



Metropolitan Development Commission Hearing Examiner (May 11, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, May 11, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-ZON-021 | 3449 South Harding Street

Perry Township, Council District #20
RIARS, LLC, by David Gilman

Rezoning of 0.75 acre from the D-4 (FF) district to the C-3 (FF) district to provide for retail sales of accessories and parts for semi-tractors and trailers.

***Continuance request to May 25, 2023 by the petitioner

2. 2023-ZON-024 / 2023-VAR-001 | 2802 South Holt Road

Wayne Township, Council District #16
Maninder Singh

Rezoning of 0.36 acre from the D-5 district to the C-4 district to provide for an automobile body repair shop.

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

- A six-foot tall perimeter chain link fence with barbed wire (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts, barbed wire prohibited);
- Outdoor Storage and Operations associated with automobile repair (not permitted);
- The permanent location of a portable storage structure (limited to 30 consecutive days);
- Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted); and
- Lack of hard surfaced parking area (hard surfaced parking areas required).

***Staff to request a continuance, on behalf of the petitioner, to the May 25, 2023 hearing.

3. 2023-ZON-025 / 2023-VAR-002 | 1002 West Hanna Avenue and 3500 Division Street

Perry Township, Council District #20
Lauth Group, Inc., by Brian J. Tuohy

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

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

***Automatic continuance to June 15, 2023 by a remonstrator. Petitioner is requesting a further continuance to June 29, 2023

4. 2023-ZON-026 | 6501 Brookville Road

Warren Township, Council District #18
Brookville Mart, Inc., by Cindy Thrasher

Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

***Automatic continuance to June 15, 2023 by a remonstrator

5. 2023-CZN-814 / 2023-CVR-814 | 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street

Pike Township, Council District #1
Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark

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

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

***Staff requesting a continuance to May 25, 2023

6. 2023-CAP-819 / 2023-CVR-819 | 2801 South Pennsylvania Street

Center Township, Council District #16
2801 S Pennsylvania LLC, by Jason E. Burk

Modification of Commitments related to 2019-ZON-086, modifying Commitment Four to reduce the amount of required parking to 1.75 spaces per residential unit, from two spaces per unit, and Commitment Ten to allow for additional lighting elements and height placement.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for parking areas up to 583 feet wide within the front yards of the subject site, depending on final site plan (parking areas within front yard limited to 30-foot widths).

***Staff requesting a continuance to May 25, 2023

7. 2023-CVR-821 / 2023-CPL-821 | 4359 East 75th Street

Washington Township, Council District #3
Thomas D. & Cynthia W. Mattingly, by Anthony B. Syers

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing parcel with zero-feet of street frontage and to provide for a subdivision creating a second lot, also without street frontage and an acreage of 0.75 (125 feet of street frontage, minimum three acres required) to be improved with a single-family dwelling with a 24.6-foot south side yard setback (30-foot side yard setbacks required).

Approval of a Subdivision Plat to be known as Mattingly Subdivision, dividing 3.884 acres into two lots.

***Automatic continuance to the June 15, 2023 hearing by a remonstrator

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

8. 2023-APP-013 | 3510 North German Church Road

Warren Township, Council District #14

City of Indianapolis, Department of Parks and Recreation, by Andre Denman

Park District-One Approval for the construction of an entry drive, parking area, community center, playground, walking trails, shelters and installation of stormwater detention areas and landscaping.

9. 2023-MOD-007 | 4650 East Southport Road

Perry Township, Council District #24

HD Entertainment, LLC d/b/a Combat Ops Entertainment - Indy, by Joseph D. Calderon

Modification of Commitments related to 97-CP-23Z to modify Commitment 2.(d)(4) of Attachment C to prohibit billiard parlors, bathhouses, firing (gun) ranges, ice/roller skating rinks, bowling alleys, and bingo establishments (unless operated for charitable purposes) and allow all other Indoor Recreation & Entertainment uses.

10. 2023-ZON-029 | 1840 National Avenue and 3670 Carson Avenue

Perry Township, Council District #21

University of Indianapolis, by Kevin G. Buchheit

Rezoning of 3.77 acres from the D-8 district to the UQ-1 district.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2023-ZON-015 | 2434 and 2444 Winthrop Avenue

Center Township, Council District #17

Indianapolis Neighborhood Housing Partnership, by Jeff Hasser

Rezoning of 1.35 acres from the I-2 district to the D-8 district.

12. 2023-ZON-023 | 8480, 8508 and 8510 Ditch Road

Washington Township, Council District #1

Adams French Property, LLC, by Brian J. Tuohy

Rezoning of 1.88 acres from the C-1 and C-4 districts to the C-S district to provide for a self-storage facility.

PETITIONS FOR PUBLIC HEARING (New Petitions):

13. 2023-ZON-027 | 1130 and 1134 East 19th Street

Center Township, Council District #17

Anderson Benjamin, by In and Out Unlimited LLC (Jamilah Mintze)

Rezoning of 0.14 acres from the C-3 district to the D-8 district to provide for single-family dwellings.

14. 2023-ZON-028 (Amended) | 320 and 362 North Tibbs Avenue and 3455 West Vermont Street

Wayne Township, Council District #15

Acadia Realty Holdings, LLC, by Kevin Buchheit

Rezoning of 3.75 acres from the C-3, D-A, D-5, D-P, and D-7 districts to the HD-1 district.

15. 2023-CAP-820 / 2023-CVR-820 | 6640 Heron Neck Drive

Perry Township, Council District #20

WTS Inc., by Michael Rabinowitch

Modification of Commitments related to the approval of 2008-ZON-853 terminating Commitments Two and Three and replace them with commitments updating the regulatory site plan, elevations, renderings, and plan of operation.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 20-foot side and rear transitional yards (50-foot transitional yards required).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

STAFF REPORT

Item 1.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-021
Address: 3449 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: RIARS, LLC, by David Gilman
Request: Rezoning of 0.75 acre from the D-4 (FF) district to the C-3 (FF) district to provide for retail sales of accessories and parts for semi-tractors and trailers.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.

The petitioner's representative has requested a **continuance from the May 11, 2023 hearing, to the May 25, hearing.**

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STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-024 / 2023-VAR-001
Address: 2802 South Holt Road (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Maninder Singh
Request: Rezoning of 0.36 acre from the D-5 district to the C-4 district to provide for an automobile body repair shop.

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

- a. A six-foot tall perimeter chain link fence with barbed wire (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts, barbed wire prohibited);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The permanent location of a portable storage structure (limited to 30 consecutive days);
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted); and
- e. Lack of hard surfaced parking area (hard surfaced parking areas required).

The petitioner has indicated they are unable to attend the hearing on May 11, 2023, and have asked Staff to make a continuance request on their behalf to the May 25, 2023 hearing. An amended site plan was submitted on April 28, 2023, beyond the deadline for new information. Subsequently, Staff supports this continuance request in order to adequately review the request.

EDH

STAFF REPORT

Item 3.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-025 / 2023-VAR-002
Address: 1002 West Hanna Avenue and 3500 Division Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Lauth Group, Inc., by Brian J. Tuohy
Request: Rezoning of 24 acres from the I-2 (FF) and D-3 (FF) districts to the I-3 (FF) district to provide for a plastic recycling facility.
A variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for development within the north and east transitional yards (100-foot transitional yard required).

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

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the May 11, 2023 hearing, to the June 15, 2018 hearing**. This would require acknowledgement from the Hearing Examiner.

The petitioner's representative has requested that these petitions be **continued from the June 15, 2023 hearing, to the June 29, 2023 hearing**, due to a scheduling conflict. The neighborhood organization has indicated they have no objection to the continuance.

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STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-026
Address: 6501 Brookville Road (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Brookville Mart, Inc., by Cindy Thrasher
Request: Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the May 11, 2023 hearing, to the June 15, 2023 hearing**. This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Item 5.

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

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

The Hearing Examiner continued these petitions from the April 13, 2023 hearing, to the May 11, 2023 hearing at the request of staff to provide additional time for the requested Traffic Impact Study (TIS) to be conducted and submitted for review and comments.

The TIS has been received and is currently being reviewed. Because the review has not been completed, staff is requesting a **continuance from the May 11, 2023 hearing, to the May 25, 2023 hearing.**

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STAFF REPORT

Item 6.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CAP-819 / 2023-CVR-819
Address: 2801 South Pennsylvania Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: 2801 S Pennsylvania LLC, by Jason E. Burk
Zoning: D-8
Requests: Modification of Commitments related to 2019-ZON-086, modifying Commitment Four to reduce the amount of required parking to 1.75 spaces per residential unit, from two spaces per unit, and Commitment Ten to allow for additional lighting elements and height placement.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for parking areas up to 583 feet wide within the front yards of the subject site, depending on final site plan (parking areas within front yard limited to 30-foot widths).

Staff is requesting a **continuance from the May 11, 2023 hearing, to the May 25, 2023 hearing**, to provide additional time for further discussions with the petitioner's representative.

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STAFF REPORT

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

Case Number: 2023-CVR-821 / 2023-CPL-821
Address: 4359 East 75th Street (*Approximate Address*)
Location: Washington Township, Council District #3
Zoning: D-A
Petitioner: Thomas D. & Cynthia W. Mattingly, by Anthony B. Syers
Requests: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing parcel with zero-feet of street frontage and to provide for a subdivision creating a second lot, also without street frontage and an acreage of 0.75 (125 feet of street frontage, minimum three acres required) to be improved with a single-family dwelling with a 24.6-foot south side yard setback (30-foot side yard setbacks required).
Approval of a Subdivision Plat to be known as Mattingly Subdivision, dividing 3.884 acres into two lots.

A timely automatic continuance was submitted by the petitioner **continuing this matter from the May 11, 2023 hearing to the June 15, 2023 hearing**. This would require the Hearing Examiner's acknowledgement.

AR

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-013
Address: 3510 North German Church Road (approximate address)
Location: Warren Township, Council District #14
Zoning: PK-1 (FF)
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Andre Denman
Request: Park District-One Approval for the construction of an entry drive, parking area, community center, playground, walking trails, shelters and installation of stormwater detention areas and landscaping.

RECOMMENDATION

Staff **recommends approval** of the Park-District One Approval.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ Grassy Creek Regional Park started out as 30th & German Church Park when 38.5 acres along 30th Street were acquired by the City in 1971. Over the years the park has expanded north and south along Grassy Creek and today totals 251.5 acres and stretches from 25th Street north nearly to 38th Street.
- ◇ The proposal would add an environmental community center, playground, trails, shelters, entry drive and parking lot, stormwater detention areas and native plantings to the park.

(Continued)

STAFF REPORT 2023-APP-013 (Continued)

PARK DISTRICT-ONE APPROVAL

- ◇ The Indianapolis Consolidated Zoning and Subdivision Ordinance classifies Park District-One as a Development Plan District. “No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, . . . until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance.”
- ◇ “The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.”
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and

(Continued)

STAFF REPORT 2023-APP-013 (Continued)

- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ This petition would provide for Park District-One approval for the proposed improvements. Staff finds that the proposed park improvements would meet the standards of the Ordinance.

GENERAL INFORMATION

EXISTING CONTEXT AREA, ZONING AND LAND USE

Metro	PK-1	Park
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SURROUNDING ZONING AND LAND USE

North	D-5II, D-6, SU-2	Park, single family dwellings, school
South	D-A, D-4, SU-1	Park, undeveloped land, religious use
East	D-6	Single family dwellings
West	PK-1	Park

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Warren Township (2018) recommends Park.
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THOROUGHFARE PLAN	This portion of German Church Road is designated in the Marion County Thoroughfare Plan as a Primary Arterial with a 95-foot existing right-of-way and a 119-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	The western portion of this site is located in the floodway fringe of Grassy Creek.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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STREAM PROTECTION CORRIDOR	A small portion of the northwest portion of the site is in the stream protection corridor of a tributary of Grassy Creek.
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(Continued)

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

98-Z-154; 3510 North German Church Road, requested the rezoning of 88.9 acres from the D-P district to the PK-1 district, **approved**.

ZONING HISTORY - VICINITY

2015-DV1-040; 3600 North German Church Road (north of site), requested a variance of development standards to provide for an electronic variable message sign in an SU district, **approved**.

2002-ZON-153; 3600 North German Church Road (north of site), requested the rezoning of 11.6 acres from the C-4 and D-P districts to the SU-2 district, **approved**.

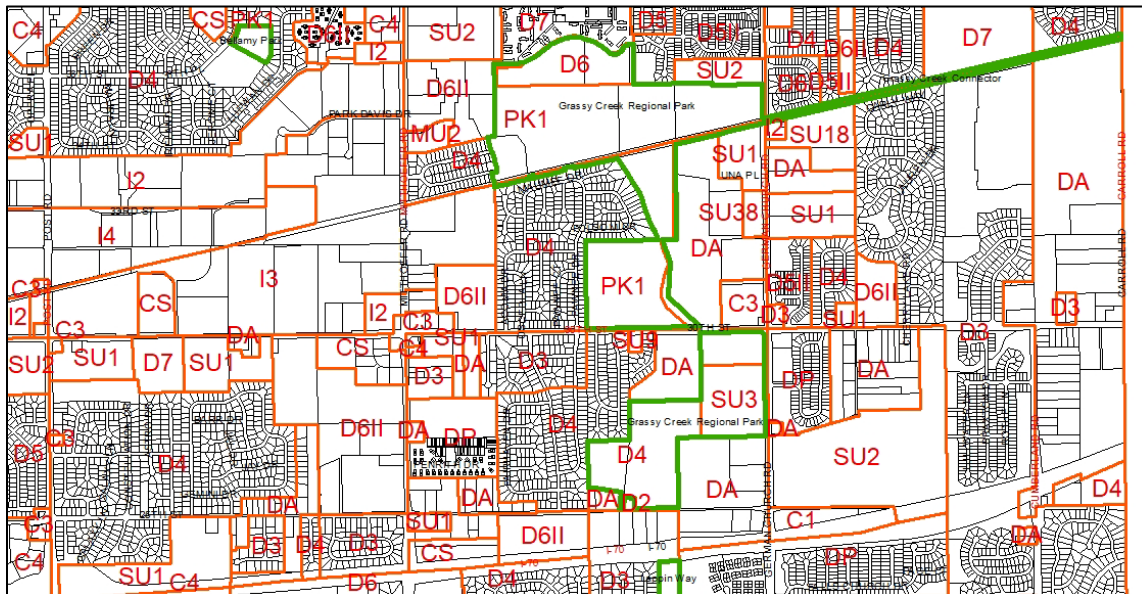
2002-ZON-147; 3130 North German Church Road (south of site), requested the rezoning of 13 acres from the D-A and SU-38 districts to the SU-1 district, **approved**

94-Z-183; 10605 East 38th Street (north of site), requested the rezoning of 10.6 acres from the D-6 and D-P districts to the SU-2 district, **approved**.

