



Metropolitan Development Commission (June 21, 2023) Meeting Notice

Meeting Details

Notice is hereby given that the Metropolitan Development Commission of Indianapolis-Marion County, IN, will hold public hearings on:

Date: Wednesday, June 21, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes: June 7, 2023

Vote on Officer Positions

Policy Resolutions:

REAL ESTATE:

1. 2023-R-018

Authorizes DMD to accept proposals for purchase of vacant City-owned properties as recommended by the selection committee for the Vacant to Vibrant program and to convey title to the selected recipients as shown and for the sale prices listed on Exhibit A of the resolution in consideration of certain commitments to be made for the purpose beneficial redevelopment including creation of affordable housing.

2. 2023-R-024

Authorizes DMD to enter into agreements and to take actions with respect to property at RCA/Sherman Park to further beneficial redevelopment of affordable housing.

3. 2023-R-025

Authorizes DMD to enter into agreements and to take actions with respect to property at RCA/Sherman Park to further beneficial redevelopment of permanent supportive housing.

4. 2023-R-028

Authorizes the DMD Director to negotiate and execute an amendment to the lease for the Crowne Plaza Union Station property (39 W. Jackson Place) enabling the parties the option to extend the lease term for up to three extensions of up to five years each.

5. 2023-R-029

Authorizes DMD to acquire real property interests by donation and to transfer those property interests to the Department of Public Works for permanent and temporary public right-of-way for the construction, operation and maintenance of local public improvements in support of redevelopment in the area near 402 Kentucky Avenue.

ECONOMIC DEVELOPMENT / INCENTIVES:

6. 2023-E-019

Authorize DMD to enter into a pre-development agreement with Keystone Realty Group and to commit an amount not to exceed two million (\$2,000,000.00) in consolidated TIF Revenues.

7. 2023-A-022

Preliminary Economic Revitalization Area Resolution for GP-CM County Line Partners, LLC., located at 8615, 8640, 8721, 8814, 8816, 8840, 8914 & 8950 South Arlington Avenue and 5600 (aka 5624), 5740 & 6000 East County Line Road, Council District #25, Franklin Township. (Recommend approval of up to seven (7) years real property tax abatement.)

COMMUNITY INVESTMENTS:

8. 2023-C-003

Authorizes DMD to negotiate and execute an agreement with Overdose-Lifeline, Inc. to provide supportive services for persons suffering from Substance Abuse Disorder in an amount not to exceed forty thousand dollars (\$40,000.00).

9. 2023-C-004

Authorizes DMD to negotiate and execute an agreement with Pathway to Recovery, Inc. to develop a 21-unit housing development and supportive services for persons suffering from Substance Abuse Disorder in an amount not to exceed one million four hundred thousand dollars (\$1,400,000.00).

PLANNING:

10. 2023-P-013

Authorizes the expenditure of unobligated funds on deposit in the 96th Street/Castleton Allocation Area Fund in an amount not to exceed one million dollars (\$1,000,000.00) to reimburse DPW for expenses associated with public improvements along the Howland Ditch.

BOND BANK:

11. 2023-BB-003

Authorizes the expenditure of unobligated funds on deposit in the respective Allocation Funds in the total estimated amount of one hundred eighty eight thousand seven hundred fourteen dollars and seventy cents (\$188,714.70) but not to exceed one hundred eighty nine thousand dollars (\$189,000), to reimburse the Bond Bank for prior expenditures incurred by the Bond Bank, acting for and on behalf of the City, for certain costs and expenses described in Exhibit A (collectively, the "Prior Projects") that are related to local public improvements which are physically located in or physically connected to the respective Allocation Areas, pursuant to Section 26(b)(3)(G) of the Redevelopment Act.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

12. 2023-APP-014 | 2142 North Park Avenue

Center Township, Council District #11
PK-2
Matthew Peyton

Park District Two Approval to provide for a two-family dwelling and a four-car detached garage.

13. 2023-ZON-013 | 2457 & 2461 Shelby Street

Center Township, Council District #21
Inpraedium Quarters, LLC, by David Kingen

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

14. 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.

15. 2023-ZON-020 | 25 South Tuxedo Street

Center Township, Council District #12
Marybeth McShea

Rezoning of 0.22 acre from the I-3 (TOD) district to the D-5 (TOD) district to provide for a two-family dwelling.

16. 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.

17. 2023-CZN-817 | 5959 East 38th Street and 3700, 3742 and 3790 North Arlington Avenue

Warren Township, Council District #13
Horizon Bank, by Joseph D. Calderon

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

18. 2023-CZN-848 | 419 & 441 East Ohio Street, 424 East Wabash Street and 124 & 132 North East Street

Center Township, Council District #17
Moes, LLC / Feroze and Sons, LLC, by David Kingen and Emily Duncan

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

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

19. COMPANION PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:**

2022-ZON-051 / 2022-VAR-003 (Amended) | 11811 & 11944 Southeastern Avenue and 7000 & 7400 South Carroll Road

Franklin Township, Council District #25
Becknell Industrial, LLC, by Joseph D. Calderon

Rezoning of 198.92 acres from the D-A (FW) (FF) district to the I-2 (FW) (FF) district to provide for industrial development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial building with loading docks/area located between the front building line and the front lot line along Carroll Road (not permitted).

**** Petitions were scheduled for June 21, 2023 meeting; however, these petitions were withdrawn and the withdrawal acknowledged by the MDC at the May 17, 2023 meeting.**

20. COMPANION PETITIONS RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:

2022-CZN-862 / 2022-CVR-862 (Second Amendment | 5204, 5206 and 5216 South Harding Street

Perry Township, Council District #20

Quiktrip Corporation, by J. Murray Clark

Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard of SR 37 (not permitted in front yard), with a 50-foot tall pole sign (maximum 20-foot tall permitted), with fifteen street trees along Harding Street (29 required) and sixteen trees along SR 37 (23 required) and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

21. COMPANION PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:

2023-CVR-817B | 5959 East 38th Street and 3700, 3742 and 3790 North Arlington Avenue

Warren Township, Council District #13

Horizon Bank, by Joseph D. Calderon

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

- a) Improvements located within the 60-foot Stream Protection Corridor of Pogue's Run (not permitted),
- b) With deficient interior parking lot landscaping (not permitted).

22. COMPANION PETITIONS TRANSFERRED FROM THE HEARING EXAMINER:

2023-ZON-023 / 2023-VAR-003 (Amended) | 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.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for self-storage facility with a reduced landscaped buffer along the lot lines abutting a protected district (a minimum 50-foot landscaped buffer required).

23. COMPANION PETITIONS TRANSFERRED FROM THE HEARING EXAMINER:

2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 | 822-838 Eugene Street, 815-827 West 30th Street, 629 & 631 West 28th Street, and 2954 & 2709-2735 Dr. Martin Luther King Jr Street

Center Township, Council District #11

The NRP Group, by Russell L. Brown

Modification of the plan of operation related to 2020-ZON-067 to allow for the development of 122 multi-family dwelling units and 12,160 square feet of food supply and a workforce training center, with no greater than 197 parking spaces between two sites.

Variance of use to allow for the development of 2713 and 2717 Dr. Martin Luther King Jr. Street, 629 and 631 West 28th Street to be developed in association with uses provided by 2020-ZON-067 and further amended by petition 2023-CAP-829, including multi-family development, grocery and food retail, job training and associated accessory parking.

Vacation of the first alley west of Dr. Martin Luther King, Jr. Street, being 12.9 feet in width, from the south right-of-way line of 30th Street, being the northwest corner of Lot 1 of Block 1 of William Braden, et al, North Indianapolis Addition, Recorded in Plat Book 5, Page 23 in the Office of the Recorder of Marion County, Indiana, south 270 feet, to the north right-of-way line of Eugene Street, with a waiver of the assessment of benefits.

Vacation of the first east-west alley south of 30th Street, being 20 feet in width, from a point 125 feet south of the northeast corner of Lot 1 of Block 2 of William Braden, et al, North Indianapolis Addition, Recorded in Plat Book 5, Page 23 in the Office of the Recorder of Marion County, Indiana, being the southeast corner of Lot 1 of said Block, east 120 feet to the southwest corner of Lot 4 of said Block, with a waiver of the assessment of benefits.

Vacation of the first alley east of Dr. Martin Luther King, Jr. Street, being 12 feet in width, from the south right-of-

way line of 28th Street, being the northeast corner of Lot 9 in Harland and Kessler's Northern Heights, Recorded in Plat Book 13, Page 37 in the Office of the Recorder of Marion County, Indiana, south 245.88 feet, to the southeast corner of Lot 2 of said subdivision, with a waiver of the assessment of benefits.

Vacation of a portion of the first east-west alley south of 28th Street, being 12 feet in width, from a point 140.79 feet south of the northwest corner of Lot 10 of said subdivision, being the southwest corner of Lot 11, east 22.29 feet to the southeast corner of Lot 11, with a waiver of the assessment of benefits.

24. COMPANION PETITIONS SCHEDULED FOR INITIAL HEARING:**

2023-CZN-831 / 2023-CVR-831 | 4185, 4191, 4197 and 4201 College Avenue

Washington Township, Council District #7
City of Indianapolis, by Kathleen Blackham

Rezoning of 1.48 acres from the SU-9 (TOD) District to the MU-1 (TOD) District to provide for mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building (maximum 45-foot-tall building height permitted) and a zero-foot transitional side setback (15-foot transitional side setback required).

****Staff is requesting a continuance to the July 5, 2023 meeting.**

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.

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-R-018**

WHEREAS, the Department of Metropolitan Development ("DMD"), by authority of and pursuant to IC 36-7-15.1, is engaging in disposition and redevelopment activities within the Marion County Redevelopment District; and

WHEREAS, pursuant to IC 36-7-15.1-6, the Metropolitan Development Commission ("Commission") is charged with the responsibility of promoting the use of land in the manner that best serves the interest of the City of Indianapolis ("City") and its inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, the City/DMD owns various vacant properties located in Marion County, Indiana and received American Rescue Plan Act/ State and Local Fiscal Recovery Funds ("ARPA Funds"); and

WHEREAS, DMD seeks to use those ARPA funds as well as other funds available to DMD to facilitate the creation of affordable housing opportunities on its inventory of vacant properties ("Properties"); and

WHEREAS, DMD solicited applications from organizations interested in administering the ARPA funds to create affordable housing opportunities with responses due in March of 2023, evaluated the offers and, subject to programmatic approval from the City of Indianapolis' Office of Finance and Management and in accordance with Treasury regulations, seeks to award funds to the selected organizations to administer the funds to create affordable housing; and

WHEREAS, DMD desires to convey title or an option to purchase the Properties to the selected organizations as described on Exhibit A of this Resolution in consideration of certain commitments to be made by the respective organizations to create affordable housing opportunities on City-owned vacant properties. Some of these conveyances may include previously approved options, but all will be conveyed with requirements of the City's "vacant to vibrant" project goals and qualifying corporation goals as relevant.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1.The Metropolitan Development Commission hereby authorizes the DMD to convey title or an option to purchase title of the Properties as described above and on Exhibit A for the purpose of creating affordable housing opportunities on City-owned vacant properties.
- 2.The DMD Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate, to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved, for the conveyance of said Properties in accordance with this Resolution.

Approved as to Adequacy & Legal Form
Sheila Kinney *sek*
Sheila Kinney, Asst. Corp Counsel

Metropolitan Development Commission
John J. Dillon III, President

Date: June 8, 2023

Date: _____

Exhibit A
Property Disposition Information

<u>Parcel</u>	<u>Street Address</u>	<u>Property Type</u>	<u>City's Sale Price</u>	<u>Buyer Name</u>
1004301	3015 Adams St.	Residential Structure	\$3,500	Edna Martin CBDO LLC
1009100	3135 Ralston	Residential Structure	\$3,500	Edna Martin CBDO LLC
1012684	2919 N. Drexel	Residential Structure	\$3,500	Edna Martin CBDO LLC
9035785	1401 N Pershing	Vacant Lot – Small Parcel Size	\$750	Westside Community Development Corporation, Inc.
9019859	1403 N Pershing	Vacant Lot – Small Parcel Size	\$750	Westside Community Development Corporation, Inc.
9019858	1405 N Pershing	Vacant Lot – Small Parcel Size	\$750	Westside Community Development Corporation, Inc.
9035780	1407 N Pershing	Vacant Lot – Small Parcel Size	\$750	Westside Community Development Corporation, Inc.
1073979	209 N Temple Ave	Vacant Lot	\$1,500	Englewood Community Development Corporation
1007205	217 N Temple Ave	Vacant Lot	\$1,500	Englewood Community Development Corporation
1029760	223 N Temple Ave.	Vacant Lot	\$1,500	Englewood Community Development Corporation
1013061	224 N Temple Ave	Residential Structure	\$3,500	Englewood Community Development Corporation
1091459	4406 E New York Street	Residential Structure	\$3,500	Englewood Community Development Corporation
1059338	2031 Ralston	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation

1031245	2033 Ralston	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1042494	2035 Ralston	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1025350	2041 Ralston	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1025349	2047 Ralston	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1025348	2051 Ralston	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1055031	2053 Ralston	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1042511	1967 Hovey	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1077379	1613 E 20th	Vacant Lot	\$1,500	Martindale Brightwood Community Development Corporation
1093778	1905 Colorado	Residential Structure	\$3,500	Indianapolis Neighborhood Housing Partnership, Inc.
1027767	3428 East 34 th	Vacant Lot	\$1,500	Indianapolis Neighborhood Housing Partnership, Inc.
1075572	2843 Washington Blvd.	Vacant Lot	\$1,500	Indianapolis Neighborhood Housing Partnership, Inc.
9019639	909 N Pershing	Residential Structure	\$3,500	Indianapolis Neighborhood Housing Partnership, Inc.
1030373	122 N Bradley	Vacant Lot	\$1,500	Indianapolis Neighborhood Housing Partnership, Inc.
1088366	941 N Bradley	Vacant Lot	\$1,500	Indianapolis Neighborhood Housing Partnership, Inc.

