX 412 INDIANAPOLIS, INDIANA 46201-0412

VACATION & I&E EASE. EXHIBIT

SCALE: 1" = 40'	REVISIONS	JOB NO.	SHEET
DATE: 05/24/2021	05/06/2021	120130-30204	1
DRAWN BY: NGS	05/13/2021		
CHECKED BY: KGG	05/19/2021		



Proposed Vacation Parcel A to be vacated, looking west



Proposed Vacation Parcel B to be vacated, looking south



Subject site looking east



Subject site on the left, Ohio Street, and the adjacent residences to the right - looking east



Subject site along Ohio Street



Subject site from Miley Avenue, looking west

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-102 (Amended)
Address: 3425 Carson Avenue (*Approximate Addresses*)
Location: Perry Township, Council District #21
Petitioner: Maninder Singh and Jasbir Singh
Request: Rezoning of 0.52 acre from the D-4 district to the C-1 district to provide for commercial uses.

ADDENDUM FOR APRIL 27, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the Mary 23, 2023 hearing, to the April 27, 2023, hearing to provide additional time for notice to be provided.

ADDENDUM FOR MARCH 23, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the November 10, 2022 hearing, to the March 23, 2023 hearing to provide time to amend the petition.

The petitioner submitted an amended petition on March 7, 2023. A new legal notice was prepared and provided to the petitioner. Because of the required notice period, the petition will need to be **continued from the March 23, 2023 hearing to the April 13, 2023 hearing**, assuming that the new legal notice was mailed by the March 21, 2023 deadline. Otherwise, the petition will need to be continued to the April 27, 2023 hearing.

The amended request would rezone the site from the D-4 district to the C-1 classification. "The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur."

(Continued)

Because this petition has been amended to a less intense commercial use that would be consistent with the Comprehensive Plan recommendation of suburban neighborhood, staff **recommends approval**, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Carson Avenue and a 20-foot half right-of-way shall be dedicated along the frontage of Sumner Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 29, 2022 hearing to the November 10, 2022 hearing, at the request of the petitioner.

September 29, 2022**RECOMMENDATIONS**

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.52-acre site, zoned D-4, is undeveloped and surrounded by a single-family dwelling to the north; religious uses to the south, across Sumner Avenue; a single-family dwelling to the east; and a single-family dwelling to the west, across Carson Avenue, all zoned D-4.
- ◇ Petition 97-SE2-2 provided for the placement of a manufactured home on this site. According to historical aerials, the manufactured home was removed around 2005.

(Continued)

REZONING

- ◇ This request would rezone the site from D-4 District to the C-4 classification (Community-Regional District) to provide automobile repair. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ 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 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.

*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.**)*

(Continued)

- 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.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Carson Avenue and a 20-foot half right-of-way along Sumner Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Carson Avenue and a 20-foot half right-of-way shall be dedicated along the frontage of Sumner Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Planning Analysis

- ◇ As proposed, staff recommends denial because it is not consistent with the Comprehensive Plan recommendation of suburban neighborhood and the Pattern Book that excludes automotive uses, including automotive repair.
- ◇ This site is surrounded by residential uses and a religious use. Introducing an incompatible use, such as automotive repair would be detrimental to and negatively impact the adjacent land uses. Furthermore, outdoor storage of vehicles waiting for repair or pick up would be typical of an automotive repair operation and would intensify the negative impact on the residential neighborhood.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-4

Undeveloped

SURROUNDING ZONING AND LAND USE

North - D-4

Single-family dwelling

South - D-4

Religious uses

East - D-4

Single-family dwelling

West - D-4

Single-family dwelling

COMPREHENSIVE LAND USE
PLAN

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

THOROUGHFARE PLAN

This portion of Carson Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 60-foot right-of-way and a proposed 80-foot right-of-way.

This portion of Sumner Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 40-foot right-of-way and a proposed 50-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay

ZONING HISTORY

97-SE2-3; 3425 Carson Avenue, requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **granted**.

VICINITY

2000-UV1-003; 1802 Sumner Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the mixing and repackaging of soap, with pick-up and delivery of soap products, **granted**.

97-UV1-91; 1801 East Sumner Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 44-foot by 110-foot addition associated with a clothing repackaging business (not permitted), including incidental pick-up and delivery, **granted**.

(Continued)

97-UV1-12; 1801 East Sumner Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a clothing repackaging business (not permitted), including incidental pick-up and delivery, **granted**.

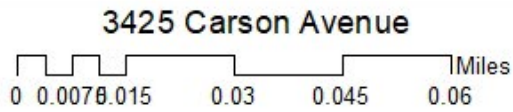
96-UV3-93; 3450 Carson Avenue (west of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an office and commercial storage facility, **granted**.

94-UV1-65; 3481 Carson Avenue (south of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 2,204 square foot building to be used as an office and storage facility for commercial materials, being 15 feet from the proposed right-of-way of Carson Avenue, **granted**.

79-Z-177; 3438 Carson Avenue (south of site), requested rezoning of 0.68 acre, being in the D-5 District, to the C-3 classification to provide for commercial use, **granted**.

63-V-17; 1801 East Sumner Avenue (south of site), requested a variance of use of the B-1 District to provide for a machine shop, office and living area, **granted (voided by grant of 97-UV1-12)**.

kb





View looking north along Carson Avenue



View of site looking southeast across Carson Avenue



View of site looking east across Carson Avenue



View of site looking north across Sumner Avenue



View of site looking north across Sumner Avenue



View looking east along Sumner Avenue



View looking west along Sumner Avenue



View from site looking north across Sumner Avenue



View looking north at the intersection of Sumner Avenue and Carson Avenue



View from site looking west along Sumner Avenue

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-009
Address: 555 West Hanna Avenue (approximate address)
Location: Perry Township, Council District #16
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and resurfaced basketball court.

Case Number: 2023-APP-010
Address: 1129 Vandeman Street (approximate address)
Location: Center Township, Council District #21
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and a resurfaced basketball court.

Case Number: 2023-APP-011
Address: 480 St Paul Street (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and resurfaced basketball court.

Case Number: 2023-APP-012
Address: 254 East Beecher Street (approximate address)
Location: Center Township, Council District #16
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and resurfaced basketball court.

RECOMMENDATIONS

Staff **recommends approval** of these requests.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ These petitions would provide for replacement playground equipment, new playground surfaces, new surface for playing courts and walking paths to existing walking paths for four existing parks within the Indy Parks and Recreation System: Bluff Park, Pride Park, Porter Playfield, and Sexson Park.
- ◇ All of the parks are zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - 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.

(Continued)

- ◇ The Comprehensive Plan recommends either large-scale park or traditional neighborhood for the sites. Small-scale parks are generally for public or private parks that are under 10 acres in size. Large-scale parks are generally for public and private parks that are over 10 acres in size. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood□serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ Each site plan indicates the proposed improvements would be within the park boundaries. Staff supports these requests.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE – 2023-APP-009

PK-1

Park

SURROUNDING ZONING AND LAND USE

North -	D-A	Single-family dwellings
South -	D-A	Single-family dwellings
East -	D-2	Single-family dwellings
West -	D-A / C-3	Single-family dwellings / Automotive repair

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development. The site is located within a floodway.

THOROUGHFARE PLAN

Bluff Rd is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 58-foot right-of-way and a proposed 66-foot right-of-way; Hanna Ave is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 50-foot right-of-way and a proposed 95-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – 2023-APP-010

PK-1

Park

SURROUNDING ZONING AND LAND USE

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

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

EXISTING ZONING AND LAND USE – **2023-APP-011**

PK-1Park

SURROUNDING ZONING AND LAND USE		
North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings
East -	D-5	Single-family dwellings
West -	D-5	Single-family dwellings

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

EXISTING ZONING AND LAND USE – **2023-APP-012**

PK-1Park

SURROUNDING ZONING AND LAND USE		
North -	D-5	Single-family dwellings
South -	I-4	Vacant
East -	D-5	Single-family dwellings
West -	I-4	Vacant

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood.
THOROUGHFARE PLAN	Beecher Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 25-foot right-of-way and proposed 48-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There are no overlays for this site.

SITE PLANS – ALL SITES	File-dated March 10, 2023
ELEVATIONS	None

ZONING HISTORY

2009ZON034, 254 E. Beecher St, Sexson Park rezoning from I4U/D5 to PK-1, granted.

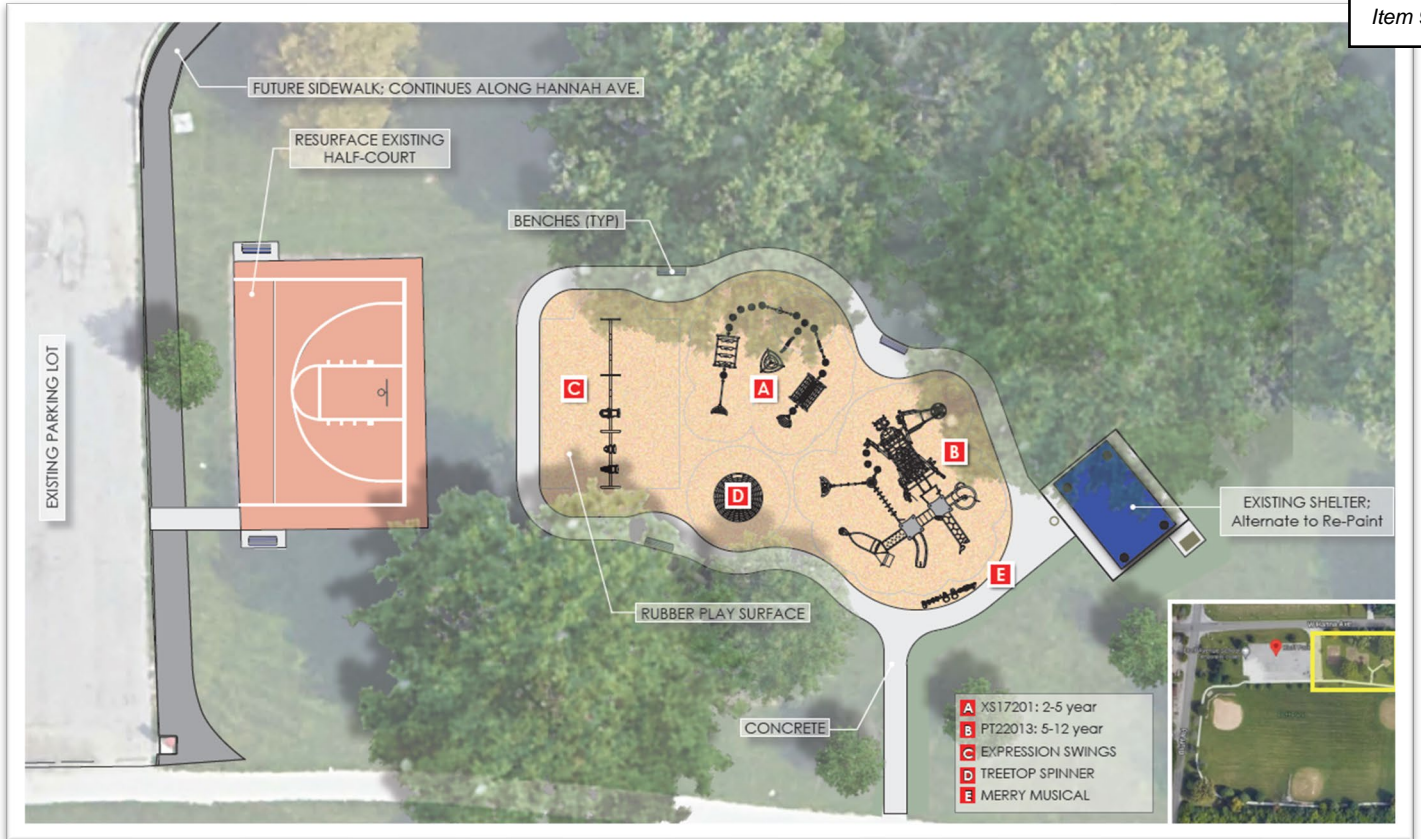
BB



Location Map, Bluff Park



Aerial view, Bluff Park



Site Plan, Bluff Park



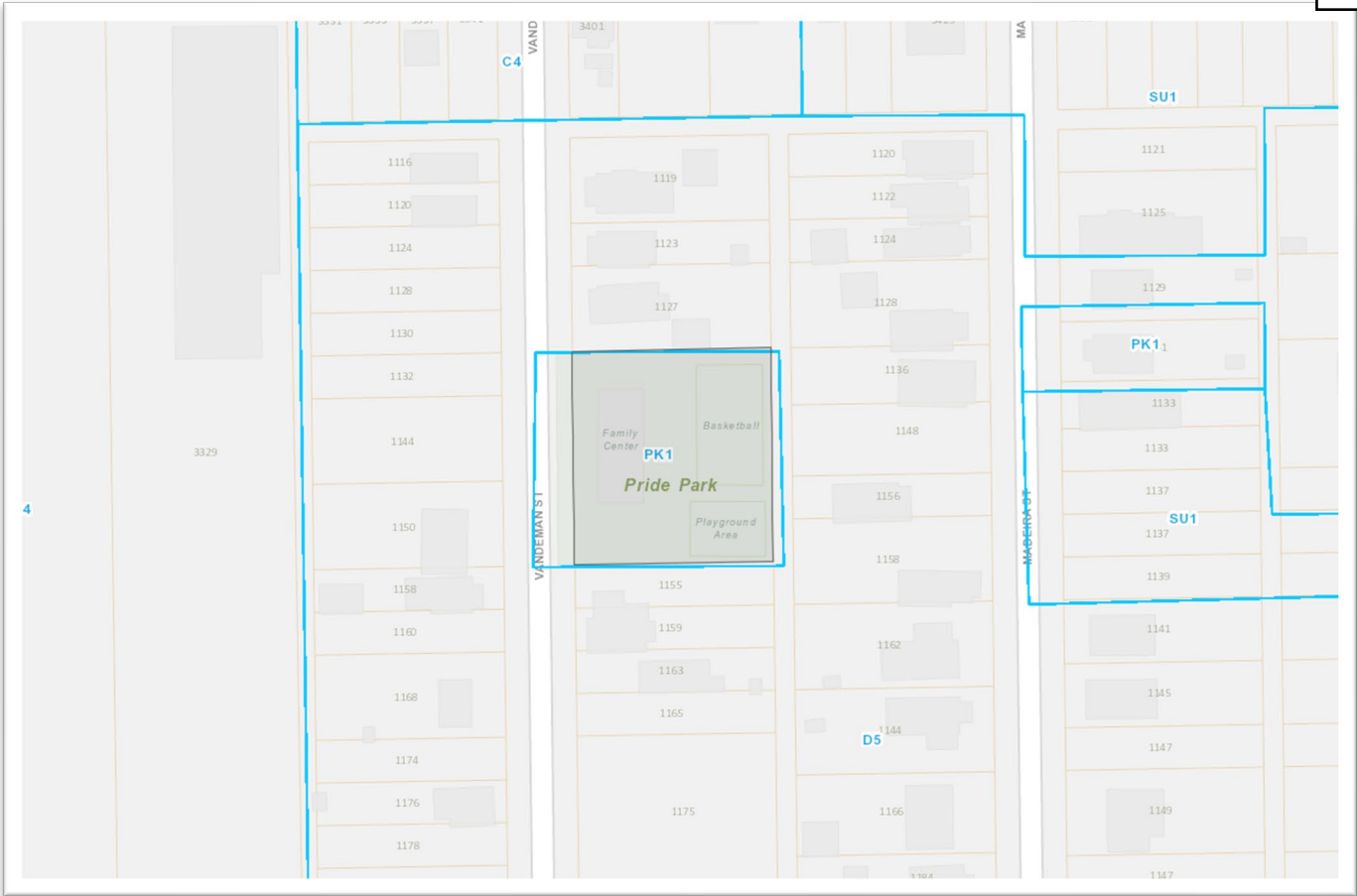
Site photo, view south from Hanna Ave



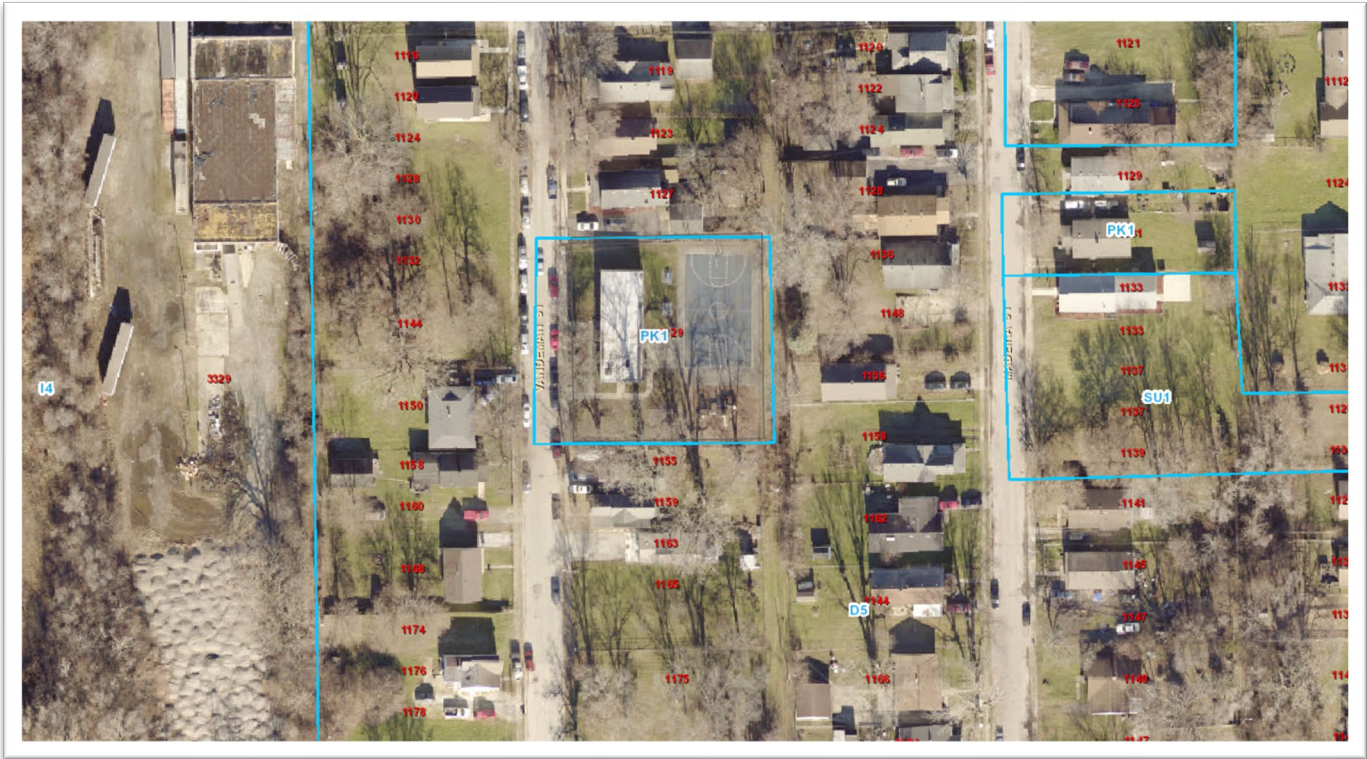
Site photo, view west along Hanna Ave

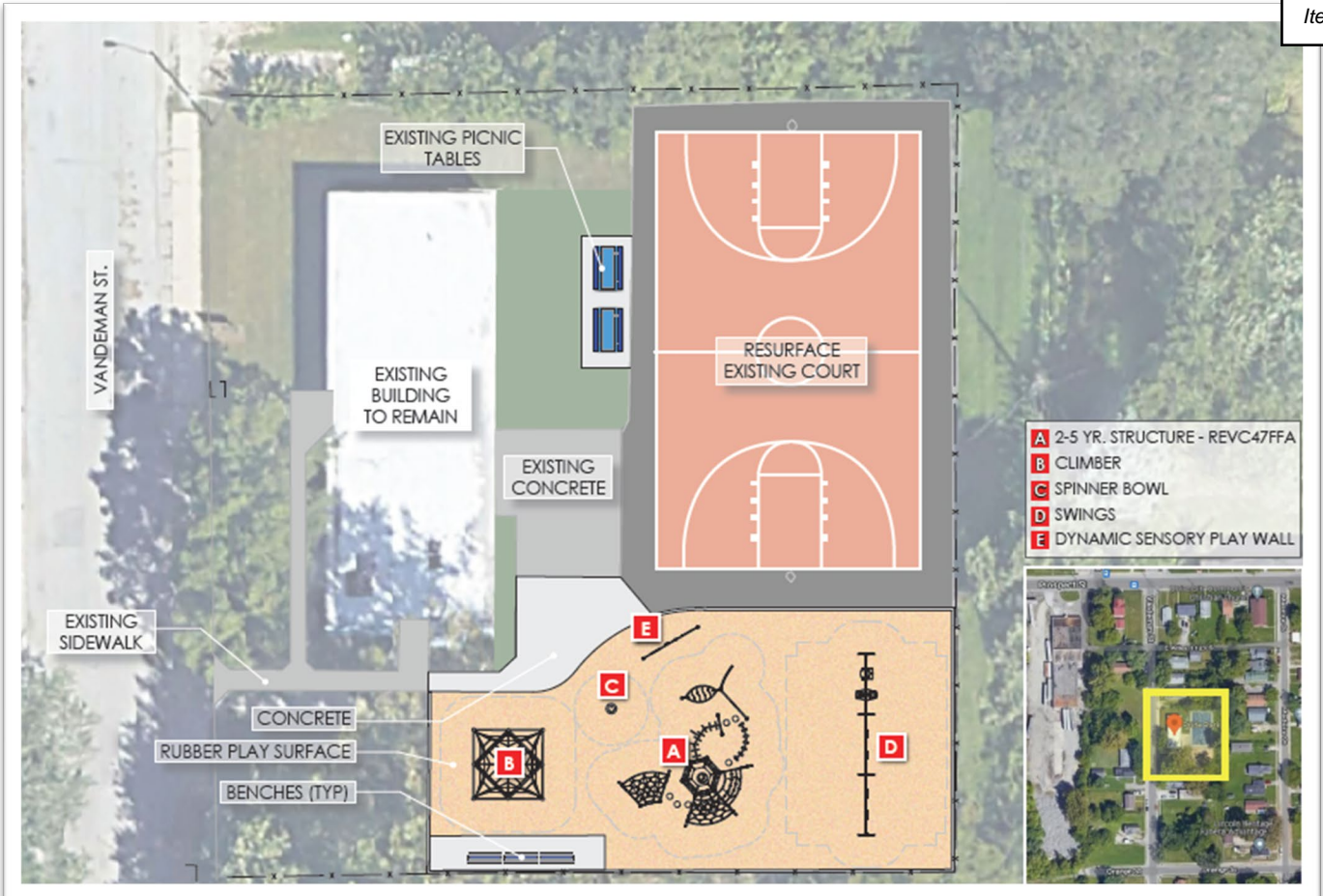


Site photo, view of playground area



Location map, Pride Park





Site Plan, Pride Park

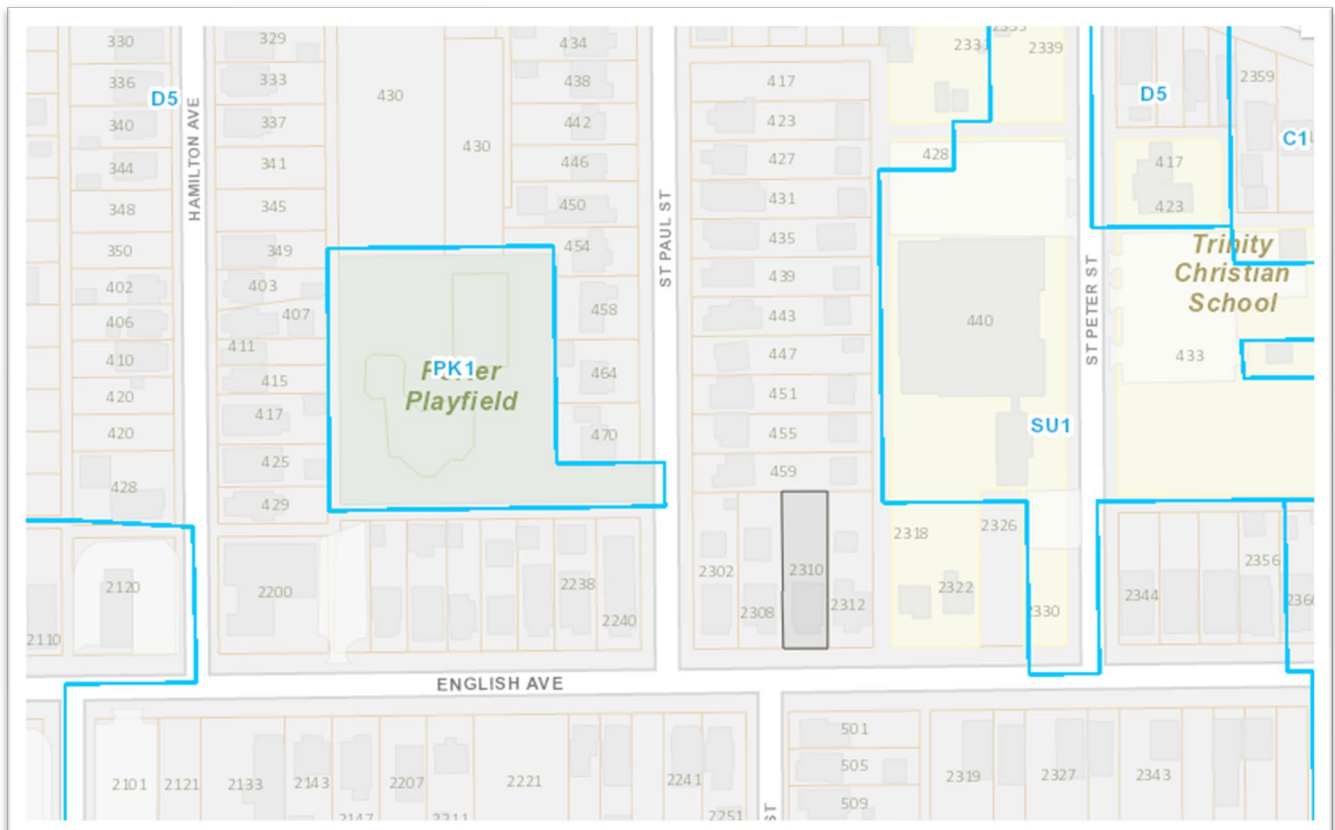


Site photo, Vandeman St south



Site photo, rear playground area

STAFF REPORT 2023-APP-011, Enclosures



Location map, Porter Playfield



Aerial view, Porter Playfield



Site Plan, Porter Playfield



Site photo, at southwest corner

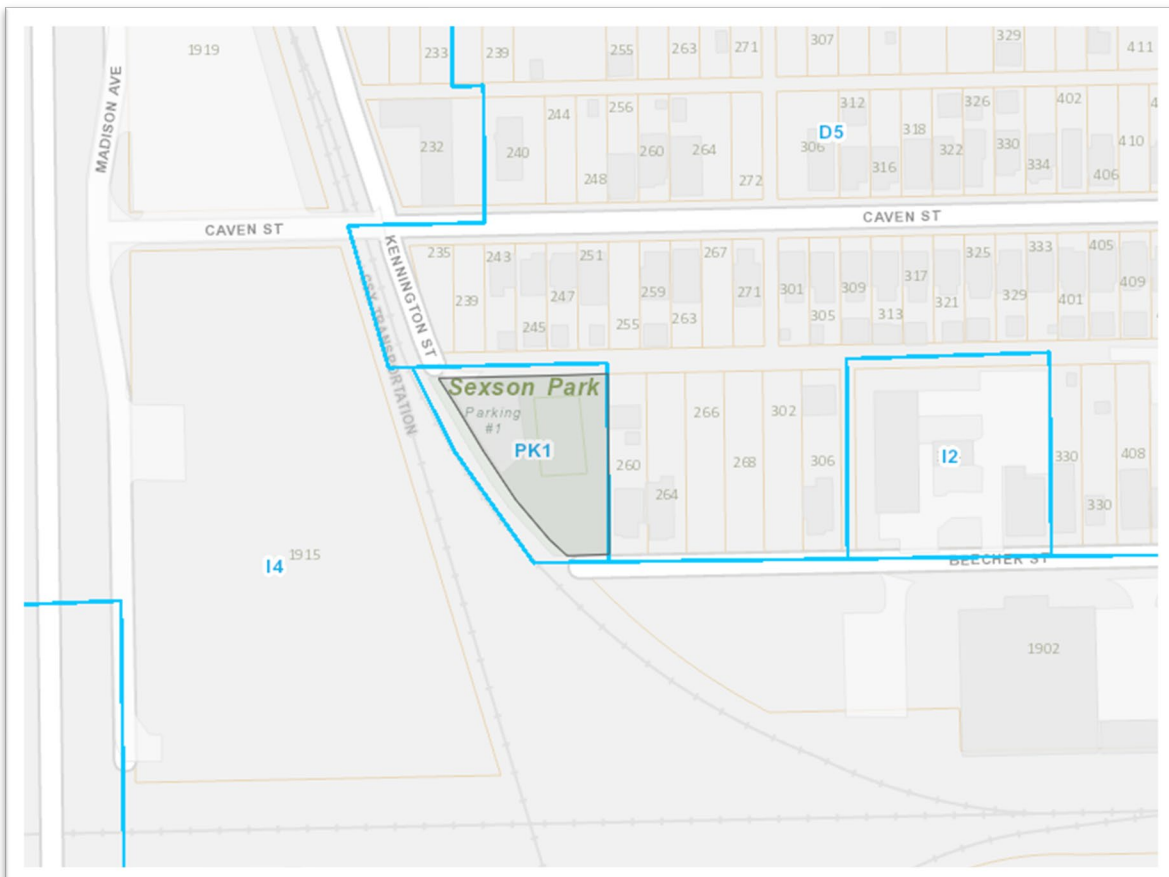


Site photo, playground



Site photo, basketball court

STAFF REPORT 2023-APP-012, Enclosures



Location map, Sexson Park



Aerial view, Sexson Park



Site Plan, Sexson Park



Site photo, Beecher Street



Site photo, from west

STAFF REPORT

Item 13.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-006
Address: 5943 Lafayette Road (*Approximate Address*)
Location: Pike Township, Council District #8
Zoning: D-P
Petitioner: Eagle Creek Community Church, by Kylie Holley
Request: Modification of Development Statement and Commitments related to 90-Z-58 and 93-SE2-8 to provide for a sign program for the existing religious use which would allow signs per the SU-1 zoning classification.

