



Metropolitan Development Commission Hearing Examiner (September 12, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, September 12, 2024 **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. 2024-ZON-080 | 3720 East Washington Street

Center Township, Council District #18
Marybeth McShea

Rezoning of 0.14-acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for an eight-unit multi-family residential development.

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

2. 2024-ZON-087 (Amended) | 8201 and 8461 Rawles Avenue, 1402 and 1538 South Post Road, and 1215 South Franklin Road

Warren Township, Council District # 20
Scannell Properties, LLC by Misha Rabinowitch

Rezoning of 138.56 acres from the I-3, SU-46 and D-A districts to the I-2 district to allow for an industrial park development.

****Automatic Continuance to October 10, 2024, filed by Registered Neighborhood Organization**

3. 2024-ZON-093 | 4110 Allisonville Road

Washington Township, Council District #8
EZ-Stor LLC, by David Kingen & Emily Duncan

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

****Petitioner request for continuance for cause to September 26, 2024**

4. 2024-ZON-094 | 622 South Keystone Avenue

Center Township, Council District #18
Shelly Mills, by David Gilman

Rezoning of 0.820-acre from the D-5 district to the D-5II district to provide for an attached single-family residential development.

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

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

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

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

****Staff request for continuance for cause to September 26, 2024**

6. 2024-ZON-100 | 3550 Division Street

Perry Township, Council District # 22
KM International, Inc. by David Gilman

Rezoning of 5.09 acres from the D-4 district to the I-1 district to provide for an Industrial Development.

****Automatic Continuance to October 10, 2024, filed by Registered Neighborhood Organization**

7. 2024-ZON-101 | 1820 South Arlington Avenue

Warren Township, Council District #20
Prime USA, Inc, by David Gilman

Rezoning of 22.02 acres from the D-A (FF) to the D-5II (FF) district to provide for an attached single-family residential development.

****Automatic Continuance to October 10, 2024, filed by Registered Neighborhood Organization**

8. 2024-CVR-826 / 2024-CPL-826 | 1150 East New York Street

Center Township, Council District #13
D-8
Ronin Highland Park, LLC, by Jynell D. Berkshire

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction five single-family attached dwellings, each with a zero-foot front setback along New York Street (front setback ranging from 10 feet to 19.9 feet required), building height of 46 feet (maximum 40 feet permitted), an 18-foot encroachment into the clear sight triangle of New York Street and an 11-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required).

Approval of a Subdivision Plat to be known as Elevate Highland Park Subdivision, subdividing 0.20-acre into five single-family attached lots.

****Petitioner request for continuance for cause to October 24, 2024**

9. 2024-CZN-830 / 2024-CVR-830 / 1330 and 1350 North Emerson Avenue

Center Township, Council District #13
D-5
Indianapolis Fire Department, by Misha Rabinowitch

Rezoning of 0.85-acre from the D-5 district to the SU-9 district for the relocation of Indianapolis Fire Department Station No. 20.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 27 spaces (minimum 29 parking spaces required), to increase driveway width to 60 feet (maximum 25 feet permitted), to increase the building height to 39 feet (maximum of 25 feet permitted).

****Automatic Continuance to October 10, 2024, filed by a Remonstrator**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

10. 2024-ZON-095 | 230, 238, and 240 South Pennsylvania Street

Center Township, Council District #18
Boxcar Development, LLC, by Timothy Ochs

Rezoning of 1.89 acres from the I-3 (FF) (TOD) (RC) district to the CBD-2 (FF) (TOD) (RC) district for a Mixed-Use Development.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2024-ZON-050 | 3739 North Kitley Avenue

Warren Township, Council District #9
Patrium LLC, by Luis Gomez

Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.

12. 2024-ZON-083 | 1627, 1631 and 1635 Woodlawn Avenue

Center Township, Council District #18
Indy Real Estate Consulting, LLC, by David Kingen & Emily Duncan

Rezoning of 0.51 acres from the D-3 (TOD) district to the D-8 (TOD) district to allow for a multi-family structure.

PETITIONS FOR PUBLIC HEARING (New Petitions):

13. 2024-ZON-092 | 1770 Kentucky Avenue

Center Township, Council District #18
Multani Holdings, LLC, by Donald W Fisher

Rezoning of 1.62 acres from the I-4 district to the C-5 district to provide for retail use development.

14. 2024-ZON-096 | 6158 West 10th Street

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

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

15. 2024-ZON-099 | 8450 Payne Road and 4025 West 86th Street

Pike Township, Council District #1
Rocky Mountain Energy Holdings, LLC, by Joseph D. Calderon

Rezoning of 47.62 acre from the C-S (FF)(FW) and I-2 (FF)(FW) districts to the C-1 (FF)(FW) district to provide for a battery storage facility for an energy storage utility.

Additional Business:

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



METROPOLITAN DEVELOPMENT COMMISSION **SEPTEMBER 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-080
Property Address: 3720 East Washington Street
Location: Center Township, Council District #18
Petitioner: Marybeth McShea
Current Zoning: C-1 (TOD)
Request: Rezoning of 0.14 acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for an eight-unit multi-family residential development
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged a timely automatic continuance request filed by a registered neighborhood organization that continued this petition from the August 15, 2024 hearing, to the September 12, 2024 hearing.

Staff would request a **continuance from the September 12, 2024 hearing, to the October 10, 2024 hearing**, for additional time to address some unresolved issues related to the request.



METROPOLITAN DEVELOPMENT COMMISSION **SEPTEMBER 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-087 (Amended)
Property Address: 8201 and 8461 Rawles Avenue, 1402 and 1538 South Post Road, and 1215 South Franklin Road
Location: Warren Township, Council District # 20
Petitioner: Scannell Properties, LLC by Misha Rabinowitch
Request: Rezoning of 138.56 acres from the I-3, SU-46 and D-A districts to the I-2 district to allow for an industrial park development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely **automatic continuance request** was filed by a registered neighborhood organization, continuing this petition from the **September 12, 2024 hearing**, to the **October 10, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **September 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-093

Property Address: 4110 Allisonville Road (Approximate Address)

Location: Washington Township, Council District #8

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

Current Zoning: C-S

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

Current Land Use: Industrial

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

The petitioner will need to **continue this petition from the September 12, 2024 hearing to the September 26, 2024 hearing** to allow additional time to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the September 26, 2024 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION **SEPTEMBER 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-094
Property Address: 622 South Keystone Avenue
Location: Center Township, Council District #18
Petitioner: Shelly Mills, by David Gilman
Request: Rezoning of 0.820-acre from the D-5 district to the D-5II district to provide for a multi-family row housing development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The petitioner’s representative has requested a **continuance from the September 12, 2024 hearing, to the October 10, 2024 hearing**. Staff would not object to this continuance request.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 12, 2024

Case Number: 2024-ZON-097

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

Location: Decatur Township, Council District #21

Petitioner: Goose Creek Farms, LLC, by Domonic Dreyer

Current Zoning: D-A

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

Current Land Use: Agricultural Land

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance for cause from the September 12, 2024 hearing to the September 26, 2024 hearing** to allow for additional time for the review of the traffic impact study submitted on September 3, 2024.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition will be continued to the September 26, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER **SEPTEMBER 12, 2024**

Case Number: 2024-ZON-100
Property Address: 3550 Division Street
Location: Perry Township, Council District # 22
Petitioner: KM International, Inc. by David Gilman
Request: Rezoning of 5.09 acres from the D-4 district to the I-1 district to allow for industrial development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely **automatic continuance request** was filed by a registered neighborhood organization, continuing this petition from the **September 12, 2024 hearing**, to the **October 10, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER **SEPTEMBER 12, 2024**

Case Number: 2024-ZON-101
Property Address: 1820 South Arlington Avenue
Location: Warren Township, Council District # 20
Petitioner: Prime USA, Inc. by David Gilman
Request: Rezoning of 22.02 acres from the D-A (FF) district to the D-5II (FF) district to provide for an attached single-family residential development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely **automatic continuance request** was filed by a registered neighborhood organization, continuing this petition from the **September 12, 2024 hearing**, to the **October 10, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **September 12, 2024**
HEARING EXAMINER

Case Number: 2024-CVR-826 / 2024-CPL-826
Property Address: 1150 East New York Street (approximate address)
Location: Center Township, Council District #13
Petitioner: Ronin Highland Park, LLC, by Jynell D. Berkshire
Current Zoning: D-8

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction five single-family attached dwellings, each with a zero-foot front setback along New York Street (front setback ranging from 10 feet to 19.9 feet required), building height of 46 feet (maximum 40 feet permitted), an 18-foot encroachment into the clear sight triangle of New York Street and an 11-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required).

Approval of a Subdivision Plat to be known as Elevate Highland Park Subdivision, subdividing 0.20-acre into five single-family attached lots.

Current Land Use: Undeveloped

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the July 11, 2024 hearing to the August 15, 2024 hearing at the request of the petitioner to provide additional time to work with staff.

This petition was continued from the August 15, 2024 hearing to the September 12, 2024 hearing at the request of the petitioner to provide additional time to work with staff.

The petitioner submitted a written request for a third **continuance for cause from the September 12, 2024 hearing to the October 24, 2024 hearing** to amend the request. Staff has no objection to this final continuance request.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

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



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 12, 2024

Case Number: 2024-CZN-830 / 2024-CVR-830

Property Address: 1330 and 1350 North Emerson Avenue (approximate addresses)

Location: Center Township, Council District #13

Petitioner: Indianapolis Fire Department by, Misha Rabinowitch

Current Zoning: D-5
Rezoning of 0.85-acre from the D-5 district to the SU-9 district for the relocation of Indianapolis Fire Department Station No. 20.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 27 spaces (minimum 29 parking spaces required), to increase driveway width to 60 feet (maximum 25 feet permitted), to increase the building height to 39' (maximum of 25' permitted).

Current Land Use: Undeveloped

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a remonstrator, **continuing this petition from the September 12, 2024 hearing to the October 10, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

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



METROPOLITAN DEVELOPMENT COMMISSION **September 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-095

Property Address: 230, 238 and 240 South Pennsylvania Street (Approximate Addresses)

Location: Center Township, Council District #18

Petitioner: Boxcar Development, LLC, by Timothy Ochs

Current Zoning: I-3 (RC) (FF) (TOD)

Request: Rezoning of 1.89 acres from the I-3 (RC) (FF) (TOD) district to the CBD-2 (RC) (FF) (TOD) district for a mixed-use development.

Current Land Use: Five-story warehouse building

Staff Recommendations: Approval

Staff Reviewer: Jeffrey York, Principal Planner II

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

The 1.89-acre subject site is developed with a five-story warehouse and a small parking lot south of the structure. The warehouse building is located at 230 South Pennsylvania Street and is within the Wholesale District (WD) and governed by the Indianapolis Historic Preservation Commission (IHPC). The remaining portions, 238 and 240 South Pennsylvania Street, are within the Regional Center overlay zone.