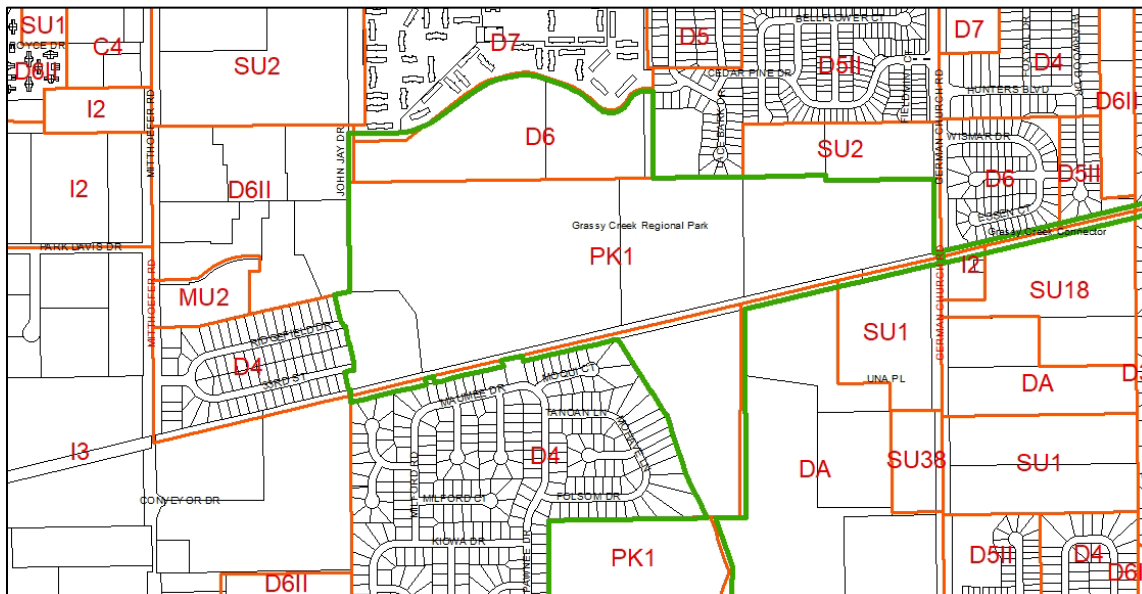
84-Z-91 / 84-CV-10; 3651 North German Church Road (east of site), requested the rezoning of 15 acres from the C-1 district to the D-6 district and a variance of development standards to provide for zero lot line detached housing, **approved**.

klh

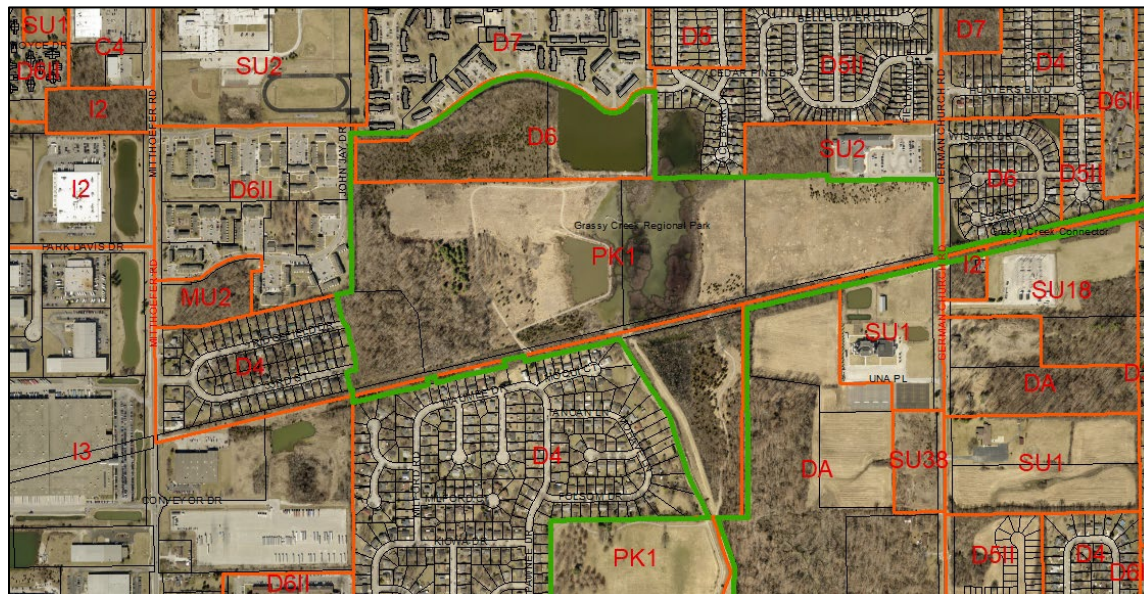
STAFF REPORT 2023-APP-013, Location map



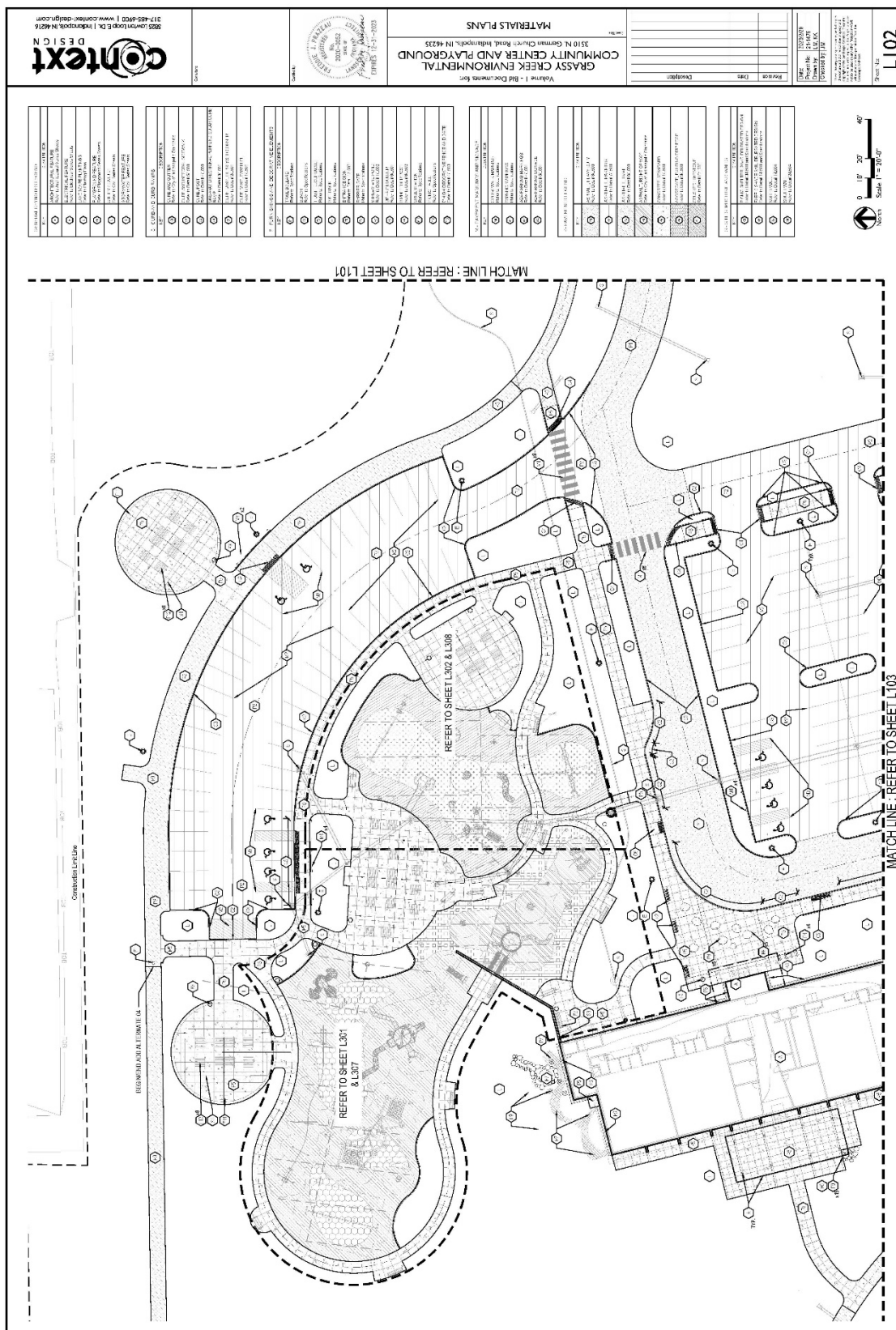
STAFF REPORT 2023-APP-013, Location map inset