RECOMMENDATIONS

Staff **recommends approval** of the request. subject to the site plan and sign elevations, both filed November 3, 2022.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 4.85-acre site, zoned D-P, is developed with religious uses. It is surrounded by single-family dwellings to the north and east, zoned D-P; religious uses to the south, across Petersburg Parkway, zoned D-P; and undeveloped land to the west, across Lafayette Road, zoned D-A.
- ◇ Petitions 90-Z-58 / 90-DP-2 rezoned a larger site (this site included) to the D-P classification to provide for multi-family development. Petition 93-SE2-8 allowed for construction of a church on this site.
- ◇ No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided.

(Continued)

MODIFICATION

- ◇ This request would modify the Development Statement and Commitments related to 90-Z-58 and 93-SE2-8 to provide for a sign program, specifically a monument sign at the northeast corner of the intersection of Lafayette Road and Petersburg Parkway.
- ◇ The purpose of the Planned Unit Development District (D-P) includes promoting flexibility and incentives for residential, non-residential and mixed-use development including the creation of a planning document governing the development standards
- ◇ 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.”

Planning Analysis

- ◇ As proposed the request would provide for a five-foot tall by 10-foot-wide monument sign for religious uses.
- ◇ The Sign Regulations include the following provisions related to signage in D-P districts:
 - Planned Unit Development District (D-P) submissions shall include a sign program, identifying permitted signs and development standards, or a reference to the Section of the Sign Ordinance that should be applied for compliance of any proposed signage.
 - All development shall be in conformity with the approved detailed planned unit development and any material deviations from the approved detailed planned unit development shall be subject to appropriate enforcement action.
- ◇ Staff supports this request because religious uses are generally compatible with residential neighborhood if they are designed and developed properly to address issues such as parking, hours of operation, outdoor activities, signs, setbacks, and landscaping.
- ◇ Because of the historical religious use of the site, presumably there has been minimal impact on the adjacent residential uses. Furthermore, the proposed monument sign complies with the permitted signs in the SU-1 district where religious are permitted.
- ◇ For these reasons staff supports this request for a monument sign and believes the sign is not obtrusive or impactful on surrounding land uses and would provide appropriate identification of the church.

(Continued)

- ◇ Staff would note that what appears to be the right-of-way line on the site plan, file-dated November 3, 2022, does not agree with the right-of-way line on the City’s GIS mapping application. Consequently, location of the sign would need to be verified in the field and comply with the required 10-foot setback from the right-of-way. Otherwise, a variance from the Sign Regulations would need to be filed and granted if that provision cannot be met.
- ◇ Staff would also note that illuminated signs are not permitted within 50 feet of a protected district. It appears that requirement has been met but due to site plan discrepancies that should also be confirmed.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-P	Religious uses
-----	----------------

SURROUNDING ZONING AND LAND USE

North -	D-P	Single-family dwellings
South -	D-P	Religious uses
East -	D-P	Single-family dwellings
West -	D-A	Undeveloped land

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of Lafayette Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 126-foot right-of-way and a proposed 102-foot right-of-way.

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

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay.

SITE PLAN

November 3, 2022

SIGN ELEVATIONS

November 3, 2022
(Continued)

ZONING HISTORY

93-SE2-8; 5943 Lafayette Road (subject site), requested a special exception of the Dwelling Districts Zoning Ordinance to permit the construction of a church, **granted**.

92-SE2-10; 5935 Lafayette Road (south of site), requested a special exception of the Dwelling Districts Zoning Ordinance to permit the construction of a church, **granted**.

91-Z-58 / 90-DP-2; 5901 Lafayette Road (subject site), requested rezoning of 47 acres, being in the D-A District, to the D-P classification to provide for multi-family development, **approved**.

kb



5943 Lafayette Road

0 0.0175 0.035 0.07 0.105 0.14 Miles



business, and for the better management of the organization as a whole. The use of the Internet for the management of the organization is a new concept. The use of the Internet for the management of the organization is a new concept. The use of the Internet for the management of the organization is a new concept.



Permitting Site Plan

les Manager: Steve Marsh
signer: NH

te: 08.02.2021

PROJECT PHASE:

DEVELOPMENT

APPROVED

COLOR SWATCHES:

Standard White

LOCATION:

Parent Folder:
Winter Grove School Corp.

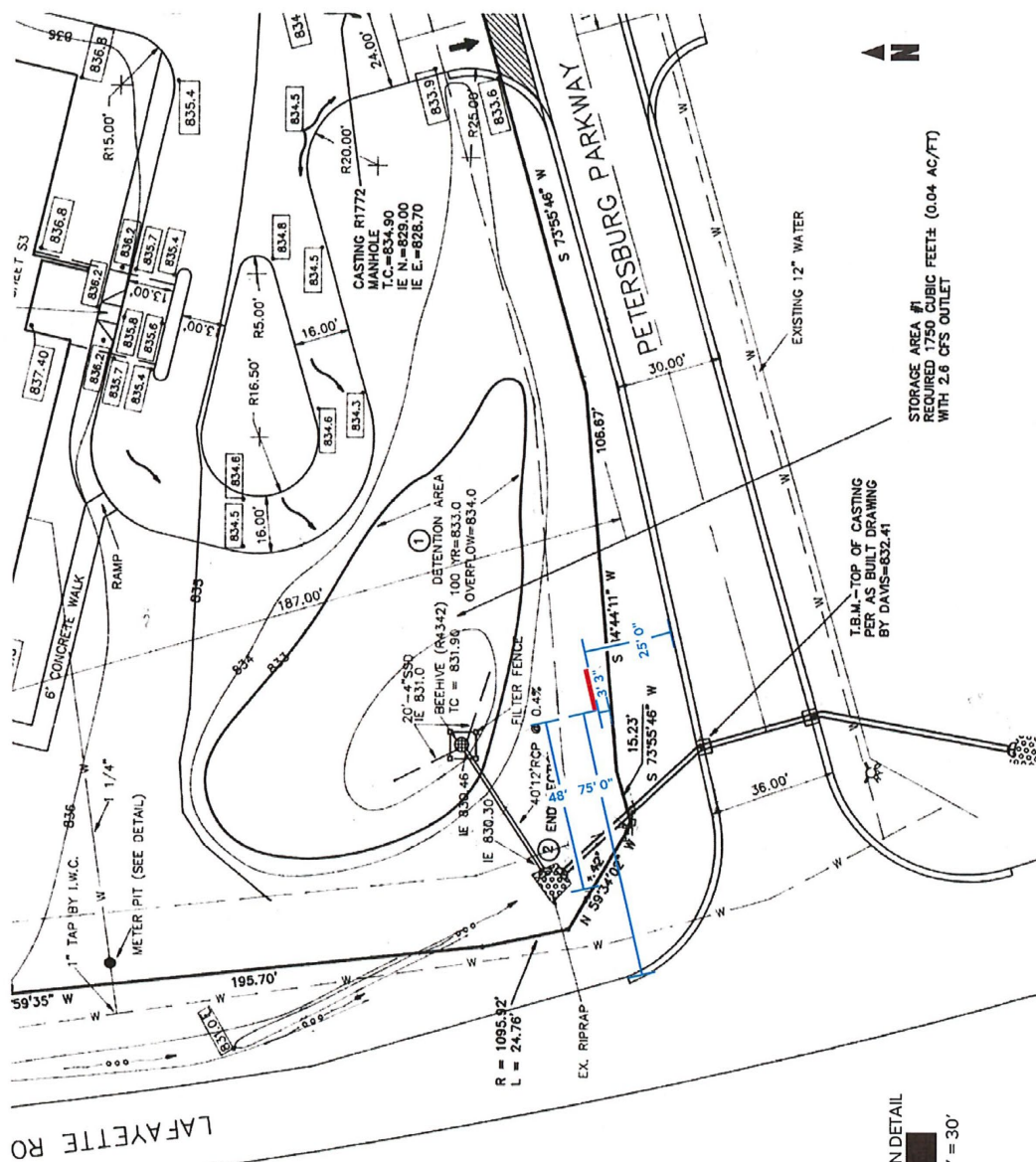
ject Folder: PROOFS

Name: _____

Customer Approval Signature

iii


SHEET. 02




SITE PLAN DETAIL

01B

SCALE: 1" = 30'



SIGNWORKS
3500 W. 10th Street • Indianapolis, IN 46208
317.782.2222
Signworks@tiscali.com



Eagle Creek
COMMUNITY CHURCH

Entrance Monument

Sales Manager: Steve Marsh
Designer: NH

Date: 09.21.2022

PROJECT PHASE:
DEVELOPMENT
APPROVED

COLOR SWATCHES:

Standard Black	Standard White
PMS 2330C Grey	PMS 2157C Medium Blue

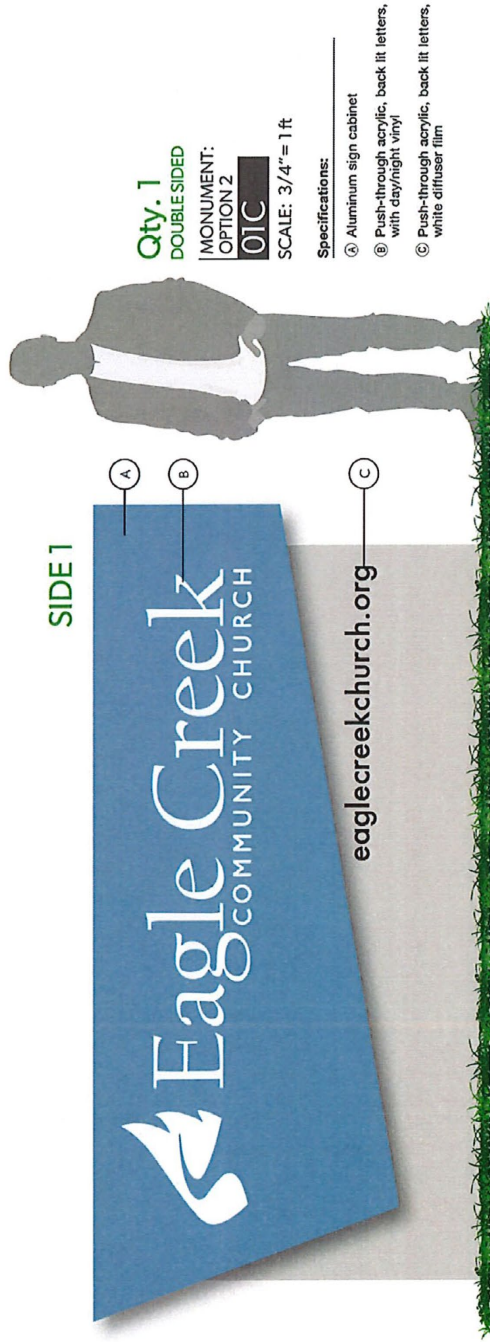
FILE LOCATION:
Client Folder:
Eagle Creek Community Church

Project Folder: PROOFS

File Name:
Monument_4.ai

Customer Approval Signature

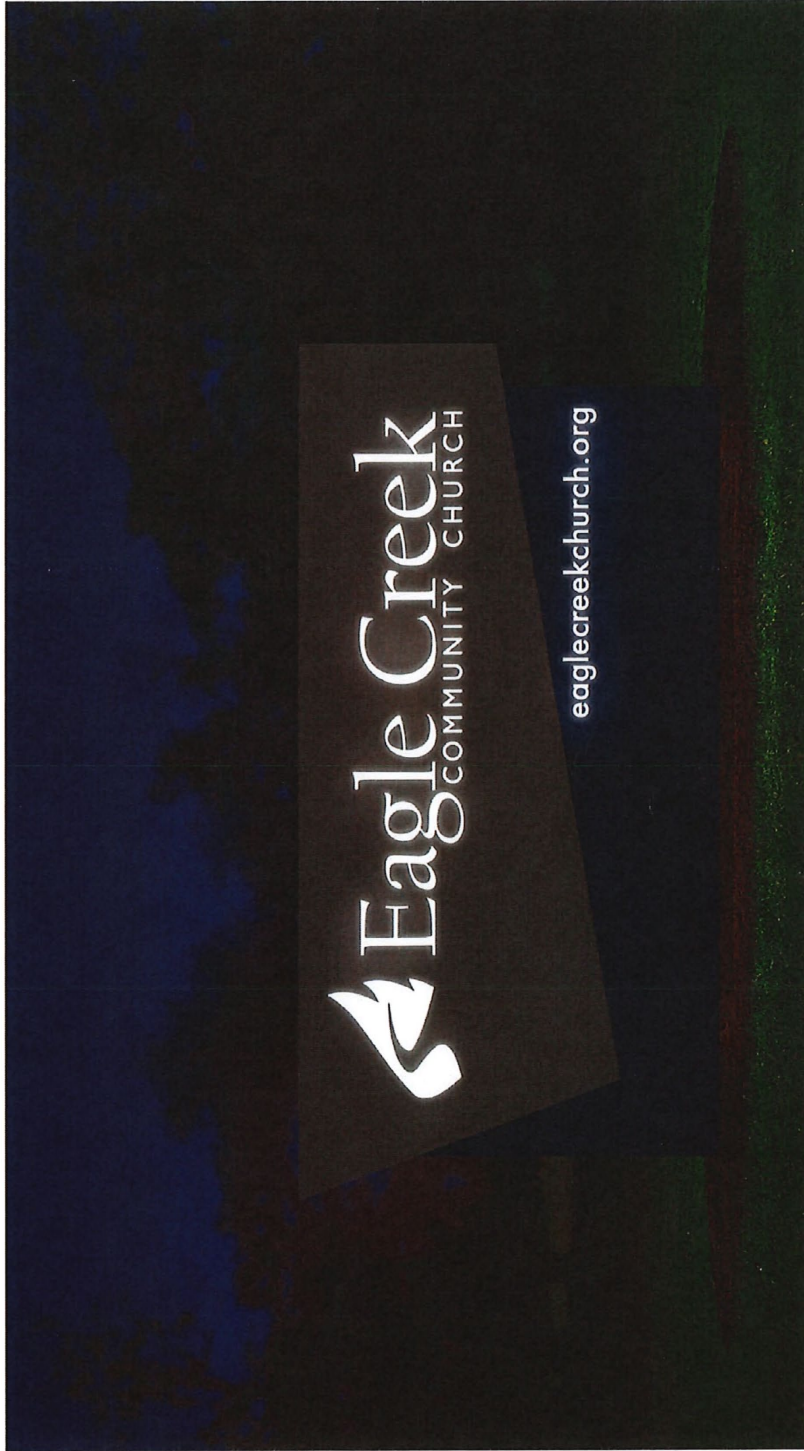
Date:
SHEET 03



NIGHTTIME RENDERING

01B

SCALE: NTS



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Entrance Monument

Sales Manager: Steve Marsh
Designer: NH

Date: 09.21.2022

PROJECT PHASE:

DEVELOPMENT

APPROVED

COLOR SWATCHES:

☐ Standard Black
☐ Standard White
☐ PMS 2330C Grey
☐ PMS 2157C Medium Blue

FILE LOCATION:

Client Folder:
Eagle Creek Community Church

Project Folder: PROOFS

File Name:
Monument_4.ai

Customer Approval Signature

Date:

SHEET 02



View looking north along Lafayette Road



View looking east along Petersburg Parkway



View of site looking north across Petersburg Parkway



View of site looking north across Petersburg Parkway



View of site looking north across Petersburg Parkway



View of site looking west



View from site looking south across Petersburg Parkway

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-012
Address: 813 South Kenwood Street (approximate address)
Location: Center Township, Council District #16
Petitioner: Aaron Jefferson, by Brent Bennett
Request: Rezoning of 0.07-acre from the C-5 (RC) district to the D-8 (RC) district to provide for residential uses.

RECOMMENDATIONS

Staff **recommends approval** of the petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The request would provide for the rezoning of a site developed with a single-family dwelling on a lot which a dwelling has existed since at least 1915. This area was historically residential, however, due to proximity to downtown and interstates, has become more commercial and mixed-use in nature. A few dwellings exist in this area but are typically not zoned residential. The petitioner proposes to renovate the existing structure for residential purposes.
- ◇ The Land Use Plan recommends City Neighborhood. This typology is “dense and walkable with a full range of city services and public amenities. Ideally, block lengths are shorter than 500 feet and publicly-accessible pedestrian connections are provided through large developments. Access to individual parcels is generally by an alley or internal parking structures. Public spaces are typically of a smaller and more intimate scale in the form of smaller parks, streetscapes, and interior courtyards or rooftop spaces. Residential development activates the sidewalk with externalized doors and public or semi-public spaces. The City Neighborhood typology typically has a residential density in excess of 15 dwelling units per acre.” This request would only rezone one parcel to D-8, however, it could promote further properties south of the site to D-8, to further encourage dense residential development in compliance with the Plan.

REGIONAL CENTER

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed, through 2022-REG-078.

(Continued)

STAFF REPORT 2023-ZON-012 (Continued)**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

D-8 (RC) Vacant single-family dwelling

SURROUNDING ZONING AND LAND USE

North - C-5 (RC)	Vacant commercial
South - C-5 (RC)	Undeveloped
East - C-5 (RC)	Interstate 70 off-ramp
West - C-5 (RC)	Automobile collision repair

COMPREHENSIVE PLAN The Comprehensive Plan of Marion County recommends City Neighborhood development.

THOROUGHFARE PLAN The Official Thoroughfare Plan for Marion County indicates that Kenwood Avenue is a local street, with an existing and proposed 48-foot right-of-way.

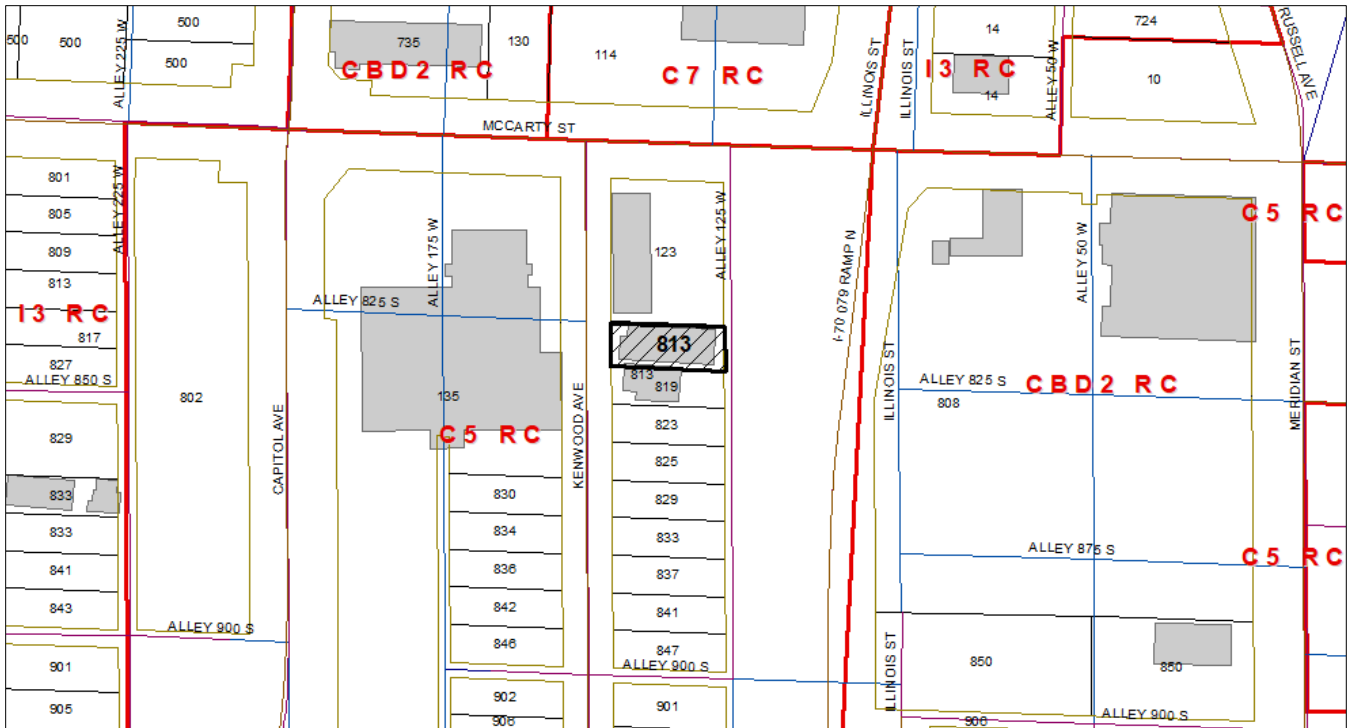
ZONING HISTORY - SITE

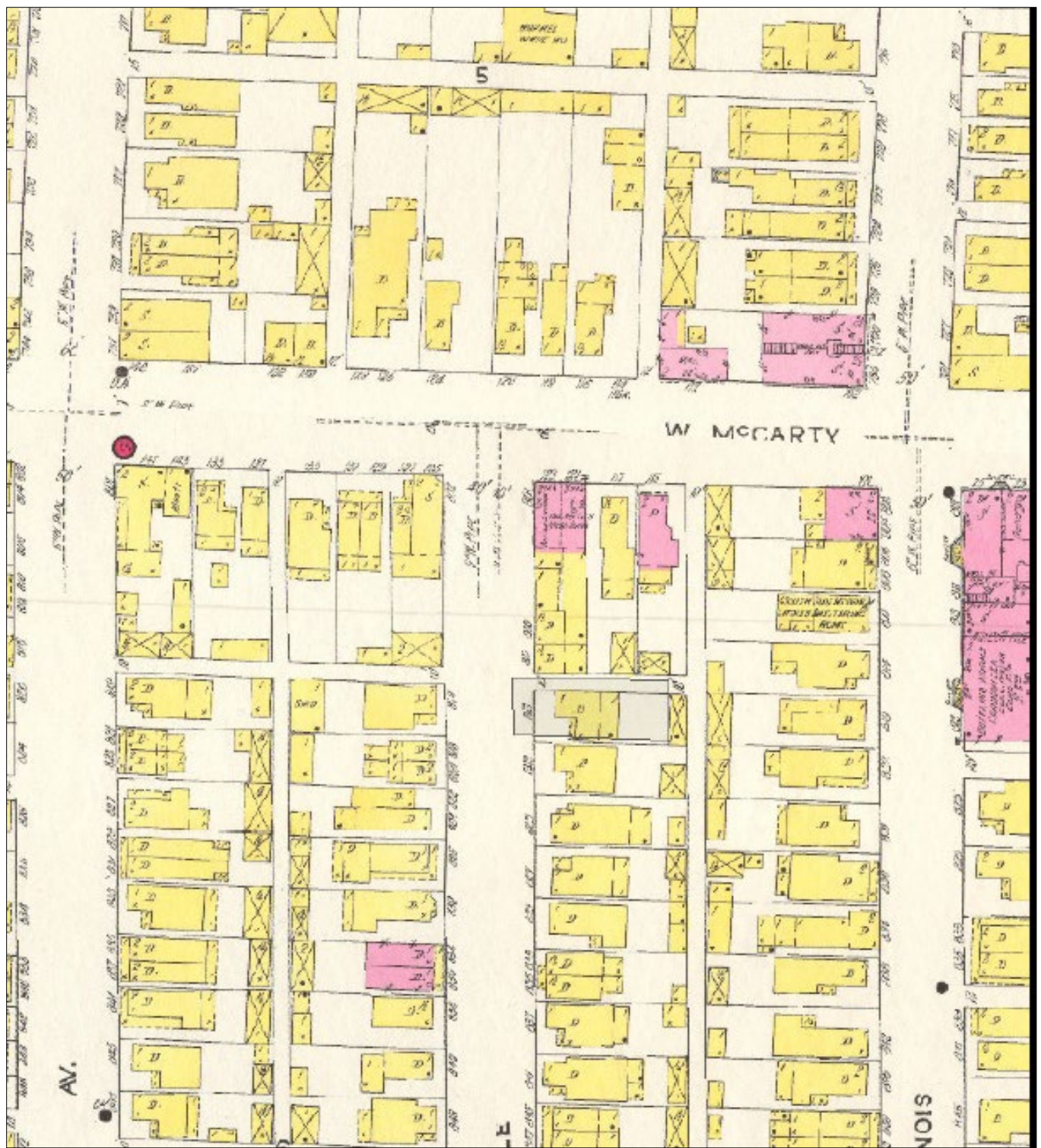
2023-REG-078; 813 South Kenwood Avenue, requested Regional Center Approval to provide for removal of rear garage portion of dwelling and to provide for an addition to the dwelling, **pending**.