This petition would rezone the site from the I-3 (RC) (FF) (TOD) district to the CBD-2 (RC) (FF) (TOD) district to provide for urban mixed uses, specifically a hotel, and commercial uses including an entertainment venue.

On September 4, 2024, the IHPC approved a Certificate of Appropriateness (2024-COA-226) for the rezoning of the portion within the Wholesale District, or 230 South Pennsylvania Street, which is an option available to petitioners. Indiana Law permits the Metropolitan Development Commission’s appointed Hearing Examiner the right to make recommendation on properties within IHPC jurisdiction and outside of IHPC jurisdiction. However, the IHPC cannot make a zoning recommendation for properties outside IHPC jurisdiction. Rather than filing two, separate rezoning petitions, the petitioner chose to file this rezoning petition to be heard by the MDC Hearing Examiner and seek a COA through the IHPC. Under the same COA, the IHPC approved the demolition of the existing warehouse structure and for the



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

construction of the hotel, commercial space, parking garage, entertainment venue and a skybridge over Pennsylvania Street. Finally, the IHPC granted a variance (2024-VHP-008) for the hotel to encroach upon the sky exposure plane two standard of the CBD-2 district.

The I-3 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. These industries are therefore buffered by a sizable area to minimize and detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.

The CBD-2 district is Central Business District Two for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment with a diverse mixture of uses such as residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels, and memorials.

RC is Regional Center, which is an overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Metropolitan Development Commission. No development plans were submitted with this petition.

Staff Analysis

The Core Mixed-Use typology is intended for the core of the City’s Central Business District and along logical extensions from the core (such as the North Meridian Street corridor). It is characterized by dense, compact, and tall building patterns and a substantial degree of activity. Businesses, services, and institutions in this typology serve the entire region as well as residents and tourists. There is a wide range of public spaces, with some designed to accommodate events and festivals. Buildings are at least six stories in height and all off-street parking should be in garages. While buildings in this typology are larger than in other mixed-use typologies, they should still be designed with the pedestrian in mind, with entrances and large windows facing the street. Ideally, this typology has a tight street grid with frequent intersections and small blocks. In areas where small blocks are not practical due to existing development, public pedestrian paths should be provided as cut throughs. This typology has a residential density in excess of 50 units per acre.

For these reasons, Staff is supportive of the rezoning to the CBD-2 (RC) (FF) (TOD) district.

GENERAL INFORMATION

Existing Zoning	I-3 (RC) (FF) (TOD)	
Existing Land Use	A five-story warehouse and a small parking lot	
Comprehensive Plan	Core Mixed Use	
Surrounding Context	Zoning	Land Use
North:	CBD-2 (WD)	Hotel
South:	CBD-2 (US) (FF) (TOD)	Elevated railroad
East:	CBD-2 (RC) (FF) (TOD)	Gainbridge Fieldhouse
West:	CBD-2 (WD)	Mixed-use commercial



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

Thoroughfare Plan		
Pennsylvania Street	Primary Arterial Street	78-foot existing and proposed right-of-way.
Georgia Street	Primary Collector Street	56-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes – Wholesale District – IHPC, Regional Center, and Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	File-dated August 8, 2024	
Site Plan (Amended)	N/A	
Elevations	File-dated August 8, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS
Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Overlays
 - This site is located within the Regional Center, which is a secondary overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Metropolitan Development Commission.
 - Blue Line Transit-Oriented Development Strategic Plan (2018).

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Core Mixed-Use development for the subject site.
- The Core Mixed-Use typology is intended for the core of the City’s Central Business District and along logical extensions from the core (such as the North Meridian Street corridor). It is characterized by dense, compact, and tall building patterns and a substantial degree of activity. Businesses, services,



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

and institutions in this typology serve the entire region as well as residents and tourists. There is a wide range of public spaces, with some designed to accommodate events and festivals. Buildings are at least six stories in height and all off-street parking should be in garages. While buildings in this typology are larger than in other mixed-use typologies, they should still be designed with the pedestrian in mind, with entrances and large windows facing the street. Ideally, this typology has a tight street grid with frequent intersections and small blocks. In areas where small blocks are not practical due to existing development, public pedestrian paths should be provided as cut throughs. This typology has a residential density in excess of 50 units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Properties within a Central Business District zone are exempt from the TOD regulations within the Ordinance.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

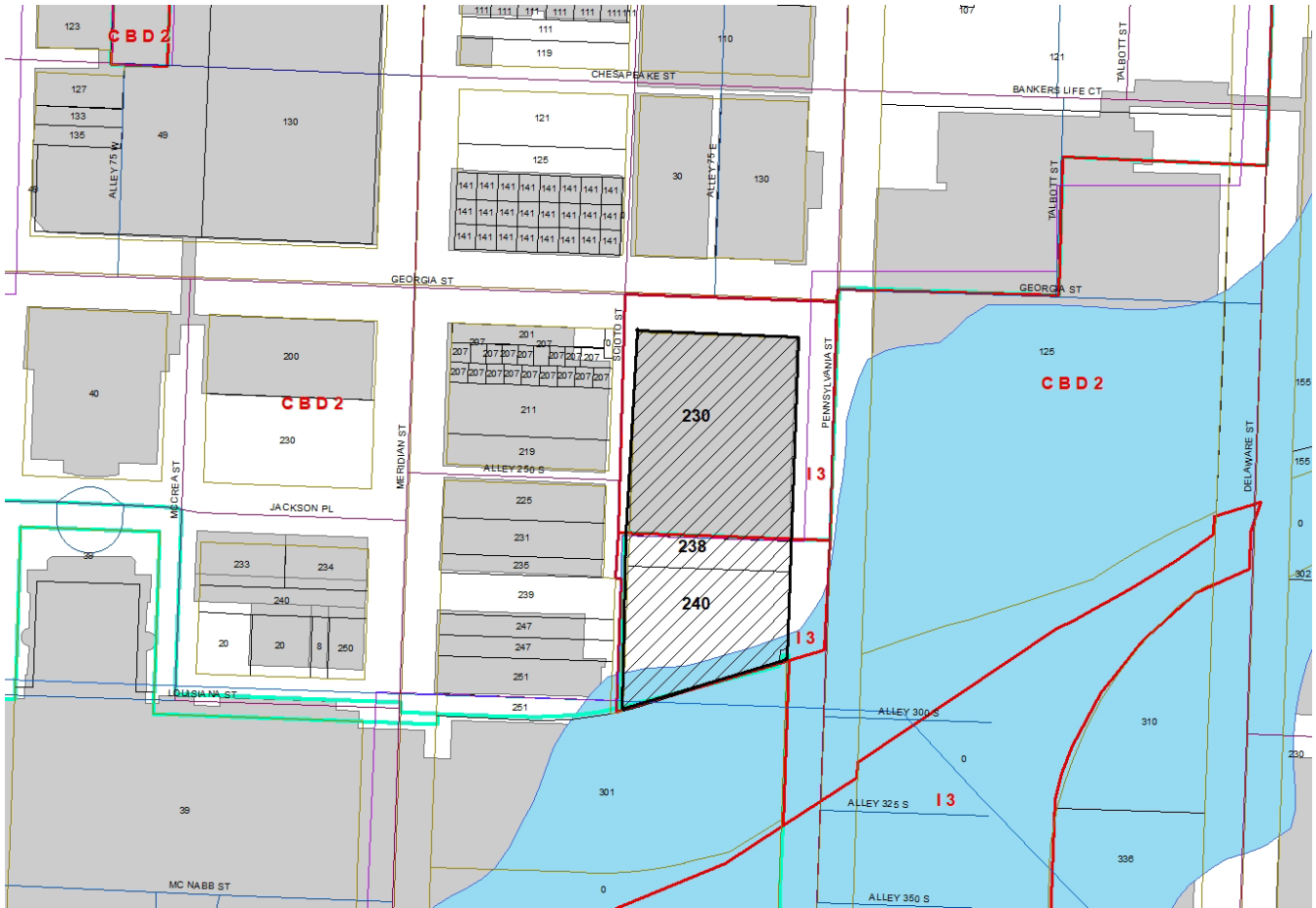
ZONING HISTORY – SITE

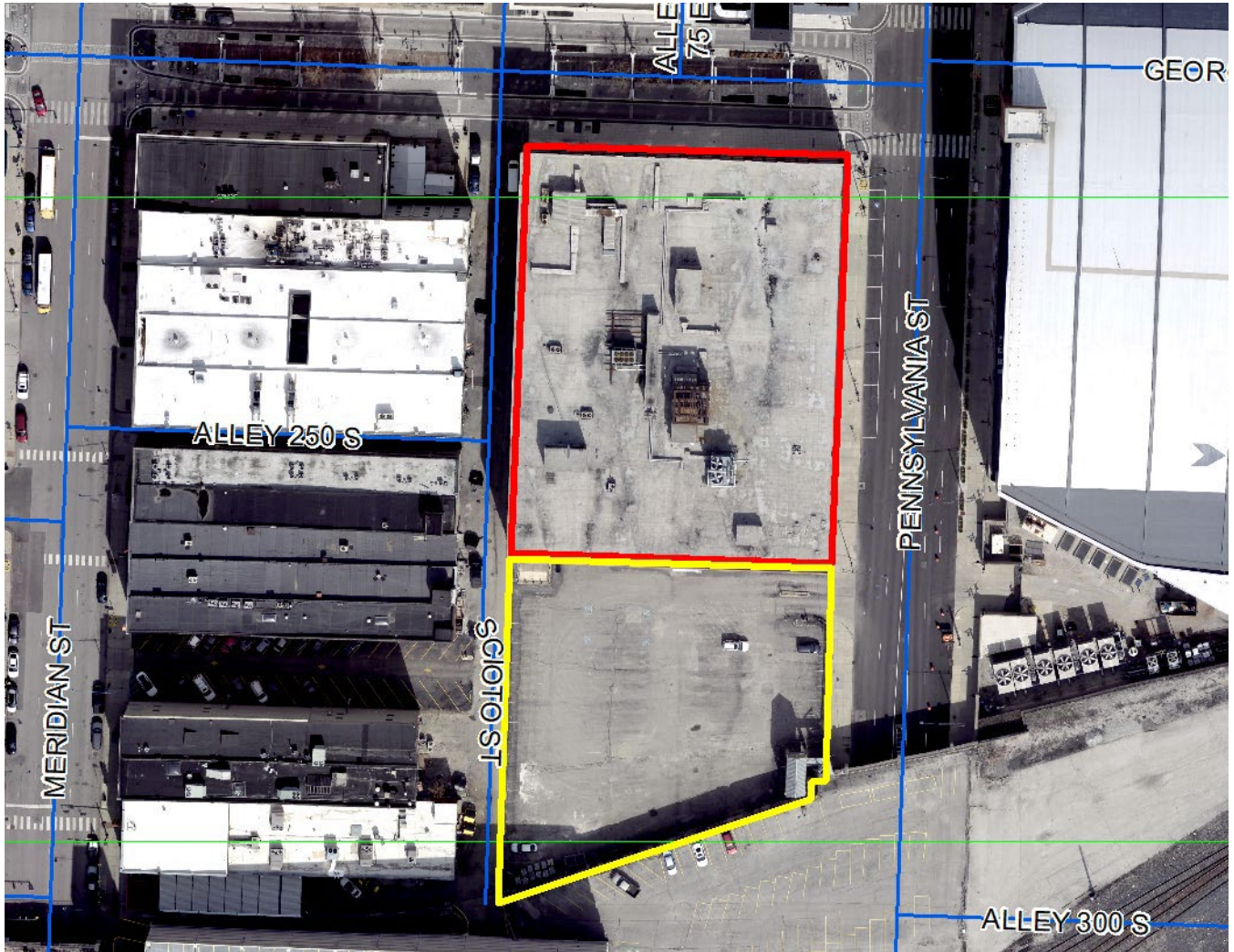
2024-VHP-008; 230 South Pennsylvania Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 13-story hotel with encroachments into the Sky Exposure Plane Two development standard, **granted**.