1037602	2307 Sheldon	Vacant Lot	\$1,500	Indianapolis Neighborhood Housing Partnership, Inc.
1032337	720 E 25 th	Vacant Lot – Small Parcel Size	\$750	Indianapolis Neighborhood Housing Partnership, Inc.
1058635	726 E 25 th	Vacant Lot – Small Parcel Size	\$750	Indianapolis Neighborhood Housing Partnership, Inc.
1044977	847 Udell St	Vacant Lot	\$1,500	Affordable HomeMatters, LLC
1057940	855 Udell St	Vacant Lot	\$1,500	Affordable HomeMatters, LLC
1094592	105 Morris	Vacant Lot	\$1,500	Southeast Neighborhood Development, Inc.
1007173	107 E Morris	Vacant Lot	\$1,500	Southeast Neighborhood Development, Inc.
1039760	3029 Meredith	Vacant Lot	\$1,500	Southeast Neighborhood Development, Inc.
1019197	2004 E Maryland	Vacant Lot	\$1,500	Southeast Neighborhood Development, Inc.
1020317	745 Roache St.	Vacant Lot	\$1,500	Flanner House of Indianapolis, Inc.
1020780	829 Edgemont Ave.	Vacant Lot	\$1,500	Flanner House of Indianapolis, Inc.
1083672	862 Edgemont Ave.	Vacant Lot	\$1,500	Flanner House of Indianapolis, Inc.
1057947	960 Udell St.	Vacant Lot	\$1,500	Flanner House of Indianapolis, Inc.
1047221	817 W. 28th St.	Vacant Lot	\$1,500	Flanner House of Indianapolis, Inc.
1067723*	935 Udell	Vacant Lot	\$1,500	Flanner House of Indianapolis, Inc.
1028805*	939 Udell	Residential Structure	\$3,500	Flanner House of Indianapolis, Inc.

Real Estate
 Sherman Park/Annex Group “ Union at Rivoli Park”
 Brownfield Redevelopment

**METROPOLITAN DEVELOPMENT COMMISSION
 OF
 MARION COUNTY, INDIANA
 Resolution No. 2023-R-024**

WHEREAS, The City of Indianapolis, Department of Metropolitan Development (“DMD”), is engaging in disposition and redevelopment activities within the Marion County Redevelopment District in Marion County, Indiana (“Redevelopment District”); and

WHEREAS, pursuant to IC 36-7-15.1-2,6, and 7, the Metropolitan Development Commission (“MDC”) is charged with the responsibilities of replanning, redevelopment, and promoting the use of land in the manner that best serves the interest of the City and its inhabitants, both from the standpoint of human needs and economic values, including acquisition and disposition of real property; and

WHEREAS, DMD owns seven acres of vacant property adjacent to the intersection of Michigan Street and Sherman Drive (“Property”) on the site known as RCA/Sherman Park located in Marion County, Indiana, and

WHEREAS, in accordance with IC 36-7-15.1-15, the DMD/MDC publicly offered the Property for sale for affordable housing development (“Project”) by a Request for Proposals (**RFP-13DMD-2022-4**) dated January 20, 2022, with bidder responses due on March 25, 2022. Offers were received and evaluated, and DMD would like to pursue the development proposal from **The Annex Group (“Annex”)** for the Property; and

WHEREAS, Annex has requested, and DMD would like to enter into an option to purchase agreement with Annex to facilitate its application for tax credits to provide resources to carry out the Project; and

WHEREAS, the option agreement would include a commitment to enter into a project agreement for development (“Project Agreement”) within an agreed timeframe as well as other terms necessary and acceptable to DMD to provide desirable development; and

WHEREAS, allocation of proceeds related to such Project Agreement would take in to account the Brownfield Redevelopment Fund law (Revised Code of the Consolidated City and County Section 135-781.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The MDC authorizes DMD to enter into an option to purchase agreement to facilitate funding for the Project, as described above, and to enter in to related project agreement(s) and to carry out all real estate processes and transactions necessary to accomplish the Project goals in accordance with all laws and the terms of any agreement(s) with respect to all or portions of the Property and made for the purpose of providing beneficial redevelopment.
2. The DMD Director or designee is hereby authorized and directed to take all actions and to execute all documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth in this Resolution; and all actions heretofore and hence taken by any such official toward the completion thereof are hereby ratified, confirmed, and approved.

Approved as to Adequacy & Legal Form

Sheila Kinney *sek*

Sheila Kinney, Asst. Corp Counsel

Date: 6/7/23

Metropolitan Development Commission

John J. Dillon III, President

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-R-025**

WHEREAS, The City of Indianapolis, Department of Metropolitan Development ("DMD"), is engaging in disposition and redevelopment activities within the Marion County Redevelopment District in Marion County, Indiana ("Redevelopment District"); and

WHEREAS, pursuant to IC 36-7-15.1-2,6, and 7, the Metropolitan Development Commission ("MDC") is charged with the responsibilities of replanning, redevelopment, and promoting the use of land in the manner that best serves the interest of the City and its inhabitants, both from the standpoint of human needs and economic values, including acquisition and disposition of real property; and

WHEREAS, DMD owns parcels 1036034, 1014854, 1067883 located near North Street and Lasalle Street ("Property") on the site known as RCA/Sherman Park located in Marion County, Indiana, and

WHEREAS, among its powers under IC 36-7-15.1-7 (a), MDC is authorized acquire and convey interests in property needed for redevelopment of areas needing redevelopment on terms and conditions agreeable to the MDC that MDC considers best for the city and its inhabitants; and

WHEREAS, the goal for future use of the Property is creation of permanent supportive housing ("Project") through cooperative efforts of Englewood Community Development Corporation ("ECDC") and its selected partners including Wheeler Mission and Gratus Development ("Developer"); and

WHEREAS, in accordance with IC 36-7-15.1-7, DMD would like to pursue the Project with Developer; and

WHEREAS, ECDC has requested, and DMD would like to enter into an option to purchase agreement to facilitate Developer's application for tax credits to provide resources to carry out the Project; and

WHEREAS, the option agreement would include a commitment to enter into a project agreement for development ("Project Agreement") within an agreed timeframe as well as other terms necessary and acceptable to DMD to provide desirable development; and

WHEREAS, allocation of proceeds related to such Project Agreement would take in to account the Brownfield Redevelopment Fund law (Revised Code of the Consolidated City and County Section 135-781.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The MDC authorizes DMD to enter into an option to purchase agreement to facilitate funding for the Project, as described above, and to enter in to related project agreement(s) and to carry out all real estate processes and transactions necessary to accomplish the Project goals in accordance with all laws and the terms of any agreement(s) with respect to the Property and made for the purpose of providing beneficial redevelopment.
2. The DMD Director or designee is hereby authorized and directed to take all actions and to execute all documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth in this Resolution; and all actions heretofore and hence taken by any such official toward the completion thereof are hereby ratified, confirmed, and approved.

Approved as to Adequacy & Legal Form

Sheila Kinney *sek*

Sheila Kinney, Asst. Corp Counsel

Date: 6/7/2023

Metropolitan Development Commission

John J. Dillon III, President

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY INDIANA**

**AUTHORIZING THE AMENDMENT OF THE LEASE FOR CROWNE PLAZA UNION
STATION**

RESOLUTION NO. 2023-R-028

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “District”), exists and operates under the provisions of Indiana Code 36-7-15.1, as amended from time to time (the “Act”); and

WHEREAS, the Commission has previously authorized the Department of Metropolitan Development (DMD) to enter into a lease for the real estate located at 39 W. Jackson Place, Indianapolis, commonly known as the Crowne Plaza Union Station (the “Property”), and DMD accordingly entered into a lease agreement with Station Properties, LLC on or about May 7, 1999 (the “Lease”); and

WHEREAS, the Lease has subsequently been amended, pursuant to the Commission’s authorization, on July 27, 2001, on June 30, 2006, and on or around October 1, 2012, and pursuant to such amendments the current tenant of the Property is B&D Associates, LLC (the “Tenant”); and

WHEREAS, the Lease remains in effect, and DMD and the Tenant desire to negotiate, via amendment, options for up to three five-year extensions to the current Lease term, as previously amended;

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:

1. The Commission specifically authorizes the Director of DMD to negotiate and execute an amendment to the Lease that empowers the parties thereto, upon reasonable notice and in compliance with such other reasonable terms and conditions as the Director may negotiate, to extend the Lease term for up to three additional renewal periods of up to five years each.

2. The appropriate officers of the Commission and the Director of DMD are hereby authorized to enter into any other agreements as may be necessary or desirable to further the purposes of this Resolution.

3. This Resolution shall be in full force and effect immediately after its adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana held on the 21th day of June, 2023.

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY

John J. Dillon III, President

Date

APPROVED AS TO LEGAL FORM AND
ADEQUACY:

Office of Corporation Counsel

Date

White River Innovation District
402 Kentucky Ave
Real Estate Acquisition

METROPOLITAN DEVELOPMENT COMMISSION MARION COUNTY, INDIANA
RESOLUTION No. 2023-R-029
APPROVING THE ACQUISITION AND DISPOSITION OF REAL PROPERTY

WHEREAS, by authority of and pursuant to I.C. 36-7-15.1 (the "Redevelopment Act"), the Department of Metropolitan Development ("DMD") engages in redevelopment activities and the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Redevelopment Commission of the Consolidated City Indianapolis, Indiana ("City"); and

WHEREAS, in that capacity, the MDC serves as the governing body of the City Redevelopment District ("District"); and

WHEREAS, the Redevelopment Act permits the MDC to designate allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues ("TIF Revenues"); and

WHEREAS, the MDC previously established the Consolidated Redevelopment Project Area ("Project Area"), has designated the Project Area as an allocation area ("Consolidated Redevelopment Allocation Area") for the purpose of capturing TIF Revenues, has created an allocation fund ("Consolidated Redevelopment Allocation Fund") into which the TIF Revenues are deposited, and has approved a Consolidated Redevelopment Project Area Plan ("Plan"); and

WHEREAS, pursuant to I.C. 36-7-15.1-2, -6 and -7, the MDC is charged with the purpose and responsibilities of replanning and redevelopment to benefit public health and safety and to promote the use of land in the manner that best serves the interest of the City and its inhabitants, to cooperate with other City departments; and with authority to acquire real estate for redevelopment purposes on any terms that may be agreed upon; and

WHEREAS, IC 36-7-15.1-7(a)(1) and -12 authorize the MDC in carrying out its duties to acquire real property by purchase, exchange, gift, grant, lease, or condemnation, or any combination of methods, any real or personal property or interest in property needed for the redevelopment of areas needing redevelopment that are located within the District; and

WHEREAS, IC 36-7-15.1-7(a)(3) authorizes the MDC to acquire from and sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the City, or to any other governmental agency, for public purposes on any terms that may be agreed upon; and

WHEREAS, the City requires a portion of the property located at 402 Kentucky Avenue ("Property") to construct a bridge, stormwater and utility facilities, and other improvements necessary to facilitate redevelopment ("Local Public Improvements") as part of the redevelopment of the former GM Stamping Plant, now known as the White River Innovation District ("Redevelopment Project"), which is adjacent to

the White River and is physically connected to the Consolidated Redevelopment Allocation Area; and

WHEREAS, Resolution 2022-E-019 authorized DMD to acquire the Property, finding that the acquisition will serve and benefit the Project Area in accordance with the Plan and will be of public utility and benefit, subject to all legal requirements and the MDC's approval and acceptance; and

WHEREAS, the owner of the Property desires to donate the Property to the City and, therefore, DMD requests approval of the MDC to accept the gift of the Property; and

WHEREAS, DMD requests approval of the MDC to transfer the Property after acquiring it to the City's Department of Public Works ("DPW") for DPW's use as permanent and temporary right-of-way for purposes of constructing, operating, and maintaining the Local Public Improvements.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The MDC finds and determines that the acquisition of the Property will serve and benefit the Project Area in accordance with the Plan and will be of public utility and benefit.
2. The MDC hereby authorizes DMD to accept the donation of the Property from its owner.
3. The MDC hereby authorizes DMD to transfer ownership of the Property to DPW for DPW's use for purposes of constructing, operating, and maintaining the Local Public Improvements.
4. The Mayor and Controller of the City, the officers of the MDC and the Director of the DMD are hereby authorized and directed to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved.
5. This Resolution shall take effect immediately upon adoption by the MDC.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on _____, 2023.