ZONING HISTORY - VICINITY

None.

JY





1915 Sanborn Fire Insurance Map of site and area



View of the site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806
Address: 818, 822, 826, 830, 834 and 838 Union Street, 831, 835 and 837 Charles Street, and 23, 27 and 31 Sycamore Street (*Approximate Addresses*)
Location: Center Township, Council District #16
Petitioner: The Redevelopment Group, by Russell L. Brown
Request: Rezoning of 0.18 acre from the D-8 (RC) district to the CBD-2 (RC) district to provide for residential uses.

Approval of a Subdivision Plat to be known as Meridian Enclave, dividing 0.99-acre into eighteen lots and one common area.

Vacation of the first and second alleys, south of Sycamore Street, both being twelve feet in width, from the west right-of-way line of Union Street, west 184.61 feet to the east right-of-way line of Charles Street, with a waiver of the assessment of benefits.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 16, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

STAFF REPORT 2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806 (Continued)

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

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 Plat Committee confirm and ratify the adoption of Declaratory Resolution 2023-CVC-806; 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:

LAND USE

- ◇ The subject site is comprising of 12 lots of various sizes and is located southeast of McCarty Street and Meridian Street. Access to the site is gained from Sycamore Street, or Union Street, both of which have direct access to Meridian Street. Nine of the lots have primary residential structures, with three lots with accessory structures. One lot is developed with a vacant commercial building. All buildings appear to be vacant.
- ◇ The subject site is mostly zoned CBD-2 (RC), with two lots zoned D-8 (RC). North of the site is mixed residential and commercial, with office and retail uses to the west and developing mixed-uses to the south. An interstate on-ramp is located to the east.
- ◇ This companion petition would rezone two of the 12 lots to the CBD-2 (RC) district, vacate two unimproved alleys, and subdivide the property into 18 lots and one common area, to provide for a townhome development.
- ◇ The request to CBD-2 would comply with the Comprehensive Plan, which recommends the site for Urban Mixed-Use development.

PLAT

- ◇ The plat would subdivide the subject site into 18 lots and one common area. Lots One and Two would each contain a single-family detached dwelling and an attached accessory structure. Each of the remaining Lots would contain four-story single-family attached dwellings. The proposed common area would provide for access to attached garages or parking pads for each dwelling. Additionally, an existing 12-foot east-west alley, south of proposed Lot Ten, would be widened to 15 feet.

(Continued)

STAFF REPORT 2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806 (Continued)

TRAFFIC / STREETS

- ◇ The subject site has frontage on Sycamore Street to the north, Charles Street to the west and Union Street to the east. Each lot would have its own access from existing public streets and the proposed common area. No new streets are proposed.

SIDEWALKS

- ◇ Sidewalks exist along Sycamore Street and Union Street. Sidewalks are proposed along Charles Street.

VACATION

- ◇ Two, 12-foot wide, east-west alleys, would be vacated with the proposed vacation request. These alleys unimproved. A new private drive, oriented north-south, would be constructed to provide rear access to the proposed dwellings, removing the need for these alleys.

ASSESSMENT OF BENEFITS

- ◇ These alleys are unimproved; therefore, the request to waive the Assessment of Benefits would be acceptable.

REGIONAL CENTER

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, including townhomes in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

CBD-2 / D-8 (RC) Compact Vacant residential and commercial

SURROUNDING ZONING AND LAND USE

North - C-5 (RC)	Residential / office
South - CBD-2 (RC)	Mixed-use development
East - I-4 (RC)	Interstate on- and off-ramps
West - C-5 (RC)	Office / commercial

COMPREHENSIVE PLAN The Comprehensive Plan of Marion County recommends Urban Mixed-Use development.

(Continued)

STAFF REPORT 2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806 (Continued)

THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that Sycamore Street and Charles Street are local streets, with 48-foot rights-of-way existing and proposed. The proposed plat indicates that Sycamore Street is 24 feet in width and Charles Street is 30 feet in width.
TRANSIT-ORIENTED DEVELOPMENT	This site is not within the Transit-Oriented Development Overlay
SITE PLAN	File-dated February 16, 2023
VACATION FINDINGS OF FACT	File-dated February 16, 2023
VACATION SURVEY	File-dated February 16, 2023

ZONING HISTORY - SITE

None.

ZONING HISTORY - VICINITY

2022-REG-024; 815 South Meridian Street and 25 East McCarty Street, requested Regional Center Approval to provide for updated plans for a proposed seven-story hotel (previously approved for a six-story hotel, through 2019-REG-107 and 2021-REG-063), with apartments and amenities, including a restaurant, courtyard, and roof-top lounge, **approved**.

2022-ZON-048; 25 East McCarty Street, requested a rezoning of 0.26-acre, from the C-5 (RC) district to the CBD-2 (RC) district, **approved**.

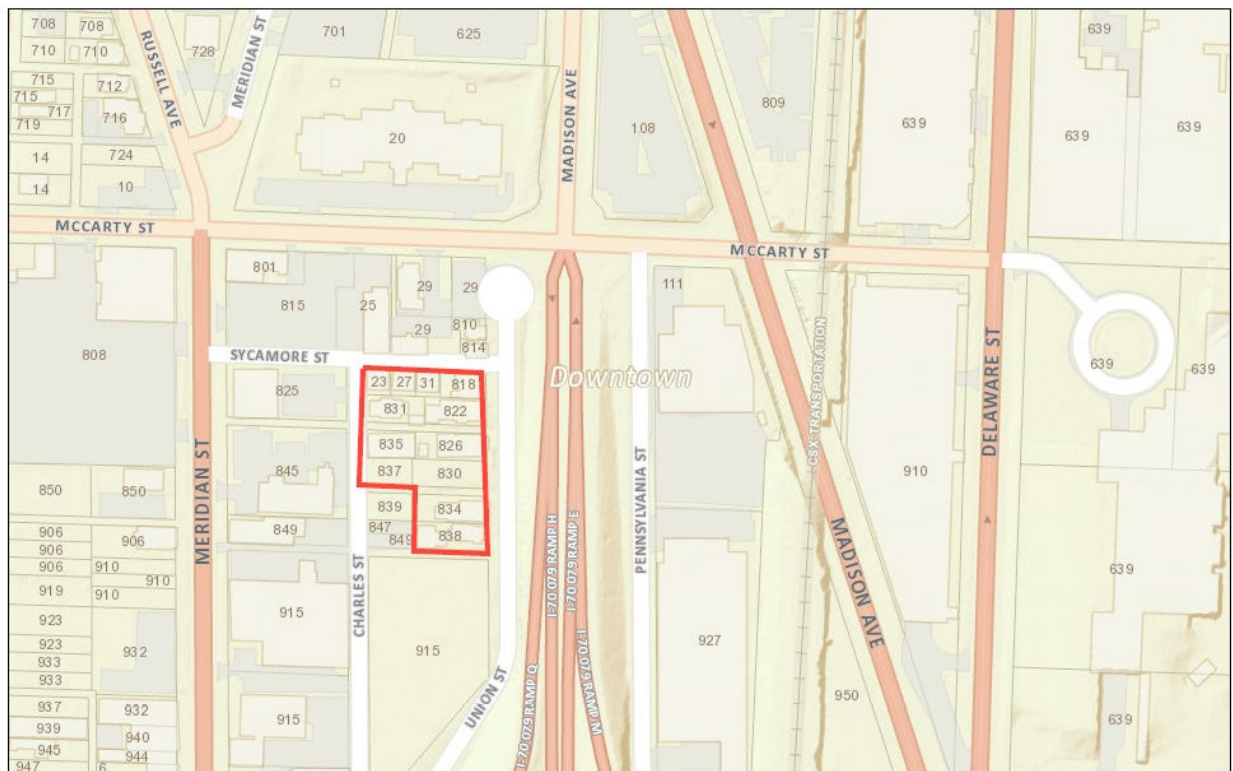
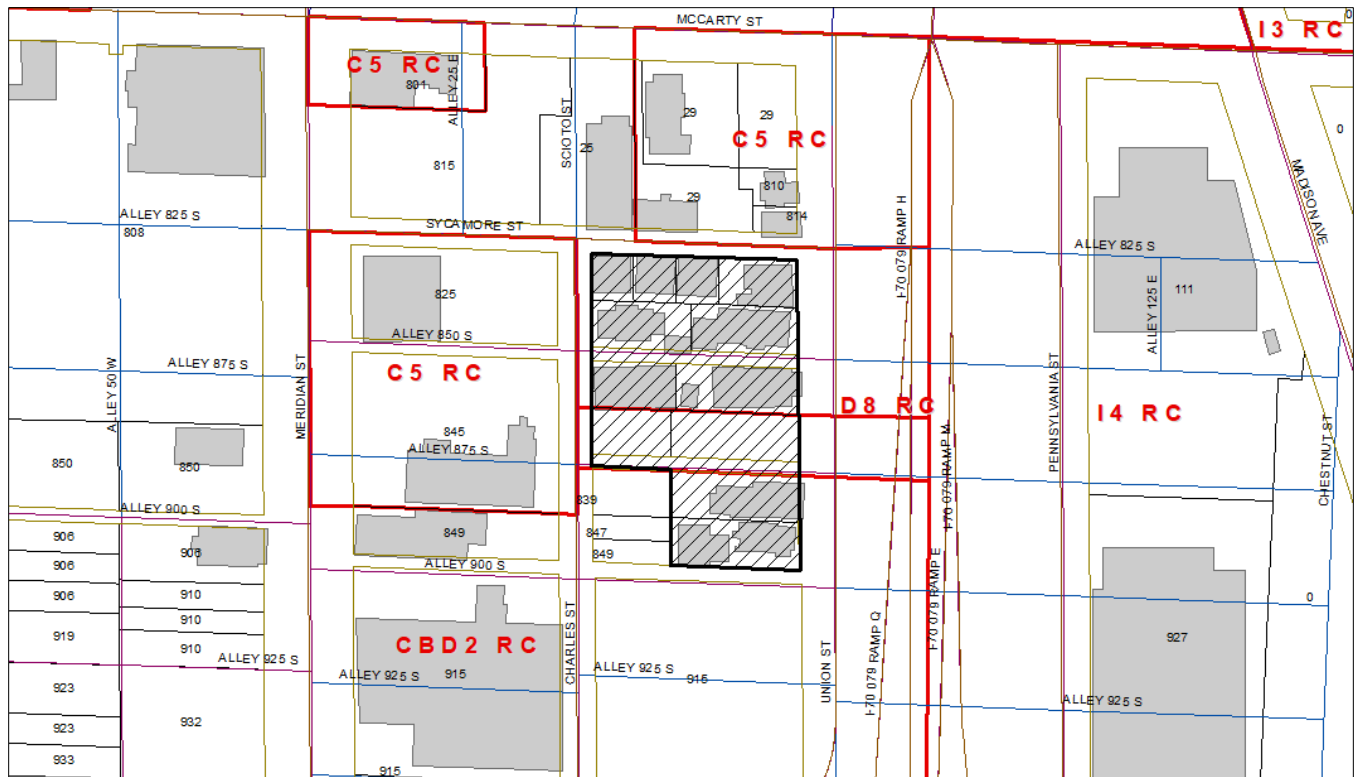
2022-DV3-007; 815 South Meridian Street and 25 East McCarty Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-story hotel structure, with encroachments into the sky exposure Plane Two and to provide for a nine-foot-tall courtyard wall, **granted**.

2021-REG-063; 19 and 25 East McCarty Street, requested Regional Center Approval to provide for demolition of an existing one-story commercial structure and for updated plans of a six-story hotel, previously approved through 2019-REG-107, **approved**.

2019-REG-107; 19 East McCarty Street, requested Regional Center Approval to provide for the construction of a six-story hotel, with 119 rooms, **approved**.

2019-REG-061; 850 South Meridian Street, requested Regional Center Approval for demolition of a one-story office building and construction of a five-story hotel, with 146 units, conference facilities and a restaurant, **approved**.

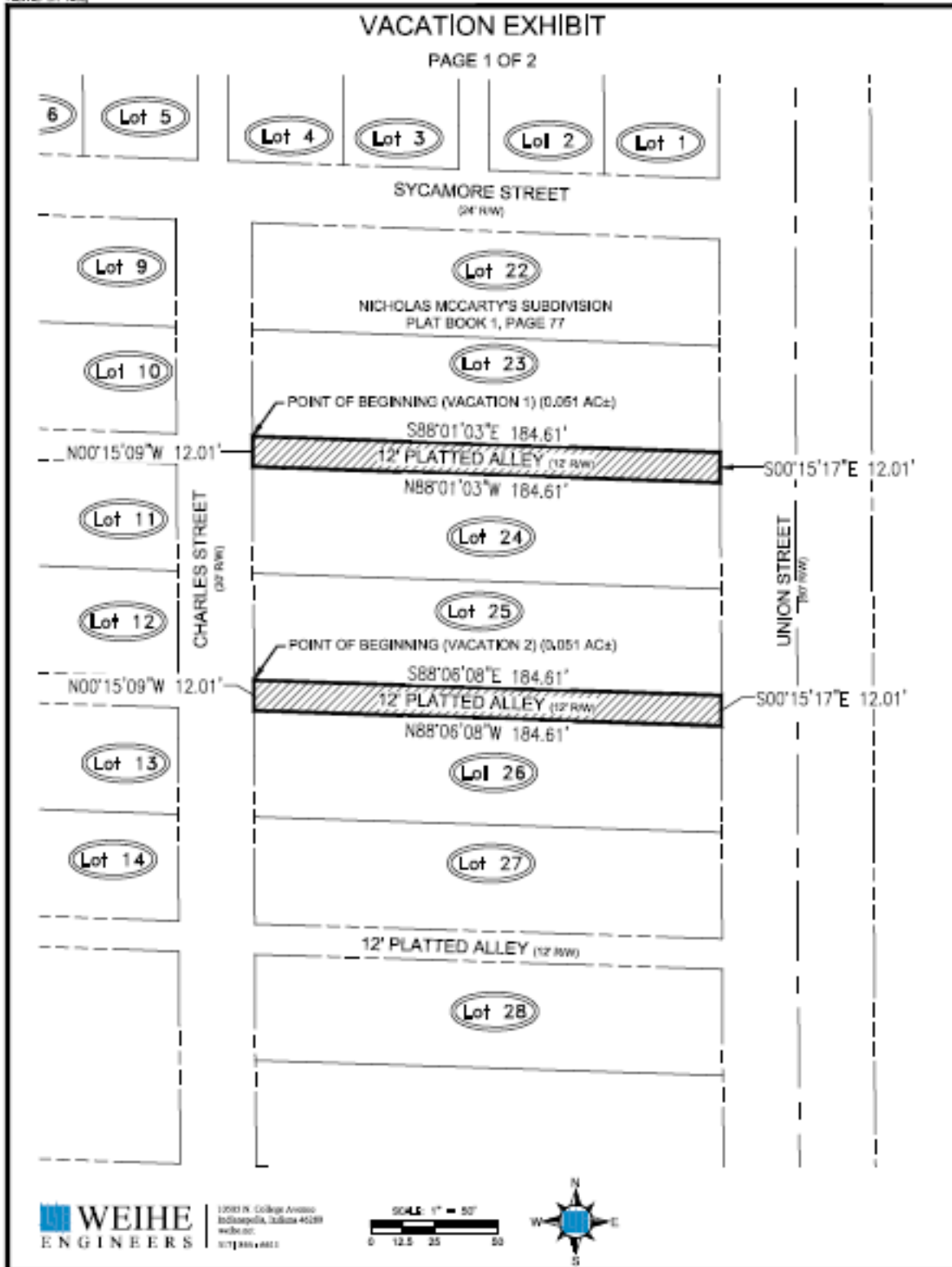
JY



2/16/2023

1-2 257

LOCATION: 01/04/20 Project/2022/0220084/Engineering/Asap/initials/location: 01/04/2022-02-04
 DATE/TIME: February 15, 2023 - 8:44am
 PLTTER: (in view)



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 vacation of these two alleys will allow for a reorientation and redevelopment of the majority of this block. The new development will be served by a private drive serving as an alley, to feed garages for the proposed development. This will allow for off street parking which is needed in the nearby vicinity because of narrow existing rights of way. The alleys to be vacated do not serve any residential structures which will remain upon redevelopment and are in disrepair. The new private drive will connect Sycamore Street to a remaining public alley which will serve the new development and development occurring to the south of the project area.

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 ____



Existing structures along Sycamore Street



View of site to the left and Charles Street, looking south



View of dwellings along Sycamore Street and Union Street



View of dwellings and proposed alleys to be vacated, from Union Street



View of structures along Charles Street, looking north

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-815 / 2023-CAP-815
Address: 1945 Orange Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Rezoning of .6 acres from the D-5 (FF) district to the PK-1 (FF) district to provide for park uses.
 Park District One Approval to provide for new playground equipment, a rubberized play surface, and sidewalks.

RECOMMENDATION

Staff recommends approval of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This site was platted as part of Nicolaus Jose's Second Pleasant Valley Addition in 1889. Historic mapping indicates that dwellings occupied the area until Pleasant Run Parkway was built requiring the removal of several homes along the south side of Orange Street. The remaining triangular lot was vacant until the mid-1990's when playground equipment was installed formally making the site the neighborhood park that remains today.
- ◇ The 2018 Comprehensive Land Use Plan recommends Large-Scale Park for the subject site.

ZONING

- ◇ Given the site's history of use and the character of the surrounding uses, staff supports the rezoning.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE
 D-5 Compact Park

(Continued)

STAFF REPORT 2023-CZN-815 / 2023-CAP-815 (Continued)**SURROUNDING ZONING AND LAND USE**

North	D-5	Residential
South	PK-1	Linear Park (Pleasant Run Trail)
East	D-5	Residential
West	PK-1	Linear Park (Pleasant Run Trail)

COMPREHENSIVE LAND USE PLAN The Pike Township Comprehensive Plan (2018) recommends Large-Scale Park.

THOROUGHFARE PLAN

Pleasant Run Parkway North Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 70-foot existing right-of-way.

Orange Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way.

Randolph Street 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 48-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE This site is located within a floodway or floodway fringe.

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

ZONING HISTORY – SITE

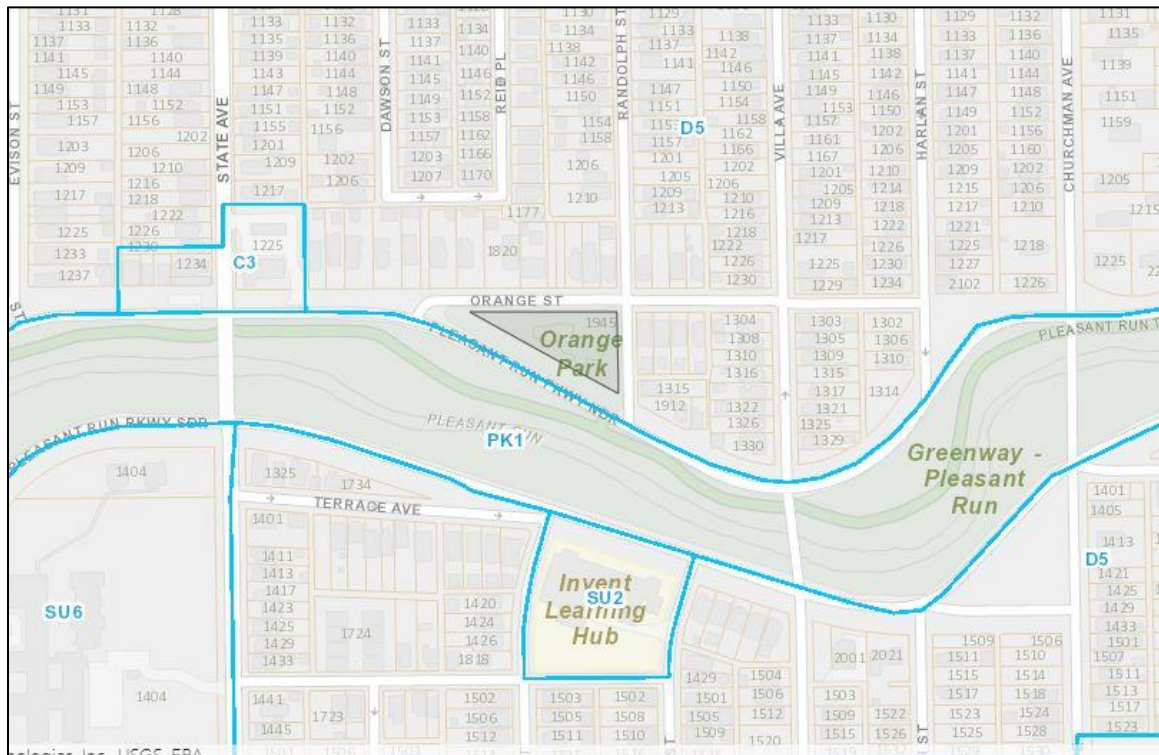
None.

ZONING HISTORY – VICINITY

None.

BB

STAFF REPORT 2023-CZN-815 / 2023-CAP-815, Location



STAFF REPORT 2023-CZN-815 / 2023-CAP-815, Aerial photograph (2022)



(Continued)

STAFF REPORT 2023-CZN-815 / 2023-CAP-815, Site Plan



STAFF REPORT 2023-CZN-815 / 2023-CAP-815, Photograph



View of the site from Orange St looking southeast

STAFF REPORT

Item 17.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-816 / 2023-CVR-816
Address: 5110 East 82nd Street (*Approximate Address*)
Location: Washington Township, Council District #3
Petitioner: J.C. Hart Company, Inc., by Michael Rabinowitch
Requests: Rezoning of 10.5 acres from the C-S (FF) district to the C-S (FF) district to provide for a multi-family uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 62-foot tall multi-family building (maximum 45-foot height permitted).

RECOMMENDATIONS

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. Development of the site shall be substantial compliance with the site plan, landscape plan, sign program and building elevations, all file-dated March 23, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 10.5-acre site, zoned C-S, is undeveloped and surrounded by the White River to the north, multi-story office buildings to the south and east, and White River and an event center to the west, all zoned C-S.
- ◇ Petition 86-Z-81 rezoned the larger site (111 acres) to the C-S District to provide for multiple office buildings, hotels, restaurants, health club, branch bank and heliport. See Exhibit A.

(Continued)

REZONING

- ◇ This request would rezone the site from C-S District to the C-S classification to provide for residential uses. “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.

Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.”

- ◇ The Comprehensive Plan recommends office commercial typology. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The 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.
- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development

(Continued)

Overlays

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive overlay (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ Most of this site is located within the 100-year floodplain, with the remainder of the site within the unregulated 500-year floodplain.

Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

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;

(Continued)

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.

C-S Statement

- ◇ The C-S Statement, file-dated March 23, 2023, describes the proposed development that would provide for 313 dwelling units within one building, consisting of studios, one-bedroom units and two-bedroom units. See Exhibit B.
- ◇ The architecture aesthetic of the building would reflect the residential use by using gable roofs and material changes. Furthermore, the development would integrate and be compatible with the surrounding, primarily commercial uses by the use of brick, fiber cement panels fiber cement lap siding, metal panel and black anodized aluminum storefront.
- ◇ Parking at a 1.5 ratio would be provided by an internal parking garage and on-site surface parking.
- ◇ Amenities would include common open space, a pool, fitness center and areas for outdoor recreation.
- ◇ Permitted uses would include the existing uses and multi-family dwellings.
- ◇ Signage would include two blade / marquee signs, a low monument sign, building wall signs and incidental signs.

Site Plan

- ◇ The site plan, file-dated March 23, 2023, depicts one building, with two wings on either end to the east and west and a wing to the north that reflects the site configuration bump out to the north. The amenity spaces (active / passive courtyards) would be located within the U-shapes formed by the east and west wings. See Exhibit B.

(Continued)

- ◇ Parking would be located within the southwestern area of the site, along the frontage of Allison Pointe Boulevard and a small parking lot at the southeast portion of the site.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a four-story, 62-foot-tall multi-family building when the Ordinance limits the building height to 45 feet.
- ◇ Staff supports this deviation from the Ordinance because of the surrounding land uses. This development would be located within an office park, primarily surrounded by four-story buildings. Additionally, the site lies adjacent to the White River and Interstate-465 to the north, which provides a buffer and separation from adjacent land uses to minimize the impact of 62-foot-tall building.

Planning Analysis

- ◇ As proposed this request would not be consistent with the Comprehensive land use plan recommendation of commercial office, but the existing C-S District would permit a hotel which would be a residential use that can be, under certain circumstances, somewhat similar to a multi-family development.
- ◇ Furthermore, this site has remained undeveloped for 37 years. With the existing four multi-story office buildings, it is unlikely that the site would be developed with additional office buildings. Staff would also note that this site is in proximity of a large apartment development and a similar land use on this parcel could be considered an expansion of a multi-family complex.
- ◇ Staff believes the development is over-parked, but the parking garage minimizes the amount of land that would be occupied by impervious surfaces.
- ◇ Staff also believes safe pedestrian connectivity is important and encourages internal connections as well as connections that would connect to the existing pedestrian infrastructure in the area.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North -	C-S	White River
South -	C-S	Multi-story office buildings
East -	C-S	White River
West -	C-S	White River / event center

(Continued)

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office commercial typology.
THOROUGHFARE PLAN	<p>This portion of East 82nd Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 134-foot right-of-way.</p> <p>This portion of Allison Pointe Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing 70-foot right-of-way and a proposed 50-foot right-of-way.</p>
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive overlay (100-year floodplain).
FINDINGS OF FACT	File-dated March 23, 2023
C-S STATEMENT	File-dated March 23, 2023
SITE PLAN	File-dated March 23, 2023
ELEVATIONS / RENDERINGS	File-dated March 23, 2023

ZONING HISTORY

2018-ZON-115; 8580 Allison Pointe Boulevard and 5110 East 82nd Street, requested rezoning of 13.79 acres from the C-S (FF) district to the C-S (FF) classification to provide for multi-family residential uses, in addition to the uses previously approved by 86-Z-81, **withdrawn**.