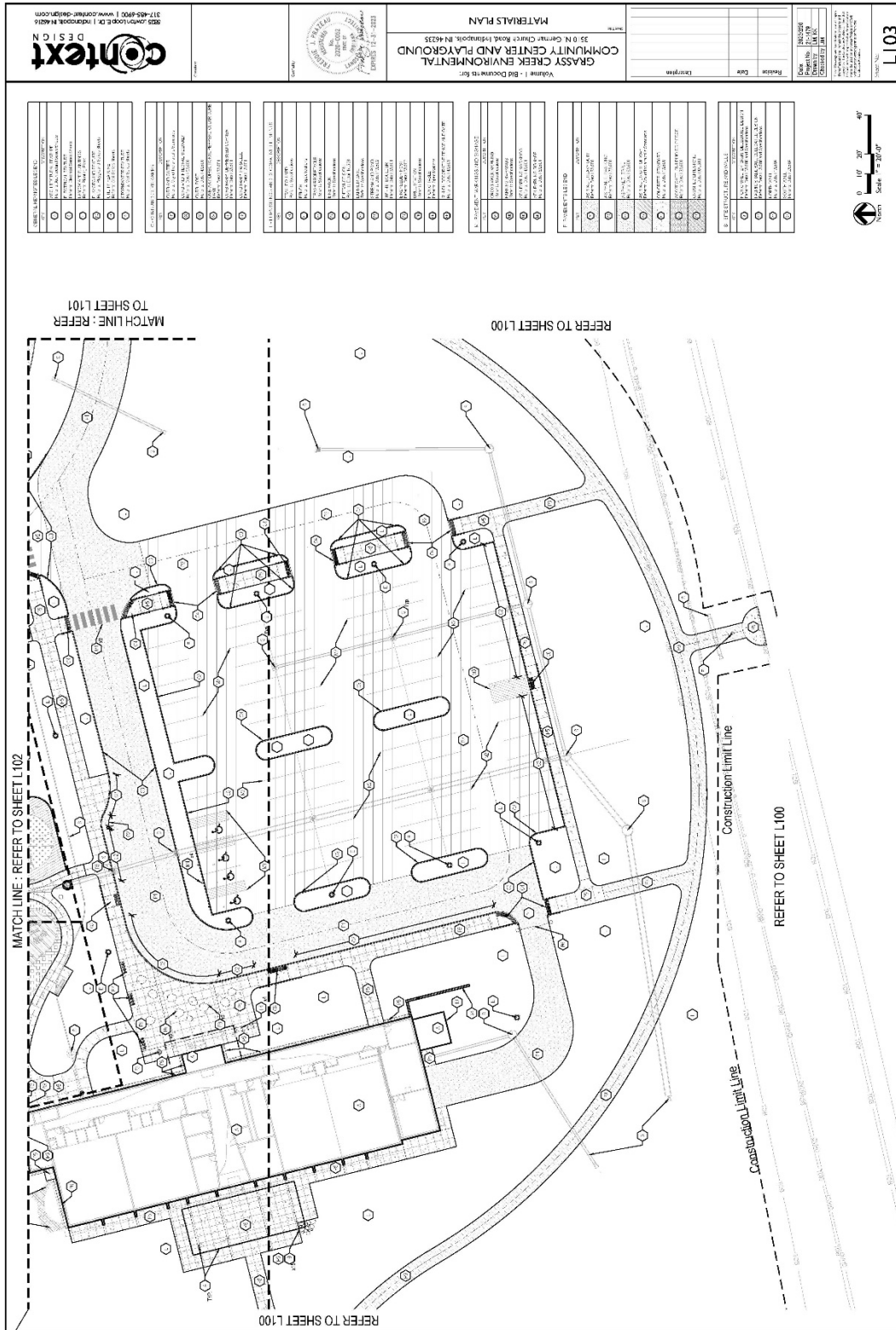


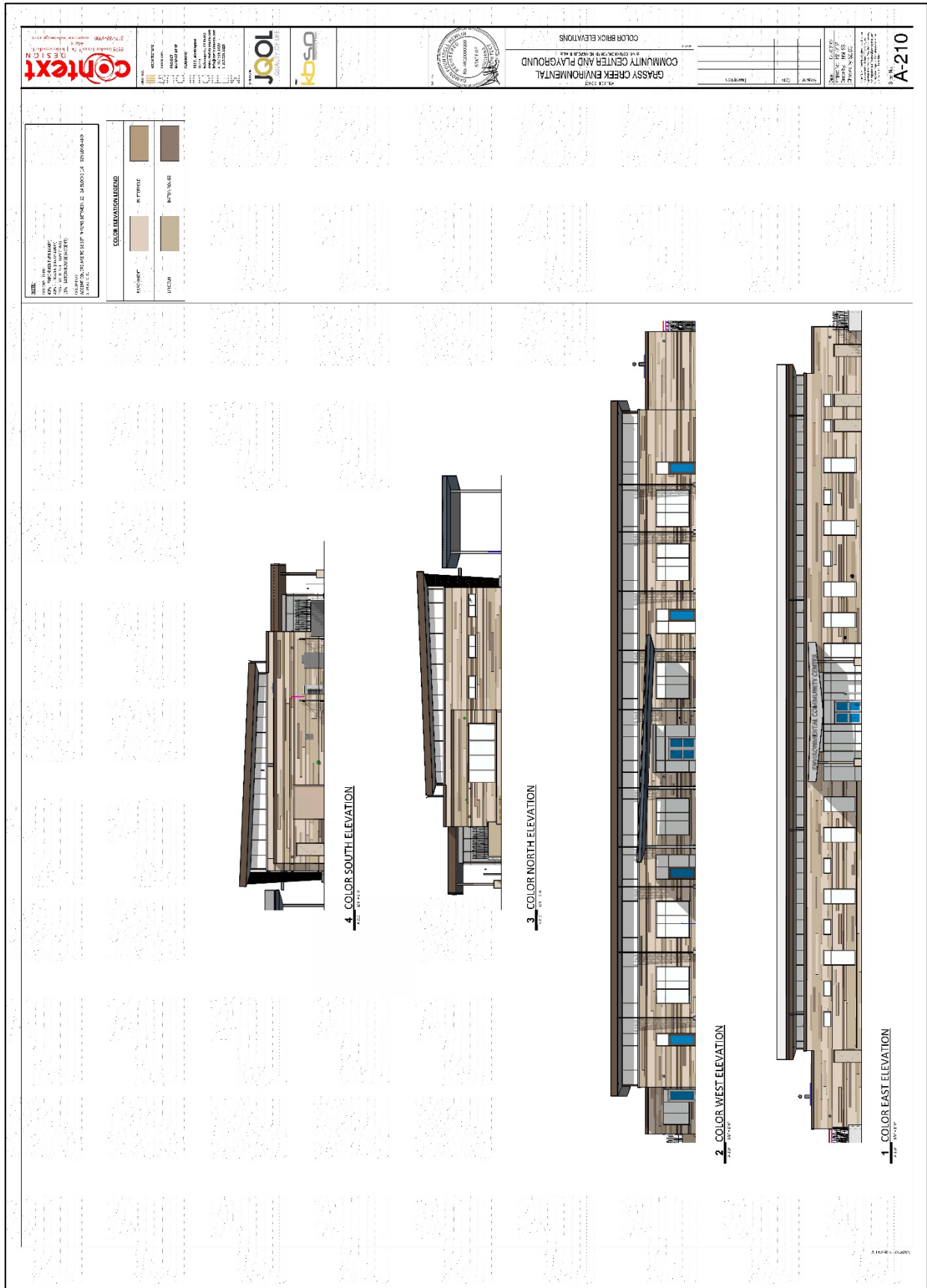
STAFF REPORT 2023-APP-013, Aerial Photography (2022)











STAFF REPORT 2023-APP-013, Photographs



Looking west across the site.



Looking south along German Church Road. The subject site is to the right.



Looking west along the north property line at the neighbor to the north.



Looking east across German Church Road at the neighbor to the east.



Looking southwest toward the neighbor to the south.



Looking west from German Church Road along the greenway trail. The subject site is to the right.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-007
Address: 4650 East Southport Road (*Approximate Address*)
Location: Perry Township, Council District #24
Zoning: C-S (FF) (FW)
Petitioner: HD Entertainment, LLC d/b/a Combat Ops Entertainment - Indy, by Joseph D. Calderon
Request: Modification of Commitments related to 97-CP-23Z to modify Commitment 2.(d)(4) of Attachment C to prohibit billiard parlors, bathhouses, firing (gun) ranges, ice/roller skating rinks, bowling alleys, and bingo establishments (unless operated for charitable purposes) and allow all other Indoor Recreation & Entertainment uses.

RECOMMENDATION

Staff has **no recommendation** for this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This subject site is the westernmost portion of a retail center stretching along Southport Road between I-65 and Emerson Avenue. It was constructed and opened in 2001/2002. The neighborhood to the north predates the retail center, having been built in the early 1990s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Regional Commercial for the majority of the site. This typology provides general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. The Land Use Plan also recommends a linear park that would run along the northern edge of the site. This linear park would roughly parallel Little Buck Creek and link Emerson Avenue to White River.

(Continued)

STAFF REPORT 2023-MOD-007 (Continued)

MODIFICATION OF COMMITMENTS

- ◇ This site was part of a petition that was approved in 1997 (97-CP-23Z) that rezoned 60 acres from the D-A district to the C-S district for provide for C-5 and C-6 uses with exceptions. The C-S district was established to encourage a more creative approach in land and to provide for adaptability and flexibility in zoning and development.
- ◇ The 1997 petition was approved with an extensive list of commitments. Some of the 2004 commitments were requested by Staff, but the majority were negotiated between the petitioner and the neighborhood. Among these neighborhood-requested commitments were further restrictions on permitted land uses, including a restriction on “Indoor Recreational Uses, including shooting gallery, range, gun/rifle firing range, bowling alley, skating or roller rink, bath house or bingo establishment.”
- ◇ This petition would modify the restriction on Indoor Recreation Uses to state: “The following Indoor Recreation & Entertainment Uses, as defined/described in the City of Indianapolis Consolidated Zoning/Subdivision Ordinance shall be prohibited:
 - (a) Billiard parlor
 - (b) Bathhouse
 - (c) Firing (gun) range
 - (d) Ice/roller skating rink
 - (e) Bowling alley
 - (f) Bingo establishment (unless operated for charitable purpose)
 All other Indoor Recreation & Entertainment Uses shall be permitted.”
- ◇ This modification would replace the restriction on all Indoor Recreational Uses with a restriction on only the six Indoor Recreation & Entertainment Uses listed above. All of the other commitments from the 1997 petition would remain in effect.
- ◇ This modification would only apply to the western portion of retail center. The commitments for the remainder of the retail center are not affected by this petition.
- ◇ There is no indication in the record that the 1997 commitment being modified was the result of a negotiation between the petitioner and staff. Instead, it was a product of negotiations between the petitioner and the neighborhood organization without staff’s involvement. As such, staff has no recommendation on the commitment’s modification. However, staff would note that the neighborhood’s recommendation in the original petition was based on all the commitments that were submitted and on the reasonable assumption that the site would be developed and operated in accordance with those commitments.

(Continued)

STAFF REPORT 2023-MOD-007 (Continued)

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S	Metro	Retail center
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SURROUNDING ZONING AND LAND USE

North	C-S, D-3	Undeveloped land, single-family dwellings
Southwest	C-4	I-65, Motel
East	C-S	Retail center

COMPREHENSIVE LAND USE PLAN The Perry Township Comprehensive Land Use Plan (2018) recommends Regional Commercial for the bulk of the site. It recommends Floodway for the floodway of Little Buck Creek and Linear Park for the northern edge of the site.

THOROUGHFARE PLAN Interstate 65 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Freeway. The Plan does not recommend a proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE Small portions of the northern edge of this site is located within the floodway and floodway fringe of Little Buck Creek.

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

STREAM PROTECTION CORRIDOR The northwestern portion of this site is located within the Stream Protection Corridor of Little Buck Creek.

ZONING HISTORY – SITE

2027-DV1-035; 4650 East Southport Road, requested a variance of development standards to provide for a sign with excessive area, **approved**.

97-CP-23Z; 6720 – 6902 South Emerson Avenue, requested the rezoning of 60 acres from the D-A district to the C-S district to provide for C-5 and C-6 uses with exceptions, **approved**.

95-Z-234; 4452 Southport Terrace, requested the rezoning of 25.4 acres from the D-A district to the D-6II district, **withdrawn or denied**.

(Continued)

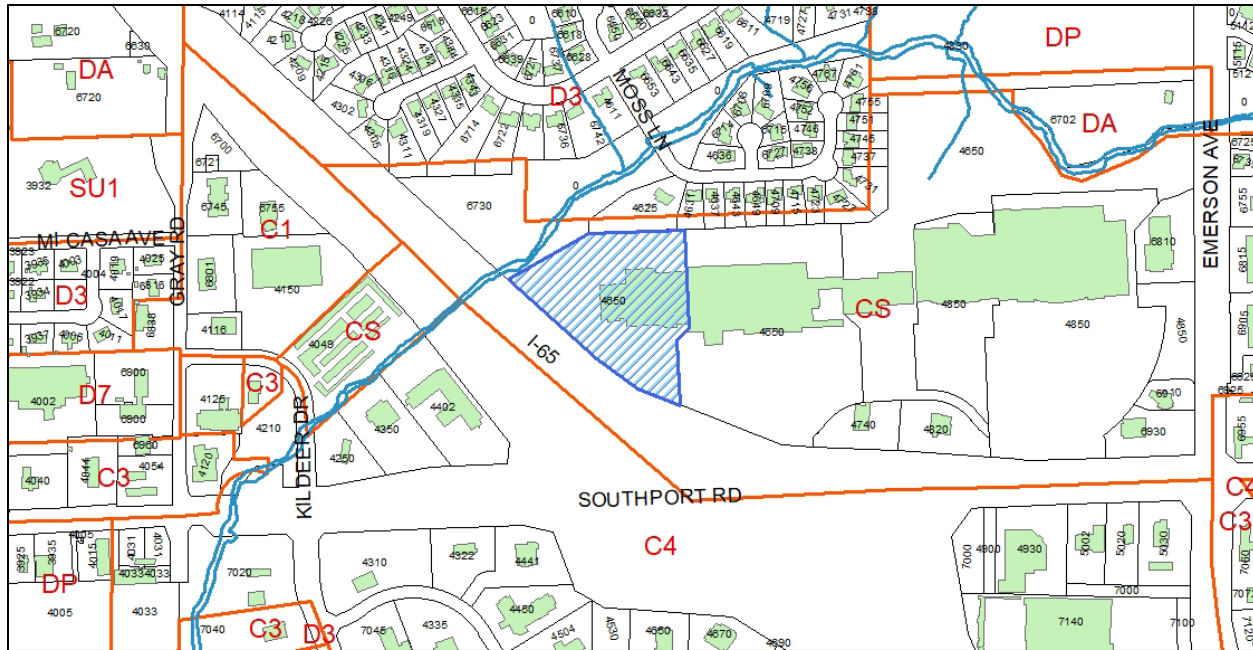
STAFF REPORT 2023-MOD-007 (Continued)

ZONING HISTORY – VICINITY

87-Z-244; 6651 Gray Road (north of site), requested the rezoning of 82 acres from the A-2 district to the D-3 district, **approved**.

klh

STAFF REPORT 2023-MOD-007, Location



STAFF REPORT 2023-MOD-007, Aerial photograph (2022)



STAFF REPORT 2023-MOD-007, Proposed commitment

STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

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

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

Legal Description: See Exhibit "A" Attached Hereto and Incorporated By Reference (the "Subject Property").

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Attachment "C", Section 2.(d)(4) of the Statement of Commitments recorded in Instrument No. 1997-118550 in the Office of the Recorder of Marion County, Indiana, is hereby modified to read as follows:

"The following Indoor Recreation & Entertainment Uses, as defined/described in the City of Indianapolis Consolidated Zoning/Subdivision Ordinance shall be prohibited:

- (a) billiard parlor
- (b) bathhouse
- (c) firing (gun) range
- (d) ice/roller skating rink
- (e) bowling alley
- (f) bingo establishment (unless operated for charitable purpose)

All other Indoor Recreation & Entertainment Uses shall be permitted.

STAFF REPORT 2023-MOD-007, Photographs



Looking north across the subject site at the existing commercial building.



Looking north along the site's west property line showing I-65 to the west (left).



Looking east along the north edge of the subject site showing the back of the retail building and the buffer area between the site and the neighbors to the north.



Looking north at the buffer between the subject site and the neighbor to the north.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-029
Address: 1840 National Avenue & 3670 Carson Avenue (*Approximate Address*)
Location: Perry Township, Council District #21
Petitioner: University of Indianapolis, by Kevin G. Buchheit
Request: Rezoning of 3.77 acres from the D-8 district to the UQ-1 district.

RECOMMENDATION

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site is two abutting parcels on the northwest corner of National Avenue and Carson Avenue. Historic aerial photography indicates that a dwelling was constructed on the east parcel sometime in the 1940s or early 1950s and remained until circa 2006. A dwelling on the west parcel was constructed between 1941 and 1956, but was demolished by 1966.
- ◇ A multi-family dwelling building was constructed on the west parcel in 2005/2006. A parking lot was constructed on the east parcel in 2007/2008. Those uses remain.

(Continued)

STAFF REPORT 2023-ZON-029 (Continued)

- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.

ZONING

- ◇ This petition requests a rezoning from the D-8 district to the UQ-1 district. The UQ-1, or University Quarter One district, is intended for university-owned property and provides for post-secondary schools, daycares, multi-family dwellings, and utility nodes and wireless communication facilities. The UQ-1 district is a development plan district meaning that any development is subject to the approval of a site plan.
- ◇ The two parcels were purchased by the University of Indianapolis in 2022. The university's main campus is two blocks to the west. The university also owns undeveloped, UQ-1-zoned, land across Carson Avenue from the subject site.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-8	Metro	Multi-family dwellings, parking lot
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SURROUNDING ZONING AND LAND USE

North	D-4	Single-family dwelling
South	D-5	Single-family dwellings
East	UQ-1, C-3, D-4	Vacant commercial building, single-family dwelling, restaurant
West	D-6	Multi-family dwellings

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
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THOROUGHFARE PLAN	National Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with an existing right-of-way ranging from 50 to 72 feet and a 50-foot proposed right-of-way.
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(Continued)

STAFF REPORT 2023-ZON-029 (Continued)

Carson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with an existing right-of-way ranging from 60 to 70 feet and an 80-foot proposed right-of-way.

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

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

ZONING HISTORY – SITE

2016-CZN-828 / 2016-CVR-828; 3670 Carson Avenue, requested the rezoning of 1.3 acre from the D-4 and C-3 districts to the D-8 district and a variance of development standards to provide for a reduced side setback, **approved**.