ZONING HISTORY – VICINITY

None.

EXHIBITS







View of north and east elevations of the existing structure



East elevation



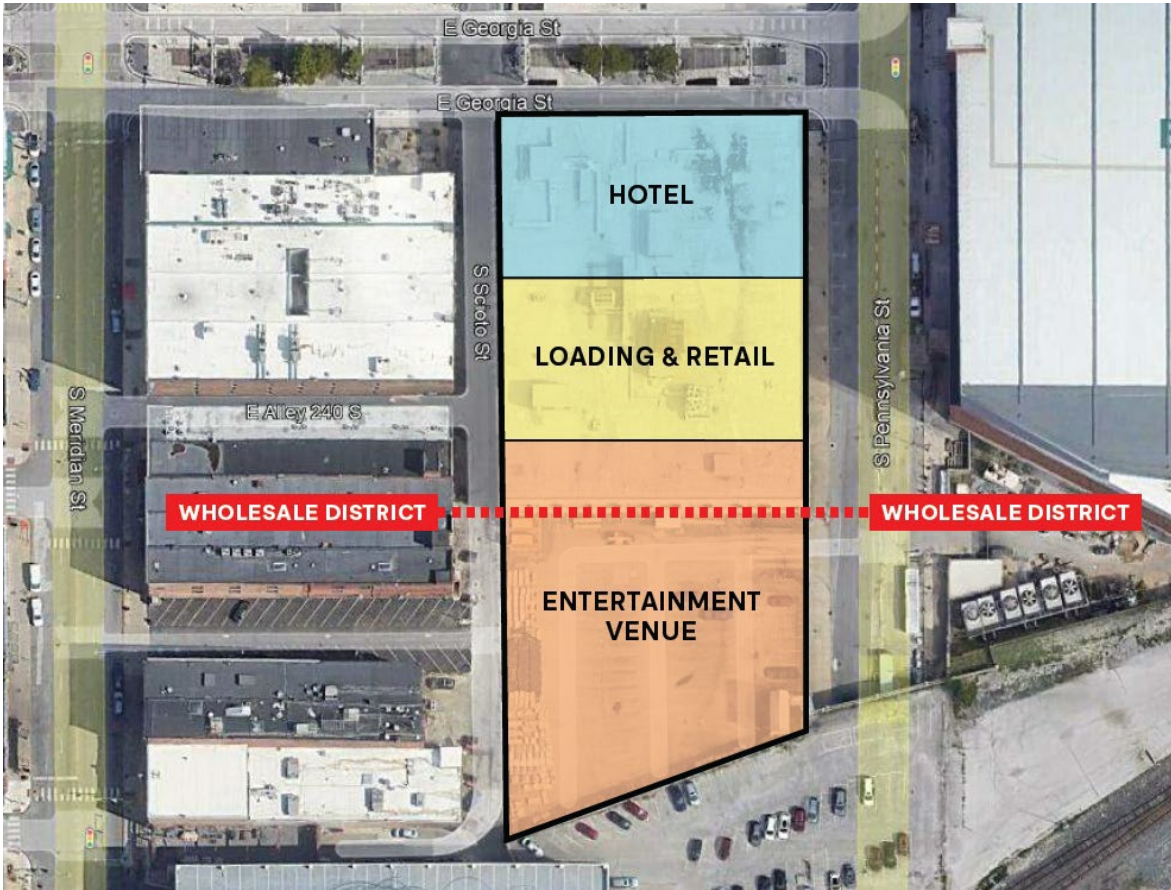
South elevation



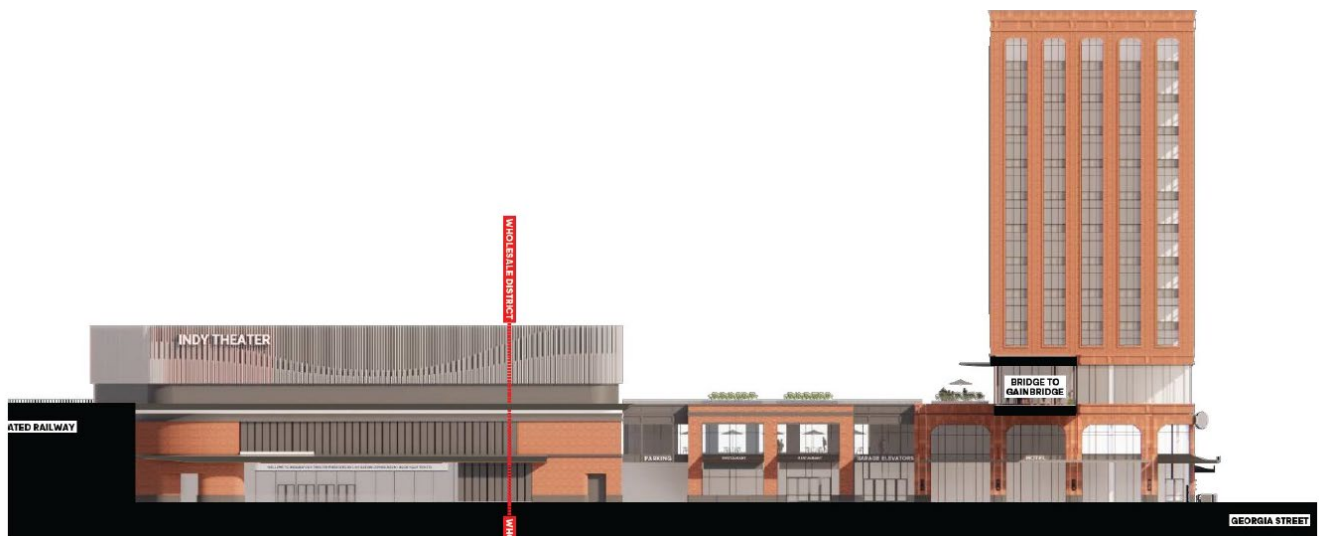
Existing parking lot at 240 South Pennsylvania Street



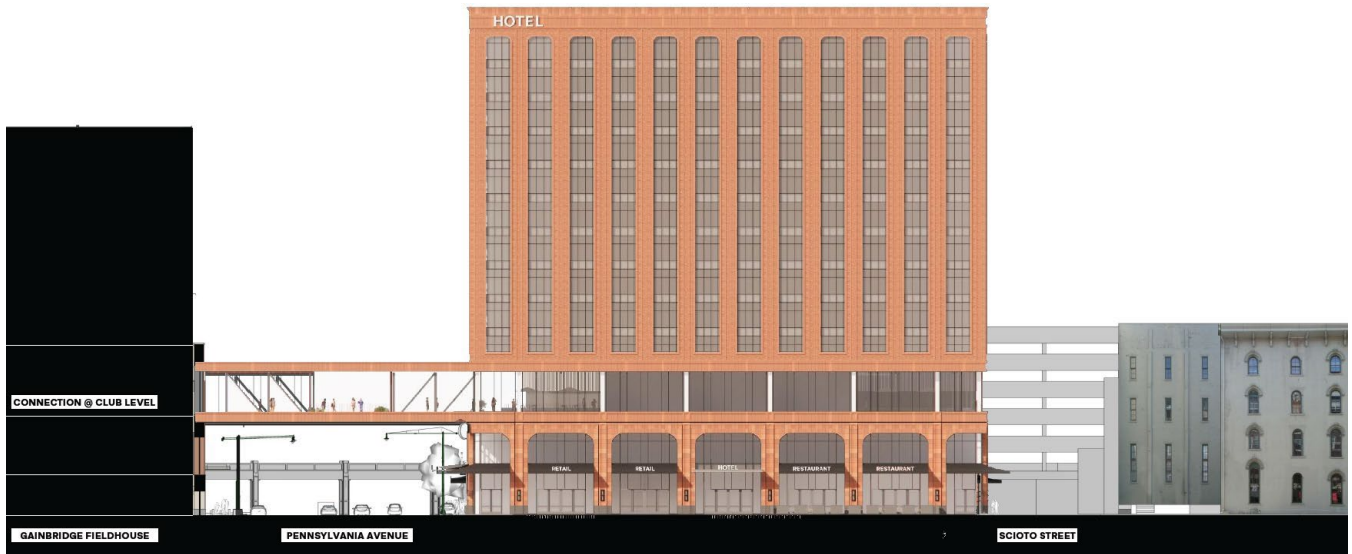
West and north elevations



Proposed site plan



Proposed east elevation



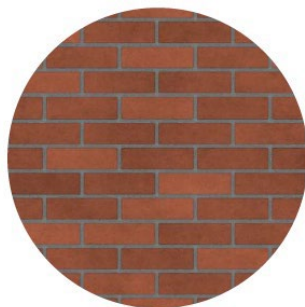
Proposed north elevation



Proposed west elevation



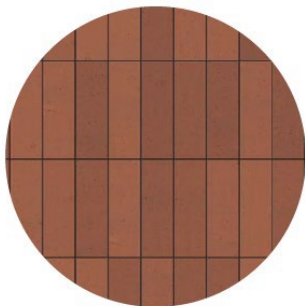
Proposed south elevation



BRICK



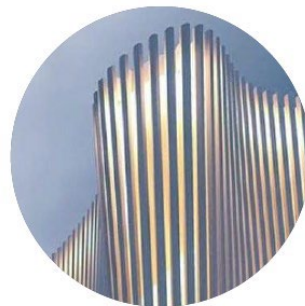
METAL PANEL



TERRACOTTA



GRANITE



METAL CROWN

Proposed building materials



METROPOLITAN DEVELOPMENT COMMISSION **September 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-050
Property Address: 3739 North Kitley Avenue
Location: Warren Township, Council District #9
Petitioner: Patrium LLC, by Luis Gomez
Current Zoning: D-3 (TOD)
Request: Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.
Current Land Use: Undeveloped
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR SEPTEMBER 12 2024 HEARING EXAMINER

This petition was continued from the August 29, 2024 hearing to the September 12, 2024 hearing at the request of the petitioner to allow additional time to work with a registered neighborhood organization.

August 29, 2024

This petition was continued from the July 11, 2024 hearing to the July 25, 2024 hearing at the request of the petitioner to provide sufficient time to meet the mailing notice requirement.