2000-ZON-132; 8580 Allison Point Boulevard, requested rezoning of 4.73 acres from the C-S District to the C-S classification to provide for the reuse of an existing restaurant building for a banquet hall and catering facility, **approved**.

86-Z-81 / 86-CV-17, 5252 East 82nd Street, requested rezoning of 111 acres, from the A-2 and C-S Districts to the C-S classification to provide for a mixed-use business park with office buildings, hotels, restaurants, health club, branch bank and heliport and a variance of a reduction in required parking, **approved and granted**.

80-Z-1377; 5102 East 82nd Street, requested rezoning of 180.0 acres, being in the A-2 and C-4 districts, to the C-S classification, to provide for commercial office and residential complex, **approved**.

kb



1. Development Size and Location.

The subject property is located in Washington Township, on the northeast side of Indianapolis. White River lies to the west, Allisonville Road to the east, Interstate 465 to the north and 82nd Street to the south. The tract is comprised of approximately 111 acres. Nearly 65% of the total property lies within the White River Flood Plain, all on the western portion of the land. The balance of the property is somewhat wooded and lies above the Flood Plain. The majority site is currently zoned C-S; with a small portion zoned A-2.

2. Surrounding Development.

To both the west and south of the subject property is the American Aggregates parcel, which is primarily wooded and zoned for agricultural use. However, that parcel is currently docketed for rezoning for multi-family use by Oxford Development. The entire northern property line abutts Interstate 465. Along the east is a strip of commercial and mixed retail uses fronting on Allisonville Road. To the south is a parcel of land which has recently been developed into a retirement center by the Health Quest Corporation.

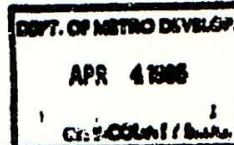
3. Proposed Development.

The developer plans to create a mixed use business park with the following uses: multiple office buildings, hotels, restaurants, health club, branch bank and heliport. Those uses are identified on the preliminary conceptual land use plan filed with this Statement.

4. Character of Development.

The proposed business park will begin at the primary entrance with a major landscaped boulevard and collector street leading into the project. That street will serve both parcels A and B. Entry signage, landscape and earth forms at the base of the wooded bluff will combine to create an impressive sense of arrival to the Business Park. A secondary entrance will be located along the eastern most portion of the property in order to directly serve Parcel B and be an emergency ingress and egress point. Parcel A development will be oriented toward the wooded bluff, with building placement and parking arranged in concert with the topography. Parcel B will be created by expanding the existing lake on the eastern portion of the site and utilizing the excavated material to build a peninsula above the flood plain levels. The expanded lake between the peninsula and the interstate will create an expanse of open space and will maximize views to the park. Controls on building orientation to open space.

86-2-81



overall landscape design and architectural quality will be key elements in the development of the project.

5. Streets.

Principal circulation within the development will consist of a main collector street that connects to the primary entrance and directly serves the peninsula development. A secondary collector loop which has direct access from 82nd Street will tie into the main collector and also facilitate traffic movement within the park. The main collector street and the secondary collector loop will be controlled by and designed in accordance with the standards of the Department of Transportation. Those standards will be applied to the design of the streets, curbs and gutters. Furthermore, those streets will be dedicated to the public.

The non-collector streets and drives will be private streets designed in a manner comparable to D.O.T. requirements.

All landscaping within the right-of-way of the streets will be maintained by the owner of the development.

6. Parking.

All parking for non-office space within the development will adhere to the applicable zoning regulations. However, parking for office buildings will be the subject of a companion development standards variance to reduce the ordinance requirements.

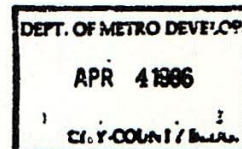
7. Traffic.

A complete traffic study is currently being prepared by traffic engineers employed by the developer and shall be submitted separately after filing.

8. Development Standards.

- A. Minimum lot size shall be three-fourths of an acre.
- B. Minimum office building size shall be 30,000 square feet.
- C. Building setbacks from the interior streets shall be 55 feet from centerline.
- D. Rear yard setbacks shall be 20 feet.

26-7-81



- E. Minimum distance between buildings shall be 25 feet.
 - F. All development along the perimeter of the parcel shall comply with the Commercial Ordinance development standards.
 - G. A landscape plan for each development area shall be submitted to the Administrator of the Division of Development Services for approval prior to permit issuance.
9. Signage.
- Proposed internal sign criteria and development standards are currently being reviewed by the developer. The developer will submit a separate sign criteria package for review by the staff prior to review and initial hearing.

86-Z-814



**CS STATEMENT
8580 ALLISON POINTE BOULEVARD**

PROJECT DESCRIPTION

J.C. Hart Company (the “Petitioner”) proposes to develop the approximately 10.5 acre undeveloped and underutilized property located at 8580 Allison Pointe Boulevard (the “Property”) as an apartment community, which will offer up to 313 residential living units in one (1) building, with studios, one bedroom, and two bedroom units.

The objective for site planning and architectural aesthetic is to maximize views of the adjacent pond and compliment the architectural language of the surrounding structures and mask the internal parking garage with a more urban façade. The overall form of the building is broken up through the use of gable roofs and material changes. The gables break up the building into three main sections along the south façade, creating more variation as you enter off of the Allison Pointe Blvd. roundabout. The gables also reinforce the introduction of this residential development in a predominately commercial environment.

The proposed material palette consists of brick, fiber cement panel, fiber cement lap siding, metal panel, and black anodized aluminum storefront. The design utilizes brown brick, mostly focused along the south façade and gable end caps in reference to the brick utilized at the adjacent office buildings. The brick also creates contrast against the dark gray metal panel and black fiber cement panel accents between windows and around the black storefront at the first floor, southwest amenity space. The addition of a dark gray metal panel alongside the gables creates a more modern appearance, in balance with the more traditional materials used in the design and in the park. Light gray fiber cement lap siding is incorporated into the façade to balance the darker materials and complement the overall palette. This material is more heavily integrated at the courtyards to reflect more light into those outdoor public spaces. A blue gray accent appears at balcony insets and building signage as a nod back to the adjacent office building glazing tints and reflective color.

The project includes common area amenities such as a pool, fitness center, and areas for outdoor recreation.

The development will be constructed in substantial compliance with the Site Plan attached hereto as Exhibit A.

PERMITTED USES

The Subject Property is currently zoned C-S, which allows for a mixed use business park, including the existing office buildings (collectively, the “Existing C-S Uses”), pursuant to that certain Development Statement filed with Zoning Case 86-Z-81 (the “Development Statement”). Proposed Permitted Uses of the Subject Property shall be as follows:

1. Multifamily dwellings
2. Existing C-S Uses

DEVELOPMENT STANDARDS/SETBACKS

The Development Statement shall control all setbacks and development standards for the Property; however, if the Development Statement is silent as to a standard required by the Zoning Ordinance, the Zoning Ordinance shall apply.

UTILITIES/DRAINAGE

All utilities are available to the site. Storm drainage will be professionally engineered to meet the intent of the City of Indianapolis requirements with respect to run-off rate, quantity, and water quality.

SIGNAGE

Project and building identification signage shall be located in substantial conformity with the sign plan attached hereto as Exhibit B and subject to final approval by the Administrator.

LANDSCAPING

Landscaping shall be located in substantial compliance with the landscape plan attached hereto as Exhibit C.

ACCESS AND PARKING

Access to the site is off of Allison Pointe Boulevard. Parking will consist of spaces in the parking garage located in the center of the structure and surface parking as shown in the Site Plan. Overall, parking spaces will be provided at a minimum ratio of 1.5 spaces per unit.

J.C. HART ALLISON POINTE

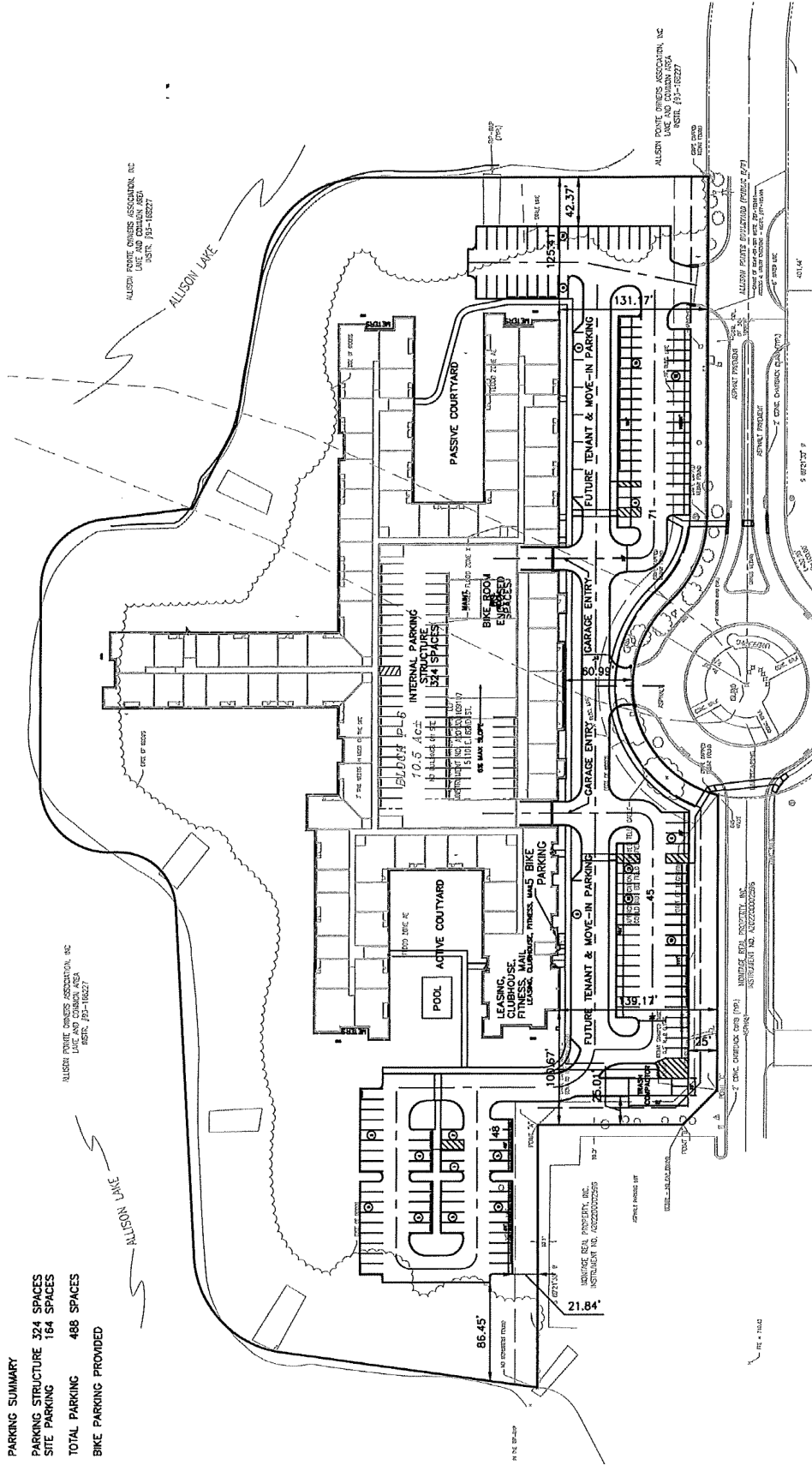
03.29.2023 | CONCEPT DESIGN | PAGE 4

PARKING SUMMARY

PARKING STRUCTURE	324 SPACES
SITE PARKING	164 SPACES
TOTAL PARKING	488 SPACES
BIKE PARKING PROVIDED	

ALLISON POINTE OWNERS ASSOCIATION, INC.
LAKE AND COUNTRY AREA
P.O. BOX 182227
DALLAS, TX 75218-2227

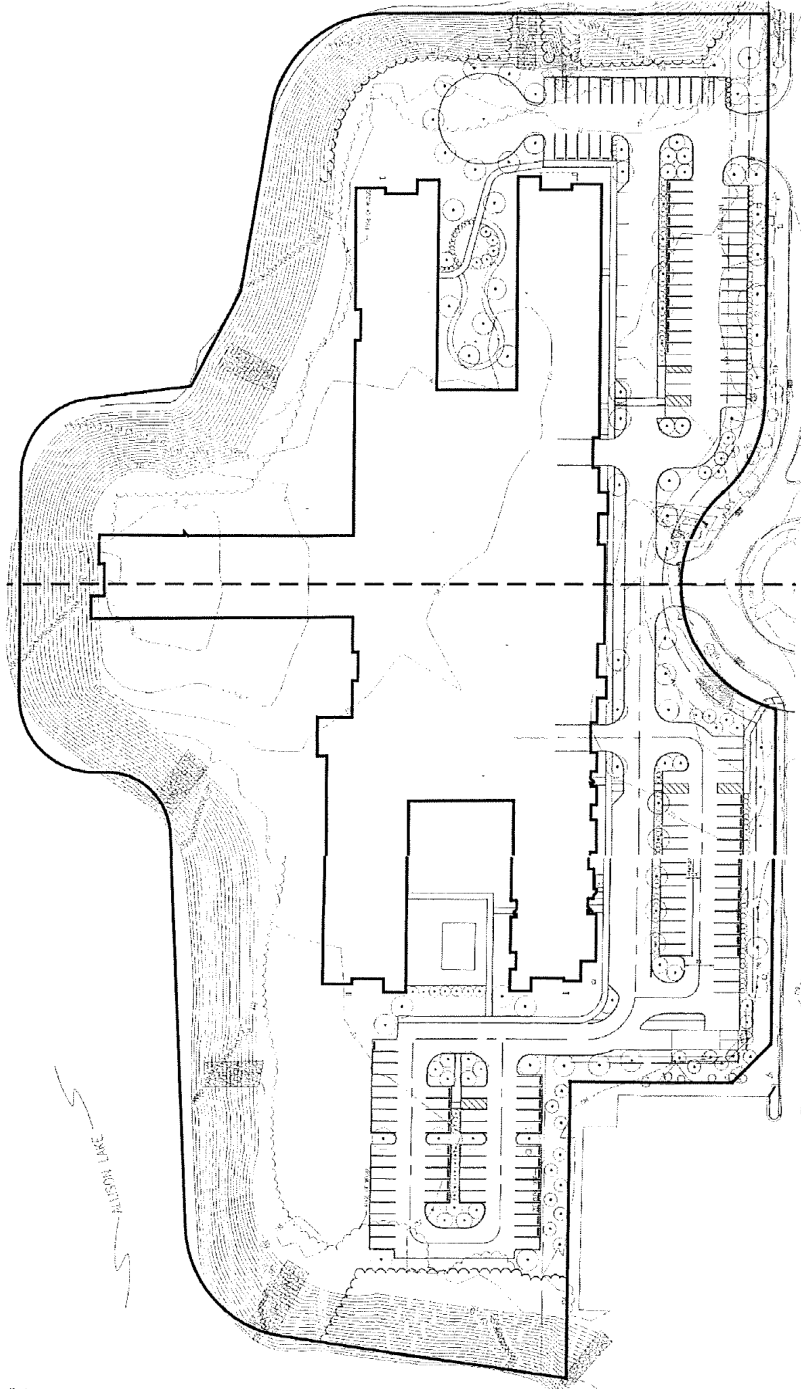
ALLISON POINTE OWNERS ASSOCIATION, INC.
LAKE AND COUNTRY AREA
P.O. BOX 182227
DALLAS, TX 75218-2227



SITE PLAN
scale: N/A

J.C. HART ALLISON POINTE

03.22.2023 | CONCEPT DESIGN | PAGE 22



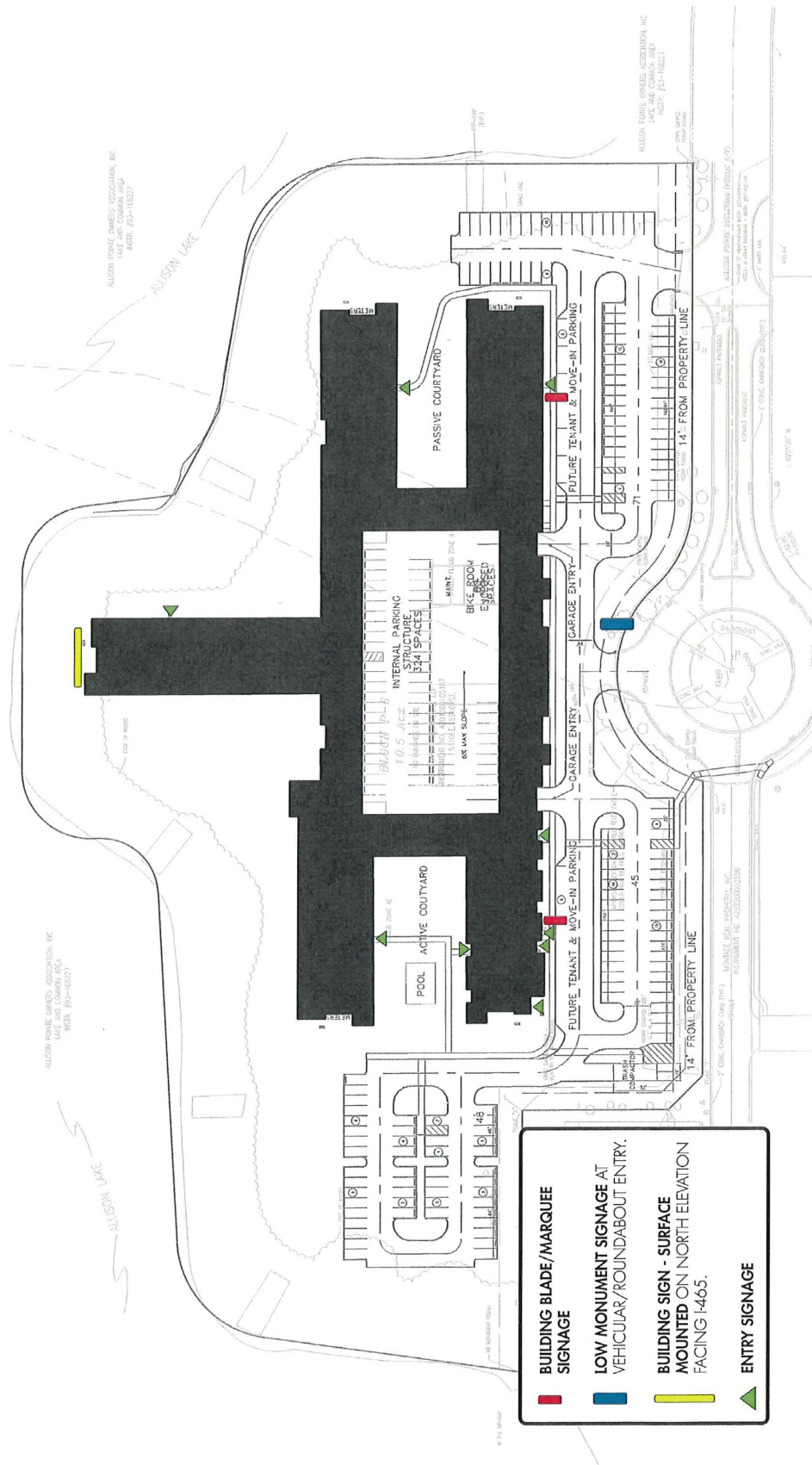
PLANT MATERIAL KEY

SYMBOL	TYPE	SIZE	SPECIES	SYMBOL	TYPE	SIZE	SPECIES
	SHADE TREE	2.5' CALIPER MIN.	MAPLE, OAK, HONEY LOCUST, ELM, BLACK GUM, LINDEN, TUFT POPLAR		EVERGREEN TREE - SMALL	5' HEIGHT MIN.	ARBOREVITAE, JUNIPER
	ORNAMENTAL TREE	1.5' CALIPER MIN.	CEBAG, DOGWOOD, HAWTHORN, TREE LILAC, HORSEBEECH, SERVICEBERRY		LARGE SHRUB	24" HEIGHT MIN.	VIBURNUM, BURNING BUSH, ILIAC, JUNIPER, YEW, HYDRANGEA
	EVERGREEN TREE - LARGE	6' HEIGHT MIN.	SPRUCE, FIR, PINE		SMALL SHRUB	18" HEIGHT MIN.	BOXWOOD, SPIREA, ALPINE CURRANT, JUNIPER, POTENTILLA, WINTERBERRY

LANDSCAPE PLAN

scale: N/A





BUILDING SIGNAGE PLAN
scale: N/A

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:

even with the variance sought, the proposed parking within the front setback is in excess of 50' from the center point of the adjacent road with significant area for landscaping between the road and the parking area. Also, the proposed parking within the front setback is not inconsistent with surrounding site layouts.

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:

even with the variance sought, the proposed parking within the front setback is in excess of 50' from the center point of the adjacent road with significant area for landscaping between the road and the parking area. Also, the proposed parking within the front setback is not inconsistent with surrounding site layouts.

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

the existing site has considerable elevation challenges and inherent limitations based upon the existing lake such that minimal intrusion of parking improvements within the setback is important to maximize the ability to develop the site to its highest and best use.

DECISION

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

Adopted this _____ day of _____, 20 ____

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 5



SITE OVERVIEW
AERIAL VIEW

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 10

MATERIALS

- 1**
METAL PANEL
12" FLUSH PANEL WITH REVEAL
JOINTS, DARK GRAY
- 2**
BRICK
ARCHITECTURAL MODULAR
MASONRY VENEER
RUNNING BOND PATTERN, BROWN
- 3**
FIBER CEMENT PANEL SIDING
PAINTED, BLACK
- 4**
FIBER CEMENT LAP SIDING
PAINTED, LIGHT GRAY
- 5**
FIBER CEMENT PANEL SIDING
PAINTED, GRAY-BLUE
- 6**
WINDOWS & STOREFRONT
BLACK VINYL, BLACK ANOD.
ALUMINUM

MATERIAL PALETTE



J.C. HART ALLISON POINTE

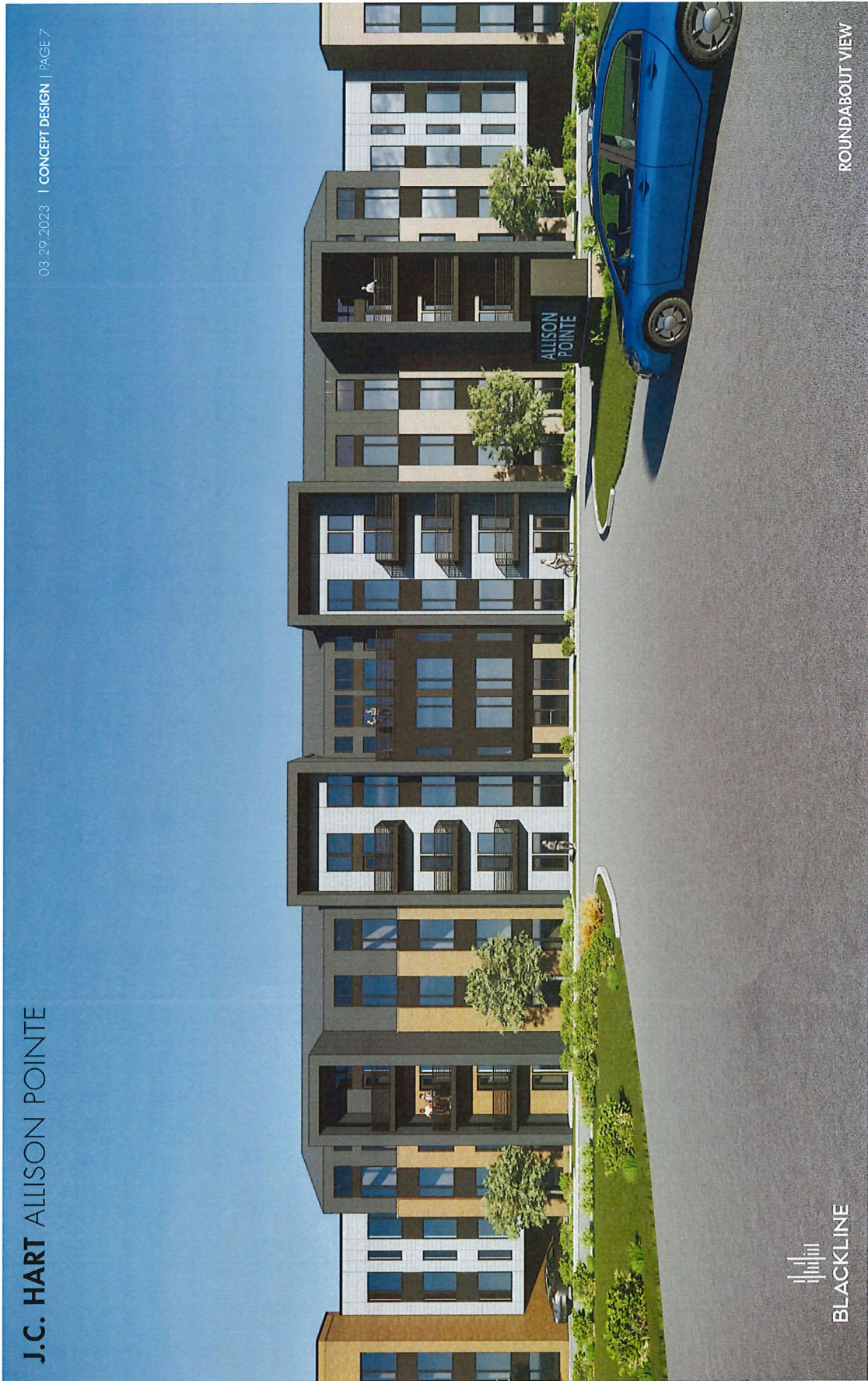
03.29.2023 | CONCEPT DESIGN | PAGE 6



SOUTHEAST CORNER

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 7



ROUNDBABOUT VIEW

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 8



SOUTHWEST CORNER

J.C. HART ALLISON POINTE

03.29.2023 | CONCEPT DESIGN | PAGE 9



NORTH END CAP



View looking east along Allison Pointe Boulevard



View looking west along Allison Pointe Boulevard



View looking east along Allison Pointe Boulevard



View looking east along Allison Pointe Boulevard



View of site looking northwest across Allison Pointe Boulevard circle



View of site looking north across Allison Pointe Boulevard



View of site looking north from adjacent property to the west



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View from site looking southwest across Allison Pointe Boulevard



View from site looking south across Allison Pointe Boulevard



View of adjacent property looking west

STAFF REPORT

Item 18.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-818 and 2023-CVC-818
Address: 2810, 2826, 2834, 2838 and 2844 Ruckle Street (*Approximate Address*)
Location: Center Township, Council District #9
Petitioner: Mapleton Fall Creek Development Corporation, by Andrea Townsend
Request: Rezoning of 0.48 acre from the MU-2 district to the D-8 district.

Vacation of the first two 16-foot wide, east-west alleys north of 28th Street, from the west right-of-way line of Ruckle Street, west 131 feet, to the first north-south alley west of Ruckle Street, as Recorded as Instrument Number A201600096587, in the Office of the Recorder of Marion County, Indiana, with a waiver of the Assessment of Benefits.