Approved as to Legal Form and Adequacy:

Metropolitan Development Commission:

By: _____
Misty Mercer, Deputy Corp. Counsel

By: _____
John J. Dillon, III, President

Date: _____

Date: _____

Approved:

By: _____
Sarah Steele Riordan, Controller

White River Innovation District
402 Kentucky Ave
Real Estate Acquisition/Improvements

METROPOLITAN DEVELOPMENT COMMISSION MARION COUNTY, INDIANA
RESOLUTION No. 2023-E-019

WHEREAS, by authority of and pursuant to I.C. 36-7-15.1 (the "Redevelopment Act"), the Department of Metropolitan Development ("DMD") engages in redevelopment activities and the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the Redevelopment Commission of the Consolidated City Indianapolis, Indiana ("City"); and

WHEREAS, in that capacity, the MDC serves as the governing body of the City Redevelopment District ("District"); and

WHEREAS, the Redevelopment Act permits the MDC to designate allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues ("TIF Revenues"); and

WHEREAS, the MDC previously established the Consolidated Redevelopment Project Area ("Project Area"), has designated the Project Area as an allocation area ("Consolidated Redevelopment Allocation Area") for the purpose of capturing TIF Revenues, has created an allocation fund ("Consolidated Redevelopment Allocation Fund") into which the TIF Revenues are deposited, and has approved a Consolidated Redevelopment Project Area Plan ("Plan"); and

WHEREAS, pursuant to I.C. 36-7-15.1-2, -6 and -7, the MDC is charged with the purpose and responsibilities of replanning and redevelopment to benefit public health and safety and to promote the use of land in the manner that best serves the interest of the City and its inhabitants, to cooperate with other City departments; and with authority to acquire real estate for redevelopment purposes on any terms that may be agreed upon; and

WHEREAS, IC 36-7-15.1-7(a)(1) and -12 authorize the MDC in carrying out its duties to acquire real property by purchase, exchange, gift, grant, lease, or condemnation, or any combination of methods, any real or personal property or interest in property needed for the redevelopment of areas needing redevelopment that are located within the District; and

WHEREAS, IC 36-7-15.1-7(a)(3) authorizes the MDC to acquire from and sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the City, or to any other governmental agency, for public purposes on any terms that may be agreed upon; and

WHEREAS, the City requires a portion of the property located at 402 Kentucky Avenue ("Property") to construct a bridge, stormwater and utility facilities, and other improvements necessary to facilitate redevelopment ("Local Public Improvements") as part of the redevelopment of the former GM Stamping Plant, now known as the White River Innovation District ("Redevelopment Project"),

which is adjacent to the White River and is physically connected to the Consolidated Redevelopment Allocation Area; and

WHEREAS, Resolution 2022-E-019 authorized DMD to acquire the Property, finding that the acquisition will serve and benefit the Project Area in accordance with the Plan and will be of public utility and benefit, subject to all legal requirements and the MDC's approval and acceptance; and

WHEREAS, Keystone Realty Group ("Owner") desires certain commitments and assurances from the City to be memorialized in a pre-development agreement ("Agreement") before transferring the Property; and

WHEREAS, City is willing make those commitments and assurances enter into the Agreement; and

WHEREAS, City wishes to commit an amount not to exceed \$2,000,000.00 in TIF Revenues under the Agreement, the funds may be used for any legal purpose including reimbursing the Owner for demolition or site preparation expenses for the Property or dedicated to the Department of Public Works to study of the area for future public infrastructure project needs; and

WHEREAS, DMD requests authorization from the MDC to enter into the Agreement with the Owner;

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The MDC hereby authorizes DMD to enter into a pre-development agreement with Keystone Realty Group and to commit an amount not to exceed \$2,000,000.00 in TIF Revenues.
2. The Mayor and Controller of the City, the officers of the MDC and the Director of the DMD are hereby authorized and directed to take such further actions and execute such documents as they deem necessity or advisable to effectuate the authorizations set forth in this Resolution and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved.
3. This Resolution shall take effect immediately upon adoption by the MDC.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on _____, 2023.

Approved as to Legal Form and Adequacy:

Metropolitan Development Commission:

Misty Mercer, Deputy Corporation Counsel

John J. Dillon III, President

Date: _____

Date: _____

METROPOLITAN DEVELOPMENT COMMISSION OF

MARION COUNTY, INDIANA

PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION

Resolution No. 2023-A-022

REAL PROPERTY TAX ABATEMENT

GP-CM County Line Partners, LLC

8615, 8640, 8721, 8814, 8816, 8840, 8914 & 8950 South Arlington Avenue and
5600 (aka 5624), 5740 & 6000 East County Line Road

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to "redevelopment or rehabilitation" activities (hereinafter "Project") in "Economic Revitalization Areas"; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas and determine the length of the abatement period and annual abatement schedule during the term of the abatement for such property by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to redevelopment or rehabilitation activities; and

WHEREAS, I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which is incorporated herein by reference, has an ownership interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

WHEREAS, during a hearing at 1:00 p.m. on Wednesday, June 21, 2023, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area, and sufficient evidence was provided which established Assertion 1 and some evidence was provided which tended to establish Assertions 2, 3, 4, 5, and 6 stated on the attachment to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of up to seven (7) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. In the event the investment period, as identified on the Statement of Benefits form, covers more than one assessment cycle, it is the intention of the Commission that Marion County Auditor shall treat each year of partial assessment as the first year of the abatement deduction schedule outlined in this abatement resolution. Each new increment of assessment that occurs during the approved investment period will trigger its own deduction schedule, ensuring that the Applicant is eligible to receive the full, intended abatement savings associated with its forecasted investment, provided that the Applicant timely files with Marion County a separate deduction application (State Forms CF-1 and 322/RE) for each new increment of assessment for which it seeks an abatement deduction.
4. The Economic Revitalization Area (ERA) designation terminates December 31, 2030; however, relative to redevelopment or rehabilitation completed before the end of the ERA period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of less than five (5) and up to seven (7) years.
5. This Economic Revitalization Area designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment in the ERA, to those respective tax savings attributable to the development of an industrial park of up to 1,900,000 gross square feet of leasable area. The designation does not allow for abatement of property taxes attributable to non-industrial uses on the Subject Real Estate, with the exception of accessory retail uses within primarily industrial buildings, which shall be eligible for abatement.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment

figures contained in the Applicant's approved statement of benefits form. The annual date of survey shall be contained in a final resolution designating the property as an Economic Revitalization Area.

7. The Commission fixes 1:00 p.m. on Wednesday, July 5, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at up to seven (7) years and establish an abatement schedule.
8. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Bruce Schumacher, Acting Secretary

Date

Approved as to Legal Form
and Adequacy this 14th day
of June, 2023

/s/Toae Kim
Toae Kim,
Deputy Chief Counsel

ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
REAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: GP-CM County Line Partners, LLC

Subject Real Estate: 8615, 8640, 8721, 8814, 8816, 8840, 8914 &
8950 South Arlington Avenue and 5600 (aka
5624), 5740 and 6000 East County Line Road

Franklin Township Parcel Numbers: 3006603, 3027790, 3005440, 3001148,
3005015, 3008410, 3004675, 3004674,
3001702, 3024587 and 3001775

PROJECT DESCRIPTION

GP-CM County Line Partners, LLC (“GP-CM”) is a real estate development partnership between local development firms Gershman Partners and CitiMark Inc. GP-CM is proposing to develop approximately 170 acres of primarily agricultural land at the northeast and northwest corners of the intersection of Arlington Avenue and County Line Road into a modern industrial park. GP-CM has proposed that the park will be developed in phases, with the final phase being completed by 2030. The completed park would be comprised of approximately 1,900,000 square feet across five freestanding industrial buildings. The five proposed buildings would be the following approximate sizes: Building 1 - 344,100 sqft; Building 2 - 324,00 sqft.; Building 3 - 573,192 sqft.; Building 4 - 101,640 sqft.; and Building 5 - 553,660 sqft., each of which will be leased in whole or likely demised for lease to smaller tenants. The Park would also include 6.4 acres at the northeast corner of County Line Road and Arlington Avenue that would be reserved for commercial use, and not subject to the proposed tax abatement. The total real estate investment by GP-CM in the proposed industrial facilities is estimated at \$126,360,000.00, in addition to aquation costs, park and area infrastructure and the proposed retail corner.

As part of the development agreement and based on the size and nature of the proposed buildings, GP-CM has committed to creating at least 369 new full-time positions at a minimum wage of \$18.00 per hour. GP-CM has also agreed to target identified Opportunity Industries as tenants for the project. Opportunity Industries are defined as those business sector that provide opportunities for worker advancement without requiring a bachelor’s degree. For each building, if the effort to attract an Opportunity Industry tenant is success, two additional years of real property tax abatement would be authorized.

FACTUAL ASSERTIONS

1. The Subject Real Estate:
 - A. ☐ Is in a planned area which has a tax abatement policy as a part of its plan, or
 - B. ☐ is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or
 - C. ☒ is not located in a planned area with a tax abatement policy.
2. ☒ The Subject Real Estate and the surrounding area are undesirable for normal development.
3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
 - A. ☒ Current zoning allows project.
 - B. ☐ Appropriate petition is on file.
 - C. ☐ Final approval for variance, rezoning or approval petition has been granted.
4. A. ☒ The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
 - B. ☐ substantial evidence has been provided supporting that work was started under the following appropriate exception:
5. A. ☒ The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
 - B. ☐ The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
 - A. ☒ Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
 - B. ☐ Located in an allocation area, but has been determined by the Commission to be acceptable for real property tax abatement.

PROPOSED ABATEMENT SCHEDULE
(I-65 & COUNTY LINE ROAD INDUSTRIAL PARK)
REAL PROPERTY TAX ABATEMENT

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	80%
3 rd	60%
4 th	40%
5 th	20%

PROPOSED ABATEMENT SCHEDULE
(I-65 & COUNTY LINE ROAD INDUSTRIAL PARK)
REAL PROPERTY OPPORTUNITY BUSINESS EXTENDED TAX ABATEMENT
(Must be invoked by third year of deduction)

YEAR OF DEDUCTION	PERCENTAGE
1 st	100%
2 nd	80%
3 rd	60%
4 th	55%
5 th	45%
6 th	35%
7 th	25%

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located at the northeast and west corners of Arlington Avenue and County Line Road. The area is primarily agricultural or developed with low-density housing, in transition to commercial and industrial re-use.

Current Zoning: C-S

New Jobs Created:..... 369

Jobs Retained:..... None.

Estimated Cost of proposed project: \$126,360,000.00

STAFF ANALYSIS

GP-CM County Line Partners, LLC has proposed to invest \$126.36MM to develop an approximately 1,900,000-square foot industrial park, to be comprised of five individual buildings. GP-CM has committed to a minimum of 369 net new jobs in the industrial park, at a minimum wage of \$18.00/hr. If GP-CM is able to secure “Opportunity Industry” tenants for the project, the proposed abatement would provide for two additional years of real property tax deductions for each building so occupied.

The petitioner’s Inclusivity Plan will dedicate five percent of the estimated abatement value toward eliminating barriers to job access. The Plan includes a multi-modal trail along County Line Road that would connect to a robust pedestrian network within the industrial park. Additionally, the park will feature a signalized, pedestrian crosswalk on Arlington Avenue, and GP-CM will construct missing sidewalk segments along Arlington Avenue.

The City is also considering the designation of the area as an Economic Development Area and Allocation Area. This would allow the City to capture the unabated portion of the increased property taxes resulting from this project to finance needed public infrastructure improvements, such as widening portions of Arlington Avenue and improving the Arlington & County Line Road intersection to facilitate increased industrial and pedestrian traffic.

The applicant is requesting tax abatement to assist in off-setting the high costs of investment associated with this proposed project. The granting of property tax abatement will assist the petitioner in making this project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff’s opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

Staff believes this project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

RECOMMENDATION: Staff recommends approval of up to seven (7) years real property tax abatement.

TOTALITY OF BENEFITS

PETITIONER:

GP-CM County Line Partners, LLC

INVESTMENT:

Staff estimates that the proposed investment of \$126,360,000.00 should result in an increase to the tax base of approximately \$79,377,529.00 of assessed value. Staff estimates that over the five (5) year real property tax abatement period the petitioner will realize savings of approximately \$7,461,666.73 (a 62.1% savings). During the abatement period, the petitioner is expected to pay an estimated \$4,556,244.32 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the properties in the amount of \$29,764.36 annually (pay 2023 taxes), which represents the taxes on agricultural ground. After the tax abatement expires, the petitioner can be expected to pay an estimated \$2,458,356.21 in real property taxes annually on the new improvements, in addition to current taxes.

**OPPORTUNITY
INDUSTRY
INCENTIVE:**

The petitioner has agreed to target Opportunity Industries in their marketing effort to lease or sell the developed property. If petitioner successful in leasing at least 51% of the gross leasable area of any building to such an industry, then the petitioner will be entitled to an alternate deduction schedule, including two (2) more years of deduction on the building(s) thus occupied. Staff estimates that if all buildings qualify for the enhanced real property tax abatement, the petitioner will realize an additional tax savings of approximately \$1,935,457.23, in addition to the tax savings realized during the initial abatement term. The petition would also pay an additional \$2,871,707.19 in real property taxes during the enhanced abatement term.