Staff did not have an objection to this first continuance request by the petitioner.

This petition was automatically continued from the July 25, 2024 hearing, to the August 29, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 1.22-acre subject site is comprised of two undeveloped parcels that are bordered to the east with a single-family dwelling, zoned D-3, to the south by single-family dwellings, zoned D-3, to the west across



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

Kitley Avenue with a concrete contractor business, zoned I-4 and I-2, and a drywall contractor business to the north, zoned C-7.

REZONING

The request would rezone the site from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.

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

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

Staff Analysis

Staff determined that the proposed C-7 district and use of a commercial contractor would not be appropriate at this location with two of the boundaries bordering single-family dwellings that should be protected from intense uses and zoning districts as proposed.

Additionally, the C-7 zoning district would not align with the suburban neighborhood recommendation of the Comprehensive Plan. The subject site is different from the concrete contractor to the west which is recommended for light industrial development and the drywall contractor to the north recommended for community commercial development.



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

There are concerns with the potential outdoor storage of materials and vehicles on site that would be permitted and the impact of exterior lighting that would likely be installed to assist with the video surveillance.

Instead, approval of the rezoning would be a commercial encroachment into the residential area since the site could be developed with a single-family dwelling having significant separation from the heavy commercial district to the north. This would ensure some protection from the commercial use and would not negatively affect three other residential properties that border this site.

Given the negative impact the commercial district could have on the abutting dwellings, staff is recommending denial of the request.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-7 Drywall Contractor Business
	South:	D-3 Residential (Single-family dwelling)
	East:	C-7 / D-3 Residential (Single-family dwelling)
	West:	I-2 / D-3 Concrete Contractor Business
Thoroughfare Plan		
Kitley Avenue	Local Street	48-foot proposed right-of-way and 90-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	April 17, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The subject site is recommended for suburban neighborhood development by the Comprehensive Plan.
- 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest station is within a ½ mile northeast of the site at the 38th Street and Shadeland Avenue intersection.
- The station is classified as the District Center Typology that would have a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and with structured parking only with an active first floor.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Vicinity

2022-CZN-857A; 3766 North Kitley Avenue (west of site), Rezoning from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District, **approved.**

2022-CZN-857B; 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (west of site), Rezoning to the I-2 (TOD) District, **approved.**

2022-CVR-857; 3766 North Kitley Avenue (west of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district), **approved.**

2022-CZN-857B; 3730, 3740 & 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (west of site)

93-Z-46; 3730 North Kitley Avenue (west of site) Rezoning of 5.3 acres from the D-3 district to the I-2-S district, **approved.**

76-UV1-39; 3724 North Kitley Avenue (southwest of site), Variance of use and Development Standards to modify previous variance granted for general vehicle repair, as per plans filed, off-street parking provided, **denied.**

EXHIBITS



PATRIUM

Design-build | General Contracting | Construction Management | PM

Patrium LLC Plan of Operation for 3739 N. Kitley Avenue Rezoning

- **Workforce.** Indicate the number of employees or volunteers associated with the business or be gleaned from a solid business plan. Therefore, an applicant should also consider & identify the potential for growth. Do they work on-site? When do they work? How do they get to the work-site? If they drive, where do they park? What form of security is utilized?
 - ❖ 3739 N. Kitley Avenue is a vacant lot located adjacent to the Specialty Contractor (Framing and Drywall) and two (2) residential dwellings. The site at 3739 N Kitley Ave will be used in conjunction with the office space at 3749 N Kitley Ave.
 - ❖ Patrium LLC is a construction management company. The employees drive to work and are able to park in the office parking lot located at 3749 N. Kitley Avenue. The staff works on-site and sometimes off-site with varying hours, usually Monday through Saturday from 7:00 am until 6:00 pm.
 - ❖ The property is currently under audio and video surveillance, with plans to add fencing across the front of the property to enclose all four sides.
- **Clients & Customers.** Indicate who are typical customers and clients. Do they come to the site? If so, when and how many? Where do they park?
 - ❖ The site at 3739 N Kitley does not have regular visits from clients or customers; they are usually hosted at the office at 3749 N Kitley Ave.
- **Processes conducted on Site.** Describe what is actually done by the business or organization, on-site and off-site. What happens outside? What are the safety & security measures taken by the business or organization?
 - ❖ Patrium LLC is a construction management company with daily operations to include but not limited to ensuring construction projects stay on schedule, quality standards are met, safety protocols are followed, and material/equipment is at correct offsite locations. On-site duties include managing the above listed items.
- **Materials Used.** List the types of materials used for the operation. Are any hazardous materials used? Indicate the applicable safety & security measures. Shipping & Receiving. How are materials shipped or received? Size of vehicle? What time of day? Frequency?
 - ❖ Patrium LLC will be using the site at 3739 N Kitley to house and store equipment, and construction materials.



Department of Metropolitan Development
Division of Planning
Current Planning

PATRIUM

Design-build | General Contracting | Construction Management | PM

- ❖ Materials will be shipped by various material suppliers, such as Ferguson Supply or OldCastle-Northfield. They are received by staff on site during regular business hours.
- ❖ Safety and Security measures will include audio and video surveillance 24/7.
- Waste. Indicate the types of waste generated. How is it handled? By whom? Is hazardous waste generated? Is a recycling program implemented?
 - ❖ We generate general office and light construction waste: eg. paper, food, wood trim, drywall scrap. These items will be disposed of in a dumpster that would be placed on the property at 3739 N. Kitley Ave. which would be picked up by Waste Management Inc.
 - ❖ There would not be any hazardous waste generated.
 - ❖ We do use a recycling program for any e-waste we may have.





Northern property boundary of the subject site looking east.



Photo of the subject site looking east.



Photo of the subject site looking east.



Southern property boundary of the subject site looking east.



Photo of the subject site street frontage looking northeast.



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



Photo of single-family dwellings southwest of the site.



Photo of the concrete contractor business looking north.



Photo of the concrete contractor business looking northwest.



Photo of the concrete contractor business to the west.



Photo of the drywall contractor business to the north.



METROPOLITAN DEVELOPMENT COMMISSION **September 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-083

Property Address: 1627, 1631 and 1635 Woodlawn Avenue

Location: Center Township, Council District #18

Petitioner: Indy Real Estate Consulting, LLC, by David Kingen and Emily Duncan

Current Zoning: D-5

Request: Rezoning of 0.51 acres from the D-5 district to the D-8 district to allow for multi-family structures.

Current Land Use: Residential development

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the August 15, 2024 hearing, to the September 12, 2024 hearing, at the request of staff to provide additional time for the petitioner’s representative to submit additional information.

STAFF RECOMMENDATION

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

Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

This 0.51-acre site, zoned D-5, is comprised of three parcels each developed with a single-family dwelling (according to the Assessor’s Office). It is surrounded by single- and multi-family dwellings to the north, across Woodlawn Avenue, zoned D-5; undeveloped land, a vacant commercial structure and a single-family dwelling to the south, zoned C-4; and single-family dwellings to the east and west, zoned D-5.



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

Petition 2021-DV2-017 requested variances of development standards to provide for five lots with reduced lot area, lot width, street frontage and separation between structures. The petition was denied.

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

The Comprehensive Plan recommends traditional neighborhood typology, which is a living typology that is primarily residential neighborhoods - places where people live. They may have some other uses mixed in, such as small shops, schools, or places of worship, but homes are the priority in these typologies.

Site Plan

The site plan, file-dated August 20, 2024, provides for two buildings consisting of four townhomes on the easternmost and westernmost parcels. Two detached garages with four spaces would be located south of each of these buildings with access from the east / west alley.

A duplex would be constructed on the middle parcel with attached garages accessed from the alley. This building would be located on the southern portion of the parcel with open space on the northern portion of the parcel resulting in a courtyard configuration. There would be a total of 10 dwelling units, 10 off-street parking spaces and seven on-street parking spaces along Woodlawn Avenue.

Analysis

The request would be consistent with the Comprehensive Plan but not the recommendations and guidelines of the Pattern Book. The design and site plan provide for development that would not be consistent with the neighborhood character of primarily one and two-story single- and two-family dwellings. The introduction and mass of three-story townhomes and would, in fact, be detrimental to the surrounding land uses.

Staff believes that this site would be representative of a terrace frontage that would lend itself to single-family dwellings and duplexes within this neighborhood, rather than the proposed courtyard with attached townhomes that would be classified as neighborhood yard frontage located along higher speed or higher volume streets.

In other words, as proposed this development would be contrary to the Pattern Book, Infill Housing Guidelines and the intent of the transit-oriented overlay and would be disruptive to the existing neighborhood architectural pattern.



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

Staff also believes that the two proposed four-space detached garages would not be functional in terms appropriate space for maneuverability.

Staff believes that proposed site plan providing for ten dwelling units with two detached four-space garages represent over development of this site originally platted for three single-family dwellings.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family dwellings	
Comprehensive Plan	Traditional Neighborhood Typology	
Surrounding Context	Zoning	Land Use
North:	D-5	Single-family dwellings
South:	C-4	Vacant land / commercial building / single-family dwelling
East:	D-5	Single-family dwelling
West:	D-5	Single-family dwelling
Thoroughfare Plan		
Woodlawn Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	June 13, 2024	
Site Plan (Amended)	August 20, 2024	
Elevations	June 13, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan (2021)
- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ½ mile walk of a transit stop (Fountain Square) located at the intersection of Virginia Avenue and Woodlawn Avenue with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

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

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines (2021)
- The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:
 - Site Configuration
 - Front Setbacks
 - Building Orientation
 - Building Spacing
 - Open Space
 - Trees, Landscaping, and the Outdoors
 - Aesthetic Considerations
 - Building Massing
 - Building Height
 - Building Elevations and Architectural Elements
 - Additional Topics
 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future



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

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

Indy Moves

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

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

ZONING HISTORY

2021-DV2-017, 1627, 1631 and 1635 Woodlawn Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five 4,300-square foot lots with 24 feet of street frontage and lot width and six feet between dwellings, **denied**.

VICINITY

2020-HOV-002; 1528 Woodlawn Avenue (northwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a covered deck over an existing porch with a seven-foot front setback (18-foot front setback or average), **granted**.

2019-PLT-024; 1021 South State Avenue (east of site), requested approval of a Subdivision Plat to be known as State Avenue Subdivision, A replat of Lot Seven in Morris and Mills Subdivision, dividing 0.15 acre into two single-family attached lots, **granted**.

2018-DV3-036; 1529 Woodlawn Avenue (west), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwelling lots with 4,208 square-foot lot sizes and 22.5-foot lot widths (minimum lot size of 5,000 square feet required, minimum lot width of 50 feet required), to legally establish existing single-family dwelling on each lot with front yard setbacks of 4.8 feet, side yard setbacks of ranging from one-two feet, and distance between dwellings ranging from 1.7 feet to three feet (front yard setback of 18 feet or average required, three-foot side yard setback required, minimum 10 feet between dwellings required), and to provide for a detached garage at 1531 Woodlawn Avenue with west side setback of 2.6 feet (three-foot side yard setback required), **granted**.