RECOMMENDATIONS

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

- ◇ Staff finds the **vacation** would be in the public interest and recommends the vacation petition and the waiver of benefits be **approved**.
- ◇ **Recommended Motion (approval):** That the Hearing Examiner finds 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-818; 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:

LAND USE ISSUES

This 0.48-acre, zoned MU-1, is undeveloped and comprised of four lots (three contiguous parcels on the northern portion of the block and one parcel on the southern portion of the block). It is surrounded single-family dwellings to the north, across East 29th Street, zoned D-5 and MU-2; single-family dwellings and undeveloped land to the south, zoned MU-2; single-family dwellings to the east, across Ruckle Street, zoned D-8; and undeveloped land to the west, zoned MU-2.

(Continued)

- ◇ This site was included in petitions 2015-CZN-838 / 2015-CVR-838 / 2015-CVC-838 that rezoned 0.79 acre to the C-3C (now known as MU-2) to provide for commercial and residential development and variances of development standards for reduced setbacks, a dumpster in the front setback, reduced parking and a 50-foot-tall building.

REZONING

- ◇ This request would rezone the site from MU-2 district to the D-8 classification to provide for a mix of residential uses to include a duplex and multi-family dwellings. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”
- ◇ The Mapleton Fall Creek Neighborhood Land Use Plan recommends residential development at eight to 15 units per acre. “This density is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.”
- ◇ The Neighborhood Plan recommends the D-8 district and this site is located within Critical Area 8. See Exhibit A for details.
- ◇ 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.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged

(Continued)

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Infill Housing Guidelines

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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

(Continued)

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptables for proper disposal of trash and other waste.

Planning Analysis

- ◇ As proposed the request would be consistent with the Mapleton Fall Creek Neighborhood Land Use Plan recommendation of residential development at eight to 15 units per acre. Furthermore, the Plan recommends the D-8 District.

Vacations

- ◇ This request would vacate the first two 16-foot wide, east-west alleys north of 28th Street, from the west right-of-way line of Ruckle Street, west 131 feet, to the first north-south alley west of Ruckle Street. See Exhibit B.
- ◇ Staff finds the **vacation** would be in the public interest and recommends the vacation petition and the waiver of benefits be **approved**.

(Continued)

- ◇ **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-818; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16;
- ◇ The vacations would vacate two 16-foot wide public rights-of-way that were dedicated in 2015 as part of a larger proposed development. Because that development is no longer being considered, these rights-of-way are no longer required or needed. Furthermore, staff supports the waiver of benefits because no improvements have been made to either of those alleys.
- ◇ The vacation of these two public alleys would allow for a more cohesive and compatible with the adjacent residential development that would include a duplex on the southernmost parcel and a small multi-family building on the northern three parcels.

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 an alley, 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.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

MU-2	Undeveloped land
------	------------------

SURROUNDING ZONING AND LAND USE

North -	D-5 / MU-2	Single-family dwellings
South -	MU-2	Single-family dwellings / undeveloped land
East -	D-8	Single-family dwellings
West -	MU-2	Undeveloped land

(Continued)

COMPREHENSIVE LAND USE PLAN

The Mapleton Fall Creek Neighborhood Land Use Plan for Indianapolis and Marion County (2013) residential development at eight to 15 units per acre.

THOROUGHFARE PLAN

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

This portion of East 29th Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a proposed 48-foot right-of-way

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This is not located within an overlay.

FINDINGS OF FACT

File-dated March 28, 2023

ZONING HISTORY

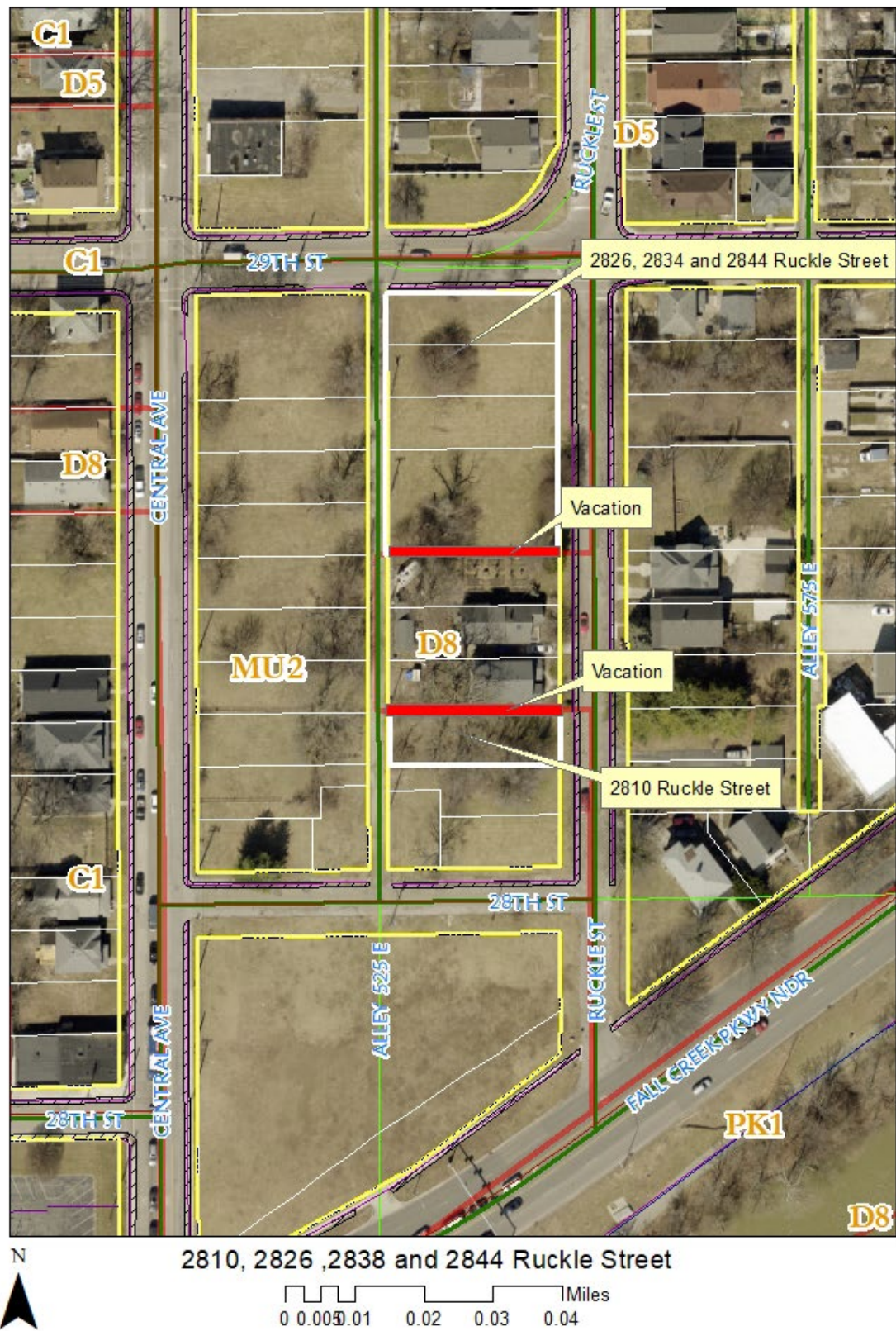
2015-CZN-838 / 2015-CVR-828 / 2015-CVC-838; 510 East Fall Creek Parkway North Drive; 2819-2957 (odd) North Central Avenue; 2801-2810 and 2826-2844 (even) Ruckle Street; 512 and 518 East 28th Street ; 507 and 508 East 29th Street, requested rezoning of 0.70 acre from the C-1 and C-4 districts to the C-3C classification to provide for commercial and residential development and variances of development standards for reduced setbacks, a dumpster in the front setback, reduced parking and a 50-foot-tall building, **approved and granted**.

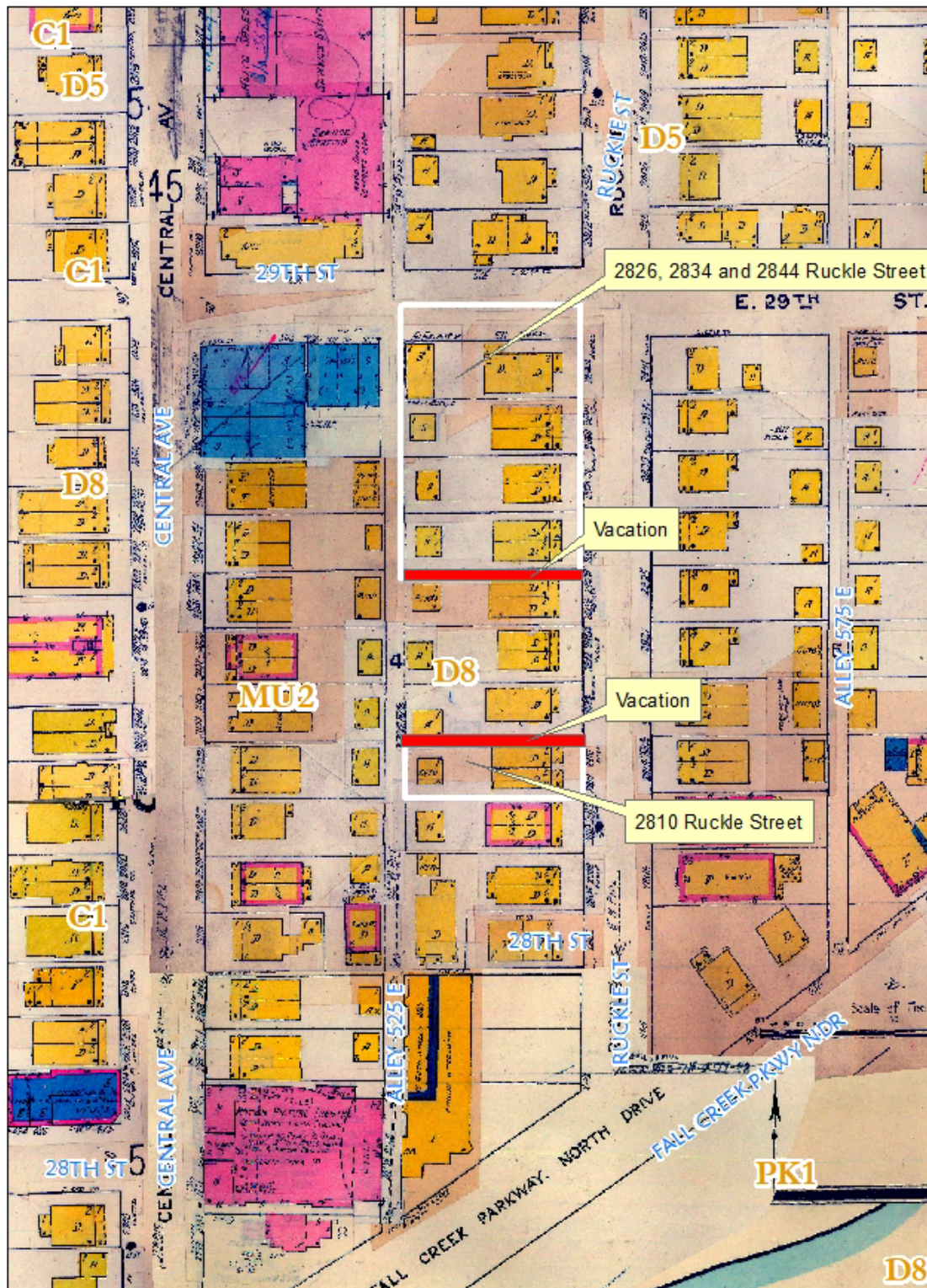
2014-ZON-054; 510 East Fall Creek Parkway North Drive, 2819, 2821, 2525, 2829, 2837, 2841, 2845, 2917, 2925, 2927, 2931, 2935, 2941, Central Avenue and 2802, 2806, 2810, 2822, 2826, 2834, 2838 and 2844 Ruckle Street; 512 and 518 East 28th Street; 507 and 508 East 29th Street requested a rezoning of 4.95 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C (FW) and C-3C districts, **approved**.

2008-ZON-075; 2848 and 2852 Central Avenue, requested a rezoning of 0.2388 acre, from the C-1 district to the D-8 classification to provide for one- and two-family dwellings, **approved**.

2004-ZON-841; 510 East Fall Creek Parkway North Drive, requested rezoning of 1.11 acres from the C-1 and C-8 to C-2, **approved**.

kb





2810, 2826, 2838 and 2844 Ruckle Street

0 0.005 0.01 0.02 0.03 0.04 Miles

Critical Area #8

Location: Intersection of 30th Street and Central Avenue

Why Critical: This intersection is part of the historic 30th Street commercial corridor where a majority of the parcels are vacant and ready for redevelopment. Any new development should be pedestrian oriented and suitable within C3C zoning. A portion of this Critical Area is within the Mapleton-Fall Creek LEED-ND area.

Recommendations:

- This Commercial use designation would allow for a mix of commercial and residential uses in combination.
- The zoning recommendation for this area is C3C which allows for upper floor apartments over street level commercial uses.
- Types of commercial establishments desired in this area should be neighborhood oriented and could include:
 - Coffee shops
 - Restaurants
 - Bakery
 - Ice Cream Parlor
 - Neighborhood grocery
 - Offices
- Types of redevelopment that are discouraged include fuel stations, cash/pawn stores, payday loans businesses, car lots, billboards, liquor stores or drive through windows.
- Building heights should be proportional to the street width and front setback. However, building heights should be limited to three to four stories, near the intersection and taper lower towards adjoining residential.
- Architectural diversity is encouraged; however monolithic structures (blank walls, minimal fenestration) are not appropriate.
- New development should face Central Avenue and/or 30th Street. Storefront entrances should be located at the front of the building with pedestrian sidewalk access.
- Automobile parking should be located behind primary structures' front building lines, and behind structures entirely if feasible. Shared parking is acceptable between commercial properties. No parking should be placed between sidewalks and the front of buildings.
- Street parking along Central Avenue and 30th Street should be maintained and increased where possible to help parcels with limited parking.
- The public realm between the building setback and the lawn should be enhanced with lighting, landscaping, wide sidewalks, and tree lawns.
- The residential uses adjacent to the designated commercial area remain viable and contributory to the neighborhood. Conversion of these residential parcels to commercial should be discouraged to avoid a conversion creep down Central Avenue or 30th Street and diluting the effectiveness of the intersection.
- The LEED-ND guidebook developed by the Mapleton-Fall Creek Development Corporation should be considered in any new development within their designated LEED-ND area.

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:

Grant of Right-of-Way for alleys on Lots 14 and 18 ("Right-Of-Ways") were part of commitments for an intended project that was never developed, so alleys never constructed.

Lot 14 is vacant. Vacating the Right-Of-Ways will allow development of needed housing on Lot 14 consistent with surrounding properties and existing moderate-density neighborhood.

Petitioner plans to rezone to D-8 and build duplexes on multiple lots including Lot 14. See companion rezoning petition.

Vacating the Right-Of-Ways does not make access to the lands of any person by means of public way difficult or inconvenient.

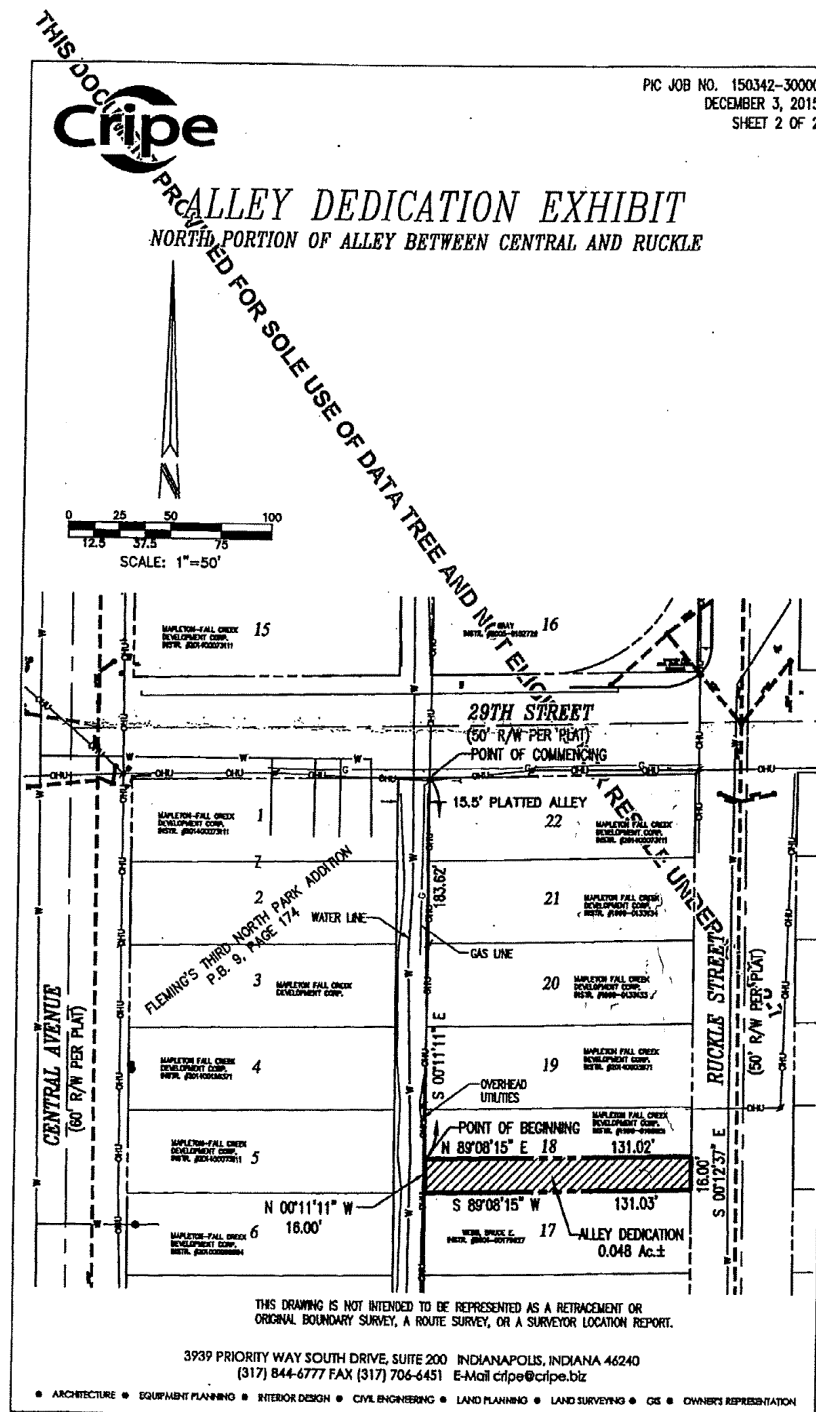
Vacating the Right-Of-Ways does not hinder the public's access to a church, school, or other public building or place.

Notice of the proposed vacation and the hearing on it has been provided pursuant to Ind. Code §§ 36-7-3-12(c) and 5-3-1.

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 ____





PIC JOB NO. 150342-30000
DECEMBER 3, 2015
SHEET 1 OF 2

ALLEY DEDICATION EXHIBIT

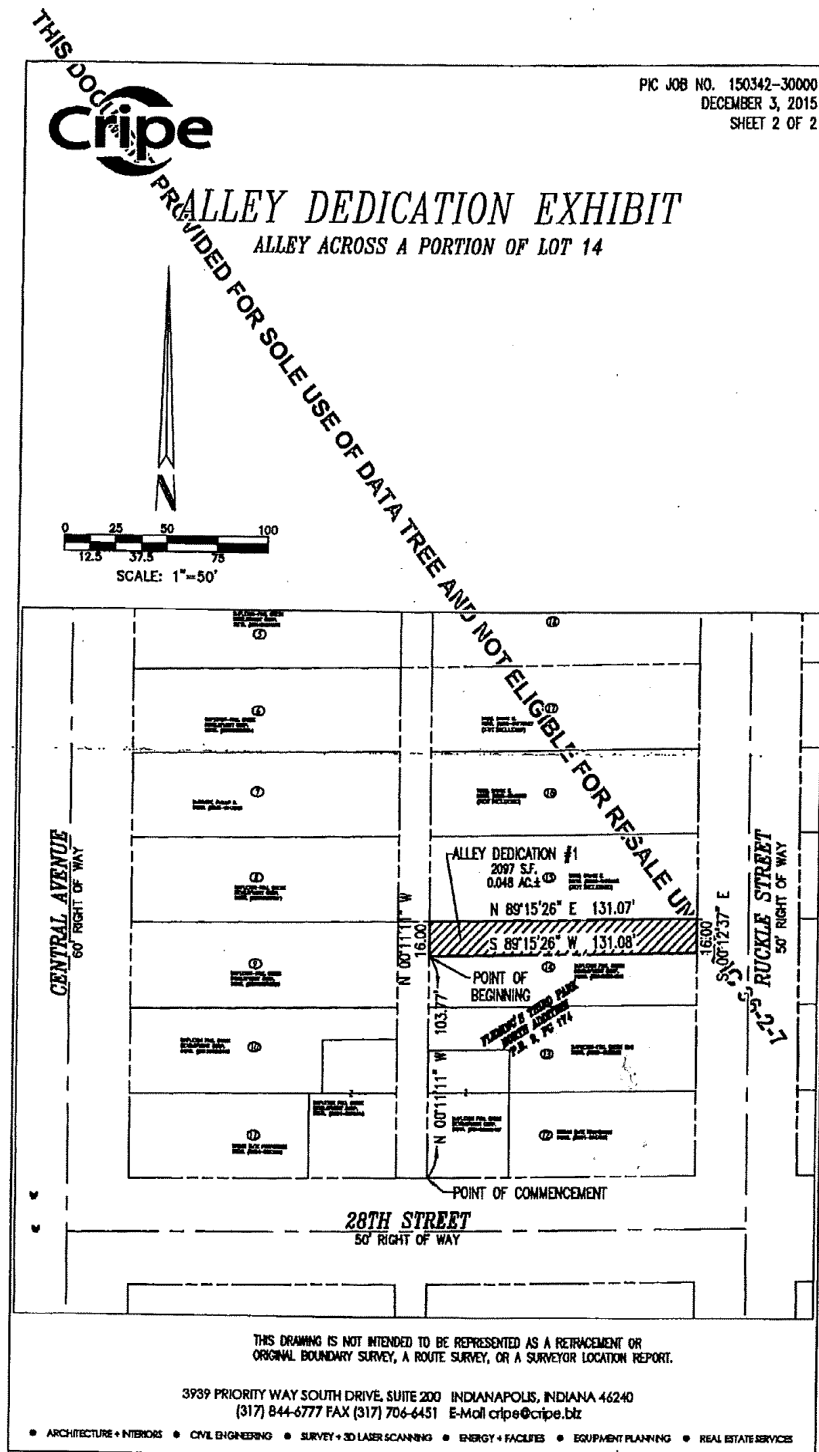
PART OF LOT 18 BETWEEN NORTH-SOUTH ALLEY AND RUCKLE STREET

A part of Lot Number 18 in Fleming's Third North Park Addition to the City of Indianapolis, Marion County, Indiana, the plot of which is recorded in Plat Book 9, page 174 in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Lot Number 22 of said Fleming's Third Park Addition; thence South 00 degrees 11 minutes 11 seconds East along the East line of a 15 1/2 foot north-south alley 183.62 feet to the POINT OF BEGINNING; thence North 89 degrees 08 minutes 15 seconds East 131.02 feet to the West right of way line of Ruckle Street; thence South 00 degrees 12 minutes 37 seconds East along said West right of way line 16.00 feet to the Southeast corner of said Lot Number 18; thence South 89 degrees 08 minutes 15 seconds West along the South line of said Lot a distance of 131.03 feet to the East line of said alley; thence North 00 degrees 11 minutes 11 seconds West along said East line 16.00 feet to the POINT OF BEGINNING, containing 0.048 acres, more or less.

3939 PRIORITY WAY SOUTH DRIVE, SUITE 200 INDIANAPOLIS, INDIANA 46240
(317) 844-6777 FAX (317) 706-6451 E-Mail: cripe@cripe.biz

• ARCHITECTURE • EQUIPMENT PLANNING • INTERIOR DESIGN • CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING • GIS • OWNER'S REPRESENTATION





P/C JOB NO. 150342-30000
DECEMBER 3, 2015
SHEET 1 OF 2

ALLEY DEDICATION EXHIBIT

ALLEY ACROSS A PORTION OF LOT 14

A part of Lot 14 of Fleming's Third North Park Addition to the City of Indianapolis, Marion County, Indiana, the part of which is recorded in Plat Book 9, page 174 in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Commencing at the intersection of the North right of way of 28th Street with the East right of way of the Alley between Central Avenue and Ruckle Street, said point being the Southwest corner of Lot 12 in said Fleming's Third North Park Addition; thence North 00 degrees 11 minutes 11 seconds West along said East right of way 103.77 feet to the Point of Beginning; thence continuing North 00 degrees 11 minutes 11 seconds West along said East right of way 16.00 feet to the Northwest corner of said Lot 14; thence North 89 degrees 15 minutes 26 seconds East along the North line of said Lot 14 a distance of 131.07 feet to the Northeast corner of said Lot 14; thence South 00 degrees 12 minutes 37 seconds East along the East line of said Lot 14 and the West right of way of Ruckle Street 16.00 feet; thence South 89 degrees 15 minutes 26 seconds West parallel with the North line of said Lot 14 a distance of 131.08 feet to the Point of Beginning, containing 0.048 acres, more or less.

3939 PRIORITY WAY SOUTH DRIVE, SUITE 200 INDIANAPOLIS, INDIANA 46240
(317) 844-6777 FAX (317) 706-6451 E-Mail cripe@cripe.biz

• ARCHITECTURE • INTERIORS • CIVIL ENGINEERING • SURVEY • 3D LASER SCANNING • ENERGY FACILITIES • EQUIPMENT PLANNING • REAL ESTATE SERVICES



View looking north along Ruckle Street



View looking south along Ruckle Street



View looking west along East 28th Street



View of southern parcel looking west across Ruckle Street



View of southern parcel looking east from abutting north / south alley to the west



View of northern parcels looking west across Ruckle Street



View of northern parcels looking west across Ruckle Street



View of northern parcels looking south across East 29th Street



View of northern parcels looking south across East 29th Street



View of northern parcels looking east from abutting north / south alley to the west



View of northern parcels looking east from abutting north / south alley to the west

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CVC-840 (Amended)
Address: 5436 Brookville Road (Approximate Addresses)
Location: Warren Township, Council District #12
Petitioner: Baldeep Baidwan, by David Kingen and Emily Duncan
Request: Vacation of the first northwest-southeast alley north of Brookville Road, being fifteen feet in width, from the southwest corner of Lot 40 in Witz and Spannuth's Addition, as recorded in Plat Book 16, Page 6 in the Office of the Marion County Recorder, southeast 210.40 feet to the northeast corner of Lot 5 in said subdivision, with a waiver of the Assessment of Benefits.