2004-ZON-126; 1840 National Avenue, requested the rezoning of 2.2 acres from the D-4 district to the D-8 district, **approved**.

ZONING HISTORY – VICINITY

2022-ZON-077; 3653 Carson Avenue (east of site), requested the rezoning of 0.57 acre from the D-4 district to the C-3 district, **denied**.

2009-ZON-074; 3621 Carson Avenue (east of site), requested the rezoning of seven acres from the D-6II district to the UQ-1 district, **approved**.

2007-ZON-120; 3621 Carson Avenue (east of site), requested the rezoning of seven acres from the D-4 district to the D-6II district, **approved**.

2006-ZON-026; 3652 Carson Avenue (east of site), requested the rezoning of 0.18 acre from the D-4 district to the C-3 district, **approved**.

2005-ZON-042; 1810 National Avenue (west of site), requested the rezoning of 2.3 acres from the D-4 district to the D-6 district, **approved**.

99-SE1-9; 3702 Randolph Drive (south of site), requested a special exception to provide for a manufactured home in a D-5 district, **approved**.

(Continued)

STAFF REPORT 2023-ZON-029 (Continued)

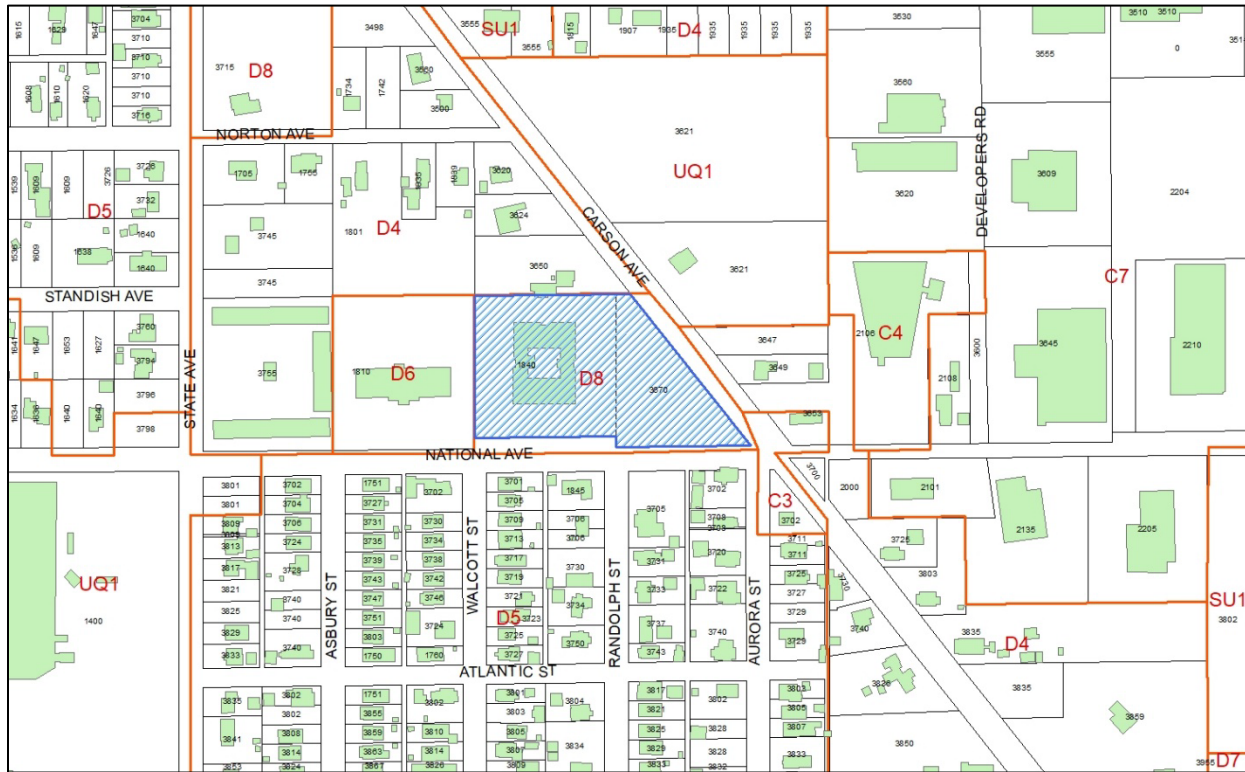
97-UV2-82; 3601 Carson Avenue (east of site), requested a variance of use to provide for automobile sales in a D-4 district, **approved**.

89-Z-34; 3601 Carson Avenue (east of site), requested the rezoning of two acres from the D-4 district to the D-6 district, **withdrawn**.

85-UV1-133; 3601 Carson Avenue (east of site), requested a variance of use to provide for automobile sales and repair in the D-4 district, **withdrawn**.

klh

STAFF REPORT 2023-ZON-029, Location



STAFF REPORT 2023-ZON-029, Aerial photograph (2022)



STAFF REPORT 2023-ZON-029, Photographs



Looking northeast from National Avenue at the western portion of the subject site.



Looking north from National Avenue at the eastern portion of the site.



Looking northwest along Carson Avenue.



Looking west along the north edge of the site showing the neighbor to the north (right).



Looking west from the site at the neighbor to the west.



Looking west along National Avenue from the southwest corner of the site.

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-015
Address: 2434 and 2444 Winthrop Avenue (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Indianapolis Neighborhood Housing Partnership, by Jeff Hasser
Request: Rezoning of 1.35 acres from the I-2 district to the D-8 district.

The Hearing Examiner acknowledged a timely automatic continuance filed by a registered neighborhood organization that continued this petition from the April 23, 2023 hearing, to the May 11, 2023 hearing.

RECOMMENDATIONS

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. Elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.35-acre site, zoned I-2, is undeveloped and surrounded by religious uses to the north, zoned I-2; undeveloped land and a single-family dwelling, to the south across East 24th Street, zoned I-2 and D-8; undeveloped land to the east, across Winthrop Avenue, zoned D-8; and undeveloped land and single- and two-family dwellings to the west, zoned D-8.

REZONING

- ◇ This request would rezone the site from I-2 District to the D-8 classification to provide for 22 townhomes. "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."

(Continued)

- ◇ The Comprehensive Plan recommends Traditional Neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

Conditions for All Housing

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

(Continued)

Attached Housing

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

Environmental Public Nuisances

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

(Continued)

Infill Housing Guidelines

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
- ◇ Because new construction in an urban neighborhood should be integrated and harmonious with the existing neighborhood character, staff would request a commitment that elevations be subject to Administrator Approval prior to the issuance of an Improvement Location Permit.

Planning Analysis

- ◇ As proposed the request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood.
- ◇ The residential-sized parcels were developed with dwellings many years ago, which have been demolished. The current I-2 zoning district does not reflect the long-time and historical residential use on these parcels. Staff supports this rezoning because it would match the zoning classification with the proposed residential use.

(Continued)

EXISTING ZONING AND LAND USE

Undeveloped land

Religious uses

Undeveloped land / single-family dwelling

Undeveloped land

Undeveloped land / single- / two-family dwellings

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

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

This portion of East 24th Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

This site is located within the compact context area.

This site is not located within an overlay.

2020-ZON-048; 1123 East 25th Street (east of site), requested rezoning of 1.435 acres from the I-4 district to the D-8 district, **approved.**

2018-ZON-002; 2401-2475 (odd) Winthrop Avenue (east of site); requested a Rezoning of 2.04 acres from the I-4 district to the D-8 classification, **approved.**

2005-DV1-032; 1100 East 24th Street (east of site), requested a variance of Development Standards of the Industrial Zoning Ordinance to provide for the construction of a 42,379-square foot addition to an existing 108,294-square foot industrial building, with a zero-foot front setback from Yandes Street (minimum twenty-foot front yard setback required), with a zero-foot north side setback (minimum twenty-foot side yard setback required), and with maneuvering space for an off-street loading area within the rights-of-way of Yandes Street and East 24th Street, **granted.**

(Continued)

2004-SE2-001; 1131 East 25th Street (east of site), Special Exception of the Industrial Zoning Ordinance to provide for a 10,000-square foot office and warehouse with a ten-foot front yard setback from the existing right-of-way line of Yandes Street and East 25th Street, **granted**.

2004-DV2-010; 1131 East 25th Street (east of site), Variance of Development Standards of the Industrial Zoning Ordinance to provide for a 10,000-square foot office and warehouse with a ten-foot front yard setback from the existing right-of-way line of Yandes Street and East 25th Street, **granted**.

2002-UV3-006; 925 East 25th Street, and 2454, 2458, 2462 2468, 2470, and 2476 Winthrop Avenue (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for religious uses (not permitted), within an existing 4,334.32 square foot building, **granted**

2001-UV3-008; 2462 Winthrop Avenue (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for a social club, **granted**.

2001-UV3-023; 2450 Winthrop Avenue (west of site), requested a variance of use of the Industrial Zoning Ordinance to legally establish the outside storage of licensed and unlicensed vehicles and truck parts, and the mechanical and body repair of vehicles, in an existing building, with outside storage exceeding 17,350 square feet or 173.32 percent of the total floor area of enclosed structures and buildings, **granted**.

2000-UV1-008; 2401-2479 Winthrop Avenue (east of site) requested a variance of use of the Industrial Zoning Ordinance to provide for 64 multi-family dwelling units, a clubhouse, and playground area, **granted**.

95-SE3-4; 1204 East 24th Street (east of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for an addition to an existing church with additional parking, **approved**.

63-V-524; 1204 East 24th Street (east of site), Variance of Use of the Industrial Zoning Ordinance to permit the construction of a church, **granted**.

kb







View looking north along Winthrop Avenue



View looking south along Winthrop Avenue



View looking west along East 24th Street



View looking east along East 24th Street



View of site looking northwest across intersection Winthrop Avenue and East 24th Street



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



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



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

STAFF REPORT

Item 12.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-023
Address: 8480, 8508 and 8510 Ditch Road (*Approximate Address*)
Location: Washington Township, Council District #1
Petitioner: Adams French Property, LLC, by Brian J. Tuohy
Request: Rezoning of 1.88 acres from the C-1 and C-4 districts to the C-S district to provide for a self-storage facility.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.

RECOMMENDATIONS

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

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.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.88-acre site, zoned C-1 and C-4, is undeveloped and comprised of three parcels. It is surrounded by commercial uses to the north, zoned C-4, multi-family dwellings to the south and west, zoned D-7; and commercial uses to the east, across Ditch Road, zoned C-4 and C-3.
- ◇ Petition 72-UV3-88 provided for a car wash and gasoline station. Petition 73-Z-143 provided for commercial uses. Petition 73-Z-144 provided for a branch bank.

REZONING

- ◇ This request would rezone the site from the C-1 and C-4 Districts to the C-S classification to provide for a self-storage facility.

(Continued)

- ◇ 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 purpose of the C-S District is to:
 - 1. Encourage:
 - a. A more creative approach in land planning.
 - b. Superior site and structural design and development.
 - c. An efficient and desirable use of open space.
 - 2. Provide for a use of land with high functional value.
 - 3. Assure compatibility of land uses, both within the C-S District and with adjacent areas.
 - 4. Permit special consideration of property with outstanding feature, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
 - 5. Provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.
- ◇ The Comprehensive Plan recommends community commercial for the northern parcel. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Comprehensive Plan also recommends office commercial typology for the southern parcel. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

(Continued)

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

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.

Heavy Commercial Uses

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

Light Industrial Uses

- These industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.

Heavy Industrial Uses

- Found only in the Heavy Industrial District, these industrial uses create emissions of light, odor, noise, or vibrations. All uses requiring an air permit and/or wastewater permit from the Indiana Department of Environmental Management (IDEM) is considered Heavy Industrial, but not all Heavy Industrial uses necessary require an IDEM permit.

Environmental Public Nuisances

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

(Continued)

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

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

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

C-S Statement

- ◇ The C-S Statement, file-dated March 10, 2023, states that the proposed new building would provide for a self-storage facility. The northeastern portion of the building would be three stories, with the remaining building being two stories.
- ◇ All storage would be within the proposed building.
- ◇ Sidewalks would be provided, and a 20-foot-wide landscape buffer would be installed along the western and southern property boundaries.
- ◇ Based upon the number of parking spaces provided and the number of required parking spaces of one parking space per 30 storage units, there would be approximately 540 storage units available for rent.

Site Plan

- ◇ The site plan, file-dated March 10, 2023, depicts a 45,600-square-foot building, with a parking lot consisting of 18 parking spaces and sidewalk along the Ditch Road frontage. Two of the existing access drives would be eliminated.
- ◇ Landscaping is shown along the western and southern boundaries and adjacent to multi-family dwellings. Staff would note that a 50-foot landscape buffer would be required along the western and southern boundaries that abut a protected district (see below).

Planning Analysis

- ◇ As proposed, this rezoning would not be consistent with the Comprehensive Plan recommendation of Community Commercial and Commercial Office typologies, both of which are low intense commercial uses intended to serve the surrounding neighborhoods.
- ◇ A self-storage facility is considered warehousing, an industrial use, that is only permitted in the highest intense commercial district (C-7) and all four industrial districts.
- ◇ Because of the potential impact of this use on surrounding land uses the Ordinance requires the following “specific use standards” to mitigate the impact:

(Continued)

- 1. All storage shall be within enclosed buildings except in the C-7, I-3 and I-4 districts.
 - 2. Security fencing shall not include razor wire or barbed wire within 10 feet of a front lot line or transitional yard.
 - 3. Doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.
 - 4. **A landscaped or naturally vegetated buffer at least 50 feet in width shall be provided along any lot line that abuts a protected district.**
 - 5. Exterior access to any storage units within 100 feet, measured in any direction, of any dwelling district shall be limited to the period between 6:00 a.m. and 10:00 p.m.
- ◇ Staff believes the mass of this 300+-foot long, two and three-story building is out of character from and would not be compatible with the scale and the architectural character of the surrounding land uses, which primarily consist of one-story commercial structures and two-story multi-family buildings, the longest of which is approximately 172 feet.
- ◇ A self-storage facility at this location would be wholly inappropriate for this site because it would introduce an intense use into an area with a much less intense commercial node / corridor character and an adjacent dwelling district, resulting in a detrimental impact on those adjacent uses. Furthermore, this request would be inconsistent with the previously noted purposes of the C-S District.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1 / C-4	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North -	C-4	Commercial uses
South -	C-7	Multi-family dwellings
East -	C-3 / C-4	Commercial uses
West -	D-7	Multi-family dwellings

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office commercial typology for the northern portion of the site and community commercial for the southern portion of the site

THOROUGHFARE PLAN

This portion of Ditch Road is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 100-foot right-of-way and a proposed 90-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

(Continued)

OVERLAY	This site is not located within an overlay.
C-S STATEMENT	File-dated March 10, 2023
SITE PLAN	File-dated March 10, 2023
RENDERINGS	File-dated March 10, 2023

ZONING HISTORY

91-Z-72; 8510 Ditch Road, requested rezoning of 0.77 acre being in the D-7 District to the C-4 classification to confirm zoning to the existing use, **approved**.