2018-DV1-041; 1715 Woodlawn Avenue (northeast of site), requested variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with five feet between dwellings (10 feet between dwellings), **granted**.

2018-HOV-053; 1724 Prospect Street (southeast of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for primary and accessory single-family residential uses (not permitted), including, but not limited to a single-family dwelling with a zero-foot west side transitional yard and a detached garage with an eight-foot west side transitional yard and a two-foot north rear transitional yard, (10-foot side transitional yard and eight-foot north rear transitional yard required), **granted**.

2018-HOV-090; 935 Spruce Street (northwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 50% (60% required), **granted**.

2018-PLT-071; 1529 and 1531 Woodlawn Avenue (west of site), requested approval of a Subdivision Plat, to be known as Replat of Lot 246 in ET SK & AE Fletcher's Woodlawn Suburb, dividing 0.20 acre into two lots, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

2018-ZON-136; 1622 Prospect Street (southwest of site), requested rezoning of 0.16 acre from the C-4 district to the D-5 classification, **approved**.

2017-UV1-024; 1618 Prospect Street (southwest of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including, but not limited to, a single-family dwelling, with a secondary dwelling above a detached garage (not permitted), **withdrawn**.

2017-ZON-092; 1618 Prospect Street (southwest of site), requested rezoning of 0.18 acre from the C-4 district to the D-5 classification, **approved**.

2016-DV1-024; 939 Spruce Street (northwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to permit the construction of a dwelling and porch addition and a detached garage, with a five-foot front setback from Woodlawn Avenue and three-foot rear setback (18-foot front setback and five-foot rear setback required), creating a 36% open space (60% open space required), **granted**.

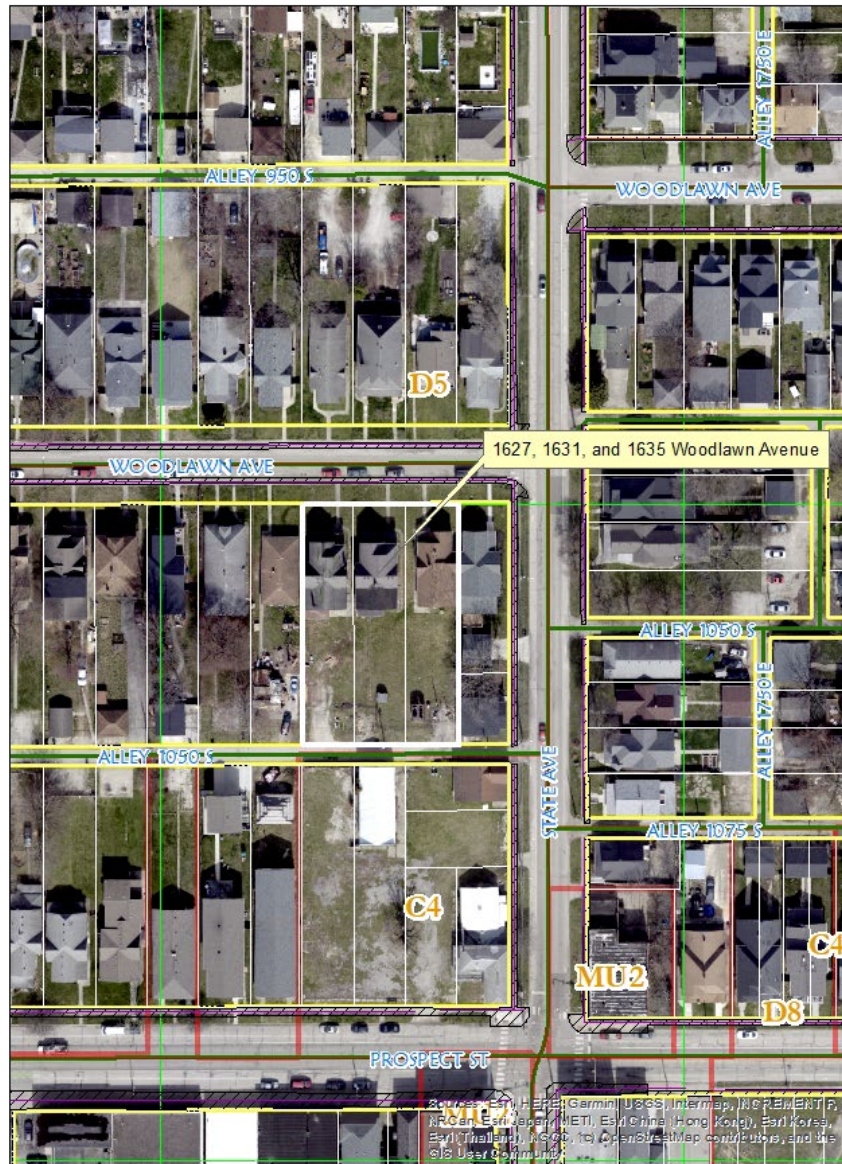
2016-PLT-044; 1714 and 1720 Prospect Street (southeast of site), Approval of a Subdivision Plat, to be known as Replat of Lots Three and Four in D.B. Hosbrooks Subdivision in Dunlap's Addition, dividing 0.26 acre, into four single-family attached lots, **granted**.

2016-ZON-045; 1714 Prospect Street (southeast of site), requested rezoning of 0.13 acre from the C-4 district to the D-8 classification, **approved**.

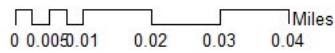
2014-ZON-031; 1702 Prospect Street (southeast of site), requested rezoning of a property, being in the C-4 District, to the C-3C classification, **approved**.

97-Z-95; 1542, 1602-1610 East Prospect Street (southwest of site), requested rezoning of 0.69 acre, being in the C-4 District, to the D-8 classification to provide for residential uses, **approved**.

EXHIBITS



1627 1631 and 1635 Woodlawn Avenue



Item 12.

Department of Metropolitan Development
 Division of Planning
 Current Planning

RIVERA GROUP, LLC
 2700 W. STATE STREET, SUITE 100
 INDIANAPOLIS, IN 46202
 317.554.1200

CERTIFIED BY _____

DRAWN BY **Tamar de la Paz**

DATE **AUG 14, 2024**

REVISION # **A**

1627-1631-1635 Woodlawn Ave
 INDIANAPOLIS, INDIANA, 46203

C2

Proposed
Site Plan
 SCALE: 1" = 32'

GENERAL SITE NOTES


- THESE NOTES ARE INTENDED TO CLARIFY THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND UTILITIES PRIOR TO CONSTRUCTION. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
- ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT CITY OF INDIANAPOLIS ZONING ORDINANCE AND WATER DESIGN CONSTRUCTION SPECIFICATIONS MANUAL.
- NO SURFING HAS BEEN VETTED FOR THIS SITE. SITE FEATURES AND "C" MARKING DATA HAVE BEEN DERIVED FROM AERIAL P, "DOMINANT, OR SURVEY DATA. CONTRACTORS SHALL VERIFY ALL UTILITIES WITH MECHANICAL, ELECTRICAL, AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES PRIOR TO CONSTRUCTION. UTILITIES INCLUDING BUT NOT LIMITED TO WATER, SEWER, SANITARY SEWER, WASTE DISCHARGE, ELECTRICAL, TELEPHONE, AND GAS SHALL BE IDENTIFIED AND MARKED PRIOR TO CONSTRUCTION.
- THE SCOPE OF WORK IS DESIGN BUILT IN NATURE. TRANSITIONS MAY BE SHOWN. CONTRACTORS SHALL DETERMINE THE BEST MEANS FOR ACHIEVING THE DESIGN INTENT. CONTRACTORS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF WORK SUCH THAT ALL MANUALLY MADE CHANGES TO THE CONSTRUCTION SCHEDULE AND BUDGET. RIVERA GROUP, LLC SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THIS PROJECT.

SITE PLAN KEYNOTES:

- PROPOSED DUREX UNIT/STOWNHOUSE
- PROPOSED GARAGE
- PROPOSED DRIVEWAY
- PROPOSED CONCRETE WALKER OUT
- PROPOSED SILL TONGUE DIMENSION CONTROL
- PROJECT TO CONSTRUCTION SITE FROM ALLEY, REPAIR EXISTING DRIVEWAY AND CONSTRUCTION SITE
- PROPOSED PARKING SPACES
- PROPOSED ADDITIONAL OFF-STREET PARKING

SITE DATA	
LOT AREA (DG) - COMPACT	7,300 S.F.
TOTAL BLDG AREA	
LOT 1627 PROPOSED FOOTPRINT AREA	3,000 SQ. FT.
LOT 1631 PROPOSED FOOTPRINT AREA	2,400 SQ. FT.
LOT 1635 PROPOSED GARAGE AREA	2,000 SQ. FT.
LOT 1627-1635 PROPOSED GARAGE AREA	1,700 SQ. FT.
PROPOSED CONCRETE PATH	1,700 SQ. FT.
LOT 1627 OPEN SPACE PERCENTAGE	68%
LOT 1631 OPEN SPACE PERCENTAGE	64%
LOT 1635 OPEN SPACE PERCENTAGE	45%

51



RIVERA
 GROUP, LLC
1025 S. UNIVERSITY BLVD., SUITE 400, INDIANAPOLIS, IN 46202
 317.251.1100 | www.riveragroup.com

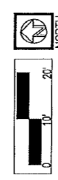
CERTIFIED BY _____

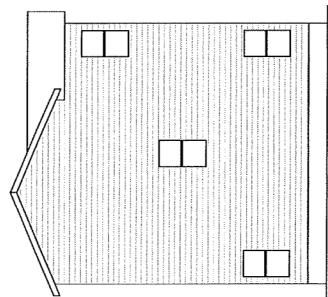
DRAWN BY: **Tamar de la Paz**
 DATE: **MAY 01, 2024**
 REVISION # **-**

1635 Woodlawn Ave.
 INDIANAPOLIS, INDIANA, 46203

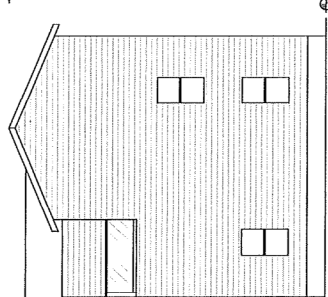
A5

Proposed Elevations
 SCALE 3" = 32'