April 27, 2023

This is the eighth hearing for this petition. This petition was continued from the July 28, 2022 hearing to the August 25, 2022 hearing, from the August 25, 2022 hearing to the October 27, 2022 hearing, from the October 27, 2022 hearing to the December 15, 2022 hearing, from the December 15, 2022 hearing to the February 9, 2023 hearing, from the February 9, 2023 hearing to the April 13, 2023 hearing, and from the April 13, 2023 hearing to the April 27, 2023 hearing.

At the April 13, 2023 hearing, the petitioner requested to withdraw the rezoning and variance portion of this request. Staff suggested a continuance to April 27, 2023 so that the vacation petition could be reviewed as a single petition, which was granted by the hearing examiner.

The subject alley has never been improved by the Department of Public Works, but it does contain overhead power lines. The petitioner has requested the vacation of the alley so that these parcels both addressed 5436 Brookville Road could be developed as one large site. The petitioner has provided an updated vacation survey where a 15.63-foot-wide alley will be dedicated along the west property line so that the improved portion of the alley to the west has a north-south connection to Greenfield Avenue to the north. The survey is shown below. However, there is a platted unimproved alley east of site that would not be accessible if the vacation is approved. Staff cannot recommend approval for a vacation that would leave a section of right-of-way with no access; therefore, staff has determined that the vacation is not in the public interest and is recommending denial.

If approved against staff's recommendation, utility easement rights must be maintained.

RECOMMENDED MOTION (denial): That the Hearing Examiner find that the proposed vacation is not in the public interest; and that the Hearing Examiner deny Declaratory Resolution 2022-CVC-840.

(Continued)

2022-CVC-840 STAFF REPORT (Continued)

April 13, 2023

The petitioner provided an amended variance request, and an amended site plan shown in the body of this report. The site plan includes a 20-foot front south setback, a 20-foot east side setback, a 25-foot west side setback, and a 30-foot north rear setback. The amended site plan would have the proposed L-shaped building placed at the west and rear of the site to provide a buffer between the residential uses. This would orient the loading bays to Brookville Road and the access drive to the east, which requires the amended variance. The surface parking would also be in the front yard. The proposed landscape plan would include a mound and evergreen trees in the front yard and a bio-retention area in the rear yard.

Staff continues to **recommend denial** of these petitions.

February 9, 2023

The petitioner and a registered neighborhood organization provided a written request for continuance from the February 9, 2023 hearing to the April 13, 2023 hearing to allow for additional time to meet with neighborhood organizations and to provide revised plans.

December 15, 2022

This petition was continued for cause at the request of the petitioner from the October 27, 2022 hearing to the December 15, 2022 hearing so the petitioner would be able to attend the hearing and to provide for plan revisions. An amended site plan was received, including parking areas with the required minimum number of parking spaces and required setbacks. The proposed building size was reduced. The variance portion of the request may be withdrawn.

Staff continues to recommend **denial of the rezoning and vacation requests**.

October 27, 2022

This petition was continued for cause at the request of the petitioner from the August 25, 2022 hearing to the October 27, 2022 hearing to allow time for plan revisions. An amended site plan was received, reducing the building size and increasing the number of parking spaces. The site plan now meets the minimum required parking per ordinance section 744-402. The variance request as proposed may be withdrawn.

However, staff would note that the current site plan does not meet the 10-foot front setback for parking in the front yard. This petition should either be continued to December 1, 2022 with notice for an amended variance, or the petitioner may commit to administrative approval of a compliant site plan. Additionally, the C-S development statement should be revised to reflect the revised site plan, prior to the hearing.

Staff continues to recommend **denial of the rezoning and vacation requests**.

August 25, 2022

This petition was continued for cause at the request of the petitioner from the July 28, 2022 hearing to the August 25, 2022 hearing for a possible amendment. No new information has been received. Staff continues to recommend denial of these requests.

(Continued)

2022-CVC-840 STAFF REPORT (Continued)

July 28, 2022

RECOMMENDATIONS

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

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

RECOMMENDED MOTION (denial): That the Hearing Examiner find that the proposed vacation is not in the public interest; and that the Hearing Examiner deny Declaratory Resolution 2022-CVC-840.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned C-3 and consists of two vacant parcels.
- ◇ This petition would rezone this property to the C-S district. This request would permit fifteen parking spaces where thirty-two spaces are required. This request would vacate the alley separating these parcels to allow these sites to be developed as one lot.

REZONING

- ◇ This petition would rezone this site from the C-3 district to the C-S district to permit truck or heavy vehicle repair and sales, and limited C-4 uses. The comprehensive plan recommends light industrial uses.
- ◇ Staff recommends denial of the rezoning. The light industrial recommendation removes heavy commercial uses where adjacent to a dwelling district. North and west of this site is zoned D-5 or developed with single-family uses. The use proposed would not be appropriate for this location.
- ◇ Additionally, the proposed use is C-7 or I-3 permitted use. The required transitional yards in those districts are much larger because of the intense nature of the district. The C-S classification only requires a ten-foot transitional yard. Ten feet would not be an adequate distance to buffer the proposed intense use from the adjacent dwelling uses. Because the C-S district does not require adequate transitional yards for the proposed intense use, staff would suggest the C-S should not be utilized for the proposed use/location.

VARIANCE

- ◇ This request would provide for a surface parking lot with fifteen parking spaces where thirty-two spaces are required. The ordinance requirement for parking for truck and heavy vehicle repair uses requires two parking spaces per service bay, plus one space for 250 square feet of sales and display area. The use proposes eleven service bays and 2,400 square feet of sales area.

(Continued)

2022-CVC-840 STAFF REPORT (Continued)

- ◇ Staff recommends denial of the variance. It is counter-intuitive to permit a vehicle-oriented use that does not provide the minimum parking for that use. Staff would also suggest that if the site cannot provide adequate parking for the use, the site is an inappropriate location.

VACATION

- ◇ The subject site includes the right-of-way for Alley 475 South, a platted alley that has never been improved. However, the alley to the west is improved, and the prior user on this property did pave this area for vehicle access. Overhead power lines are also existing within this platted alley. Therefore, staff would not support the vacation.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-3	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	D-5	Undeveloped
South	I-4	Industrial
East	D-5 / C-7	Commercial
West	C-3	Residential

COMPREHENSIVE LAND USE PLAN	Light Industrial
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THOROUGHFARE PLAN	Brookville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an 80-foot existing and an 88-foot proposed right-of-way.
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VACATION SURVEY	File-dated June 23, 2022
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FINDINGS OF FACT (AMENDED)	File-dated April 17, 2023
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VACATION SURVEY (AMENDED)	File-dated April 12, 2023
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ZONING HISTORY – SITE

87-V1-29, 5436 Brookville Road, variance to provide for a gas station canopy with a 1.5-foot setback in the C-3 district, **approved**.

89-HOV-103, 5346 Brookville Road, variance to provide for a pricing sign on the canopy within the required 70-foot setback from the street centerline in the C-3 district, **approved**.

ZONING HISTORY – VICINITY

2020-PLT-090, 5565 Brookville Road, Approval of a Subdivision Plat, to be known as Indianapolis Central Logistics Park, dividing 89.66 acres into three lots.

2002-ZON-139, 5424 Brookville Road, rezoning from the D-5 district to the C-5 classification, **denied**.

(Continued)

2022-CVC-840 STAFF REPORT (Continued)

2000-SE1-005, 5402 Brookville Road, special exception to provide for the construction of a wheelchair lift addition for a religious use in the D-5 district, **withdrawn**.

2000-ZON-043, 5402 Brookville Road, rezoning from the D-5 district to the SU-1 classification, **approved**.

96-VAC-15, 5460 Brookville Road, vacation of a portion of the first north-south alley west of South Ritter Avenue, being approximately 15 feet in width, from the north right-of-way line of Brookville Road, extending approximately 310 feet northward, to the south right-of-way line of Greenfield Avenue, **approved**.

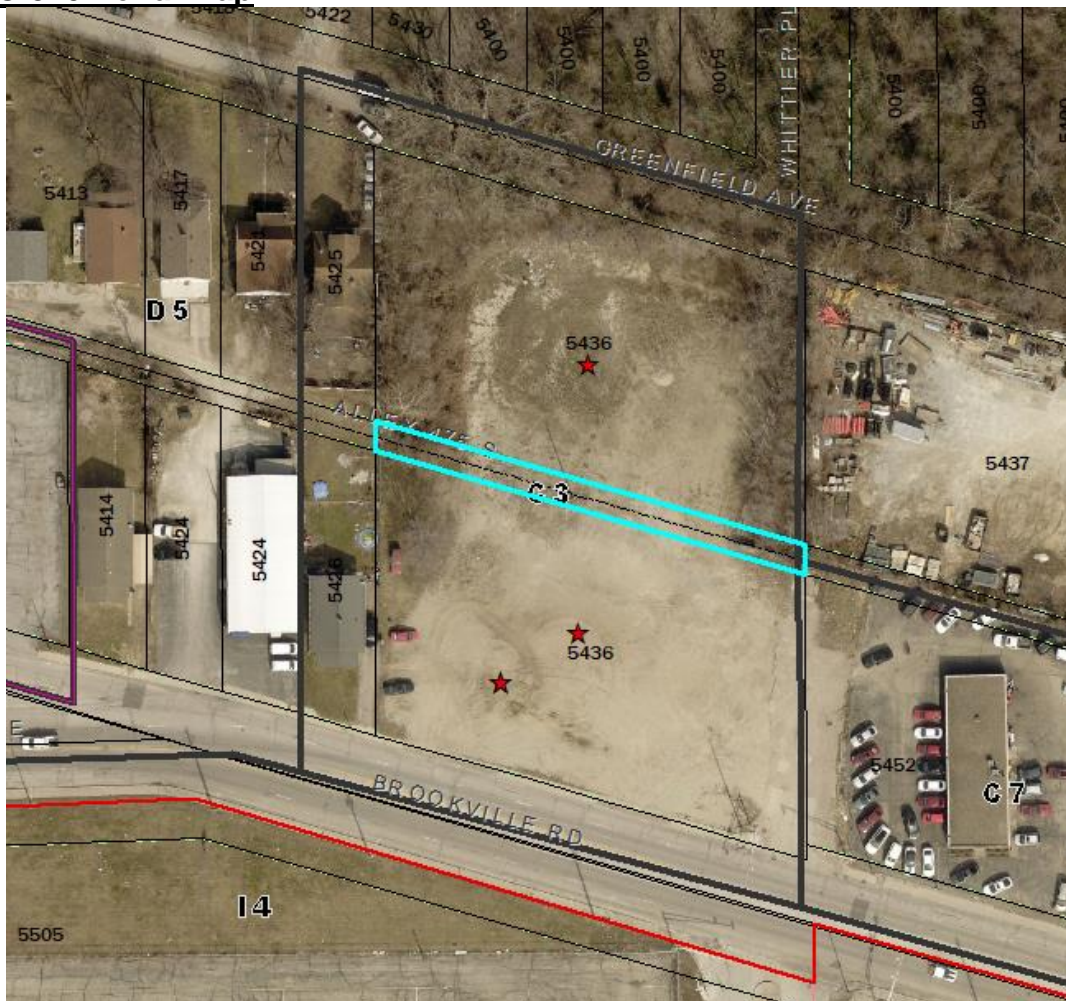
88-UV1-79, 450 South Ritter Road, variance to provide for an office expansion for a construction contractor in the C-5 district, **approved**.

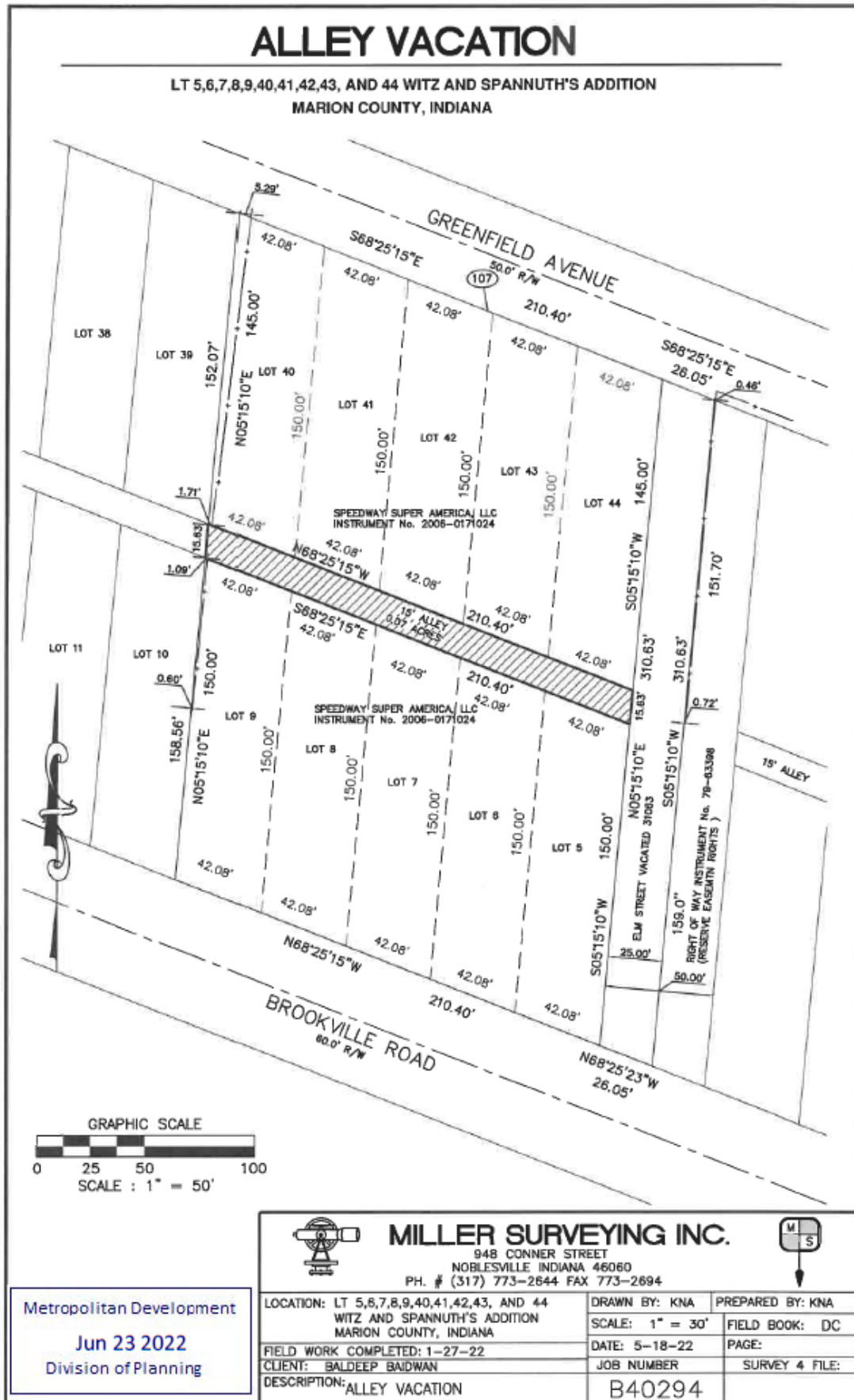
86-UV3-35, 5478 Brookville Road, variance to permit an adult cabaret limited to live entertainment within 500 feet of a residential district, **denied**.

78-VAC-12, 450 South Ritter Road, vacation of part of Greenfield Avenue between Ritter Avenue and the First Alley west of Ritter Avenue, **approved**.

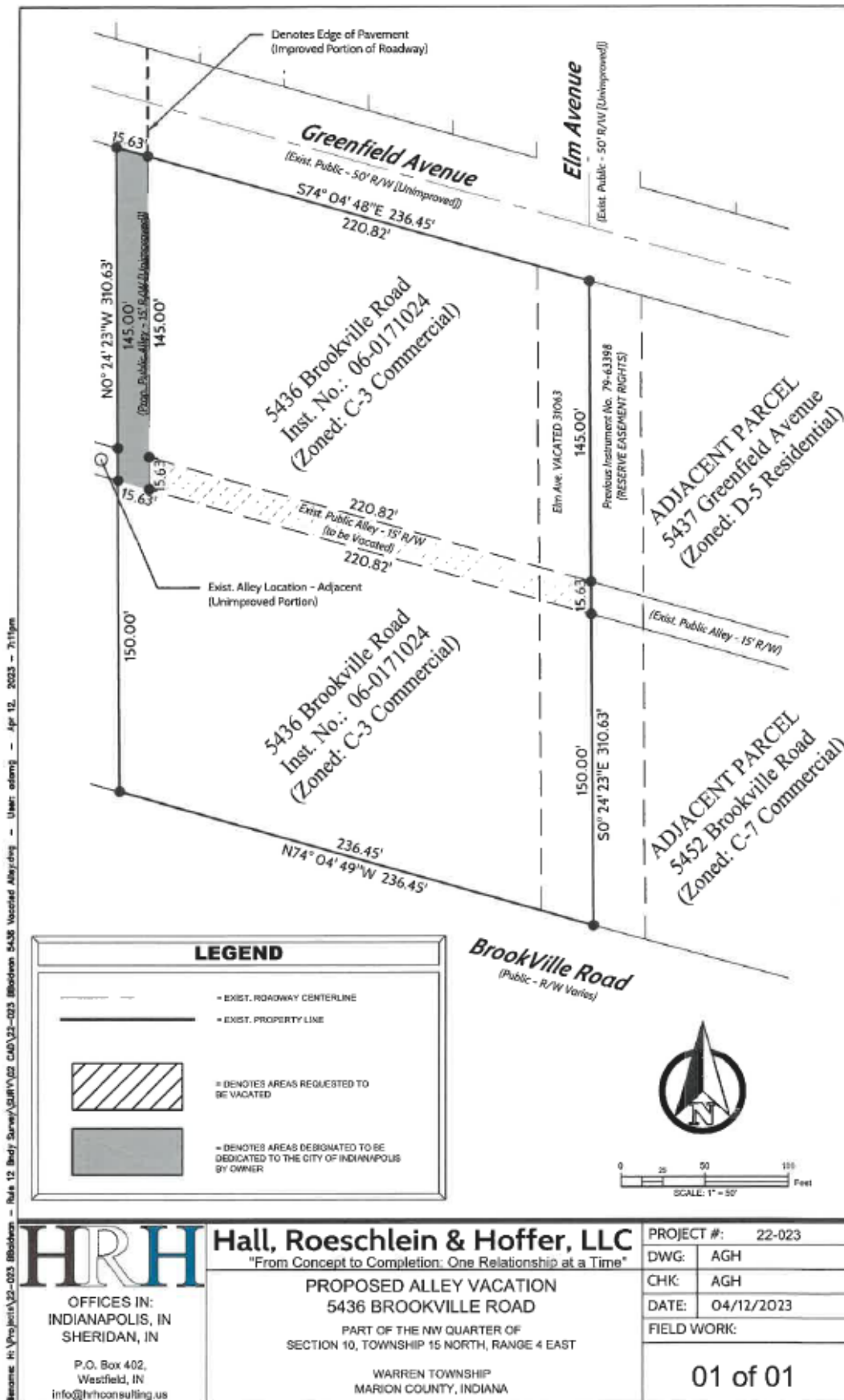
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2022-CVC-840 Aerial Map



2022-CVC-840 Vacation Survey

2022-CVC-840 Vacation Survey (Amended)



2022-CVC-840 Findings of Fact (Amended)

**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**

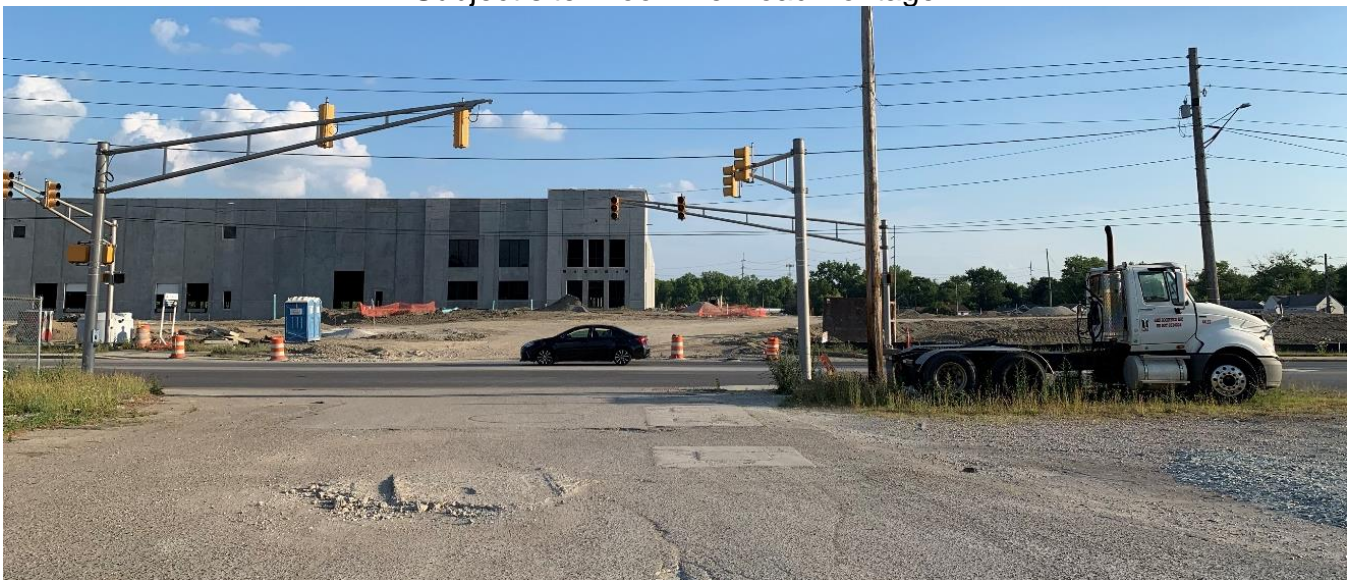
1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because: At the present this alley segment comes to a dead end at the east property line of 5436 Brookville Road. With the north/ south Elm Street formerly along the east property line of both parcels of 5436 Brookville Road, previously vacated as is the segment of the alley to the east of the former north/ south Elm Street, the alley segment that is the subject of this vacation petition continues to be the dead end of this alley going east. However with the dedication of the north/ south alley along the west property line of 5436 Brookville Road, going north from this existing alley to the west of 5436 Brookville Road; proceeding north along the west property line of northern parcel of 5436 Brookville Road to the intersection with the existing right of way of Greenfield Avenue, thus in the future, the dedication of the proposed alley could provide for right of way that removes the potential of a dead end alley. Furthermore, the amended vacation request would allow for the entire site (both parcels addressed as 5436 Brookville Road to become, with the merger of the two parcels, a created new larger parcel that would incorporate both existing parcels and allow for the total use of the site for a permitted C3 use. The northern half of the two parcels addressed as 5436 Brookville Road has no improved street frontage and thus although zoned C3. could not be issued an Improvement Location permit for a permitted C3 commercial building and use to be located on the northern half of the site (two parcels addressed as 5436 Brookville Road, until the proposed vacation is recorded and the two parcels are merged into one parcel addressed as 5436 Brookville Road)

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Site Photos

Subject site Brookville Road frontage



Subject site Brookville Road frontage



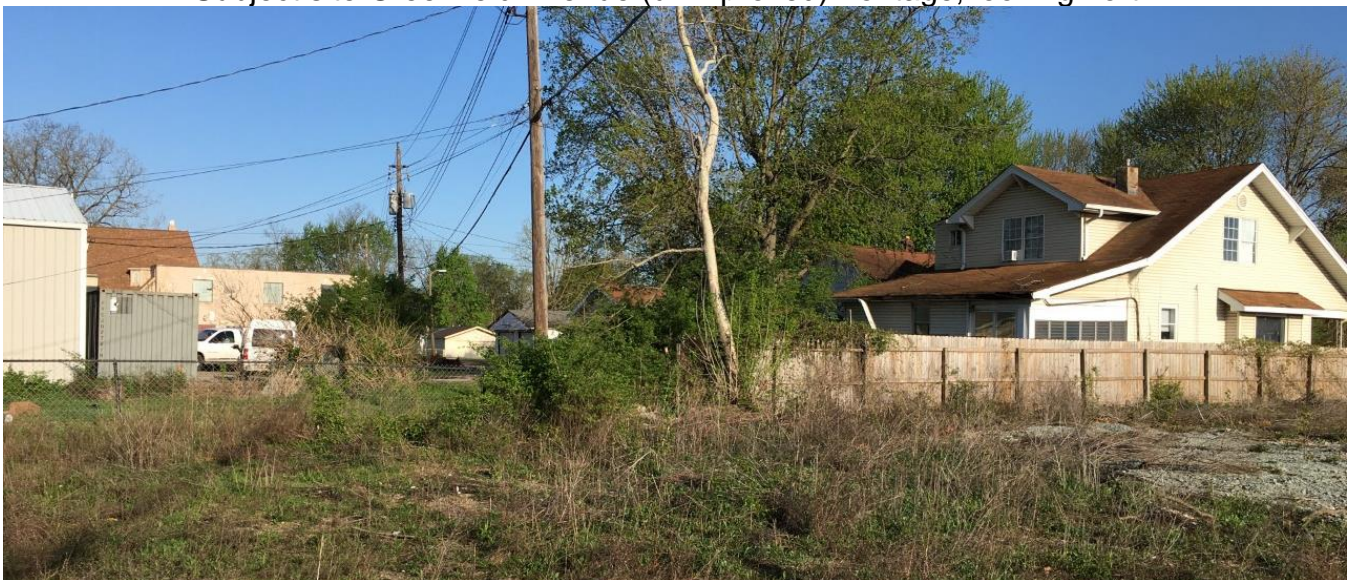
Existing site access and south of site



Alley to be vacated and overhead utility lines, looking east



Subject site Greenfield Avenue (unimproved) frontage, looking north



Alley to be vacated, looking west. Proposed dedication along fence line shown right



Proposed dedication along fence line. Looking southwest



Greenfield Avenue right-of-way, looking east. Proposed alley dedication south (right)



Alley west of site, looking east. Alley improvements end west of site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-868 / 2022-CVR-868 (Second Amendment)
Address: 431 South Shortridge Road (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan
Request: Rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions.

ADDENDUM FOR April 13, 2023, HEARING EXAMINER

The Hearing Examiner acknowledge the withdrawal of the variance portion of this companion petition.

A continuance was requested by a remonstrator to allow time to continue negotiations. A continuance from the April 13, 2023 hearing to the April 27, 2023 hearing was granted.