EMPLOYMENT:

The petitioner estimates that this project will create a minimum of three-hundred and sixty-nine (369) positions at a minimum wage of not less than \$18.00/hr. Staff finds these figures to be reasonable for a project of this nature.

OTHER BENEFITS:

Staff believes this project is significant for Franklin Township in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's project will lead to continued future investment and development in Marion County.

STAFF COMMENT:

Staff believes the "Totality of Benefits" arising from the project are sufficient to justify the granting of the tax abatement.

GP-CM County Line Partners, LLC
8615 - 8950 South Arlington Avenue and 5600 - 6000 East County Line Road



Legend

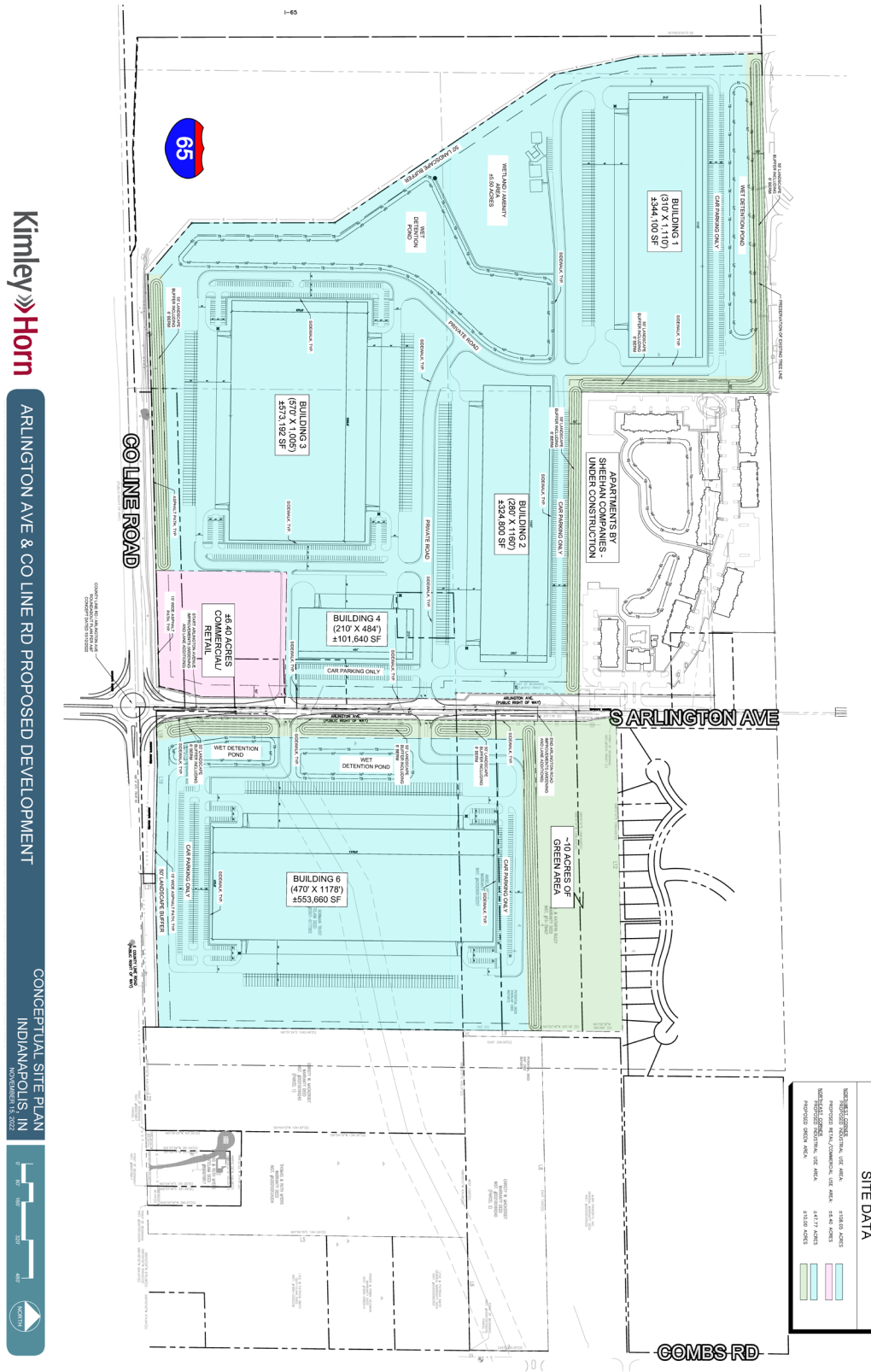
-  Parcels
-  Project Site



0 462.5 925 1,850 Feet

Produced by: DMD REED June 12, 2023

Conceptual Site Plan



I-65 & County Line Road Industrial Park – Up to 7 Year Real Property Tax Abatement

METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA

RESOLUTION NO. 2023-C-003

WHEREAS, substance abuse and inadequate mental health services persist in the Indianapolis community; and

WHEREAS, City desires to address, reduce, treat, and prevent substance abuse and the deleterious effects of inadequate mental health services in Indianapolis; and

WHEREAS, the Department of Metropolitan Development, with funding provided through the national Opioid Settlement Fund, desires to enter into an Agreement with Overdose-Lifeline, Inc., to assist City efforts to provide recovery services and programs related to Substance Abuse Disorder; and

WHEREAS, the national Opioid Settlement Fund has published a List of Opioid Remediation Uses to include the expansion of recovery services and programs, and

WHEREAS, Overdose-Lifeline, Inc. is qualified to deliver the services necessary to expand local recovery services and supportive services for Substance Abuse Disorder.

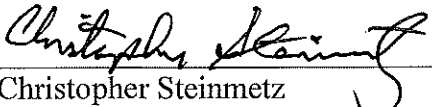
NOW, THEREFORE, BE IT RESOLVED THAT:

The Department of Metropolitan Development is hereby authorized to negotiate and execute an agreement with Overdose-Lifeline, Inc. to provide supportive services for persons suffering from Substance Abuse Disorder in an amount not to exceed \$40,000.00.

DATE: _____

John J. Dillon III, President
Metropolitan Development Commission

Approved as to legal form and adequacy
this 13th day of June, 2023



Christopher Steinmetz
Assistant Corporation Counsel

METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA

RESOLUTION NO. 2023-C-004

WHEREAS, substance abuse and inadequate mental health services persist in the Indianapolis community; and

WHEREAS, City desires to address, reduce, treat, and prevent substance abuse and the deleterious effects of inadequate mental health services in Indianapolis; and

WHEREAS, the Department of Metropolitan Development, with funding provided through the national Opioid Settlement Fund, desires to enter into an Agreement with Pathway to Recovery, Inc., to assist City efforts to provide recovery services and programs related to Substance Abuse Disorder; and

WHEREAS, the national Opioid Settlement Fund has published a List of Opioid Remediation Uses to include programs and facilities that provide supportive housing for persons suffering from Substance Abuse Disorder, and

WHEREAS, Pathway to Recovery, Inc. is qualified to deliver the services necessary to expand supportive housing and recovery services for persons suffering from Substance Abuse Disorder.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Department of Metropolitan Development is hereby authorized to negotiate and execute an agreement with Pathway to Recovery, Inc. to develop a 21-unit supportive housing development and supportive services for persons suffering from Substance Abuse Disorder in an amount not to exceed \$1,400,000.00.

DATE: _____

John J. Dillon III, President
Metropolitan Development Commission

Approved as to legal form and adequacy
this 13th day of June, 2023



Christopher Steinmetz
Assistant Corporation Counsel

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2023-P-013**

**RESOLUTION APPROPRIATING EXPENDITURE
OF TAX INCREMENT FINANCE REVENUE FUNDS**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”) serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under IC 36-7-15.1 (the “Redevelopment Act”); and

WHEREAS, in that capacity the Commission serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, the Redevelopment Act permits the Commission to designate allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues (“TIF Revenues”); and

WHEREAS, the Commission has previously established the 96th Street/Castleton Economic Development Project Area (the “96th Street/Castleton Project Area”), has designated the 96th Street/Castleton Project Area as an allocation area (the “96th Street/Castleton Allocation Area”) for the purposes of capturing TIF Revenues, has created an allocation fund (the “96th Street/Castleton Allocation Area Fund”) for the 96th Street/Castleton Allocation Area into which TIF Revenues are deposited, and has approved the 96th Street/Castleton Economic Development Project Area Plan, (the “Plan”); and

WHEREAS, the Department of Public Works (“DPW”), a division of the Consolidated City of Indianapolis – Marion County, has the power to contract for the construction or improvement of public ways, sidewalks, sewers, waterlines, or other local public improvements that are necessary for economic development within or physically connected to the 96th Street/Castleton Allocation Area; and

WHEREAS, the DPW has agreed to reconstruct and repair the Howland Ditch which runs from Community Hospital North, across I-69, North of 82nd Street; and

WHEREAS, IC 36-7-15.1-26 authorizes the Redevelopment Commission to reimburse the Consolidated City for reasonable expenditures associated with local public improvements;

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. That the Commission hereby authorize the Director of the Department of Metropolitan Development (“DMD”) and the Director of DPW to utilize TIF Revenues from the 96th Street/Castleton Allocation Area Fund in an amount not to exceed \$1,000,000.00 to reimburse the Consolidated City for reasonable expenses associated with local public improvements located in and physically connected to the 96th Street/Castleton Allocation Area. The Director of DMD is hereby authorized to execute the necessary documents in accordance with this Resolution.
2. The City Controller is hereby authorized to disburse moneys from the 96th Street/Castleton Allocation Area Fund for the local public improvements noted above.
3. This Resolution shall take effect immediately upon adoption by the Commission.

METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA, acting as the
Redevelopment Commission of the City of Indianapolis,
Indiana

John J. Dillon III, President

Date

Approved as to Legal Form
and Adequacy this 13th day
of June, 2023.

/s/Toae Kim

Toae Kim,
Deputy Chief Counsel

Approved as the Availability of Funding

Sarah Riordan, Controller

RESOLUTION NO. 2023-BB-003**RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA, AUTHORIZING REIMBURSEMENTS TO THE
INDIANAPOLIS LOCAL PUBLIC IMPROVEMENT BOND BANK OUT OF CERTAIN
TAX INCREMENT FINANCE ALLOCATION FUNDS**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”) serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under IC 36-7-15.1 (the “Redevelopment Act”);

WHEREAS, in that capacity the Commission serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, the Redevelopment Act permits the Commission to create allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues (“TIF Revenues”); and

WHEREAS, the Commission has previously established certain redevelopment project areas and/or economic development areas which are identified on Exhibit A attached hereto (collectively, the “Areas”), has designated all or a portion of the Areas as separate allocation areas under the Redevelopment Act (collectively, the “Allocation Areas”) for purposes of capturing TIF Revenues, has created separate allocation funds (collectively, the “Allocation Funds”) for the respective Allocation Areas into which the TIF Revenues are deposited, and has approved separate redevelopment and/or economic development plans for the respective Areas (collectively, the “Plans”); and

WHEREAS, the Commission now desires to authorize the use of unobligated funds from the respective Allocation Funds to reimburse The Indianapolis Local Public Improvement Bond Bank (the “Bond Bank”) for prior expenditures incurred by the Bond Bank, acting for and on behalf of the City, for certain costs and expenses that are related to local public improvements physically located in or physically connected to the respective Allocation Areas, as permitted by Section 26(b)(3)(G) of the Redevelopment Act.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The Commission hereby authorizes the expenditure of unobligated funds on deposit in the respective Allocation Funds in the total estimated amount of \$188,714.70 but not to exceed \$189,000, to reimburse the Bond Bank for prior expenditures incurred by the Bond Bank, acting for and on behalf of the City, for certain costs and expenses described in Exhibit A (collectively, the “Prior Projects”) that are related to local public improvements which are physically located in or physically connected to the respective Allocation Areas, pursuant to Section 26(b)(3)(G) of the Redevelopment Act. The Commission hereby finds and determines that the Bond Bank’s

advancement of funds, for and on behalf of the City, for the Prior Projects has furthered the objectives of the respective Plans for each of the respective Areas.

2. The City Controller is hereby authorized to disburse the moneys from the respective Allocation Funds for the reimbursements of the Prior Projects authorized above and more particularly described on Exhibit A hereto. The Mayor and City Controller of the City, the officers of the Commission and the Director of the Department of Metropolitan Development, are hereby authorized and directed to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution.

3. This Resolution shall take effect immediately upon adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on June 21, 2023, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana or via WebEx.

METROPOLITAN DEVELOPMENT
COMMISSION OF MARION COUNTY,
INDIANA, acting as the Redevelopment
Commission of the City of Indianapolis, Indiana

John Dillon, President

Approved as to the availability of funding:

Sarah Riordan, City Controller

Approved as to form and legality:

/s/Toae Kim
Toae Kim, Office of Corporation Counsel

Exhibit A**DESCRIPTION OF THE PRIOR PROJECTS**

TIF Area Name	Amount	Expense Explanation
Consolidated TIF	\$143,342.73	Repairs and Capital Improvements
Consolidated Airport TIF	\$ 45,371.97	Legal and Financial Advisor Fees
Total	\$ 188,714.70	

STAFF REPORT

Item 19.