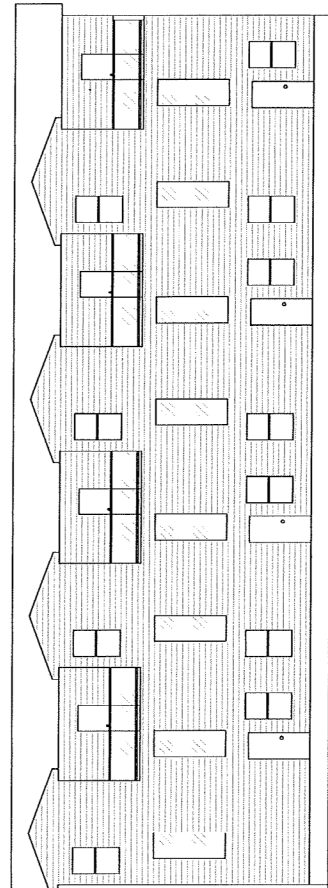




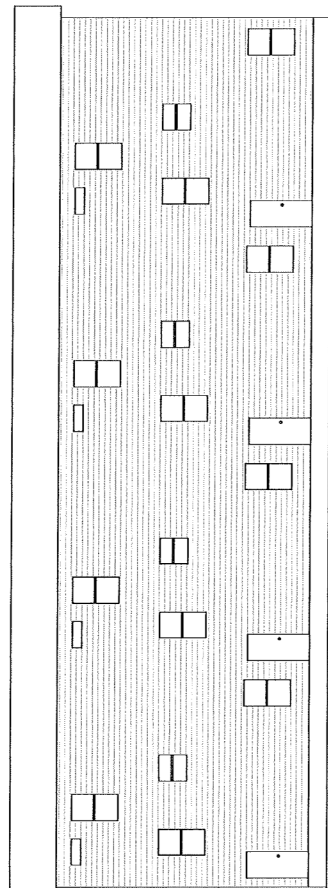
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION




PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION



Department of Metropolitan Development
Division of Planning
Current Planning



RIVERA
GROUP, LLC
12345678901 (INDIANAPOLIS, IN 46201)
317.555.1234 | www.riveragroup.com

CERTIFIED BY _____

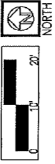
DRAWN BY
Tamar de la Paz

DATE
MAY 01, 2024

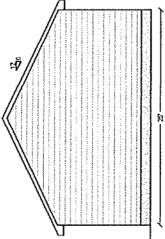
REVISION #
A

1635 Woodlawn Ave.
INDIANAPOLIS, INDIANA, 46203

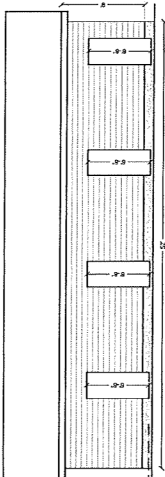
Proposed Elevations
Garage
SCALE: 3" = 32'



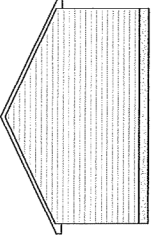
0 16 32' NORTH



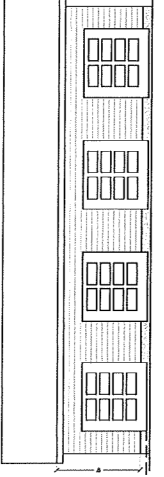
PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION

A7



View looking east along Woodlawn Avenue



View looking west along Woodlawn Avenue



View of existing dwelling (1627 Woodlawn Avenue) looking south



View of existing dwelling (1635 Woodlawn Avenue) looking south



View of existing dwelling (1631 Woodlawn Avenue) looking southeast ac



METROPOLITAN DEVELOPMENT COMMISSION **September 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-092
Property Address: 1770 Kentucky Avenue
Location: Center Township, Council District #18
Petitioner: Multani Holdings, LLC, by Donald W. Fisher
Current Zoning: I-4
Request: Rezoning of 1.62 acres from the I-4 district to the C-5 district to provide for retail use development.
Current Land Use: Commercial use
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

1. Automobile, motorcycle and light vehicle sales or rental shall be prohibited.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 1.62-acre site, zoned I-4, is comprised of three parcels developed with a liquor store and associated parking. It is surrounded by a single-family dwelling and industrial uses to the north, across Minnesota Street, zoned C-1 and I-4, respectively; industrial uses to the south, across Kentucky Avenue, zoned I-4; industrial uses to the east, across the intersection of Kentucky Avenue and Harding Street, zoned I-4; and industrial uses to the west, across Minnesota Way, zoned I-4.

Petition 91-UV3-13 provided for a liquor store. Petitions 86-UV1-17 and 83-UV1-86 provided for automobile sales.



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

The request would rezone both parcels to the C-5 (General Commercial) District. “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”

The Comprehensive Plan recommends community commercial typology for this site.

As proposed, this request would not be consistent with either of the Comprehensive Plan recommendations. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses.

The C-5 district is a more intense commercial land use that should not be located adjacent to the residential neighborhood to the north. It is staff’s understanding that the site would be developed with a fueling station / convenience store which would be objectionable in such proximity to residential uses due to the nature of the use (noise, trash, lighting), with primarily outdoor operations 24 hours per day, 365 days per year. Providing a gas station, especially with a 24-hour convenience store would be detrimental to the stability of the adjacent residential uses.

Staff would note that the petitioner has submitted commitments that would prohibit automobile, motorcycle and light vehicle sales or rental.

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;



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

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.

GENERAL INFORMATION

Existing Zoning	I-4		
Existing Land Use	Commercial uses (liquor store)		
Comprehensive Plan	Community Commercial		
Surrounding Context	Zoning	Land Use	
	North:	C-1 / I-4	Single-family dwelling / Industrial uses
	South:	I-4	Industrial uses
	East:	I-4	Industrial uses
	West:	I-4	Industrial uses
Thoroughfare Plan			
Kentucky Avenue	Primary Arterial	Existing 126-foot right-of-way and proposed 88-foot right-of-way.	
Minnesota Street	Local Street	Existing 60-foot right-of-way and proposed 58-foot right-of-way.	
Minnesota Way	Primary Collector	Existing 90-foot right-way and proposed 56-foot right-of-way.	
Context Area	Metro		



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial typology. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Pattern Book / Land Use Plan

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

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

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



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

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

91-UV3-13; 1770 Kentucky Avenue, requested a variance of use of the Industrial Zoning Ordinance to permit a liquor store within an existing building, **granted**.

86-UV2-147; 1620 Kentucky Avenue, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for the continued operation of an automobile sales lot with outside storage and display and without the required setbacks, **granted**.

83-UV1-86; 1620 Kentucky Avenue, requested a variance of use and development standards to provide for the outdoor display and sales of automobiles, **granted (three-year period)**.

VICINITY

94-UV1-106; 1555 South Reisner Street (north of site), requested a variance of use and development standards to legally establish an existing residence with an above-ground pool and a six-foot tall fence with a zero-foot setback from Minnesota Street, **granted**.



View looking north along Kentucky Avenue



View looking south along Kentucky Avenue



View looking east along West Minnesota Street



View looking west along West Minnesota Street



View of site looking north



View of site looking north



View of site looking northeast



View of site looking east



View from site looking northwest across Reisner Street



View from site looking west across Minnesota Way



View of site looking west across Minnesota Way



View from site looking southeast across Kentucky Avenue



View of site looking east across Minnesota Way



METROPOLITAN DEVELOPMENT COMMISSION **September 12, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-096

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

Location: Wayne Township, Council District #16

Petitioner: Homes in Motion, LLC, by John Cross

Current Zoning: D-3 (W-1)

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

Current Land Use: Office

Staff Recommendations: Approval with commitments.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

1. A 56-foot half right-of-way shall be dedicated along the frontage of 10th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 40-foot half right-of-way shall be dedicated along the frontage of High School Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road.



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

4. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
5. There shall be no outdoor storage of equipment or commercial vehicles on site.
6. The six-foot tall privacy fence in the front yard shall be removed or reduced to three feet in height within 60 days of approval of the request.
7. A plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.

PETITION OVERVIEW

LAND USE

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

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

REZONING

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

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

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



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

may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

DEPARTMENT OF PUBLIC WORKS

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

STAFF ANALYSIS

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

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

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

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

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

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

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

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

If the petitioner is agreeable to commitments to correct the fence on site, eliminate the outdoor storage, pave the parking lot, and remove the driveway along Vinewood Avenue, then staff would be supportive of the C-1 rezoning request. A plan of operation should be submitted for staff review and approval to



Department of Metropolitan Development
 Division of Planning
 Current Planning

confirm the business operation on site is permitted since there are many concerning factors on site. Approval shall be subject to said plan of operation to be submitted.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Office	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-3 Residential (Single-family dwelling)
	South:	C-5 Commercial
	East:	D-3 Residential (Single-family dwelling)
	West:	D-3 Residential (Single-family dwelling)
Thoroughfare Plan		
10 th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	August 11, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS
 Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)



- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends suburban neighborhood development for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- Office uses are contemplated within the suburban neighborhood typology, which is why staff determined the request would be supportable.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines



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

- Not Applicable to the Site.

Indy Moves

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

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

ZONING HISTORY

Zoning History - Site

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

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

Zoning History - Vicinity

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

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

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

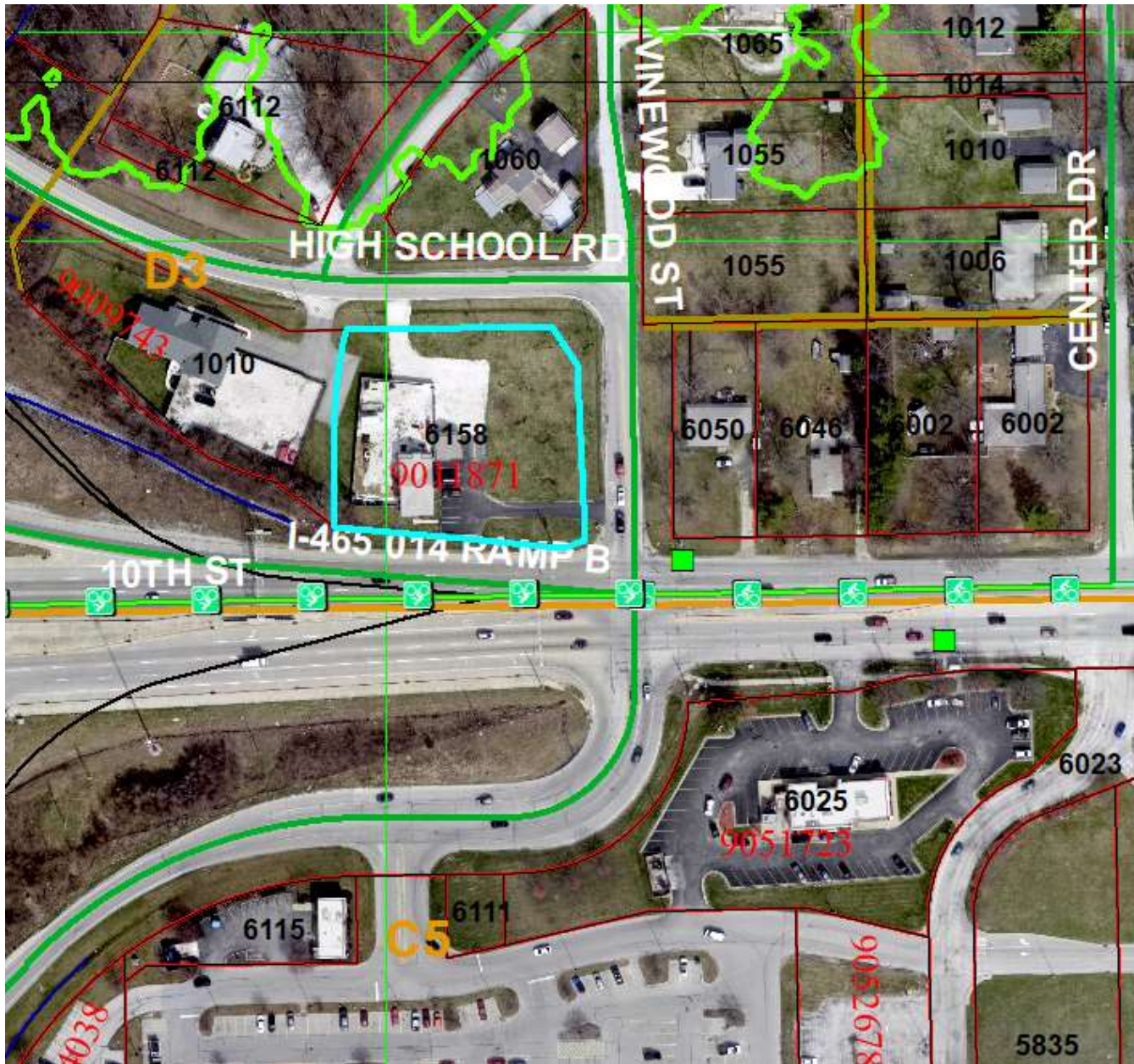
90-Z-225; 5909 West 10th Street (south of site), Rezoning of 19.3 acres, being in the C-5 District, to the C-5 classification to provide for commercial development, **approved**.