Updated lists of commitments and excluded uses have been submitted by the petitioner, as follows:

ATTACHMENT "D":

Petitioner commits to the following:

1. *No sleeping shall be permitted between on the site.*
2. *No billboards or off-site advertising signs shall be permitted on the property.*
3. *No new Electronic Variable Message Signs (EVMS) or new pole signs shall be erected on the subject property.*
4. *All parking lot areas shall be maintained and kept litter and weed free.*
5. *All parking areas shall be striped and marked for appropriate parking and access*
6. *All persons, visitors and attending events or coming to any office at the 431 So. Shortridge site shall park on the private property of 431 So. Shortridge and shall not park along the frontage of this site or any other site along So. Shortridge Road in the public right of way or in the grass along the frontage of So. Shortridge Road.*
7. *Trash containers shall be enclosed on three sides and have gates.*
8. *The existing tree line along the east and south properties lines of the site shall be preserved and maintained except for trimming of the existing trees and vegetation to continue to provide screening and buffering.*

9. *Only one ground sign d(non-illuminated) or one pylon (non-illuminated) shall be permitted on the site.*
10. *All the additional landscaping with year around evergreens shall be installed prior to the use of the site. All front yard landscaping of trees and shrubbery shall meet the minimum standards of the landscape requirements of Indy Rezone including the species of plant materials.*
11. *No lighting shall be projected off the site.*
12. *No liquor license shall be sought or issued for use on this site. Catering liquor for a specific event would be permitted.*
13. *Hours of operation shall be 7 am to 11 pm, Mondays thru Thursdays and 7 am to 12 midnight Fridays and Saturdays.*
14. *No truck and trailer parking shall be allowed on this site.*

ATTACHMENT "E":

Petitioner commits to exclude the following C1 uses from the subject site:

1. *Substation and utility Distribution*
2. *Wireless Communications facility*
3. *Transit Center*
4. *Fleet Services*
5. *Indoor recreation and entertainment, as a secondary use*
6. *Retail*
7. *Parking garage and or parking lot commercial*
8. *Drive through, including sales of food or merchandise*
9. *Outdoor seating or patio*
10. *Outdoor events*
11. *Recycling collection point*
12. *Sidewalk Café*
13. *Swimming pool or hot tub*

Staff continues to **recommend approval** of the petition.

ADDENDUM FOR April 13, 2023, HEARING EXAMINER

Updated materials were submitted for this petition on February 22, 2023. Remonstrators requested a continuance from the February 23, 2023 hearing to the April 13, 2023 hearing to allow time to review and consider the new submittals.

The new materials submitted for this petition include the **withdrawal of the variances of development standards**. This request requires the acknowledgement of the Hearing Examiner.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

The new submittal amends the request to provide for an event center and C-1 uses with exceptions. The request no longer provides for truck fleet services. Revised attachments C, D, and E were submitted and can be found below.

With the withdrawal of the variance and removal of truck fleet services from the list of uses, staff **recommends approval** of the petition.

ATTACHMENT “C”

Development Plan and Site Plan to allow:

Uses:

1. Event Center
2. All C1 uses except those listed in the Excluded uses list.

Building:

Retention of the existing building for an event center and offices for lease for any C1 use other than those excluded from this site.

Parking:

Forty-eight (48) parking spaces with two (2) additional spaces reserved for the handicapped, to serve the site.

Signs:

Wall signs and one ground sign, with no signs of any type oriented towards a protected district shall be permitted. Directional signs shall be permitted. No signs on the site shall be illuminated.

No pole signs shall be permitted or sought for approval on the site.

No off-site advertising signs shall be erected on the site.

Landscaping, screening and buffering:

Install the landscaping along So. Shortridge Road where indicated on the site plan and per the requirements for front yard landscaping per Indy Rezone.

Security:

Monitored by security cameras, minimum of six (6)

Lighting:

Parking lot lighting may be used on the site, with no light spillage off the site or oriented towards any protected district.

Box lighting shall be used and affixed to the existing building.

Trash Collection:

All dumpsters shall be behind or to the side of the buildings and to the southeast of the building; and enclosed and gated so as not to be visible, from any public street.

2/22/23

ATTACHMENT "D":

Petitioner commits to the following:

1. No sleeping shall be permitted between 12 midnight and 6 am on the site.
2. No billboards or off-site advertising signs shall be permitted on the property.
3. No new Electronic Variable Message Signs (EVMS) or new pole signs shall be erected on the subject property.
4. All parking lot areas shall be maintained and kept litter and weed free.
5. Trash containers shall be enclosed on three sides and have gates.
6. The existing tree line along the east and south properties lines of the site shall be preserved and maintained except for trimming of the existing trees and vegetation to continue to provide screening and buffering.
7. Only one ground sign d(non-illuminated) or one pylon (non-illuminated) shall be permitted on the site.
8. All the additional landscaping with year around evergreens shall be installed prior to the use of the site. All front yard landscaping of trees and shrubbery shall meet the minimum standards of the landscape requirements of Indy Rezone including the species of plant materials.
9. No lighting shall be projected off the site.
10. No liquor license shall be sought or issued for use on this site. Catering liquor for a specific event would be permitted.
11. Hours of operation shall be 7 am to 11 pm, Mondays thru Thursdays and 7 am to 12 midnight Fridays and Saturdays.

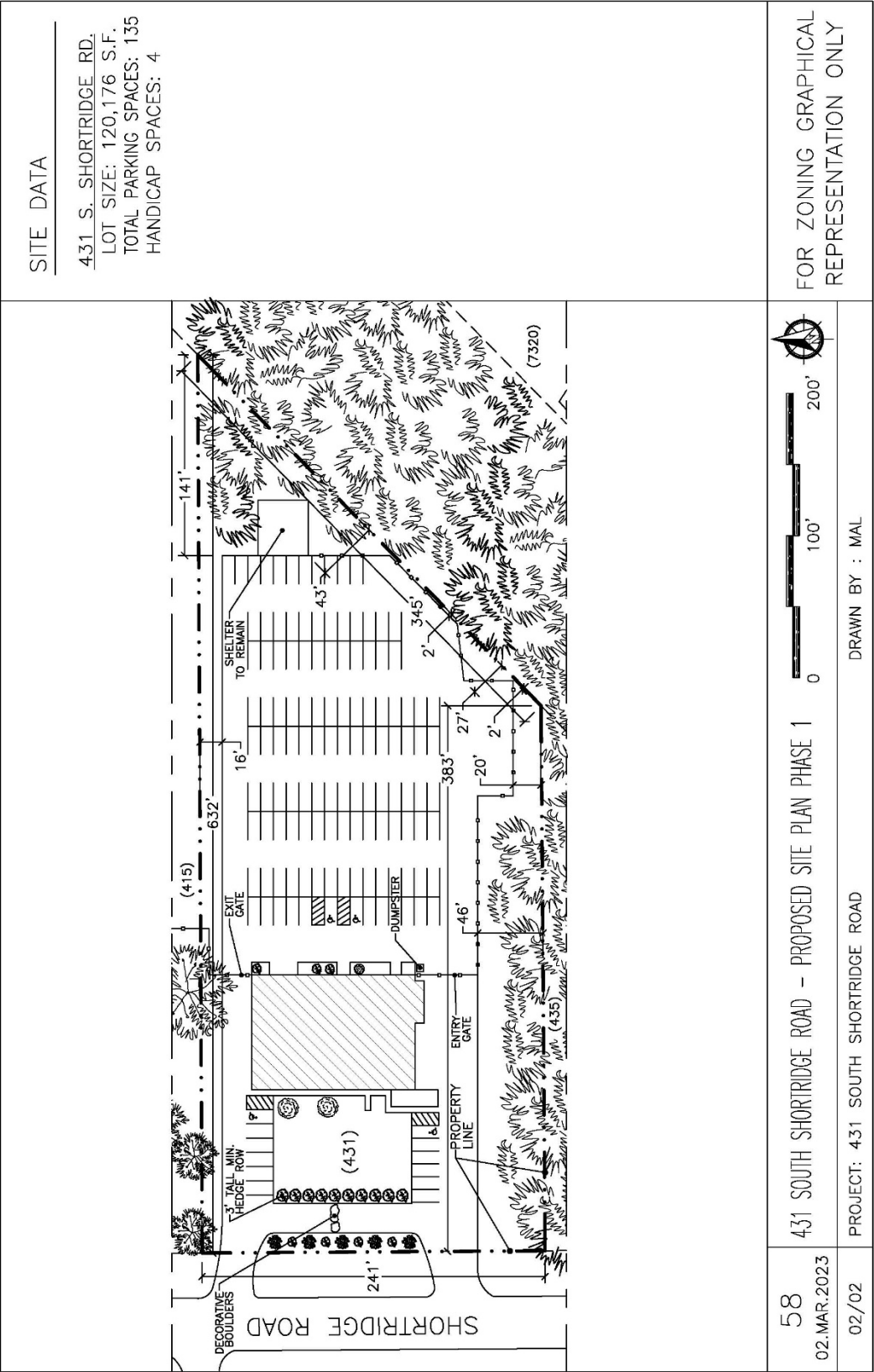
2/22/23

ATTACHMENT "E":

Petitioner commits to exclude the following C1 uses from the subject site:

1. Substation and utility Distribution
2. Wireless Communications facility
3. Transit Center
4. Indoor recreation and entertainment
5. Retail, Light general
6. Parking garage commercial
7. Drive through
8. Outdoor seating or patio
9. Recycling collection point
10. Sidewalk Café
11. Swimming pool or hot tub

2/22/23



ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

A continuance for cause from the January 26, 2023 hearing to the February 23, 2023 hearing was requested by the petitioner's representative. The continuance was granted. Staff has received no new information and continues to **recommend denial** of the petition.

ADDENDUM FOR JANUARY 26, 2023, HEARING EXAMINER

The petition was amended and continued from the December 29, 2022 hearing to the January 26, 2023 hearing to provide time for proper notice to be issued.

The petition was amended from a request for rezoning to the C-7 district to a request for rezoning to the C-S. District. The C-S district allows a petitioner to develop a custom list of permitted land uses. The C-S district requires a development statement and site plan.

The custom list of permitted land uses submitted with this petition would allow for truck fleet services, an event center and C-1 uses with exceptions

Staff continues to **recommend denial** of this request. Staff would recommend approval of the petition if the truck fleet services were excluded from the list of uses and the variances were withdrawn.

Truck Fleet Services falls into the Fleet Terminal land use category of the Ordinance, where it is permitted in the I-3 and I-4 zoning districts, the two most intense industrial districts. Fleet Terminal is defined in the Ordinance as a central facility for the distribution, storage, loading and repair of fleet vehicles, with or without associated dispatch services and offices. This definition includes uses such as ambulance services; courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; and taxi services. An inherent characteristic of this use is the parking of operable vehicles.

Truck fleet services are not considered to be an appropriate use in the Office Commercial typology of the Comprehensive Land Use Plan. Additionally, the Ordinance notes that the districts that permit truck fleet services present risks to the general public and should be located away from protected districts. As the subject site is located within close proximity to a daycare to the north, residentially-zoned land to the east and a low-intensity office use to the west, staff doesn't believe that this is a suitable location for a heavy industrial use that involves significant truck traffic.

Event centers fall into the Indoor Recreation and Entertainment land use category, which is permitted as a primary use in the C-4, C-5 and C-7 zoning districts. This use is also considered to be too intense for the Office Commercial typology of the Comprehensive Land Use Plan.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

The C-1 district generally provides for offices and for personal professional services. The petitioner has indicated that three primary uses and eight accessory uses would be excluded from the permitted C-1 uses. The excluded primary uses are Substation and Utility Distribution Nodes, Wireless Communications Facility and Transit Centers. The eight accessory uses to be excluded can be found in Attachment E below. Staff would note that one of the proposed excluded land use categories, Indoor Recreation and Entertainment, includes event centers, which is one of the primary uses proposed by this petition. This would result in a stand-alone event center being permitted, but an event center that is part of larger facility being excluded.

The C-1 district would be an appropriate zoning district in the Office Commercial typology of the Comprehensive Land Use Plan.

The petition was also amended to remove a request for a variance of development standards to provide for a deficient side yard to the south. Staff has determined that the amended site plan meets the side yard requirement of the Ordinance, so the variance is no longer needed.

The amended site plan would remove parking spaces from the right-of-way and provides some landscaping in the area. Landscaping that meets the standards of the Ordinance would be required.

The site plan does not show a sidewalk along South Shortridge Road. A sidewalk would be required along this frontage.

ADDENDUM FOR DECEMBER 29, 2022, HEARING EXAMINER

This petition was continued from the December 1, 2022 hearing to the December 29, 2022 hearing to provide for the amendment of the petition.

December 29, 2022 Staff Report **RECOMMENDATION**

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)**LAND USE**

- ◇ Historic aerial photography from 1962 shows the subject site under development with the existing structure and parking lots. The nearby Shadeland Avenue freeway was newly constructed and a row of single-family dwellings lined the east side of Shortridge Road north of the site. The nearby industrial dairy was not yet in existence. The site was used for many years as a union hall.
- ◇ The site was most recently occupied by a religious use. The area is now a mix of land uses including a daycare, credit union, woodland and an industrial dairy.
- ◇ The Comprehensive Land Use Plan for Warren Township (2018) recommends Office Commercial for the site and the surrounding area. This land use category is intended for offices, financial institutions and personal care salons.

ZONING

- ◇ This petition requests a rezoning to the C-7 district, which is a high-intensity commercial district. This district is intended for commercial uses that have features such as outdoor storage, sizable merchandise, or outdoor parking and storage of trucks, materials or equipment that make these uses unusually incompatible relative to other commercial uses. These uses should be located near freeway interchanges or on major commercial arterials. This district should not be located in close proximity to retailing, offices or restaurants. It should never be located adjacent to protected districts.
- ◇ The proposed commitments submitted with the request eliminate all uses other than truck and trailer parking. However, truck and trailer parking is considered to fall into the Fleet Terminal land use category of the Ordinance and the C-7 district does not permit fleet terminals. As submitted, this rezoning would have the effect of not permitting any use on the site.
- ◇ The site plan shows what might be 19 truck parking spaces. If they are truck parking space, the maneuvering room for the trucks doesn't appear to be adequate.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

VARIANCE

- ◇ This petition requests variances of development standards to provide for a 20-foot wide south side transitional yard where a 40-foot wide yard is required, for no east yard where a 10-foot wide rear yard is required, and without the required front-yard landscaping.
- ◇ The purpose of transitional yards is to provide a buffer between a less intense use and a more intense use. The parcel to the south is zoned D-A, which is a dwelling and agricultural district, and would require buffering from a C-7 district under the Ordinance. However, the site is used for neither a dwelling nor agriculture and is solidly wooded. The site is recommended for Office Commercial uses in the Comprehensive Land Use Plan.
- ◇ Rear yards are required for the more intense commercial districts to provide some buffering and open space around these intense uses. In this case the site abuts a rail right-of-way.
- ◇ Front yard landscaping is required for a number of reasons including the provision of an attractive streetscape and the screening of intense uses. The site appears to have been originally developed with parking in the rear. By 1972, a parking lot was constructed in the front of the building and partially in the right-of-way. This parking remains.
- ◇ The site plan shows the parking lot remaining in the right-of-way with stones placed in the center of the lot, but outside of the right-of-way. A low hedge is proposed between the parking lot and the building. This would have no effect on screening the parking lot from the street. The Department of Public Works has requested that the parking be removed from the right-of-way. Additionally, staff would recommend that adequate landscaping be provided between the right-of-way and the parking area to provide an effective landscape screen of the parking area.
- ◇ The back parking lot is fenced. The fence is topped with barbed wire. Barbed wire is not permitted under the Ordinance except for livestock and Public Safety properties such as correctional facilities. The barbed wire should be removed.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE
 D-A Metro Religious use

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

SURROUNDING ZONING AND LAND USE

North	C-7	Undeveloped and wooded land
South	D-A	Undeveloped and wooded land
East	D-2	Railroad right-of-way, undeveloped and wooded land, parking lot
West	C-1	Credit Union with drive-thru

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Warren Township (2018) recommends Office Commercial.

THOROUGHFARE PLAN Shortridge Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 115-foot existing right-of-way and a 60-foot proposed right-of-way.

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

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

STREAM PROTECTION CORRIDOR This site is not located within a Stream Protection Corridor.

ZONING HISTORY – SITE

86-UV1-4; 431 South Shortridge Road, requested a variance of use to permit an addition to an existing union hall, **approved**.

ZONING HISTORY – VICINITY

2018-ZON-068; 405, 409 & 411 South Shortridge Road (north of site), requested the rezoning of 8.8 acres from the D-11 and C-7 districts to the C-S district to provide for C-1 and I-1 uses, warehousing, commercial and building contractor, truck and trailer parking, heavy truck, heavy equipment and vehicle sales repair and service, **approved**.

2007-ZON-071; 415 South Shortridge Road (north of site), requested the rezoning of 2.7 acres from the C-1 district to the C-ID district, **approved**.

98-Z-100; 411 South Shortridge Road (north of site), requested the rezoning of 2.9 acres from the D-A district to the C-ID district, **approved**.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

89-Z-144 / 89-CV-21; 405 South Shortridge Road (north of site), requested the rezoning of 5.5 acres from the A-2 district to the D-11 district and a variance of development standards to provide for deficient perimeter yards and deficient distance between buildings, **approved**.

86-UV1-1; 411 South Shortridge Road (north of site), requested a variance of use to provide for a storage and maintenance building for an electric company and the operation of a automobile and small engine repair facility, **approved**.

86-Z-78; 415 South Shortridge Road (north of site), requested the rezoning of four acres from the A-1 district to the C-1 district, **approved**.

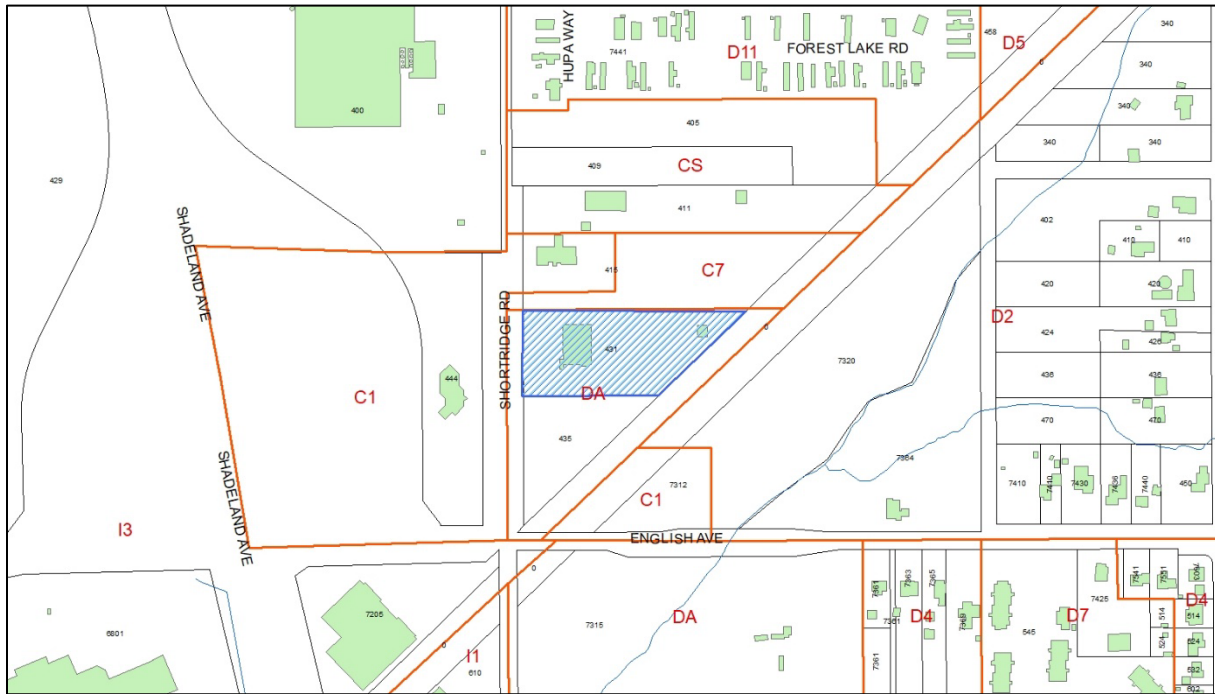
85-Z-157; 7302 English Avenue (south of site), requested the rezoning of 1.1 acre from the D-2 district to the C-1 district, **approved**.

84-UV1-40; 411 South Shortridge Road (north of site), requested a variance of use to provide for retail and repair of commercial search lights, electrical contractor, fabrication, maintenance and sales of radio towers, auto repair and outdoor storage, **approved**.

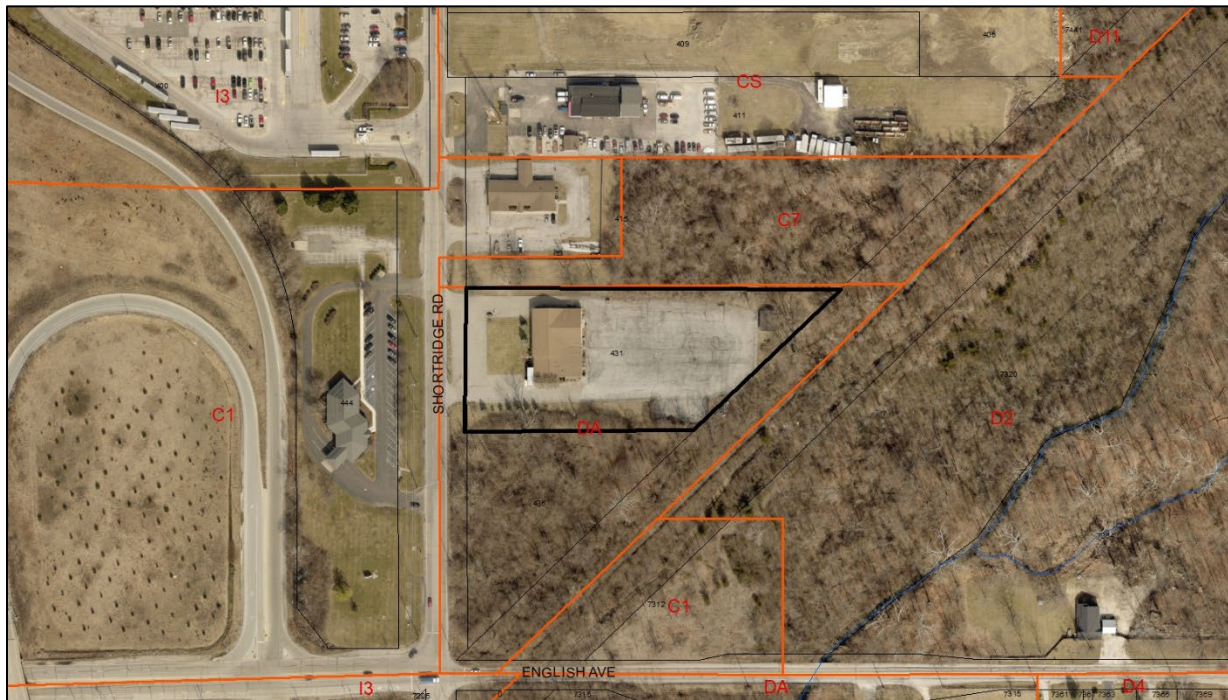
83-UV2-119; 405 South Shortridge Road (north of site), requested a variance of use to provide for automobile service and storage in an A-2 district, **denied**.

klh

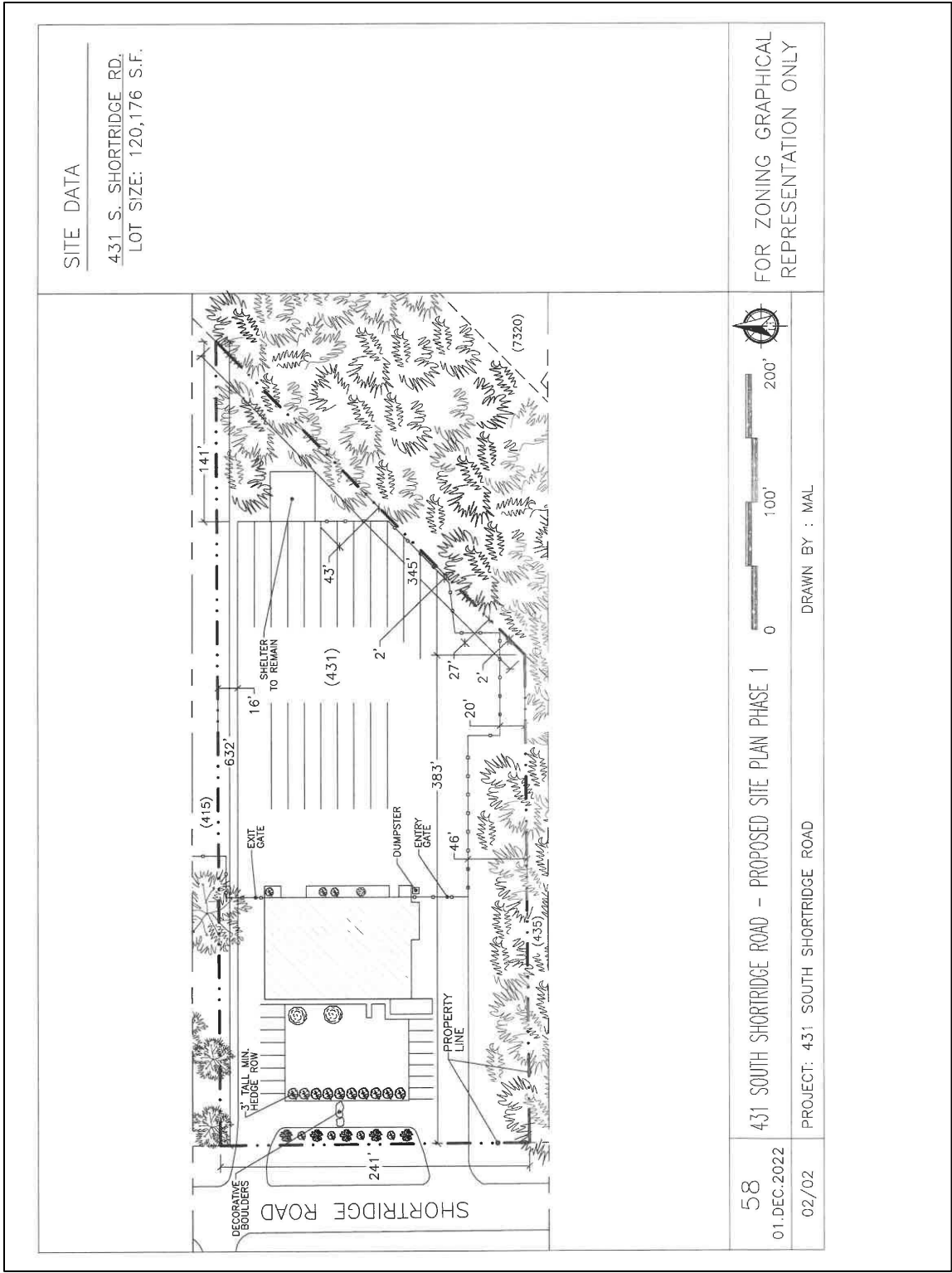
STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Location



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Aerial photograph (2021)



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Site Plan



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Proposed Commitments

ATTACHMENT "C"

Development Plan and Site Plan to allow:

Uses:

1. Truck Fleet Services.
2. Event Center
3. All C1 uses except those listed in the Excluded uses

Building:

Retention of the existing building for the office of both the operation of a commercial truck parking facility and other offices for lease for any C1 use other than those escluded from this site.