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

Case Number: 2022-ZON-051 and 2022-VAR-003 (Amended)
Address: 11811 & 11944 Southeastern Avenue and 7000 & 7400 South Carroll Road
(Approximate Address)
Location: Franklin Township, Council District #25
Petitioner: Becknell Industrial, LLC, by Joseph D. Calderon
Request: Rezoning of 198.92 acres from the D-A (FW) (FF) district to the I-2 (FW) (FF) district to provide for industrial development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an industrial building with loading docks/area located between the front building line and the front lot line along Carroll Road (not permitted).

This petition had been continued from the March 15, 2023 hearing to the June 21, 2023 hearing, however it was withdrawn at the May 17, 2023 hearing of the Metropolitan Development Commission. No further action is required of the Commission.

klh

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-862 / 2022-CVR-862 (Second Amendment)
Address: 5204, 5206 and 5216 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Quiktrip Corporation, by J. Murray Clark
Request: Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.
 Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard of SR 37 (not permitted in front yard), with a 50-foot tall (maximum 20-foot tall permitted), with fifteen street trees along Harding Street (29 required) and sixteen trees along SR 37 (23 required) and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

ADDENDUM FOR JUNE 21, 2023, METROPOLITAN DEVELOPMENT COMMISSION

After a full public hearing on May 25, 2023, this petition was recommended for denial by the Hearing Examiner. A memorandum of the Hearing Examiner's decision is included below. The Hearing Examiner's decision was subsequently appealed to the Metropolitan Development Commission by a remonstrator.

At the May 25, 2023 hearing one of the variances of development standards was withdrawal. That variance provided for excessive primary-freestanding-sign area.

Staff **continues to recommend 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 40-foot half right-of-way shall be dedicated along the frontage of Harding 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).

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

ADDENDUM FOR MAY 25, 2023, HEARING EXAMINER

This petition was continued from the April 13, 2023 hearing to the May 25, 2023 hearing at the request of a remonstrator.

ADDENDUM FOR APRIL 13, 2023, HEARING EXAMINER

This petition was continued from the March 9, 2023 hearing to the April 13, 2023 hearing at the request of the petitioner. New site and landscape plans, and a new sign elevation were submitted that resulted in an amendment to the request.

Staff **continues to recommend 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 40-foot half right-of-way shall be dedicated along the frontage of Harding 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).

The rezoning request was not amended. Staff recommends denial of the rezoning for the reasons found below in the November 10, 2022 Staff Report.

Changes were made in the variance requests. This petition now requests seven variances of development standards to provide for

- a dumpster enclosure in the front yard of SR 37. A trash enclosure is not permitted in a front yard,
- sixteen street trees along SR 37 where 23 trees are required,
- fifteen street trees along Harding Street where 29 are required,
- a 50-foot tall, 568.5-square-foot pole sign. Maximum pole sign height is 20 feet tall and maximum pole sign area is 300 square feet, and
- a 23-foot tall, 109-square-foot free-standing incidental sign. Maximum incidental sign height is eight feet tall and maximum incidental sign area is 32 square feet.

Trash enclosures are not permitted in front yards. Trash enclosures in a front yard are frequently unsightly and disrespect passers-by and neighbors by forcing them to look at the site's trash. Because the subject site is roughly triangular with streets on two sides, the number of potential locations for a trash enclosure is limited. However, the site plan makes little attempt to locate the enclosures in an inconspicuous spot. Instead, they are placed along State Road 37.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. There is no apparent reason the required number of trees cannot be planted. This use will generate a significant amount of vehicle fumes compared to most uses that would be typically found in the Community Commercial typology. The site should be providing more trees rather than a deficient number of trees to mitigate the site's impact on air quality and urban heat.

The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. No reason for the lack of trees is given in the Findings of Fact.

A pole sign over double the permitted height and nearly double the permitted area has been requested. Freestanding signs in limited numbers can significantly help the motoring public identify destinations. However, unnecessarily large or tall signs tend to distract, confuse and disorient motorists while losing the effectiveness of commercial messages in a harsh sea of poles, colors, logos and words. This would be especially true in the subject area with its heavy, fast traffic and preponderance of large trucks.

Incidental signs are those whose purpose is secondary and incidental to the use of the site and carries no commercial message that is legible beyond the site. They are limited in size to 32 square feet and in height to eight feet. One of the incidental signs on this site provides directions to the users of the site, specifically truck drivers seeking to weigh their vehicle. It's proposed to be 109 square feet and 23 feet tall. The function of this sign is atypical of incidental signs and as such, must be taller and larger than typical incidental signs to be useful.

ADDENDUM FOR MARCH 9, 2023, HEARING EXAMINER

This petition was continued from the December 15, 2022 hearing to the March 9, 2023 hearing at the request of the petitioner. No additional information has been supplied.

ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER

This petition was continued from the November 10, 2022 hearing to the December 15, 2022 hearing.

November 10, 2022 Staff Report

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:

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography from 1937 indicates a farmstead on 5204 South Harding Street and a single-family dwelling at 5216 South Harding Street. By 1956 a dwelling on 5206 South Harding had been constructed as had a row of dwellings south along the east side of Harding Street. Those dwellings still stand today. In the mid-1960s State Road 37 was under construction along the west edge of the subject site and headed southwest across open farmland. By 1972 industrial uses were developed along the west side of Harding Street.
- ◇ The Comprehensive Land Use Plan (2018) recommends Community Commercial for the site. This land use category is intended for low intensity commercial uses that serve nearby neighborhoods.

ZONING

- ◇ This petition requests a rezoning from the C-S district to the C-7 district. The C-S district allows for a customized list of permitted land uses, but also requires adherence to an approved site plan and development statement. For this site, Petition 2009-ZON-057 provided for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel. The C-3 uses are responsive to the Land Use Plan recommendation. Depending on its size and amenities the hotel might also be responsive to the Land Use Plan. The landscape supply operations might also fit into the Community Commercial typology depending on its operations and arrangement.
- ◇ The C-7 district is designed to provide for commercial uses that have qualities that are incompatible with less intense land uses. Examples of these qualities are outdoor storage and display of merchandise, and the outdoor parking and storage of

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

trucks. Because of the character and intensity of these uses, this district should be located on major commercial arterial thoroughfares and near interstate interchanges, but not in close association with consumer commercial activities such as retailing, professional services, or restaurants. Due to the intensity of its uses, location of this district should never be adjacent to protected districts, such as dwellings, churches and schools.

- ◇ This request would locate the C-7 district across the street from single-family dwellings in the D-A zoning district. The Comprehensive Land Use Plan recommendation for the adjacent dwellings is Office Commercial. The petitioner has supplied a list of uses that they are willing to commit to excluding from the site (See below.). However, the remaining C-7 uses are not appropriate adjacent to either single-family dwellings or office development.

VARIANCES

- ◇ This petition requests eight variances of development standards to provide for
 - a dumpster enclosure in the front yard with a five-foot setback along SR 37. A trash enclosure is not permitted in front yard and a ten-foot setback is required,
 - parking and drive aisles with a five-foot setback from SR 37. A ten-foot wide landscape area required,
 - thirteen street trees along SR 37 where 23 trees are required,
 - fifteen street trees along Harding Street where 29 are required,
 - a 90-foot tall, 391-square-foot pole sign. Maximum pole sign height is 20 feet tall and maximum pole sign area is 300 square feet, and
 - a 23-foot tall, 109-square-foot free-standing incidental sign. Maximum incidental sign height is eight feet tall and maximum incidental sign area is 32 square feet.
- ◇ Trash enclosures are not permitted in front yards. Trash enclosures in a front yard are frequently unsightly and disrespect passers-by and neighbors by forcing them to look at the site's trash. Because the subject site is roughly triangular with streets on two sides, the number of potential locations for a trash enclosure is limited. However, the site plan makes no attempt to locate the enclosures in an inconspicuous spot. Instead, they are placed along State Road 37 and five feet closer to the right-of-way than a structure of any sort is permitted.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

- ◇ The site plan depicts parking spaces and drive aisles within the required ten-foot landscape space along State Route 37. This site is an intense use that will generate a significant amount of traffic. The reduced landscape space detracts from the site's ability to adequately screen the site or provide the other aesthetic and environmental benefits conferred by landscaping. The lack of landscaping space along SR 37 is also an indication that the site would be overdeveloped.
- ◇ The lack of an adequately sized landscape strip plays into the further request to reduce the required number of street trees along SR 37 from 23 to 13. If an adequately sized landscape strip was provided, a compliant number of trees could be planted. This use will generate a significant amount of vehicle fumes compared to most uses that would be typically found in the Community Commercial typology. The site should be providing more trees rather than a deficient number of trees to mitigate the site's impact on air quality and urban heat.
- ◇ The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. No reason for the lack of trees is given in the Findings of Fact.
- ◇ A pole sign over four times the permitted height has been requested, presumably to allow it to be seen from I-465. Tall signs in close proximity to interstate interchanges were once permitted by the Ordinance. The tall interchange sign provision of the Ordinance was removed in 2019.
- ◇ The tall interchange sign provisions that were in place prior to 2019 allowed for signs up to 80 feet in height if they were within 1,320 feet of the intersection of the centerlines of the interstate and local street. The sign had to be at least 600 feet from a protected district and could be no greater in area than that permitted for other freestanding signs on the site. The tall interchange sign could be the only pole or pylon sign on the site.
- ◇ An eighty-foot-tall sign was permitted nearby at 1551 West Thompson Road in the late 1990s. This sign required a variance because it was approximately 1440 feet from the interchange.
- ◇ The proposed sign would not meet any of the 2019 provisions above. The proposed sign is 90 feet tall, roughly 2,600 feet from the interchange, roughly 550 feet from a protected district, is 91 square feet larger than the largest freestanding sign permitted on the site, and is one of two freestanding signs on the site. It would be more distant from the new I-69 interchange than from the remaining I-465 interchange.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

- ◇ Freestanding signs in limited numbers can significantly help the motoring public identify destinations; however, unnecessarily large or tall signs tend to distract confuse and disorient motorists while losing the effectiveness of commercial messages in a harsh sea of poles, colors, logos and words. This would be especially true in the subject area with its heavy, fast traffic and preponderance of large trucks.
- ◇ Incidental signs are those whose purpose is secondary and incidental to the use of the site and carries no commercial message that is legible beyond the site. They are limited in size to 32 square feet and in height to eight feet. One of the incidental signs on this site provides directions to the users of the site, specifically truck drivers seeking to weigh their vehicle. It's proposed to be 109 square feet and 23 feet tall. The function of this sign is atypical of incidental signs and as such, must be taller and larger than typical incidental signs to be useful.

Traffic Impact Study

- ◇ A traffic impact study was submitted with this petition. The study investigates how the traffic generated by this project would affect seven nearby intersections and the proposed access points to the site.
- ◇ This request comes at a unique time for this area with the coming of I-69 in the next two years. The opening of the new interstate will cause major shifts in the traffic flows in the vicinity. Among the changes will be a drop in traffic volumes on State Route 37 and its transfer in responsibility to the City of Indianapolis.
- ◇ According to the study, the proposed development would generate 120 new trips during the peak morning hour and 100 new trips during the peak afternoon hour.
- ◇ The study determined that the proposed development would not generate enough traffic to reduce the operations of nearby intersections to unacceptable levels. The study also looked at the access and egress on the two proposed driveways on Harding Street. The study found that dedicated left turns lanes into the site are not warranted. It also found that a dedicated right turn lane from southbound Harding Street into the north driveway is warranted. A dedicated right turn lane from southbound Harding Street into the south driveway was not warranted. The driveways should each have three lanes: an inbound lane, a right-turn only outbound lane and a left-turn only outbound lane.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

- ◇ The study made recommendations for the improvement of traffic flow in the vicinity upon the opening of I-69. These improvements include establishing a left-bound turn lane from northbound Harding Street to southbound S.R. 37 and retiming the stoplights in the area.
- ◇ A Department of Public Works traffic engineer was of the opinion that even after the opening of I-69 and S. R. 37 reverts to the City's responsibility, a driveway from this site directly onto S.R. 37 is unlikely to be permitted. However, the traffic engineer stated that a study would need to be done before a definite decision on this matter was made.
- ◇ The site plan does not show sidewalks along Harding Street or from Harding Street to the front of the proposed building. Staff notes that sidewalks in these locations will be required to be provided by the Ordinance.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S	Metro	Landscape materials supplier
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SURROUNDING ZONING AND LAND USE

Northwest	I-3, I-4	Electrical contractor, truck sales
South	I-3	Construction contractor
East	C-7, D-A, I-2	Truck repair, single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Land Use Plan (2018) recommends Community Commercial.
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THOROUGHFARE PLAN	Harding Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 65 feet to 107 feet and an 80-foot proposed right-of-way. State Route 37 is classified in the Official Thoroughfare Plan for Marion County, Indiana as an Expressway. The plan does not propose a future right-of-way width.
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STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.

ZONING HISTORY – SITE

2009-ZON-057; 5204, 5206 & 5216 South Harding Street, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel, **approved**.

2007-ZON-851 / 2007-CAP-851; 5202, 5206 & 5216 South Harding Street, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for C-3 uses and an extended stay hotel, **approved**.

90-Z-12; 5202 South Harding Street, requested the rezoning of 5.3 acres from the I-2-U district to the C-S district to provide a construction company, display of model homes, outdoor storage, retail sales associated with a construction company and manufacturing of homes, **approved**.