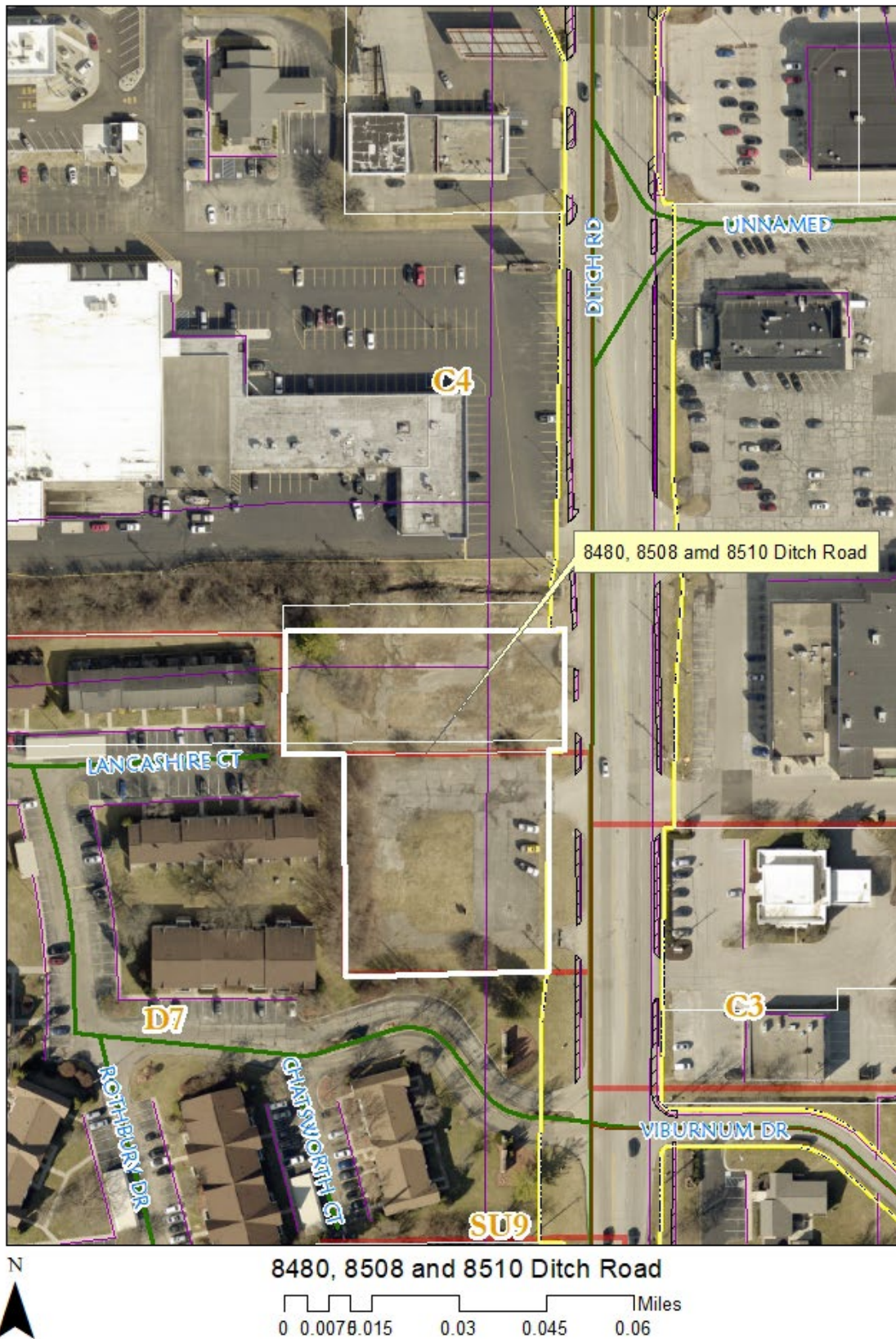
83-Z-9; 8450 Ditch Road, requested rezoning (Commission initiated) from the D-7 and C-1 Districts to the C-1 classification to correct a mapping error based on information found in 72-UV3-88 and 73-Z-144, **approved**.

73-Z-144; 8502 Ditch Road, requested rezoning of 1.03 aces being in the D-7 district to the C-1 classification to provide for construction of a branch bank and offices, **approved**.

73-Z-143, 8430 Ditch Road, requested rezoning of 4.21 acres, being in the D-7 District to the C-3 classification to provide for retail sales and service center, **approved**.

72-UV3-88; 8460 Ditch Road, requested a variance of use, setback and transitional yard requirement to permit erection of an automatic car wash with cleaning installation and sale of gasoline, with pole sign, **granted**.

kb

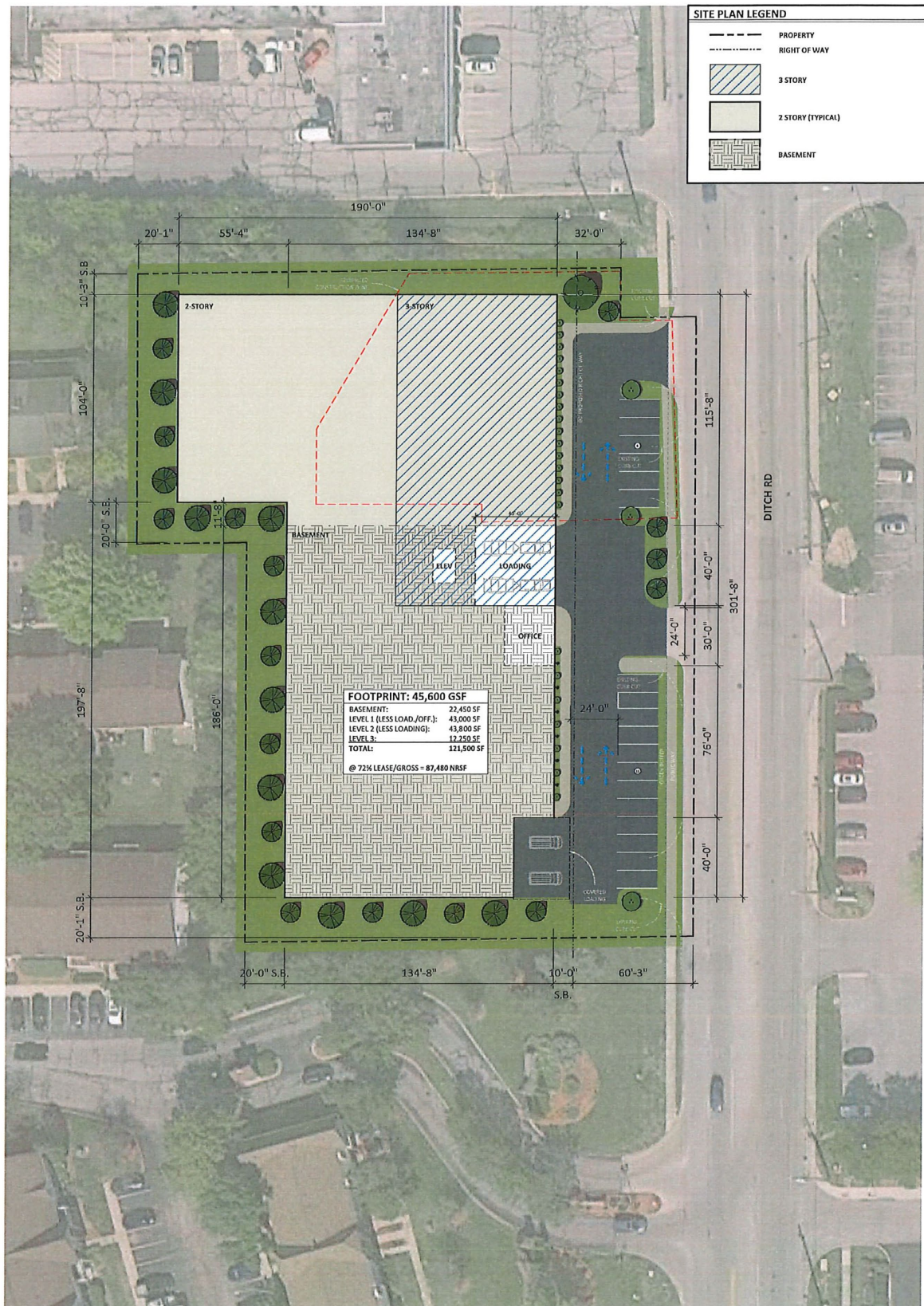


C-S Statement

8480, 8508 and 8510 Ditch Road (Approx. Address)

Petitioner proposes to construct a new building on the Site ("Proposed Building") to provide for a self-storage facility with an office, as approximately depicted on the proposed plans filed herewith. The northeast portion of the Proposed Building will be 3-stories tall, and the remaining portion of the Proposed Building will be 2-stories tall. The storage on the Site will be limited to indoor storage within the Proposed Building.

Along Ditch Road, Petitioner proposes to install sidewalks and eliminate two existing curb cuts. Between the Site and the existing multi-family community to the west and south, Petitioner proposes to install landscaping within twenty-foot wide west and south rear/side yards. The 2-story portion of the Proposed Building will be adjacent to the existing multi-family community.



SITE CONCEPT - 3 STORY
INDIANAPOLIS, IN
12/01/22

0 10' 20' 40'
SCALE 1" = 20'

DITCH ROAD STORAGE

M-H
MORGAN HANSEN
Engineering, Inc.



INDIANAPOLIS, IN
ISSUE DATE



DITCH ROAD STORAGE



INDIANAPOLIS,
IN 02/24/23



DITCH ROAD STORAGE



DITCH ROAD STORAGE

INDIANAPOLIS,
IN 02/24/23



INDIANAPOLIS,
IN 02/24/23



DITCH ROAD STORAGE



View looking south along Ditch Road



View looking north along Ditch Road



View of site looking southwest across Ditch Road



View of site looking west across Ditch Road



View of site looking west across Ditch Road



View of site looking south from adjacent property to the north

STAFF REPORT

Item 13.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-027
Address: 1130 and 1134 East 19th Street (approximate addresses)
Location: Center Township, Council District #17
Petitioner: Anderson Benjamin, by In and Out Unlimited LLC (Jamilah Mintze)
Request: Rezoning of 0.14 acres from the C-3 district to the D-8 district to provide for single-family dwellings.

RECOMMENDATIONS

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

The site plan and elevations for each of the two sites shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). The site plan for the site addressed as 1134 East 19th Street shall be substantial compliance with the site plan file-dated March 30, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.14-acre site, zoned C-3, is undeveloped and surrounded by a single-family dwelling to the north; a single-family dwelling to the south, across East 19th Street; a single-family dwelling to the east; and undeveloped land to the west, all zoned D-8.

REZONING

- ◇ This request would rezone the site from the C-3 District to the D-8 classification. "The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book."

(Continued)

- ◇ The Comprehensive Plan recommends traditional neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

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

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Detached Housing

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible, and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

(Continued)

Infill Housing Guidelines

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
- ◇ Because no elevations for the site (addressed as 1130 East 19th Street) were submitted for review and the elevations submitted for the site addressed 1134 East 19th Street were confusing, staff would request that elevations for both sites be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology and compatible with residential redevelopment occurring in the immediate area. Consequently, staff recommends approval of the rezoning request.

(Continued)

- ◇ Staff would note that historical maps indicate that the site was initially developed with single-family dwellings that were demolished between 1972 and 1978 and the site has remained undeveloped since then.
- ◇ As development on these sites occur, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 Undeveloped

SURROUNDING ZONING AND LAND USE

North -	D-8	Single-family dwelling
South -	D-8	Single-family dwelling
East -	D-8	Single-family dwelling
West -	D-8	Undeveloped land

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

Marion County Land Use Pattern Book (2019).

Infill Housing Guidelines (2021)

THOROUGHFARE PLAN This portion of East 19th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

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

OVERLAY There is no overlay for this site.