Parking:

Thirty (30) parking spaces with one (1) additional space reserved for the handicapped, to serve the site.

Signs:

Wall signs and one ground sign, with no signs of any type oriented towards a protected district shall be permitted. Directional signs shall be permitted

No pole signs shall be permitted or sought for approval on the site.

No off-site advertising signs shall be erected on the site.

Landscaping, screening and buffering:

Install the landscaping along So. Shortridge Road where indicated on the site plan, per plans on file.

Security:

Monitored by security cameras, minimum of six (6)

Lighting:

Parking lot lighting may be used on the site, with no light spillage off the site or oriented towards any protected district.

Box lighting shall be used and affixed to the existing building.

Trash Collection:

All dumpsters shall be behind or to the side of the buildings and to the southeast of the building; and enclosed and gated so as not to be visible, from any public street.

12/13/22

ATTACHMENT "E":

Petitioner commits to exclude the following C1 uses from the subject site:

1. Substation and utility Distribution
2. Wireless Communications facility
3. Transit Center
4. Indoor recreation and entertainment
5. Retail, Light general
6. Parking garage commercial
7. Drive through
8. Outdoor seating or patio
9. Recycling collection point
10. Sidewalk Café
11. Swimming pool or hot tub

12/13/22

STAFF REPORT 2022-CZN-868 / 2022-CVR-868, 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: With the "no touch" zone for the buffering to the south and to the east, and the former railway line to the east; the grant shall not be injurious to the general welfare of the community.

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 trend of the area development along both sides of Shortridge Road, from East Washington Street to East English Street is heavy commercial and thus the "No touch zone" along the transitional yards on the two sides, provides for that area adjacent to be affected in a positive manner.

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

The parking lot is existing and thus the transitional yards are already reduced in width and with the "no touch zone" to the south and east will allow the property to be used and leave all of the existing trees and vegetation and not shrink the parking lot by removing some of the asphalt.

DECISION

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

Adopted this _____ Day of _____, 20 ____

STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Photographs



Looking east at the subject site.



Looking east along the northern edge of the site.



Looking east along the southern edge of the site.



Looking west along the southern edge of the site.



Looking north along Shortridge Road.



Looking south along the Shortridge Road frontage. Roughly the western half of the parking lot is in the right-of-way.



Looking east from Shortridge Road at the parcel to the north of the site. The site is to the right. A daycare operates behind the green fence to the left.



Looking southwest across Shortridge Road at the neighbor to the west.

STAFF REPORT

Item 21.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-002
Address: 8501 Harcourt Road (approximate address)
Location: Washington Township, Council District #1
Zoning: HD-1
Petitioner: 8501 Harcourt ICJV, LLC, by Amber Swanner
Request: Hospital District One Approval to provide for one wall sign.

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the March 23, 2023 hearing to the April 27, 2023 hearing.

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to compliance with the site plans, file-dated February 21, 2023, and sign elevations file-dated February 17, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.84-acre site, zoned HD-1, is developed with a medical office building and surrounded by a parking lot to the north and south; zoned HD-1; a parking lot to the east, zoned HD-2; and a parking lot to the west, across Harcourt Road; zoned HD-1.

HOSPITAL 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.”

(Continued)

- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ 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 Hospital District One approval to provide for a building wall sign.
- ◇ As proposed, sign would be 47.47 feet by 3.542 feet (approximately 169 square feet) consisting of face lit channel letters mounted on the north façade of the existing building.

(Continued)

- ◇ The sign would be included in an updated sign program for the medical services located within the existing building. Only a face change was made on the other existing signs, but this sign would be an additional proposed sign for the north façade of the existing building.
- ◇ Staff believes the sign would be consistent and compatible with the existing signage throughout the hospital campus and surrounding areas, be unobtrusive and provide appropriate way finding identification of this medical office.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

HD-1	Parking garage / parking lots
------	-------------------------------

SURROUNDING ZONING AND LAND USE

North -	HD-1	Medical offices
South -	HD-1	Undergoing construction
East -	HD-2	Medical offices
West -	HD-1	Hospital

COMPREHENSIVE LAND USE PLAN

The Comprehensive Plan for Washington Township (2005) recommends regional special use typology.

THOROUGHFARE PLAN

This portion of Harcourt Road is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 70-foot right-of-way and a proposed 80-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There is no overlay for this site.

SITE PLANS

File-dated February 21, 2023

SIGN ELEVATIONS

File-dated February 21, 2023

FINDINGS OF FACT

File-dated February 17, 2023

(Continued)

ZONING HISTORY

2022-APP-008; 8501 Harcourt Road, requested Hospital District-One Approval to provide for a sign package related to a new parking garage and four parking lots, **approved**.

2021-APP-012; 2001 West 86th Street, requested Hospital District-One Approval to provide for the replacement of a parking garage with a new parking garage, with eight projecting blade signs, surface parking, landscaping and miscellaneous site modifications, **approved**.

2021-APP-007; 2001 West 86th Street, requested Hospital District-One Approval to provide for parking lots with 586 parking spaces, with on-site detention and landscaping, **approved**.

2021-APP-006; 8401 Harcourt Road, requested Hospital District-Two Approval to provide for the expansion of an existing parking lot with 474 parking spaces, on-site detention and landscaping, **approved**.

2020-APP-017; 8301 Harcourt Lane, requested Hospital District One Approval to provide for wall signs, **approved**.

2019-APP-016; 8301 and 8401 Harcourt Road, requested Hospital District One Approval to provide for an addition to an existing hospital, with additional parking, signs, landscaping and other site layout improvements, **approved**.

2010-APP-014; 8401 Harcourt Road, requested Hospital District One approval to provide for ten additional parking spaces, **approved**.

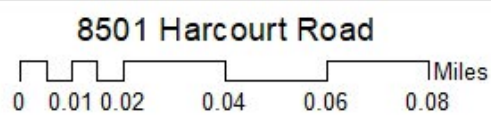
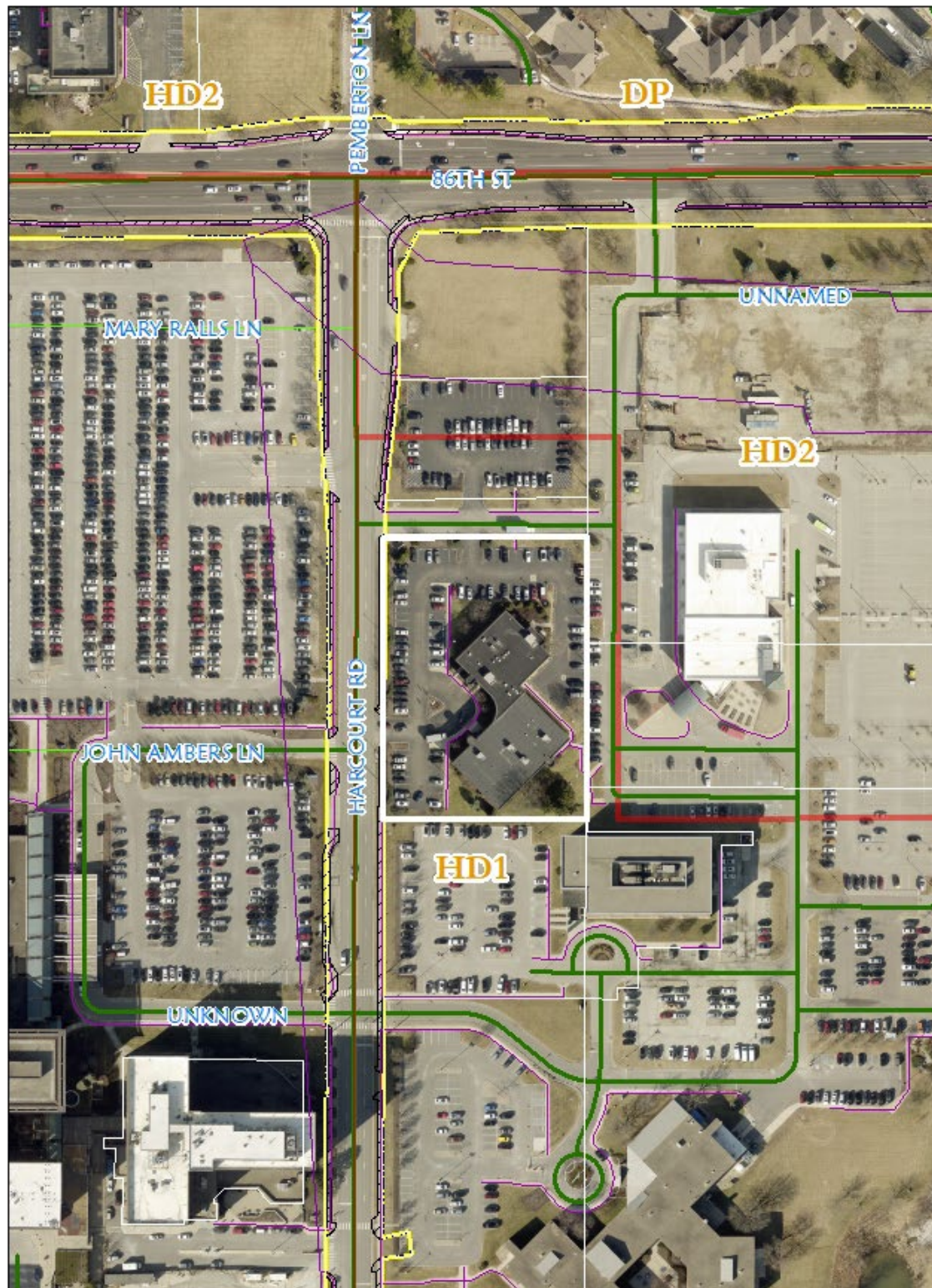
2007-APP-019; 8401 Harcourt Road, requested Hospital District One approval to provide for a 25,000-square foot, two-story addition to an existing 49,640-square foot medical office building, **approved**.

2007-APP-113; 1801 West 86th Street and 8401 Harcourt Road (east of site), requested Hospital District-One Approval to provide for a daycare facility, **approved**.

2007-APP-039; 8401 Harcourt Road (west of site), requested Hospital District-One Approval to provide for a building addition, **approved**.

2002-APP-004; 8401 Harcourt Road (west of site), requested Hospital District-Two Approval to reconfigure and expand a parking lot resulting in 143 new spaces and six RV spaces, **approved**.

kb



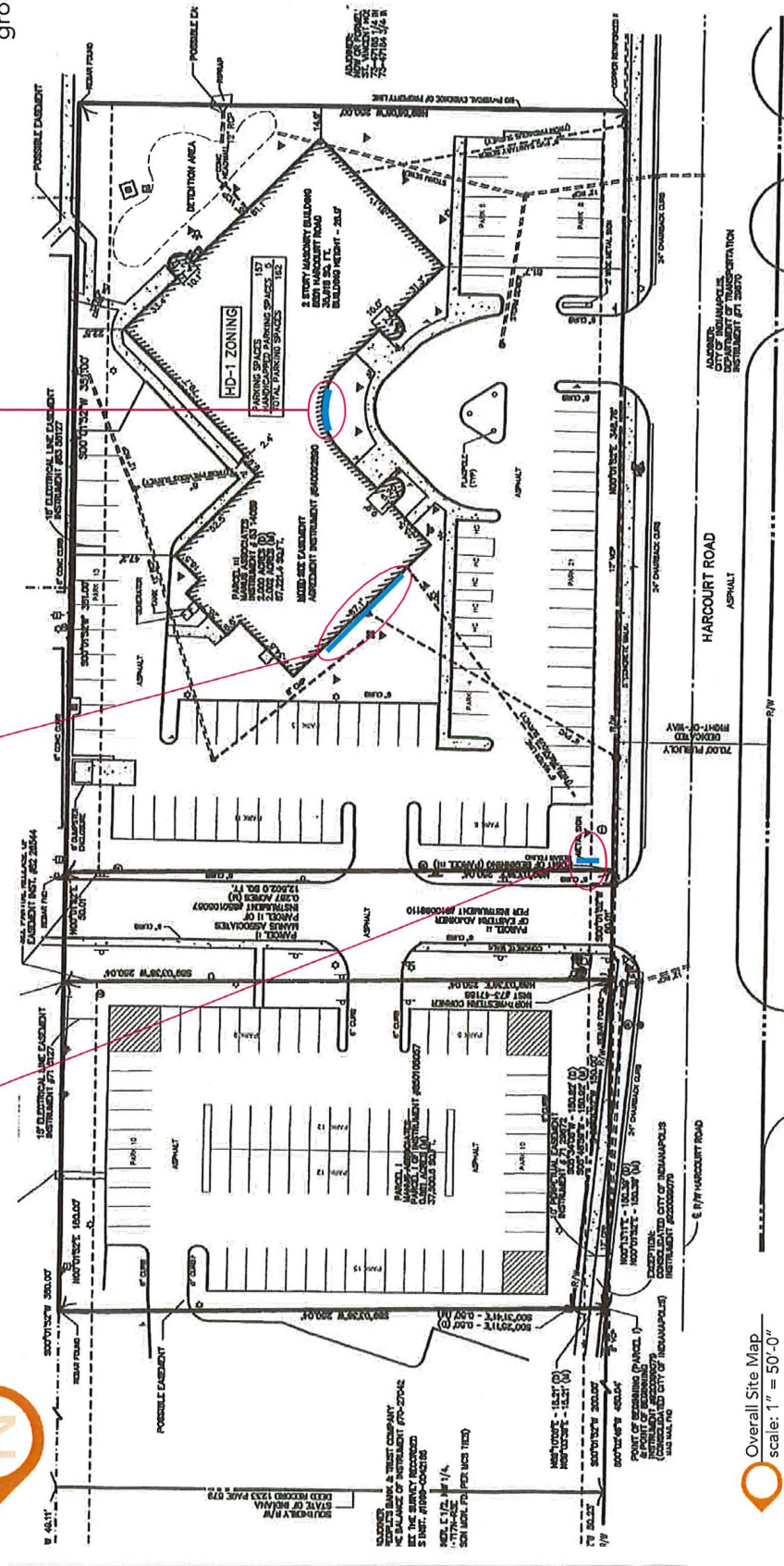
Indiana Hand to Shoulder Center - Exterior Channel Letters and Monument Sign



Existing Monument Sign

Proposed Channel Letters

Existing Building Letters



Overall Site Map
Scale: 1" = 50'-0"

File Path: Clients/Indiana Hand to Shoulder Center/SO8580 - Exterior Channel Letters and Monument Sign/Design/Exterior Channel Letters and Monument Sign.ai

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Colors, Finishes and Materials
The color that appear within this document are created electronically using the latest in computerized design software. You will be asked to approve the actual paint and vinyl samples prior to the start of fabrication and/or install.

Fabrication per UL/NEC 600
All electrical signage is fabricated per UL/NEC 600 standards. Customer (who is purchasing) is responsible for the electricians fees including parts/abor for hook up of the sign.

Site Survey and Verification
The proposed signage in this packet will most likely require a new sign/site survey prior to fabrication. Production will begin only after the permit is issued/approved by the municipality.

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 2/14/23,
20____

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

it provides regulations for signage to follow for this property.

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:

it would follow the same sign regulations as other commercial districts in Indianapolis.

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

it would not affect the multi-modal access as this petitioner is only petitioning for signage regulations.

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

this petition does not affect the multi-modal transportation network, but will provide guidelines for signage that will help with identification of the property.

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

this is not applicable to this petition.

P:\Current\Planning\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:

this petition proposes to follow the same guidelines as other commercial districts, which will regulate the design, character, setback distances, etc of signage for the property.

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:

this petition does not affect paths, trails or sidewalks, but proposes regulations for signage that would be helpful to pedestrians using nearby paths, trails and sidewalks.

DECISION

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

Adopted this _____ day of _____, 20 ____

Commission President/ Secretary

Indiana Hand to Shoulder Center - Exterior Channel Letters and Monument Sign



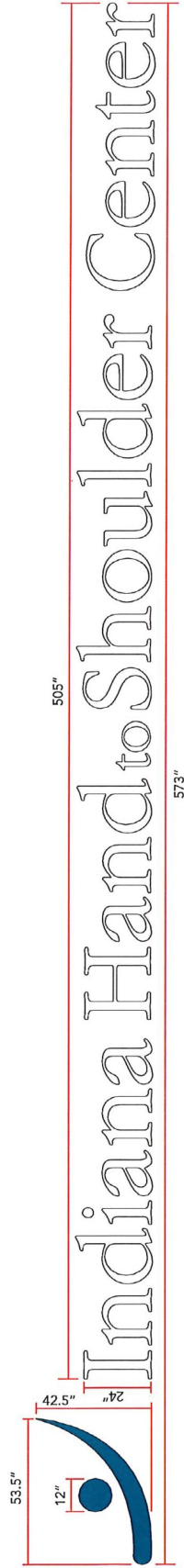
File Path: Clients/Indiana Hand to Shoulder Center/SO9580 - Exterior Channel Letters and Monument Sign/Design/Exterior Channel Letters and Monument Sign.ai

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<p>pg 4/9</p>			

Indiana Hand to Shoulder Center - Exterior Channel Letters and Monument Sign



Item: Face Lit Channel Letters
Qty: 1 - 573"x42.5"
Custom Face Lit Channel Letters with 3" Black Returns & Blue Translucent Vinyl on Logo
Mounted to Building Face



File Path: Clients/Indiana Hand to Shoulder Center/SO8580 - Exterior Channel Letters and Monument Sign/Design/Exterior Channel Letters and Monument Sign.ai

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View looking south along Harcourt Road



View looking north along western façade of building



View of site looking east across Harcourt Road



View of north building facade looking southeast across Harcourt Road



View of north building façade looking southeast across Harcourt Road

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-013
Address: 2457 & 2461 Shelby Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Inpraedium Quarters, LLC, by David Kingen
Request: Rezoning of 0.21 acre from the C-1 (TOD) district to the D-8 (TOD) district to legally establish multi-family dwelling uses.

The petitioner's representative requested that this petition be continued from the March 23, 2023 hearing to the April 27, 2023 to provide time to meet with the neighborhood organization, clear up issues with the legal description, and pay the application fee. The continuance was granted with the understanding that if the fees are not paid by the April 27 hearing, the petition will be dismissed. As of the time of publication of this staff report, the application fee for this petition has not been paid. If the fee has not been paid by the time of the hearing, the **petition should be dismissed** for lack of prosecution.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site is two lots on the northeast corner of the intersection of Shelby Street and Hoefgen Street. The lots were platted as part of Spann and Holloway's Shelby Street Addition in 1899. Historic mapping indicates that a building has stood on the north lot since 1915 and perhaps longer. Petition 90-UV3-101 approved a five-unit multi-family dwelling for the north lot. The buildings on the south lot first appear in the 1950 aerial photograph.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.

(Continued)

STAFF REPORT 2023-ZON-013 (Continued)

- ◇ The subject site is located on the Red Line Bus Rapid Transit route and across the street from Garfield Park.

ZONING

- ◇ This petition requests a rezoning from the C-1 district to the D-8 district. The D-8 district is a unique district designed for application in older, developed urban areas. The district allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares.
- ◇ The D-8 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan and is a district found in the vicinity.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-1	Compact	Small multi-family buildings, single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	C-1	Single-family dwelling
South	C-1	Single-family dwelling
East	D-5	Single-family dwelling
West	PK-1	Garfield Park Branch Library, Garfield Park

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
------------------------------------	--

THOROUGHFARE PLAN	Shelby Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 61-foot existing right-of-way and a 78-foot proposed right-of-way.
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Hoefgen Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 60-foot existing right-of-way and a 48-foot proposed right-of-way.

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

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

(Continued)

STAFF REPORT 2023-ZON-013 (Continued)**ZONING HISTORY – SITE**

90-UV3-101; 2457 Shelby Street, requested a variance of use to provide for a five-unit, multi-family dwelling in a C-1 district, **approved**.

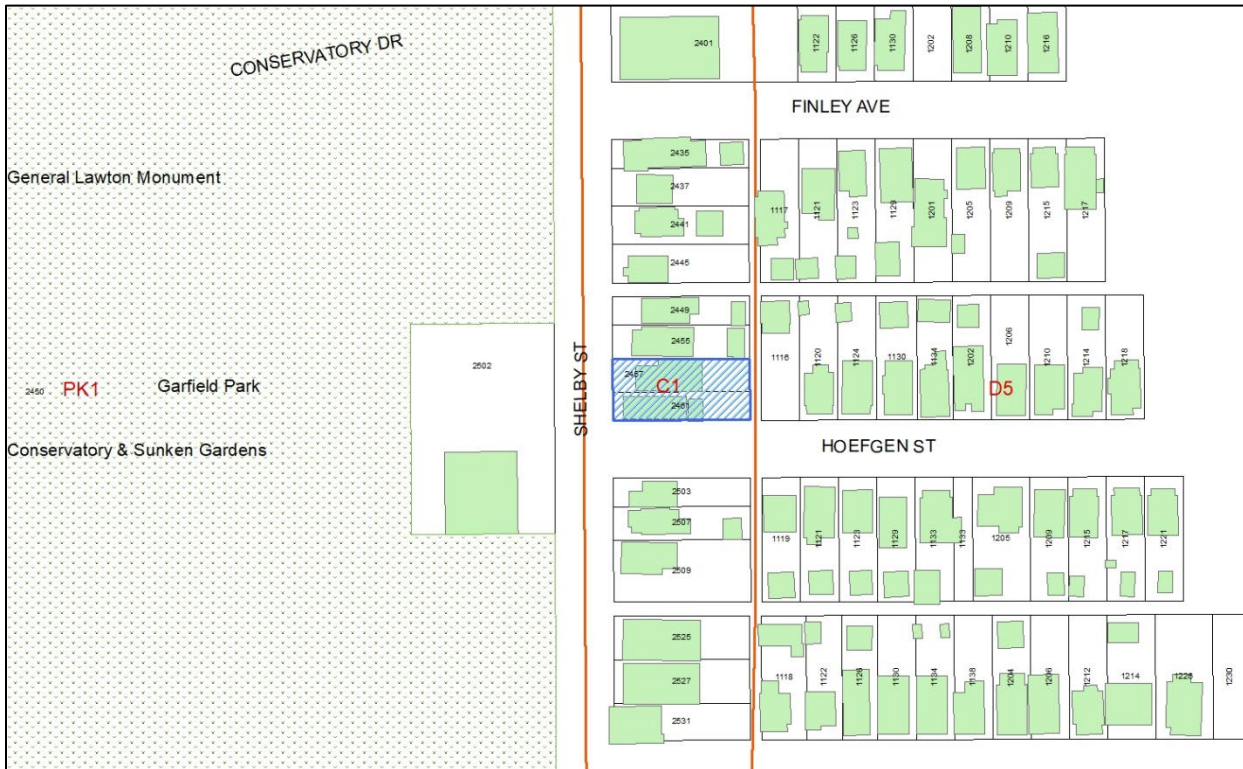
ZONING HISTORY – VICINITY

2009-HOV-030, 2449 Shelby Street (north of site), requested a variance of use to provide for a single-family dwelling and accessory garage in a C-1 district and a variance of development standards to provide for deficient setbacks and transitional yards, **approved**.

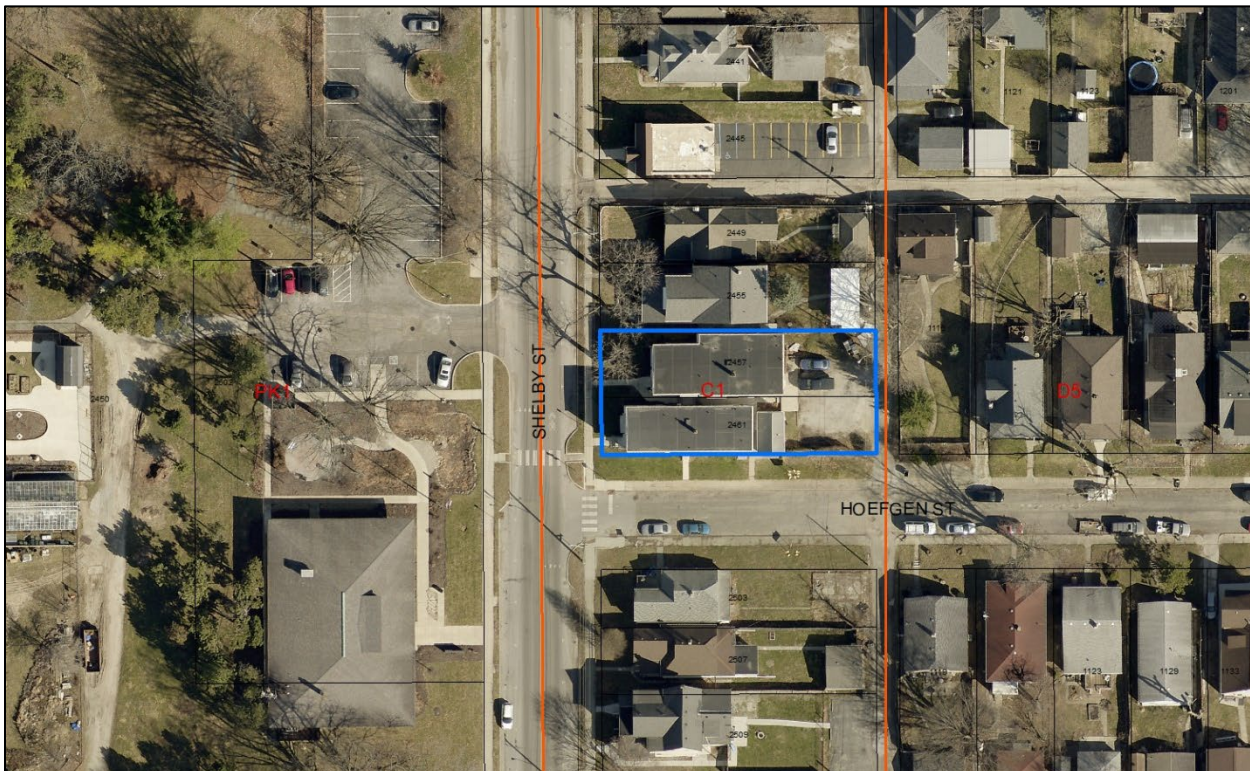
2006-UV3-046; 2509 Shelby Street (south of site), requested a variance of use to legally establish a four-unit multi-family dwelling in a C-1 district and a variance of development standards to provide for deficient setbacks and for parking maneuvering in a public alley, **approved**.

klh

STAFF REPORT 2023-ZON-013, Location



STAFF REPORT 2023-ZON-013, Aerial photograph (2022)



STAFF REPORT 2023-ZON-013, Photographs



Looking east from Shelby Street at the subject site.



Looking across Hoefgen Street at the site.



Looking northwest at the site from the corner of Hoefgen Street and the alley.



Looking east along north property line of the north lot of the site.



Looking east along Hoefgen Street.



Looking southwest across Shelby Street at the neighbors to the south. The site is on the far left of the photo.