89-Z-132; 5202 South Harding Street, requested a variance to provide for a second business sign structure, **approved**.

89-UV1-30; 5202 South Harding Street, requested a variance of use to provide for five model homes and sales office, **approved**.

ZONING HISTORY – VICINITY

2022-ZON-045; 1600 West Thompson Road (northwest of site), requested the rezoning of 3.2 acres from the C-4 district to the I-3 district, **approved**.

2018-UV3-024; 5201 South Harding Street (east of site), requested a variance of use to provide for a transport company and a variance of development standards to provide for deficient maneuvering space, the storage of tractor trailers and deficient setbacks and transitional yard, **denied**.

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STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Second Amendment) (Continued)

2014-ZON-074; 1600 West Thompson Road (northwest of site), requested the rezoning of 3.2 acres from the I-3-S district to the C-4 district, **approved.**

2007-ZON-051; 5191 Harding Lane (east of site), requested the rezoning of 0.9 acre from the I-2-S district to the C-7 district, **approved.**

98-Z-225; 4950 Harding Lane (east of site), requested the rezoning of 2.5 acres from the C-4 district to the C-7 district, **approved.**

94-UV1-68; 1631 West Thompson Road (west of site), requested a variance of use to provide for commercial truck and trailer servicing, repair, sales and leasing and the sale of truck parts, **approved.**

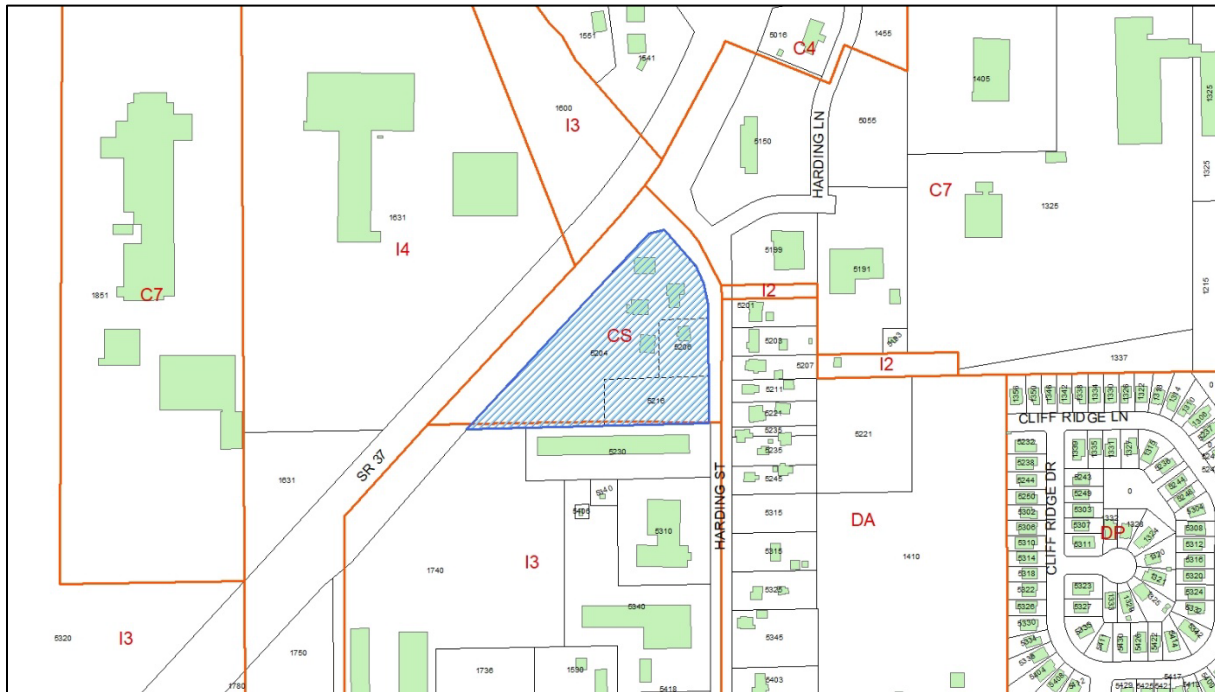
94-Z-45; 1631 West Thompson Road (northwest of site), requested the rezoning of 22.9 acres from the I-4-S district to the C-7 district, **withdrawn.**

87-UV3-82; 1631 West Thompson Road (west of site), requested a variance of use to provide for a mobile structure as a temporary facility, **approved.**

83-Z-241; 1751 West Thompson Road (northwest of site), requested the rezoning of twenty acres from the I-3-S district to the I-4-S district, **approved.**

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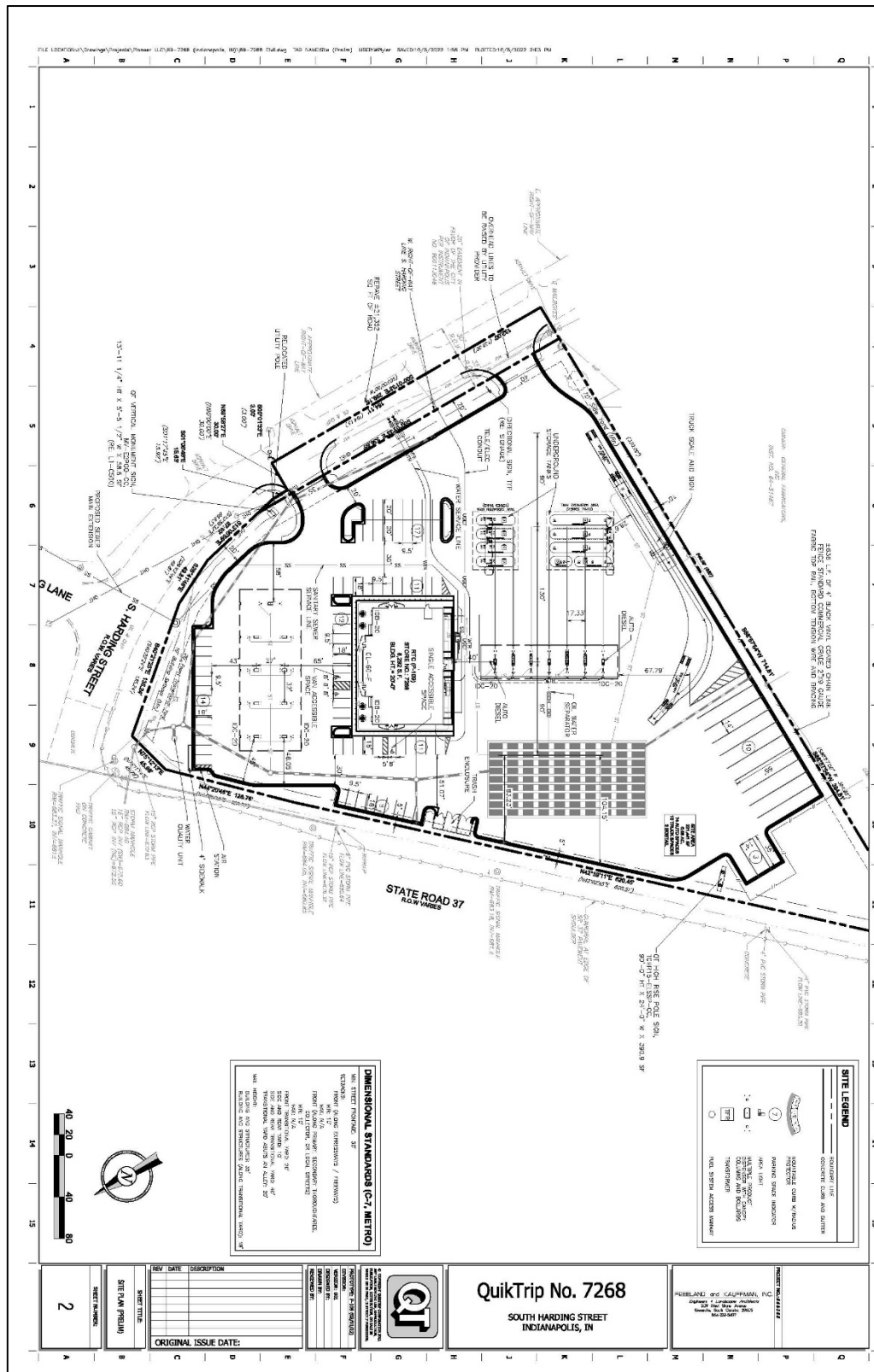
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Location



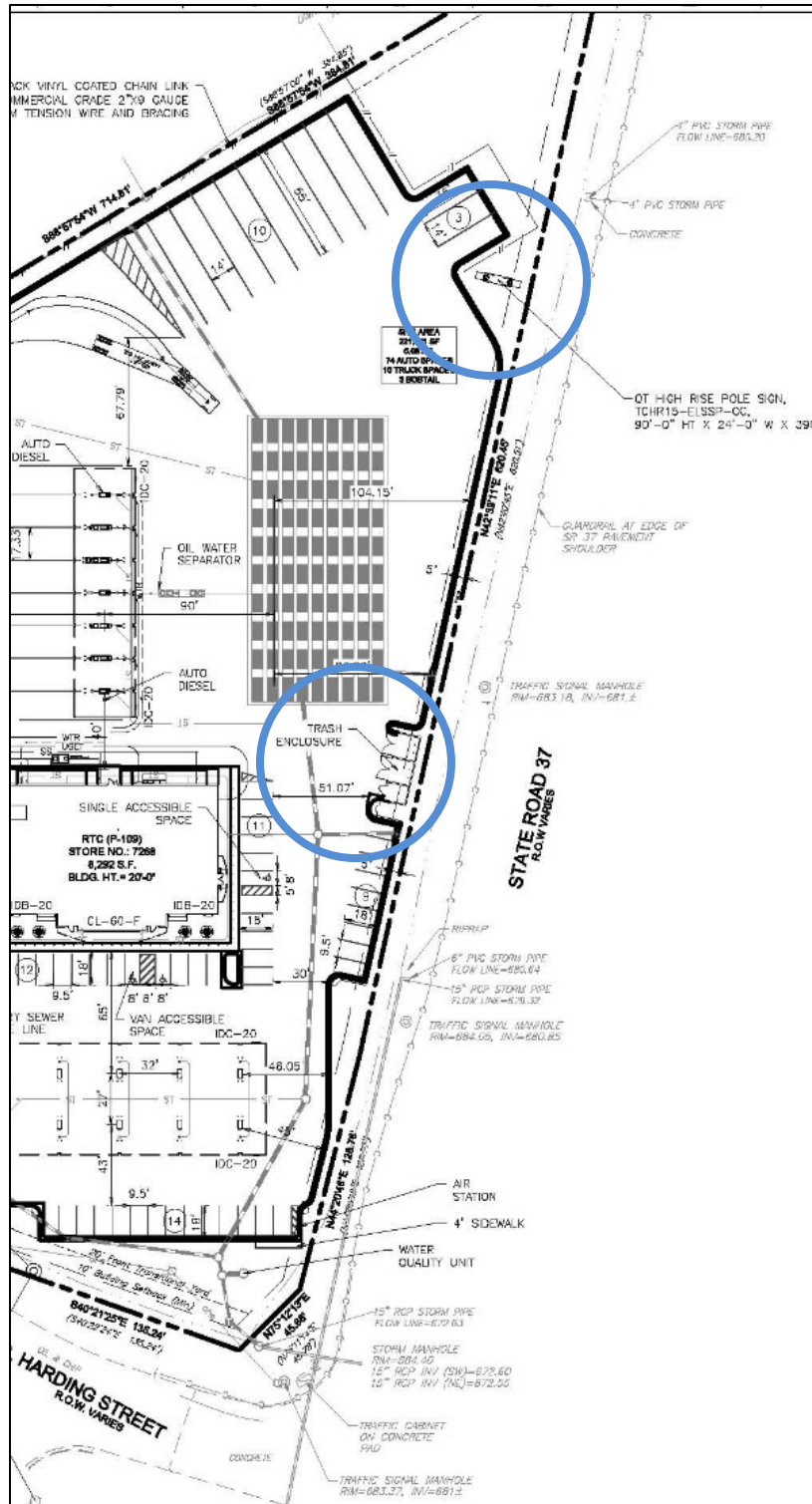
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Aerial photograph (2021)



STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Site Plan

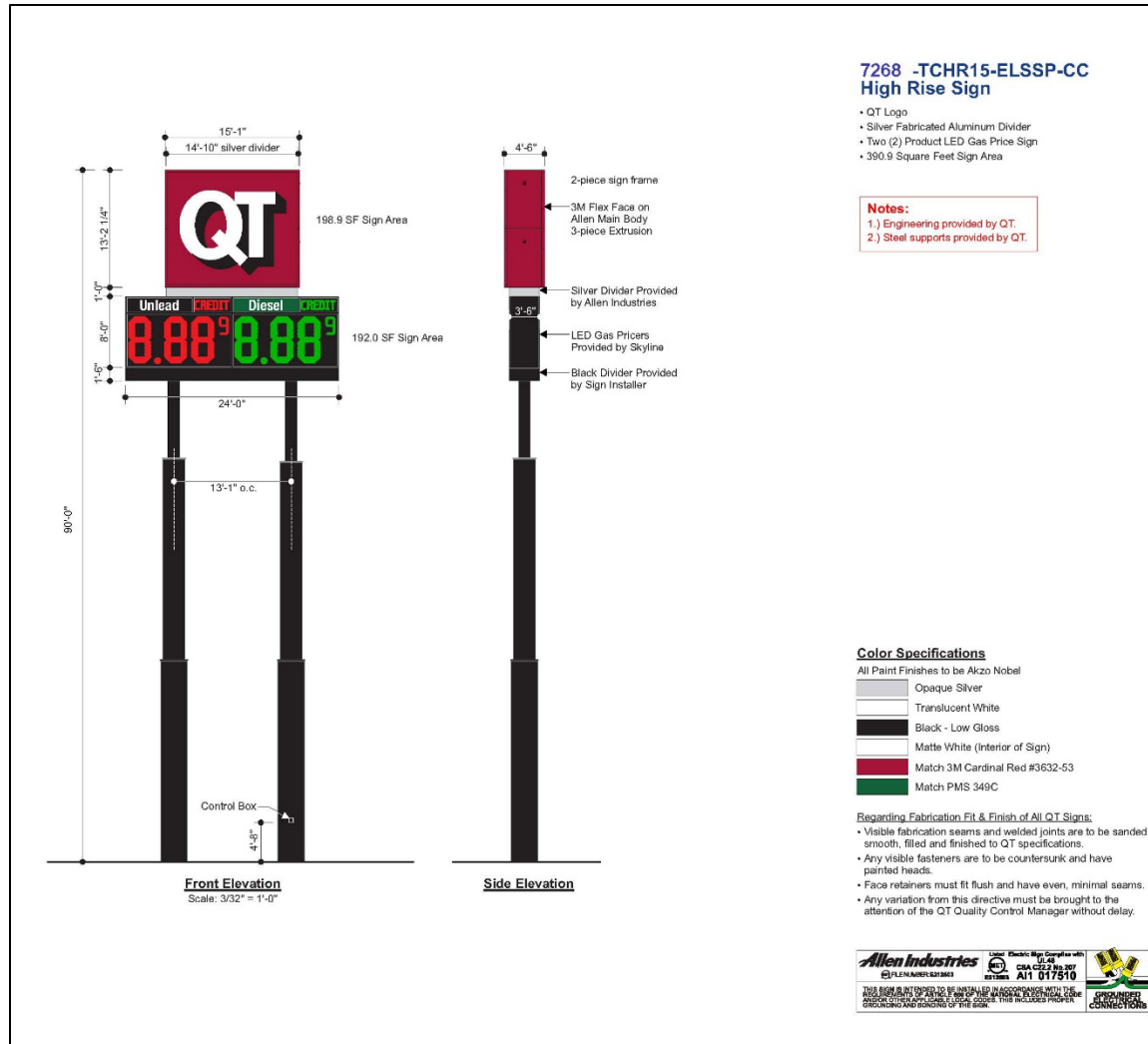


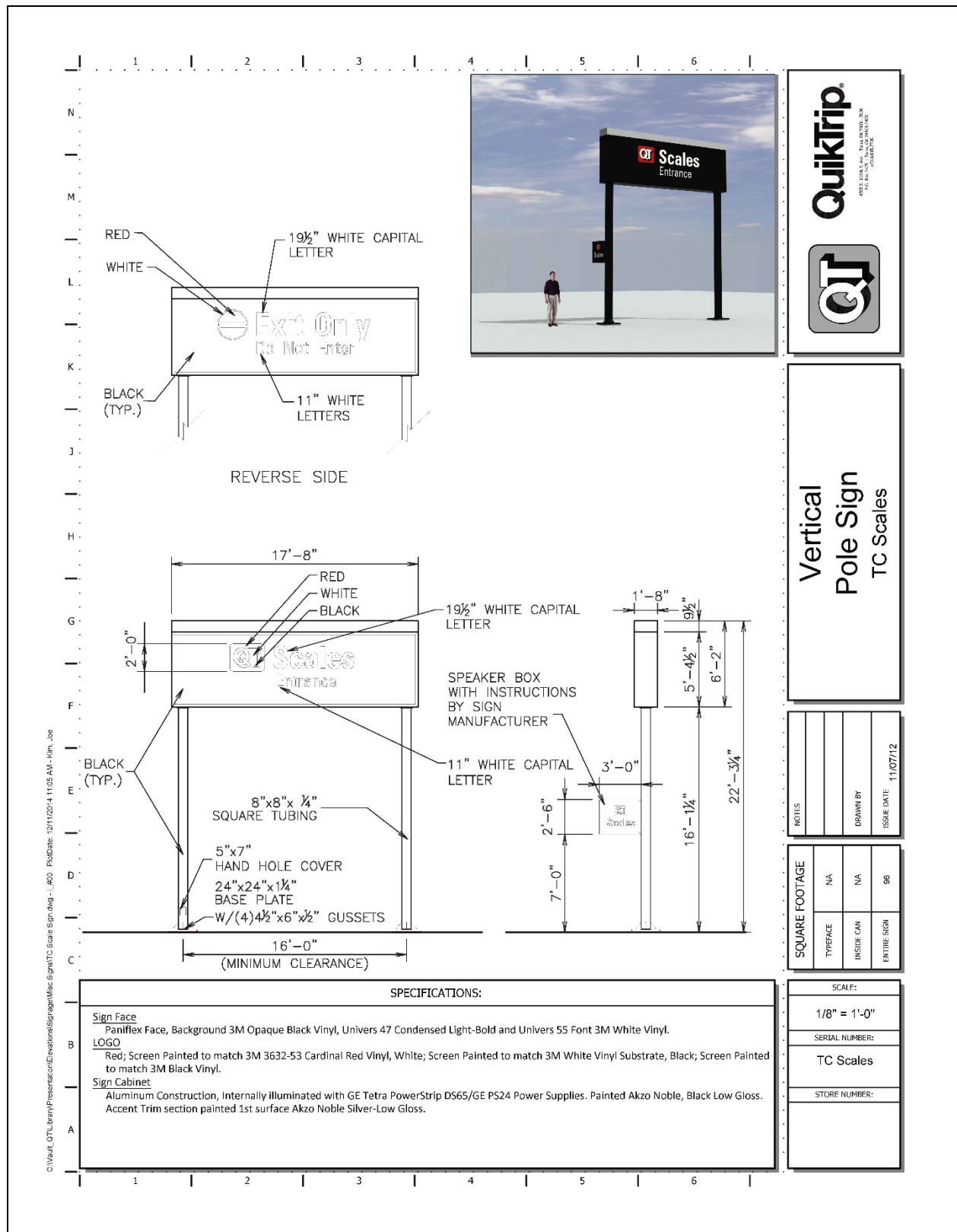
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Site Plan Insert



This inset shows the proposed location of the trash enclosures and 80-foot tall freestanding sign. North is to the bottom of the page.

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Sign elevations





STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Findings of Fact

Petition Number _____

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

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

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

The grant will not be injurious to the community because the property is ideally situated for use as a truck stop, as it is located at the corner of an expressway and a primary collector, and is nearby to other heavy commercial and industrial type uses. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

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

The grant will not substantially adversely effect the area adjacent to the property because the real estate is already operating with a heavy commercial / industrial type use, and is nearby to other heavy commercial and industrial type uses. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

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

The property has two frontages, and in order for the truck stop to function with the greatest efficiency and provide the best utilized signage, the property needs the grant of the development standards variances. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Proposed list of excluded uses.

**QuikTrip Store #7268
5204, 5206, 5216 S. Harding St.**

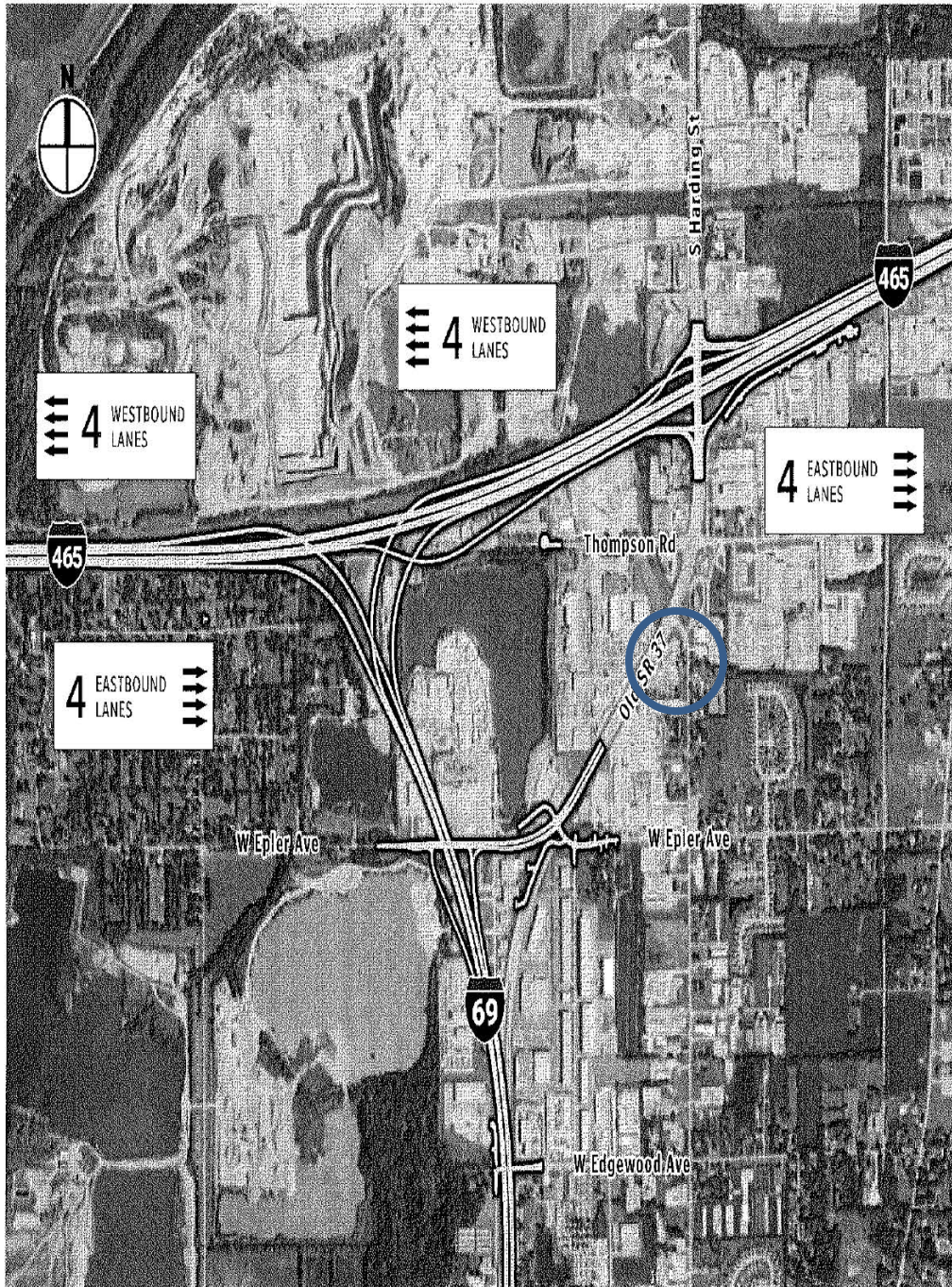
Rezoning of real estate from C-S district to C-7 district for use as a Truck Stop.

List of prohibited uses:

- Agricultural Machinery and Equipment Sales, Rental, or Repair
- Auctioneering and Liquidating Services
- Dry Cleaning Plant or Industrial Laundry
- Adult Entertainment Business
- Bar or Tavern
- Night Club or Cabaret
- Commercial and Building Contractors
- Heavy Equipment Sales, Service or Repair
- Adult Entertainment Business: Retail
- Firearm Sales
- Fireworks Sales, On-going
- Liquor Store
- Pawn Shop
- Automobile and Light Vehicle Wash
- Automobile and Vehicle Storage or Auction
- Automobile, Motorcycle, and Light Vehicle Sales or Rental
- Automobile, Motorcycle, and Light Vehicle Service or Repair
- Heavy Vehicle Wash
- Motorsports Industry
- Other Vehicle Sales, Rental or Repair
- Truck or Heavy Vehicle Sales, Rental, or Repair
- Recycling Station
- Mini-Warehouses (Self-Storage Facility)
- Warehousing, Wholesaling and Distribution

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Proposed Route of I-69.

STOP 11 RD to I-465



Subject site is in the blue circle.

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Hearing Examiner's Memorandum**MEMORANDUM OF EXAMINER'S DECISION****2022-CZN/CVR-862(amended)****5204-5216 S. Harding Street**

The petitions request the rezoning of 5.33 acres from the C-S district to the C-7 district to provide for a truck stop, with variances for deficient landscaping along Harding Street and along S.R. 37 and variances for the size and height of signs.

Your Hearing Examiner visited the site prior to the hearing and noted its triangular shape with extensive street frontage. While industrial uses exist in the area, there are also single family residences along the east side of Harding Street.

The petitioner's representative described the proposed use as a best class travel center rather than a truck stop, focused on serving day truck trips as well as automobiles with limited overnight parking for trucks. Due to the shape of the site, extensive street frontages and the need for proper identification, he opined the necessity of variances. The petitioner's representative described meetings with neighbors, and presented a letter of support from the City-County Councillor.