SITE PLAN File-dated March 30, 2023

ELEVATIONS File-dated March 30, 2023

ZONING HISTORY

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

(Continued)

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

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

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

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

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

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

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

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

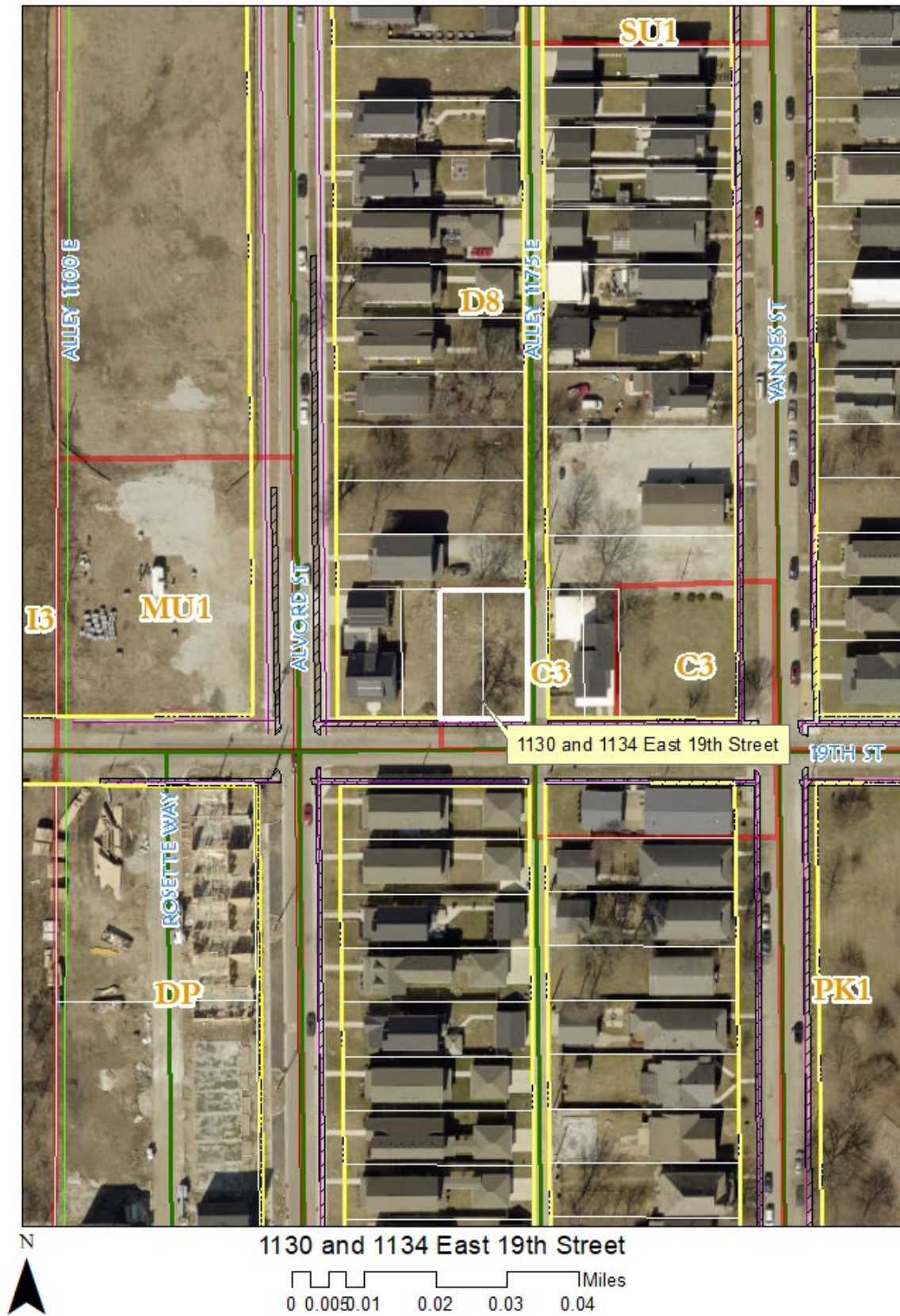
2006-ZON-085; 1115 East 19th Street (west of site), requested rezoning of 0.24 acre from the C-3 district to the D-8 classification, **approved**.

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

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

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

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





E. 19TH ST. NEW CONSTRUCTION
1134 E 19TH ST.
INDIANAPOLIS, IN 46202
CONSTRUCTION DOCUMENTS

STREET ADDRESS:
1134 E 19TH ST.
INDIANAPOLIS, IN 46202
PARCELS # 18, 0608B
PRIMARY ZONING: C8
LOT SIZE: 3,040 SQFT
EXISTING COVERAGE: 1,568 SQFT (48.8%)
PROPOSED COVERAGE: 1,332 SQFT (50.3%)
PROPOSED OPEN SPACE

GENERAL NOTES

C-1 THE GENERAL CONTRACTOR SHALL REVIEW ALL PROJECT DOCUMENTS, PRIOR TO FABRICATION AND CONSTRUCTION, TO DETERMINE THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION.

C-2 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION.

C-3 NO STRUCTURAL MEMBER SHALL BE CUT, NOTCHED OR OTHERWISE REDUCED IN SIZE OR STRENGTH WITHOUT PRIOR APPROVAL IN WRITING FROM THE ARCHITECTURAL DESIGNER.

C-4 ALL DETAILS AND JOINTS ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL BE CONSIDERED AS SUCH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION.

C-5 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS AND THE INDIANA DEPARTMENT OF TRANSPORTATION.

ALL WOOD CONSTRUCTION AND CONNECTIONS SHALL CONFORM TO AISC TIMBER CONSTRUCTION MANUAL, AND STEEL AND INTERMEDIATE BUILDING CODE.

ALL WOOD IN CONTACT WITH CONCRETE OR EARTH SHALL BE PRESURE TREATED.

ALL JOINTS FOR BRIDLED CONNECTIONS SHALL CONFORM TO AISC 15.1. USE WAGNERS BETWEEN WOOD MEMBERS.

ALL JOINTS SHALL BE LATERALLY SUPPORTED AT ENDS BY JOIST BRACKETS.

JOIST SHALL BE 2X8 @ 16" O.C. UNLESS NOTED OTHERWISE.

PROVIDE VERTICAL BRACING IN BIRD WALLS AT SUPPORT, OR AS REQUIRED FOR DIAPHRAGM PANEL EDGES.

UNLESS NOTED OTHERWISE ON PLAN, PROVIDE DOUBLE STUDS AT ALL JOINTS OF GIRDERS UP TO 8'-0". PROVIDE STUDS FOR SPACING GREATER THAN 8'-0" AND LESS THAN 16'-0".

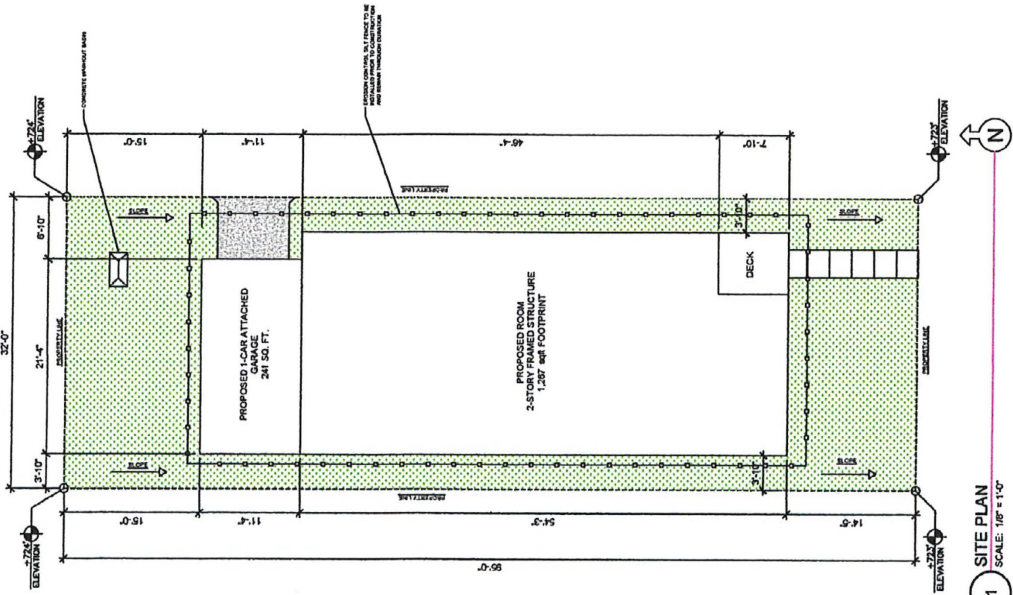
WAGNERS OR COLUMNS SHALL BE 4" X 4" UNLESS NOTED OTHERWISE. ALL STUDS SHALL BE 2" X 4" UNLESS NOTED OTHERWISE.

ROOF FRAMING SHALL BE 2" X 4" STRUCTURAL, WITH 18" RAISE @ 4" O.C. MAX. AT ALL SUPPORTED EDGES.

ROOF FRAMING SHALL BE 2" X 4" UNLESS NOTED OTHERWISE.

STAGE DOGS ARE TO BE USED TO PROTECT THE WORK AREA.

RAILINGS: 40 LB. FT. MIN. 2



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

REVISIONS

NO.	DATE	DESCRIPTION
1	10/01/2022	ISSUED FOR PERMIT
2	10/01/2022	REVISIONS TO PERMIT
3	10/01/2022	REVISIONS TO PERMIT
4	10/01/2022	REVISIONS TO PERMIT
5	10/01/2022	REVISIONS TO PERMIT

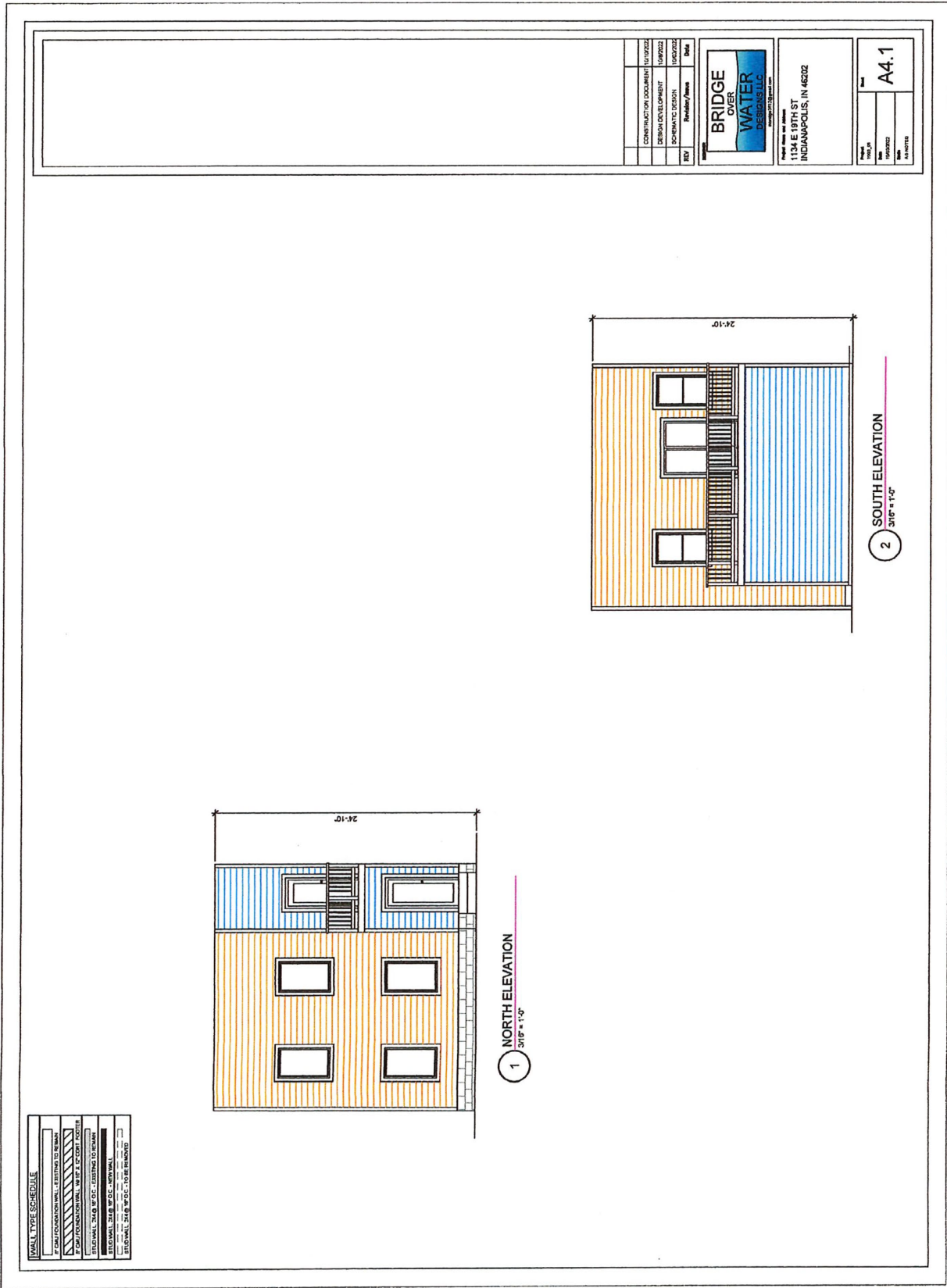


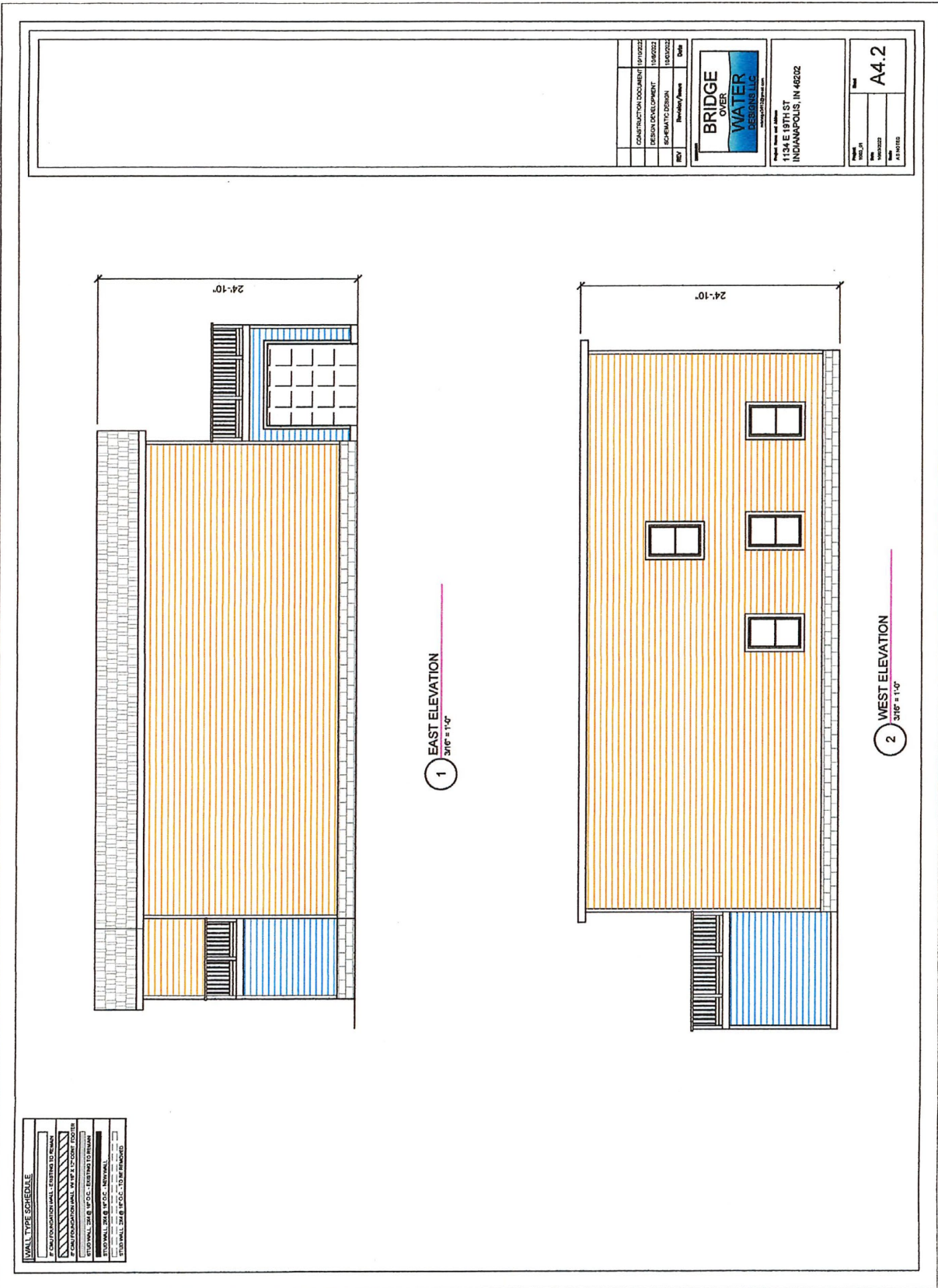
BRIDGE
OVER
WATER
DESIGNS LLC
www.bridgeoverwater.com