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

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

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

EXHIBITS



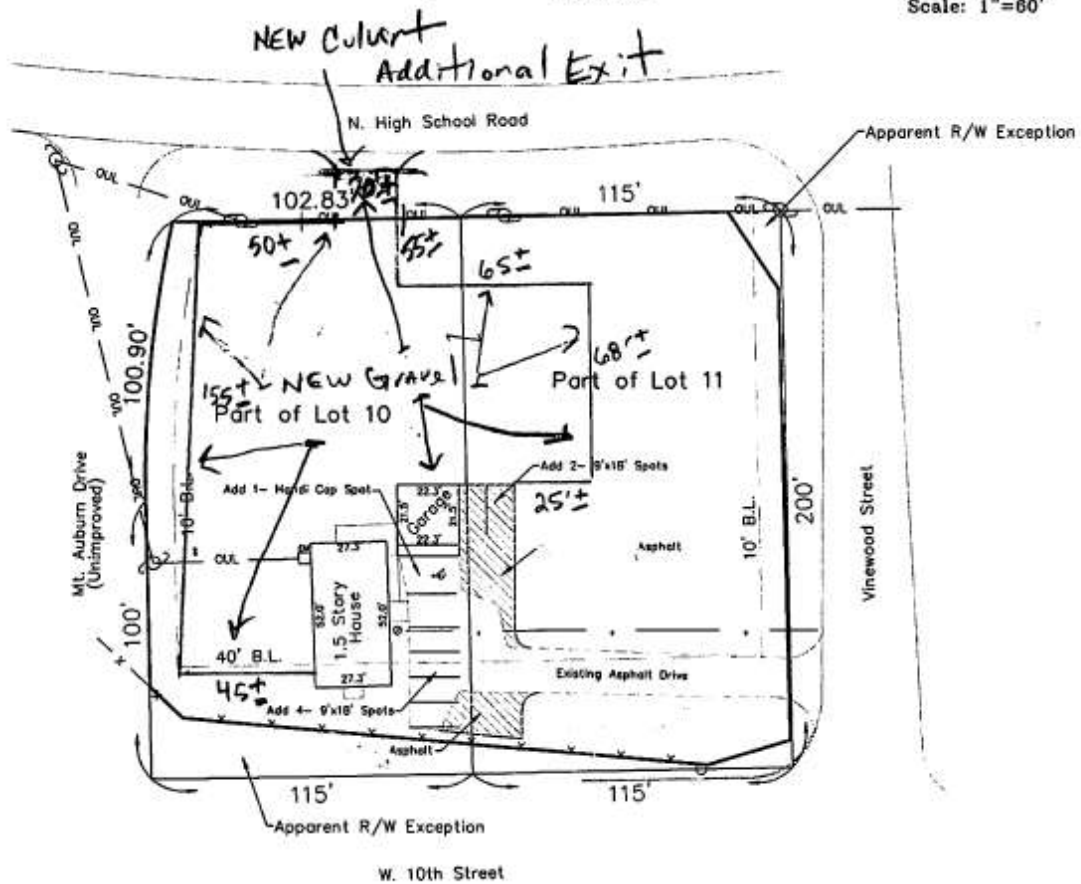


SITE PLAN

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

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

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



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



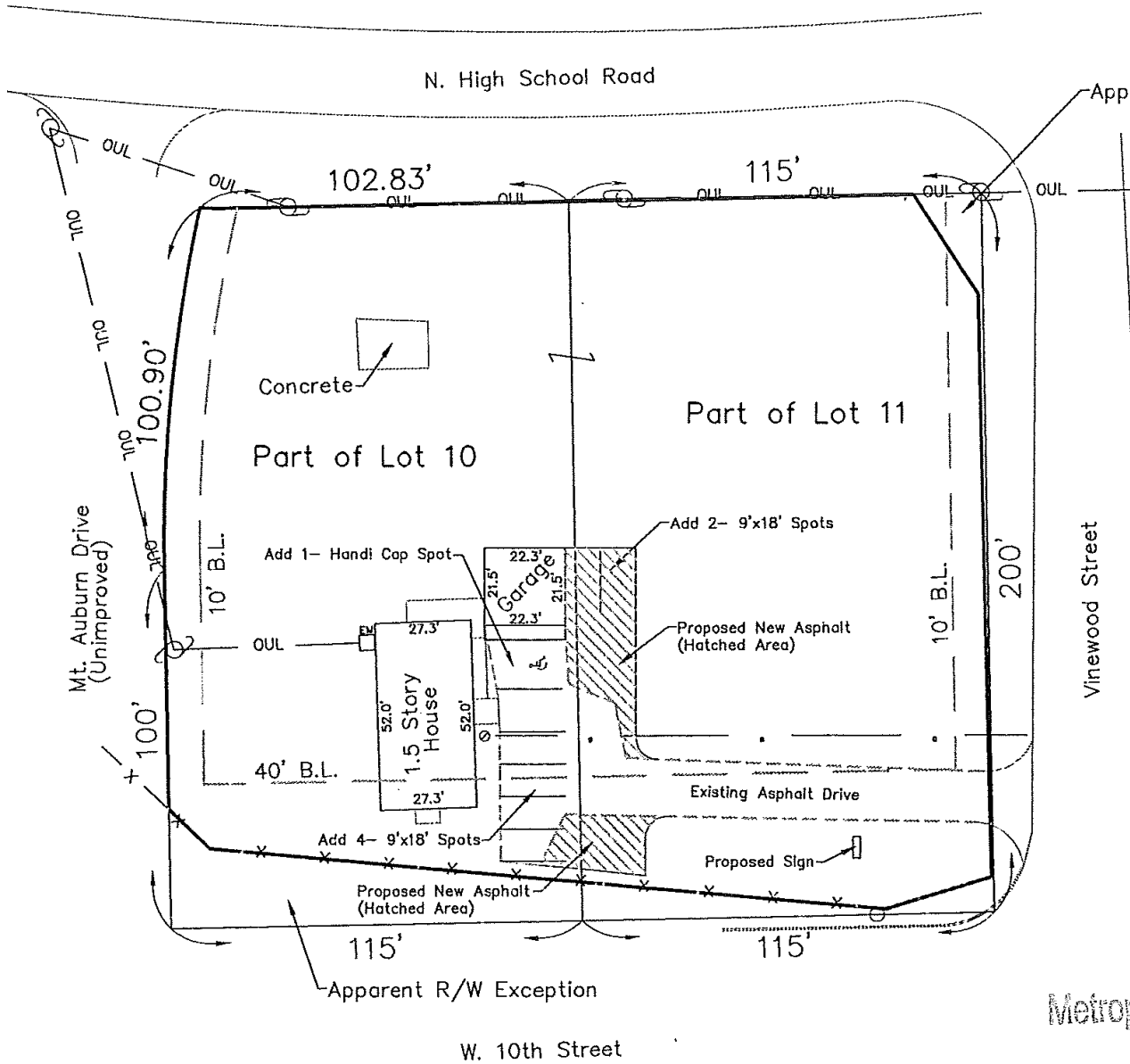
PREPARED: February 7, 2019

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



Department of Metropolitan Development
 Division of Planning
 Current Planning

2019-UV2-005 Site Plan





Subject site street frontage along 10th Street.



Subject site street frontage along 10th Street.



Driveway off Vinewood Street.



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



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



Photo of the existing detached garage looking north on site.



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



Photo of the gravel area looking south on the site.



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



Photo of the fenced in storage area.



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



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



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



Photo of the street frontage along Vinewood Drive looking south.



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



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



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



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



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 12, 2024

Case Number:	2024-ZON-099
Property Address:	8450 Payne Road and 4025 West 86th Street (Approximate Addresses)
Location:	Pike Township, Council District #1
Petitioner:	Rocky Mountain Energy Holdings, LLC, by Joseph D. Calderon
Current Zoning:	C-S (FF) (FW), I-2 (FF) (FW) and C-1 (FF) (FW)
Request:	Rezoning of 47.62 acre from the C-S (FF)(FW), I-2 (FF)(FW), and C-1 (FF)(FW) districts to the C-1 (FF)(FW) district to provide for a battery storage facility.
Current Land Use:	Undeveloped
Staff Recommendations:	Approval with a commitment.
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

1. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). Heritage trees proposed for removal shall be indicated as such and shall be replaced on site per Table 744-503-3 of the Ordinance.



PETITION OVERVIEW

LAND USE

The 47.62-acre subject site is comprised of two lots subdivided along the Payne Branch Stream. Lot One is located to the east along Payne Road and is developed with a hospital building and Lot Two is to the west and is undeveloped. The portion of the site zoned C-S was for medical uses.

REZONING

This site is split zoned C-1, C-S, and I-2 and would be rezoned to the C-1 district to allow for a battery storage facility.

The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

The 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.



STAFF ANALYSIS

The request would allow for the development of a battery storage facility on Lot 2 of the site. Per the submitted site plan, the proposed development would be west of the Payne Branch Stream at 4025 West 86th Street. It would include a fenced in utility switchyard at the entrance of 86th Street, a fenced in project substation further south into the site, and a fenced in outdoor storage area of inverters and transformers, battery energy storage systems, and a building and additional equipment.

The battery storage facility is classified under the Substations and Utility Distribution Nodes definition, which is a hub or distribution facility for any physically connected utility systems such as electricity, gas, cable/fiber optic communications, telephone, and water services, including facilities that transform electric voltage or natural gas pressure to the level supplied to the distribution system, but not including any facility that occupies less than 16 sq. ft. of ground area and is less than 8 ft. in height.