Project Name and Address
1134 E 19TH ST
INDIANAPOLIS, IN 46202

Project	1134 E 19TH ST
Drawn by	10/01/2022
Checked by	10/01/2022
Scale	1/8" = 1'-0"

REV	Revised/Issue	Date
1	CONSTRUCTION DOCUMENT	10/01/2022
2	DESIGN DEVELOPMENT	10/01/2022
3	SCHEMATIC DESIGN	10/01/2022







View looking east along East 19th Street



View looking west along East 19th Street



View of site looking north across East 19th Street



View of site looking north across East 19th Street



View of site looking west



View of site looking west



View from site looking southwest



View looking south along Alvord Street at neighborhood architectural character

STAFF REPORT

Item 14.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-028 (Amended)
Address: 320 and 362 North Tibbs Avenue and 3455 West Vermont Street
(approximate addresses)
Location: Wayne Township, Council District #15
Petitioner: Acadia Realty Holdings, LLC, by Kevin Buchheit
Request: Rezoning of 3.75 acres from the C-3, D-A, D-5, D-P, and D-7 districts to the HD-1 district.

RECOMMENDATIONS

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. A 24-foot half right-of-way shall be dedicated along the frontage of West Vermont Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

LAND USE ISSUES

- ◇ This 3.75-acre site, zoned C-3, D-A, D-5, D-P, and D-7, is comprised of seven parcels and developed with a residential youth treatment facility. It is surrounded by single-family dwellings to the north, across West Vermont Street, zoned D-5; single-family dwellings to the south, across West New York Street, zoned D-P; governmental uses to the east, across North Tibbs Avenue, zoned D-P; and single-family dwellings and park to the west, zoned D-5 and D-P, respectively.
- ◇ Beginning in 1994 through 2018, variances have been granted for the current use, privacy fences, office additions and expansion of the use. See Zoning History.

REZONING

- ◇ This request would rezone the site from C-3, D-A, D-5, D-P, and D-7 District to the HD-1 classification. "The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and further to permit appropriate land use modifications as necessary to facilitate the highest level of such service."
- ◇ The HD-1 District is a Development Plan District that limits uses to those identified in the Ordinance. "The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission."
- ◇ The Near West Neighborhood Land Use Plan recommends special use for this site. "This land use category consists of a variety of public semi-public and private land uses that either serve a specific public purpose (such as schools, churches, libraries, neighborhood centers and public safety facilities) or are unique uses exhibiting significant impacts on adjacent property (such as the Indianapolis International Airport, Indiana State fair, and Indianapolis Motor Speedway)."

Environmental Public Nuisances

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

(Continued)

◇ Environmental public nuisance means:

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

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

Department of Public Works

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

Tree Preservation / Heritage Tree Conservation

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

(Continued)

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

Site Plan

- ◇ The site plan, file-dated April 10, 2023, identifies current development on the site, along with an expansion that would include a one-story building and two parking lots.
- ◇ Staff understands that the site plan is preliminary and would likely be amended to be submitted with the required Approval Petition for the HD-1 district development.

Planning Analysis

- ◇ As proposed the request would be consistent with the Neighborhood Plan recommendation of special use as well as the historical use of the site.
- ◇ Additionally, the rezoning would consolidate the five zoning districts on this site under one zoning district that would be consistent with the use.
- ◇ As development occurs on this site, the Metropolitan Development Commission would have oversight that would assure that the development would be appropriate for the surrounding land uses and support the property owner as they provide services to address the needs of the community.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 / D-A / D-5 / D-P / Residential treatment center
and D-7

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-P	Single-family dwellings
East -	D-P	Governmental uses
West -	D-5 / D-P	Single-family dwellings / park

COMPREHENSIVE LAND USE PLAN

The Near West Neighborhood Land Use Plan (2018) recommends special use.

THOROUGHFARE PLAN

This portion of Tibbs Avenue is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 50-foot right-of-way and a proposed 56-foot right-of-way.

This portion of West Vermont Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 30-foot right-of-way and a proposed 48-foot right-of-way.

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

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is not located within an overlay.

ZONING HISTORY

2018-DV3-019; 320 & 362 North Tibbs Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot-tall fence in the front yard of Vermont Street and New York Street, **granted**.

2013-UV1-026; 320 North Tibbs Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1,344-square foot modular office and conference room, with handicapped ramps related to an existing business, **approved**.

(Continued)

99-UV1-98; 320 North Tibbs Avenue, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a 3,780-square foot office addition to an existing youth residential treatment center, with outdoor recreation facilities, **approved**.

96-UV3-20; 320 North Tibbs Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of an existing 30-bed residential treatment facility for sexually abused children to a 68-bed facility, **approved**.

94-V3-106; 320 North Tibbs Avenue, requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of an eight-foot solid wood-paneled fence along Vermont Street, **withdrawn**.

94-UV3-65; 320 North Tibbs Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a 30-bed facility for sexually abused children and perpetrators in a 11,830 square-foot building, with outdoor recreation areas, a ground sign with a front yard setback of three-feet from Tibbs Avenue and located within the clear sight triangle and deficient setbacks, **approved**.

VICINITY

2013-ZON-065; 3000 W Washington Street (east of site), requested rezoning from the D-P district to the D-P classification to provide for additional permitted uses including such as, breweries, student housing and urban farming, and event centers, **approved**.

2007-ZON-014; 230 South Munsie Street (east of site), requested rezoning from the D-A district to the I-4-S classification, **approved**.

96-Z-207; 3450 West Cossell Road (south of site), requested rezoning from D-7 to the D-P classification, **approved**.

kb



Exhibit A

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

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



View looking north along North Tibbs Avenue



View looking south along North Tibbs Avenue



View looking east along West Vermont Street



View looking east along West New York Street



View looking west along West New York Street



View of site looking southeast across West Vermont Street



View of site looking south across West Vermont Street



View of site looking southwest



View of site looking west



View of site looking northeast across West New York Street



View of site looking north across West New York Street



View of site looking north across West New York Street



View of site looking north across West New York Street



View of site looking north at intersection of West New York Street and North Tibbs Avenue



View from site looking east across North Tibbs Avenue



View from site looking east across North Tibbs Avenue



View from site looking south across West New York Street



View of neighborhood playground looking west from site

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CAP-820 / 2022-CVR-820
Address: 6640 Heron Neck Drive (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: WTS Inc., by Michael Rabinowitch
Request: Modification of Commitments related to the approval of 2008-ZON-853 terminating Commitments Two and Three and replace them with commitments updating the regulatory site plan, elevations, renderings, and plan of operation.
 Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 20-foot side and rear transitional yards (50-foot transitional yards required).

RECOMMENDATION

Staff **recommends denial of these requests.** However, should the Hearing Examiner decide to approve the request, staff asks that the following commitment be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 45-foot half right-of-way shall be dedicated along the frontage of Banta 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).

Should the variance petition be withdrawn and the site redesigned in a manner that meets the Ordinance, staff would be likely to recommend approval of the Modification of Commitments.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

(Continued)

STAFF REPORT 2022-CAP-820 / 2022-CVR-820 (Continued)

LAND USE

- ◇ Historic aerial photography indicates that the vicinity of the subject site was agricultural land until the 1980s when industrial uses began to be developed along State Route 37 to the north of the site. In 1998 the property to the west and south of the subject site was rezoned to the D-6II district to provide for multi-family residential development. By 2001 that community was built. The subject site remains undeveloped.
- ◇ The site is located on the west side of Belmont Avenue, which functions as a frontage road for SR 37. Currently, I-69, is being constructed to replace SR 37. There will not be an interchange at Banta Road, but Banta Road will pass under I-69.
- ◇ A 50-foot-wide natural gas pipeline easement runs along the Belmont Avenue frontage of the site. The easement is entirely within the right-of-way and does not affect the amount of buildable space on the subject site.
- ◇ The Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood for the site. This typology is primarily intended for single-family dwellings although neighborhood-serving retailing and offices are envisioned under certain circumstances.

MODIFICATION OF COMMITMENTS

- ◇ The site has been the subject of four zoning petitions over the last 25 years. The first two, 98-Z-17 and 2001-ZON-040, were requests for rezoning to the C-3 district. Both petitions were withdrawn. In petition 2002-ZON-152; the site was rezoned to the C-S district to provide for all C-1 and C-3 uses and a banquet facility. Finally, in petition 2008-ZON-853 / 2008-VAR-853 the site was rezoned to the I-2-S district with a companion variance of development standards to provide for the deficient screening of loading areas. However, no development has taken place on the site.
- ◇ The 2008 petitions were approved with commitments that the development would comply with the approved conceptual site plan and building elevations and would operate in accordance with the approved Plan of Operation. The approvals were for a single two-story building for the expansion of Morris Machines, which operated across Banta Road to the north.

(Continued)

STAFF REPORT 2022-CAP-820 / 2022-CVR-820 (Continued)

- ◇ This petition would terminate the commitments from the 2008 petitions and replace them with new commitments for compliance with a new site plan, building elevations and renderings, and plan of operation.
- ◇ The proposed use, self-storage, is permitted in the I-2 district. This petition would limit use of the site to only self-storage and no other I-2 uses.

VARIANCES

- ◇ This petition requests variances to provide for 20-foot-wide side and rear transitional yards where 50-foot-wide transitional yards are required.
- ◇ The purpose of transitional yards is to provide a buffer between a less intense use and a more intense use. In this case, it would buffer residential uses, both single-family and multi-family dwellings, from an industrial use, the proposed self-storage units.
- ◇ A drainage ditch approximately 20 feet in width runs along the westernmost edge of the site. The landscape plan submitted with this petition shows all the westside transitional yard planting in this drainage ditch. This location is not conducive to either the proper functioning of the drainageway or to the growth, longevity, and effectiveness of the landscaping. A landscape buffer of the required width would provide space for both the drainageway and the buffer landscaping.
- ◇ The site is undeveloped, level and without impediments to development.
- ◇ Because the site can be easily developed within the constraints of the Ordinance, and development of the site as proposed would burden the surrounding users, this petition should be denied.

Wellfield Protection Secondary Zoning Districts

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

(Continued)

STAFF REPORT 2022-CAP-820 / 2022-CVR-820 (Continued)

- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. The subject site is split between the South W-1 and the South W-5 wellfield protection areas.
- ◇ All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-2	Metro	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North	D-A, I-2	Single-family dwelling, machine shop
South	D-6II	Multi-family dwelling complex
East	D-A	I-69, undeveloped land
West	D-A, D-6II	Multi-family dwelling complex

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood.
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THOROUGHFARE PLAN	Banta Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 71-foot existing right-of-way and a 90-foot proposed right-of-way.
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(Continued)

STAFF REPORT 2022-CAP-820 / 2022-CVR-820(Continued)

Belmont Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with an existing right-of-way ranging from 70 feet to 90 feet and a 90-foot proposed right-of-way.

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

WELLFIELD PROTECTION DISTRICT This southern portion of this site is located within the South W-1 wellfield protection district. The northern portion of this site is located within the South W-5 wellfield protection district.

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

ZONING HISTORY – SITE

2008-ZON-853 / 2008-VAR-853; 6640 Heron Neck Drive, requested the rezoning of 4.8 acres from the C-S district to the I-2-S district and requested a variance of development standards to provide for the deficient screening of loading areas, **approved**.

2002-ZON-152; 6640 Heron Neck Drive, requested the rezoning of 4.7 acres from the D-A district to the C-S district to provide for all C-1 and C-3 uses and a banquet facility, **approved**.

2001-ZON-040; 6630 South Belmont Avenue, requested the rezoning of 4.8 acres from the D-A district to the C-3 district, **withdrawn**.

98-Z-17; 6650 South Belmont Avenue, requested the rezoning of 4.8 acres from the D-A district to the C-3 district, **withdrawn**.

ZONING HISTORY – VICINITY

2008-DV3-020; 640 South Belmont Avenue (north of site), requested a variance of development standards to provide for parking in the required yards, deficient front setback, and a patio in the right-of-way of Banta Road and in the front transitional yard, **approved**.

(Continued)

STAFF REPORT 2022-CAP-820 / 2022-CVR-820(Continued)

99-V2-53; 6640 Heron Neck Drive (west and south of site), requested a variance of development standards to legally establish a 35-foot-tall “lighthouse” as an **accessory structure**, **approved**.

98-Z-18; 6650 South Belmont Avenue (west and south of site), requested the rezoning of 38.3 acres from the D-A district to the D-6II district, **approved**.

95-V1-2; 2151 West Banta Road (west of site), requested a variance of development standards to provide for a single-family dwelling with deficient lot area and width, **approved**.

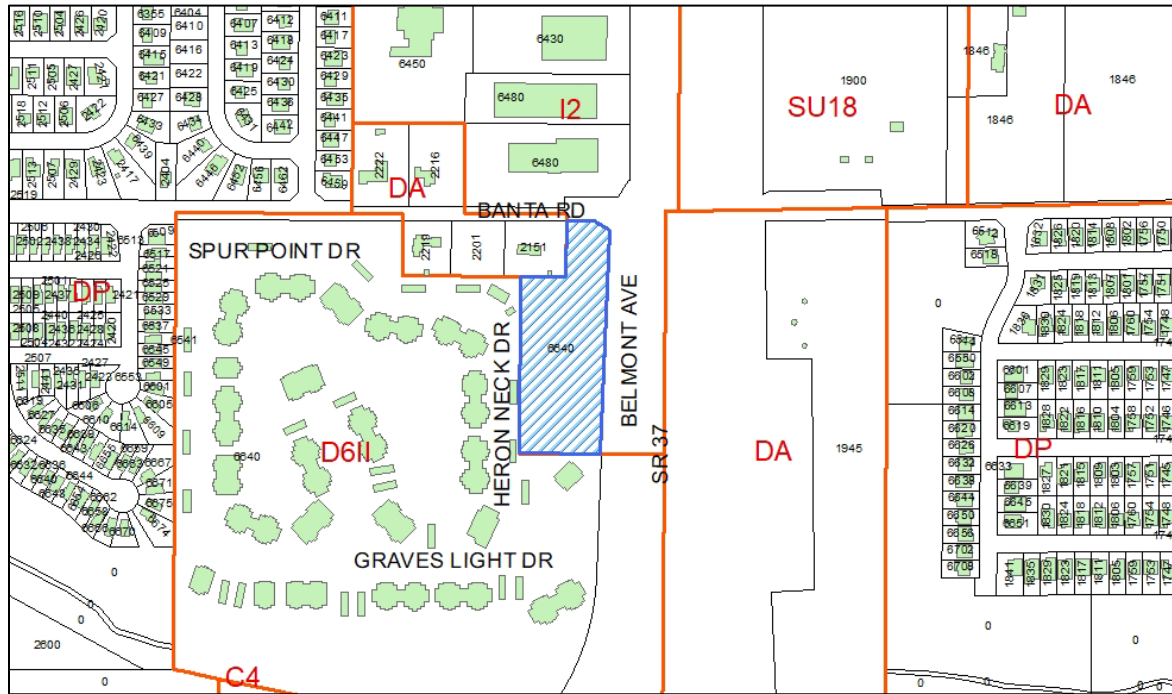
95-HSE-8; 2151 West Banta Road (north of site), requested a Special Exception for a manufactured home in a dwelling district, **approved**.

94-UV1-48; 2219 West Banta Road (west of site), requested a variance of use to provide for an accessory structure on a site without a primary structure, **approved**.

85-Z-14; 6450 South Belmont Avenue (north of site), requested the rezoning of 3.6 acres from the A-2 district to the I-2-S district, **approved**

klh

STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Location



STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Aerial photograph (2022)



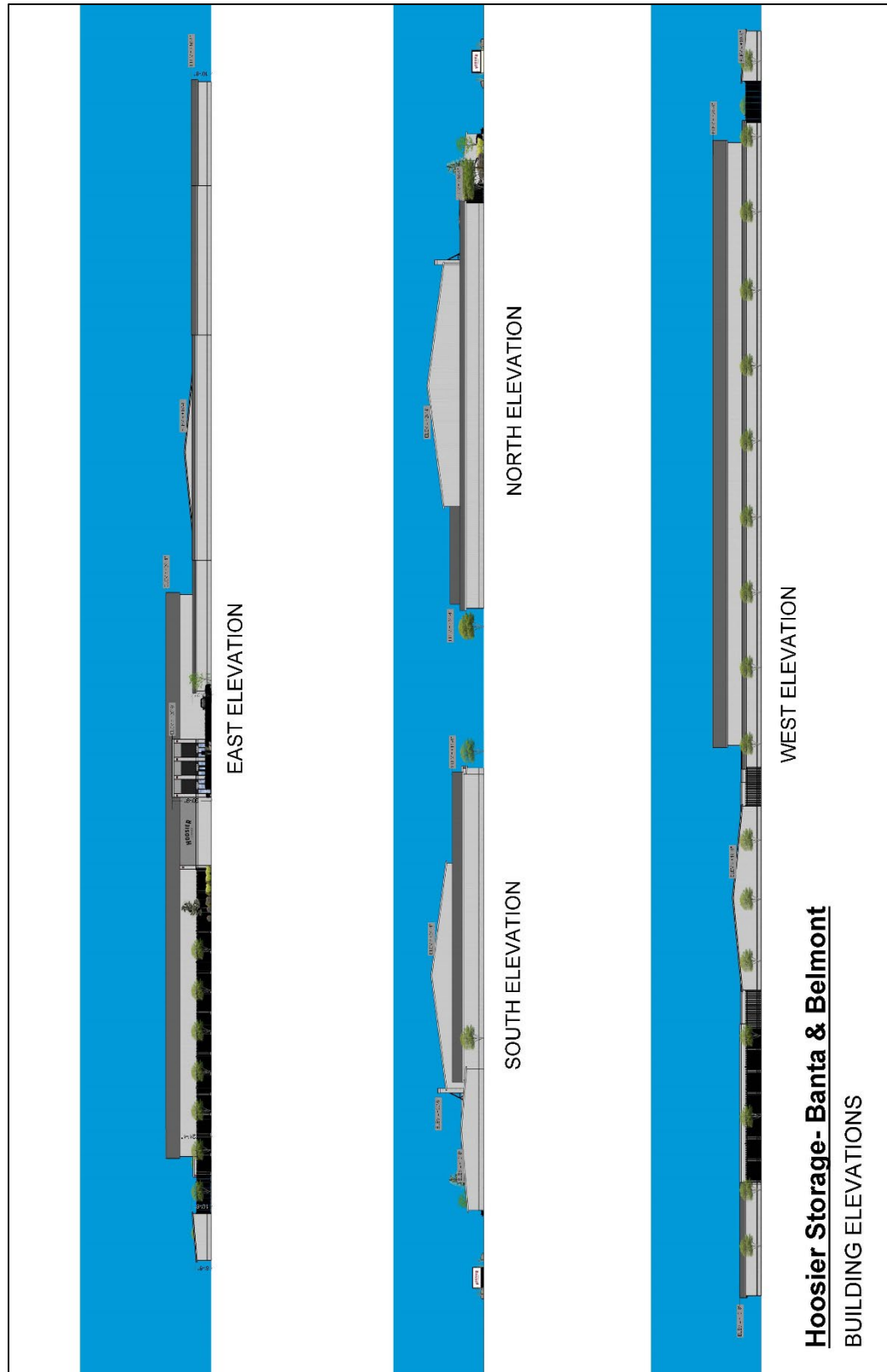
STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Aerial rendering



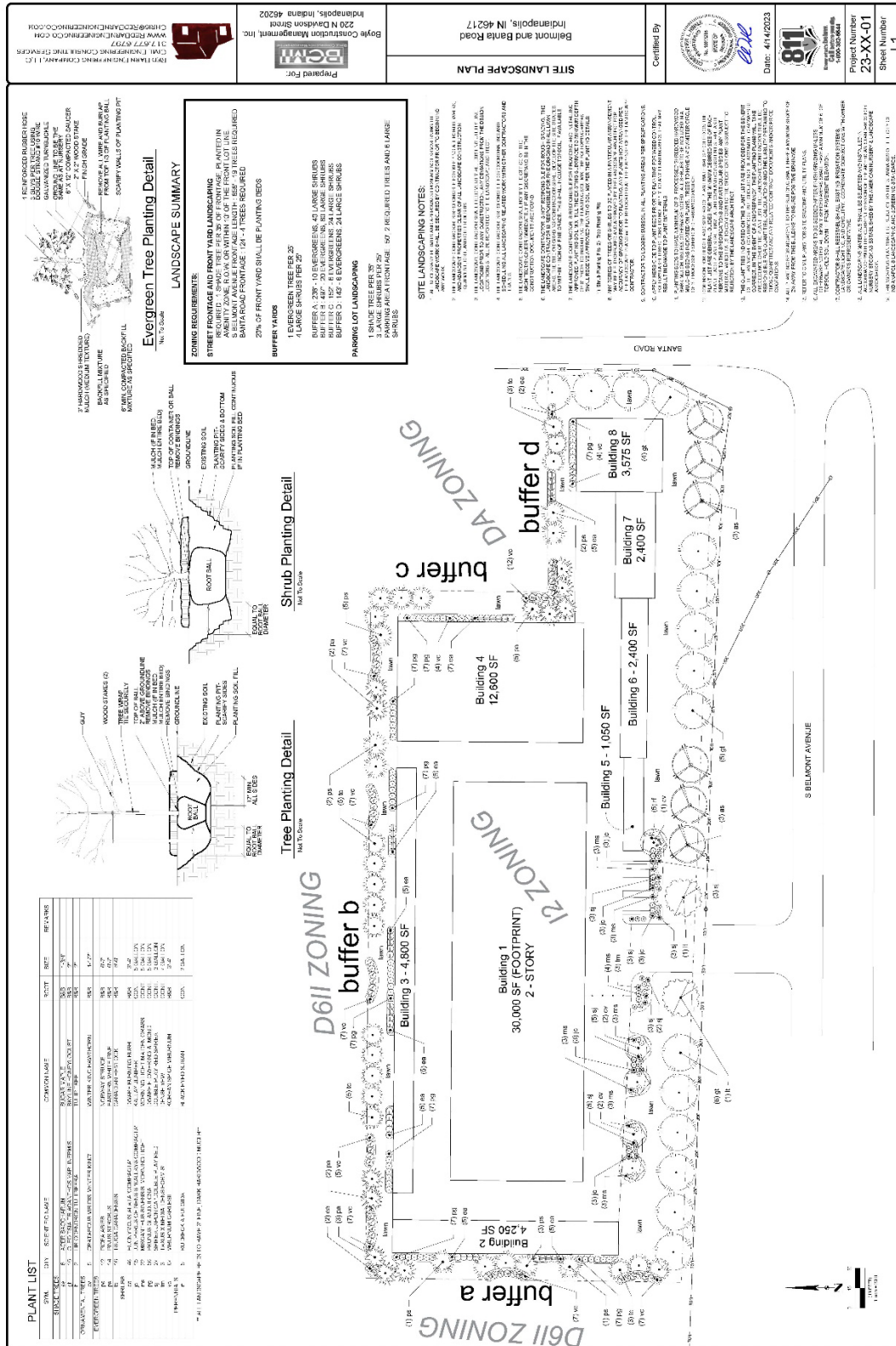
STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Renderings



STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Building elevations



STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Landscape plan



STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**FINDINGS OF FACT**

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

There will be a 20' setback from the property line to the rear of the storage buildings, which essentially provides adjacent property owners an additional 20' of undisturbed area. Also, ordinance required landscape buffering will be provided.

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

There will be a 20' setback from the property line to the rear of the storage buildings, which essentially provides adjacent property owners an additional 20' of undisturbed area. Also, ordinance required landscape buffering will be provided.

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

The parcel is narrow and "L" shaped such that development of the property is challenging without some relief from the 50' buffer requirement. Also, a gas line easement along the east frontage interferes with the ability to develop the property closer to Belmont St.

DECISION

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

Adopted this _____ day of _____, 20 ____

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STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Proposed Plan of Operation.**HOOSIER STORAGE – 6440 HERRON NECK DR.****PLAN OF OPERATION****Project Description**

The 3.37 acre undeveloped property, located within the newly established I-69 corridor, will be improved with a top of the line self-storage facility, featuring five separate buildings, with the main two story building (maximum height 24'9") located in the middle of the property with one story buildings located on the perimeter of the property. Access to the facility will be off of South Belmont Street.

Safety and Security

A management office will be located on site, which will be staffed by at least one employee during normal business hours. The facility will be fully secure with fencing, gates, security cameras and exterior lighting. Customer access to the storage units will be through a secured lift gate which will be always closed. Each customer will have their own code required to enter and leave the property. Customer access to the storage facility will be from 6:00am to 10:00pm daily. There shall be no outside storage permitted.

Hours of Operation

The management office will be open 9:30am – 6:00pm Monday through Saturday. Access to the storage facility will be from 6:00am – 10:00 pm daily.

Landscaping

Landscaping shall be provided in accordance with the Marion County Consolidated Zoning Ordinance.

STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Proposed Commitments.

STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

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

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

Legal Description:

See attached.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment No. 2 and Commitment No. 3 from Document No. 2009-0009799 are hereby terminated.

2. All development of the property shall be in compliance with the site plan, elevations and renderings approved by the Metropolitan Development Commission ("MDC").

All activities on the property shall be in accordance with the Plan of Operation approved by the MDC.

3. _____

4. _____

5. _____

MDC's Exhibit C - - page 1 of 3

STAFF REPORT 2022-CAP-820 / 2022-CVR-820, Photographs

Looking south across the subject site from Banta Road.



Looking east along the north edge of the site and the intersection of Banta Road with Belmont Avenue and SR 37. I-69 is under construction in the background.



Looking north across the site at the neighbor to the north.



Looking west from the site along Banta Road.



Looking west across the site at the neighbor to the northwest.



Looking north along the west edge of the site at the neighbor to the northwest.



Looking west from the site at the neighbor to the west.



Looking south across the site, showing the neighbor to the south and west.