This use is permitted in all commercial districts, industrial districts, CBD districts, and in MU-1, MU-1, and MU-3.

Because the C-1 district would align with the office commercial recommendation of the Comprehensive plan and is a low intensity district, staff would be supportive of this district next to the D-P residential district east and D-3 district south of Lot 2.

The following use specific standards would apply to substations and utility distribution nodes:

1. High-tension power transmission lines shall only be permitted in industrial districts or in SU-43 district for power transmission lines.
2. After the first day of the month that is six months after the date of adoption, new uses shall include motion-activated lighting that complies with Chapter 744, Article VI Street and Exterior Lighting.
3. After the first day of the month that is six months after the date of adoption, new uses shall comply with landscaping and buffering standards applicable to freestanding wireless communication facilities.

Staff has concerns regarding the amount of wooded area that falls within an environmentally sensitive overlay, specifically the Forest Alliance Woodlands, and the proposed location of the facility. Therefore, staff is requesting a tree inventory, tree assessment and preservation plan to be submitted for Administrator’s Approval.

GENERAL INFORMATION

Existing Zoning	C-1, C-S, and I-2	
Existing Land Use	Undeveloped and hospital building	
Comprehensive Plan	Floodway, Office Commercial, and Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-1 / C-S / SU-9	Commercial / Government



Department of Metropolitan Development
Division of Planning
Current Planning

South:	D-P / D-3 / D-1	Residential (Multi-family and Single-family)
East:	D-6II / D-P	Residential (Multi-family)
West:	C-S / I-2	Commercial / Industrial
Thoroughfare Plan		
Payne Road	Primary Collector Street	80-foot proposed right-of-way and 30-foot existing right-of-way.
86 th Street	Primary Arterial Street	134-foot proposed right-of-way and 148-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	August 11, 2024	
Site Plan (Amended)	N/A	
Elevations	August 20, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends floodway, light industrial and office commercial development for the subject site.
- Some areas around the Payne Branch Stream and Oil Creek Stream are recommended for floodway. The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.
- The narrow western portion of Lot 2 that runs north and south is recommended for light industrial development. The Light Industrial typology provides for industrial, production, distribution, and



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

repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

- The remainder of the site is recommended for office commercial development. 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014).
- Plans for a multi-use greenway, 82nd/86th Street Commercial Connector, are in the works from Northwest Boulevard to Hague Road.

ZONING HISTORY

Zoning History - Site

2023-PLT-090; 8450 Payne Road (subject site), Approval of a Subdivision Plat, to be known as Marion Energy Storage, dividing 47.97 acres into two lots, **approved**.

81-Z-28; 4101 West 86th Street (subject site), Rezoning of 7.23 acres, being in C-S district to the C-1 classification, to provide for commercial buffer use, **approved**.

Zoning History - Vicinity

2006-ZON-090; 3906 W 86th Street (north of site), Rezoning of 0.6049 acre, from the D-2 (FW) (FF) District to the C-1 (FW) (FF) classification to provide for office-buffer commercial uses, **approved**.

2000-ZON-033; 3850 West 86th Street (north of site), Rezoning 0.63 acre from D-2 District to the C-1 classification to provide for a commercial office use, **approved**.

93-Z-158; 3711-3721 West 86th Street (east of site), Rezoning of 2.88 acres, being in the D-A and C-1 Districts, to the C-3 classification to provide for commercial development, **approved**.

92-Z-108; 3806 West 86th Street (north of site), Rezoning of 0.689 acre, being in the D-2 District, to the C-1 classification to provide for general office development, **approved**.

89-Z-91; 3806 West 86th Street (north of site), Rezoning of 0.68 acres, being in the D-2 district, to the C-3 classification, to provide for commercial use, **withdrawn**.

87-Z-222 / 87-CV-26; 3850 West 86th Street (north of site), Rezoning of 0.07 acre, being in the D-2 District, to the C-ID classification to provide for an office and electronics distribution facility with a 5-foot side yard setback, **withdrawn**.

87-Z-53; 8401 North Payne Road (east of site), Rezoning of 7.79 acres, being in the D-1 District, to the D-6ll classification to provide for multi-family apartment development, **approved**.

86-Z-35; 8501 North Payne Road (east of site), Rezoning of 8.93 acres, being in the D-A District, to the D-6ll classification to provide for multi-family apartment development, **approved**.

85-Z-93; 3910 West 86th Street (north of site), Rezoning of 4.0 acres, being in the D-2 District, to the C-1 classification to provide for office use in a residential structure, **approved**.

85-Z-66; 3728 West 86th Street (northeast of site), Rezoning of 0.7 acre from the D-2 District to the C-1 classification to provide for a commercial office, **approved**.

84-Z-164; 2828 West 86th Street (north of site), Rezoning of 0.69 acre from the D-2 District to the C-1 classification to provide for a commercial office, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

83-Z-194; 8201 North Payne Road (southeast of site), Rezoning of 73.1 acres, being in the A-2 district, to the D-3 classification to provide for a single-family subdivision by platting, **approved**.

83-Z-99; 4039 West 86th Street (northwest of site), Rezoning of 6 acres, being in C-2 and I-2-S districts, to C-S classification, to provide for office and warehouse uses, **approved**.

83-Z-67; 8501 North Payne Road (east of site), Rezoning of 8.94 acres, being in the D-A District, to the D-6II classification to provide for multi-family residential apartment development, **denied**.

82-Z-61; 8902 North Michigan Road (north of site), Rezoning of 97.49 acres, being in the D-6II, C-4 and I-2-S Districts, to the C-S classification to provide for mixed uses, **approved**.

82-Z-31; 8043 Georgetown Road (south of site), Rezoning of 54.28 acres, being in D-2 district, to D-3 classification, to provide for single-family residential use, **approved**.

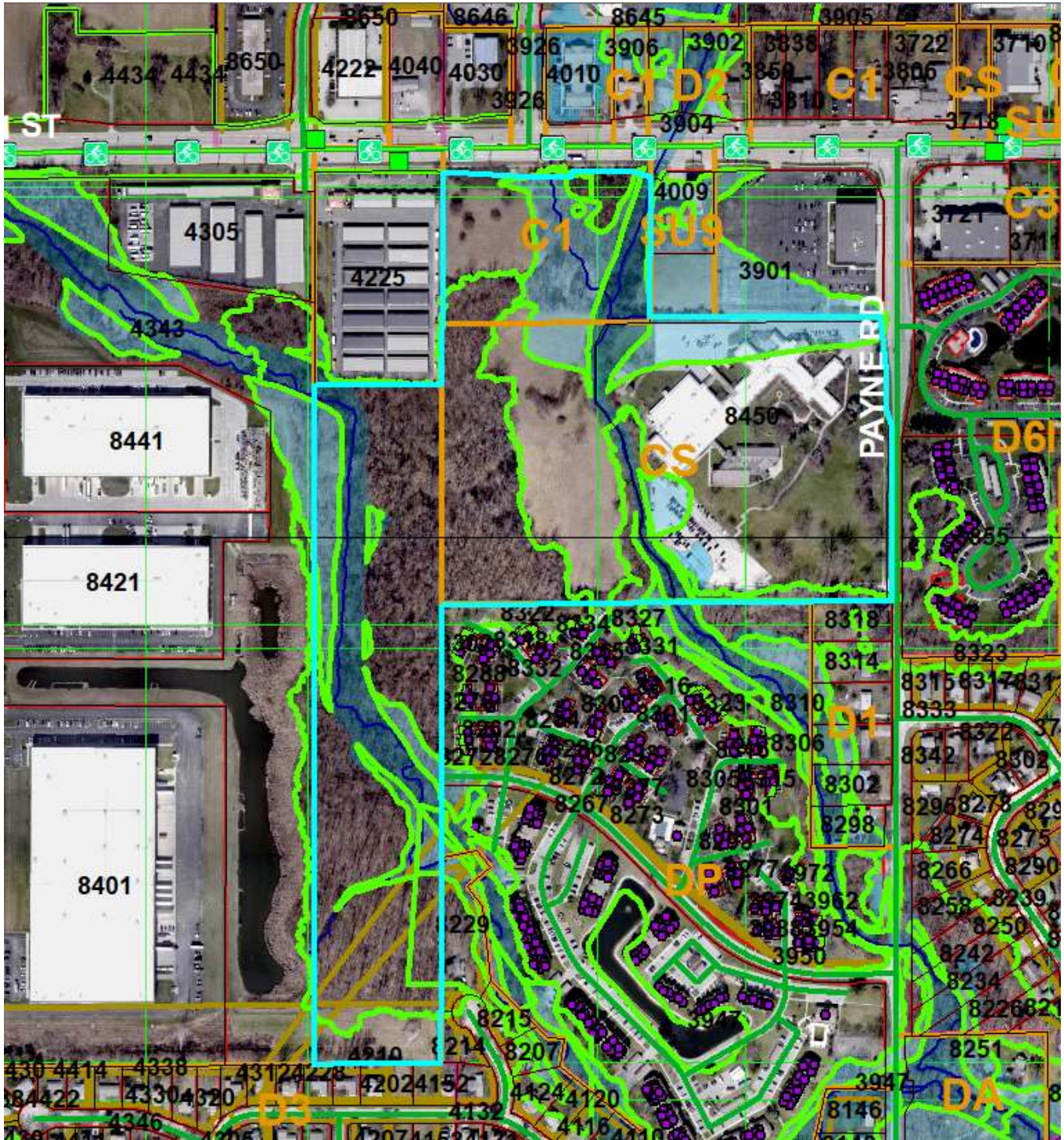
81-Z-140; 4101 West 86th Street (north of site), Rezoning of 2.0 acres, being in the C-S District, to the C-1 classification to provide for an integrated office center, **approved**.

80-Z-164; 4040 W 56th Street (northwest of site), Rezoning from D-2 and I-2-S to the C-1 classification, **approved**.

73-Z-72; 4401 West 86th Street (west of site), Rezoning of 59.14 acres, being in A-2 district to I-2-S classification to permit light industrial use, **approved**.

72-Z-37; 8102-8290 Payne Road (south of site), Rezoning of 76.6 acres, being in an A-2 district, to the D-P classification, to provide for a planned unit development consisting of garden apartments, townhouses, quadrominiums and a neighborhood marketing facility, **approved**.

EXHIBITS





Main Gate Facing South



Facing East





Photo of the eastern property boundary and fire station east of the site looking south from 86th Street.



Photo of the street frontage along 86th Street looking south.



Photo of the street frontage along 86th Street looking south.



Photo of the street frontage along 86th Street looking south toward proposed entrance drive.



Photo of the street frontage along 86th Street looking south.



Photo of an animal hospital to the north.



Entrance to a commercial business park north of the site.



Photo of offices north of the site.



Photo of offices north of the site.



Photo of the southern wooded portion of the site looking west from Braddock Road.



Photo of the adjacent quadrominiums southeast of the site.



Photo of the wooded the subject site looking north from the quadrominiums southeast of the site.



Photo of the quadrominiums southeast of the site looking southeast towards Woodall Drive.