About 12 remonstrators appeared at the hearing, and letters and emails of opposition were presented. The primary concern was that the C-7 district, and the proposed use, are incompatible adjacent to residences. The 24/7 operation of the business would impact the health and safety of the residents. The remonstrators expressed appreciation for outreach done by the petitioner.

Staff opined that the requested C-7 district is inconsistent with the Comp Plan recommendation of community commercial use, and it is too intense across from single family residences. Staff also shared that an ordinance adopted by the City-County Council after these petitions were filed prohibits truck stops within 500 feet of a protected district.

In your Hearing Examiner's opinion, the proposed development is not compatible with the established residences in this area, and the unique shape of the site does not warrant reducing the required buffer. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on June 21, 2023

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Photographs



Looking south across the southwest portion of the subject site.



Looking southeast from SR 37 across the central section of the site.



Looking southwest along the site's frontage on SR 37.



Looking south at the northern point of the site from Harding Street.



Looking west at the site from Harding Street.



Looking west at the site from Harding Street.



Looking southwest across the southern portion of the site. The industrial building in the background is the neighbor to the south.



Looking southeast along Harding Street at the neighboring dwellings to the east.



Looking east from the site across Harding Street.



Looking north from the site across Harding Street.



Looking north at the intersection of Harding Street and SR 37 toward the I-465 interchange.



Looking southwest along SR 37 to the neighbor to the west.

STAFF REPORT

Item 21.

Department of Metropolitan Development Division of Planning Current Planning Section

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

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

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

ADDENDUM FOR JUNE 21, METROPOLITAN DEVELOPMENT COMMISSION

These petitions were heard by the Hearing Examiner on May 25, 2023. After a full hearing, the Hearing Examiner recommended approval of the rezoning and denial of the requested variances c) and d). Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

May 25, 2023

The Hearing Examiner acknowledged a timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the April 27, 2023 hearing, to the May 25, 2023 hearing.

(Continued)

RECOMMENDATIONS

Staff **recommends approval** of rezoning 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 tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and / or 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.
3. The final site plan, landscaping plan and elevations shall be submitted to Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). Such plans shall provide for mitigation features of encroachment into the stream protection corridor that would include, but not be limited to, permeable pavers, rain gardens, curbs and gutters, bio-swales, and etc.; year around perimeter and interior landscaping; landscaping within the parking areas in accordance with the Ordinance requirements; and exterior building materials should include a variety of materials, including masonry.

Staff **recommends approval** of variance requests a), b), e) and f); staff **recommends denial** of variance requests c) and d).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 5.8-acre site, zoned MU-2 (FW) (FF) (TOD) and C-4 (FW) (FF) (TOD), is comprised of four parcels at the southwest corner of the intersection of East 38th Street and North Arlington Avenue. Three of the parcels are undeveloped and one parcel is developed with commercial uses. The site is surrounded by commercial uses to the north, zoned C-3 (FW) (FF) (TOD); industrial uses to the south, zoned I-3 (FW) (FF) (TOD); commercial and industrial uses to the east; across North Arlington Avenue, zoned D-3 (FW) (FF) (TOD) and I-2 (FW) (FF) (TOD), respectively; and commercial uses and undeveloped land (Pogues Run) to the west, zoned C-4 (FW) (FF) (TOD) and D-4 (FW) (FF) (TOD).

(Continued)

- ◇ Petition 2009-ZON-051 rezoned the northern portion of the site from the C-4 District to the C-3C (now known as MU-2) to provide for corridor commercial uses.

REZONING

- ◇ This request would rezone the site from the MU-2 (FW) (FF) (TOD) and C-4 (FW) (FF) (TOD) district to the MU-2 (FW) (FF) (TOD) district to provide for a mixed-use development. “The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.”
- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

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

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

- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.

(Continued)

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided

Modified Uses (Environmental Sensitive Area Overlay)

- Small-Scale Offices, Retailing, and Personal or Professional Services - Any development impacting wetlands or high-quality woodlands should include a one-for-one replacement of such features. Additionally, development should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area

Modified Uses (Transit-Oriented Overlay)

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

Overlays

- ◇ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ The northern portion of this site is located within the 100-year floodplain and the unregulated 500-year floodplain, along with woodlands that cover much of the site.
- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located adjacent to a proposed transit stop located at the intersection of East 38th Street and North Arlington Avenue, with a Community Center typology.

(Continued)

- ◇ This typology is described as walkable commercial centers with a range of commercial types (aging to new strip commercial, office, shopping malls, big box). It is a mixed of retail, entertainment, office and residential as desired. Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business.
- ◇ Characteristics of the Community Center typology are:
 - A dense mixed-use neighborhood center
 - Minimum of two stories at core
 - No front or side setbacks at core; zero to 10-foot front setbacks and zero-to 10-foot side setbacks at the periphery.
 - Multi-family with a minimum of three units
 - Structured parking at the core and attractive surface parking at the periphery

Floodway / Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (MU-2 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located much of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.

(Continued)

- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ 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 kentuckia*), 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.

Stream Protection Corridor

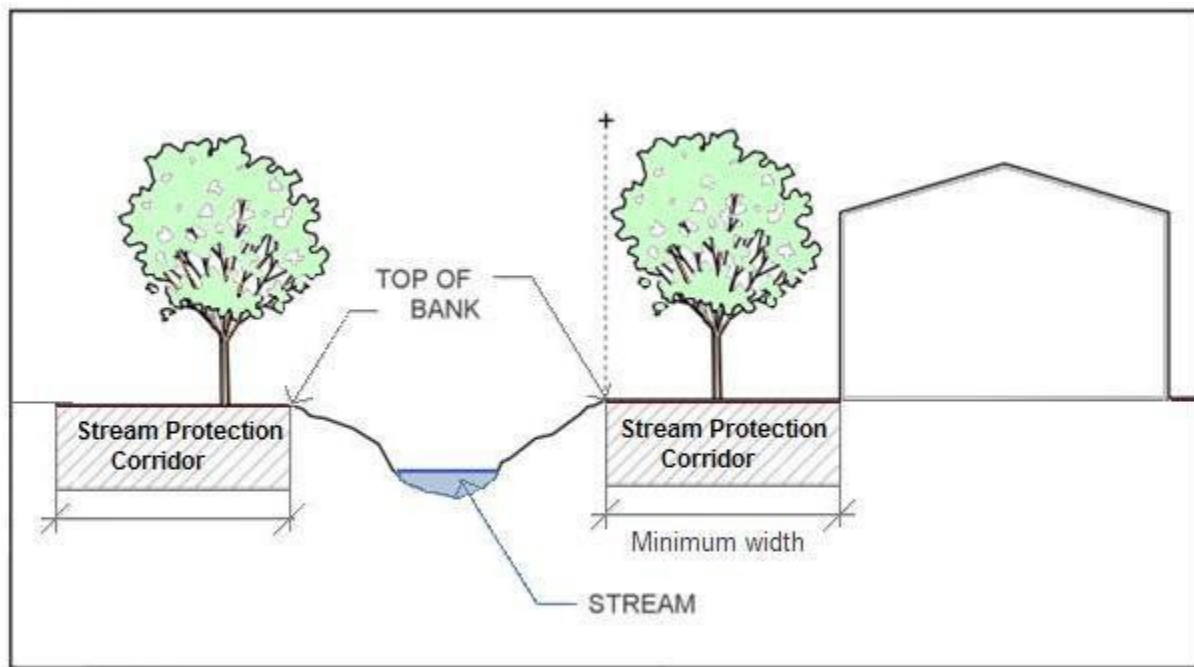
- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.
- ◇ The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
- ◇ The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

(Continued)

- ◇ Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”
- ◇ There are two types of categories of Streams: Category One Streams and Category Two Streams. Pleasant Run is listed as a Category One Stream, which is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”
- ◇ Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”
- ◇ There are 32 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.
- ◇ Pogues Run is located along the wester portion of the site and is designated as a Category One.
- ◇ As a Category One Stream within the Compact Context Area, Pogues Run is required to have a 60-foot stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.

(Continued)

**Stream Protection Corridor**

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

(Continued)

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Site Plan

- ◇ The amended site plan, file-dated May 4, 2023, provides for two access drives to the development, including one along East 38th Street (within the stream protection corridor) and one along North Arlington Avenue.
- ◇ Commercial uses would be located at the northwest corner of the site fronting on East 38th Street and North Arlington Avenue.
- ◇ Four multi-family buildings would be located on the southern portion of the site with parking interspersed throughout the site. No count on the number of apartments has been provided so it is not possible to determine the number of required parking spaces for the multi-family dwellings. Furthermore, no square footage has been provided for the commercial uses. Consequently, staff would request Administrator Approval for the site plan, landscaping plan and elevations prior to the issuance of an Improvement Location Permit (ILP).

Planning Analysis

- ◇ The request would generally not be consistent with the Comprehensive Plan recommendation of community commercial typology. There are components of the commercial community typology (proposed bank, leasing and retail) that would be accessory to four multi-family buildings.
- ◇ The Purple Line Transit-Oriented Strategic Plan, however, recommends a dense mixed-use neighborhood center for this site that includes multi-family development at a minimum of two stories at the core. As proposed, this development would be consistent with this plan recommendation.
- ◇ For these reasons, staff is recommending approval of the rezoning request.
- ◇ Because of the conceptual submittal, staff is requesting a submittal of a site plan, landscape plan and elevations for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

VARIANCES OF DEVELOPMENT STANDARDS

- ◇ There are six variances of development standards related to building heights, drive throughs, encroachment into the stream protection corridor, lack of landscaping in the parking areas, and setbacks.

(Continued)

- ◇ The first requested variance would provide for a 50-foot building height of the multi-family structures when the Ordinance limits building heights to 35 feet.
- ◇ Because this proposed development is located along two primary arterials, with industrial uses to the east and south and the buffer provided by Pogues Run to the west, staff believes the impact of these taller buildings would have minimal impact on surrounding land uses.
- ◇ The second requested variance would provide for a drive-through service unit located on the side of a proposed bank without the required alley access.
- ◇ Due to the site configuration and the absence of an alley, there is a practical difficulty related to the proposed drive-through service unit. Consequently, staff supports this requested variance.
- ◇ The third requested variance would allow for improvements to encroach into the stream protection corridor.
- ◇ The conceptual site plan indicates that an existing small commercial development would be demolished, resulting in an approximately six-acre site that is undeveloped. The proposed access drive along East 38th Street and a portion of a parking lot would encroach into that corridor.
- ◇ Consequently, staff believes encroachment into the stream protection corridor could be avoided. Staff would also note that no information has been submitted that could potentially mitigate the impact upon the stream protections corridor.
- ◇ The fourth requested variance would allow for deficient interior parking lot landscaping. The required number of parking spaces is based upon the number of dwelling units and square footage of uses.
- ◇ Staff believes this request is premature because the documents that have been submitted do not have details necessary to determine the number of required parking spaces that relate specifically to the design of the parking lots. Consequently, staff believes a practical difficulty has not been sufficiently documented.
- ◇ The fifth requested variance would provide for parking in front of the buildings with zero-foot setback when the Ordinance prohibits parking in front of the buildings, along with a 50-foot setback.
- ◇ Staff believes that the location and configuration of the site presents development challenges that merit some relief from the Ordinance. The small number of parking spaces proposed in front of the two buildings fronting on North Arlington Avenue would have minimal impact on the proposed development and adjacent land uses.
- ◇ The sixth and final variance request would allow proposed buildings to be located behind the required zero- to 10-foot front building line.

(Continued)

- ◇ The proposed bank at the northeast corner of the site and the southernmost proposed building along the North Arlington Avenue have been pulled back from the maximum 10-foot setback resulting from the need for the variance.
- ◇ Staff believes providing visibility at the intersection of East 38th Street and North Arlington Street (both primary arterials) would be appropriate given the proposed transit station at this intersection and the potential for increased pedestrian activity.
- ◇ Staff believes providing additional space along the frontage of North Arlington Avenue would be acceptable if enhanced landscaping would be installed, thereby improving the pedestrian experience along a highly traveled street. Staff, therefore, supports this variance request, subject to appropriate landscaping in this area.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4 (FW) Undeveloped / commercial uses
(FF) (TOD)
/ MU-2
(FW) (FF)
(TOD)

SURROUNDING ZONING AND LAND USE

North -	C-3 (FW) (FF) (TOD)	Commercial uses
South -	I-3 (FW) (FF) (TOD)	Industrial uses
East -	D-3 (FW) (FF) (TOD) and I-2 (FW) (FF) (TOD)	Industrial uses
West -	C-4 (FW) (FF) (TOD) and D-4 (FW) (FF) (TOD).	Commercial uses / Undeveloped land

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

THOROUGHFARE PLAN	This portion of East 38th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 128-foot right-of-way and a proposed 88-foot right-of-way. This portion of North Arlington Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 90-foot right-of-way and a proposed 78-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	This site is located within an environmentally sensitive and transit-oriented development overlays.
SITE PLAN	File-dated March 30, 2023
SITE PLAN (AMENDED)	Filed dated May 4, 2023
FINDINGS OF FACT	Filed-dated March 30, 2023

ZONING HISTORY

2009-ZON-051; 5959 East 38th Street and 3790 North Arlington Avenue (abutting site to south), requested rezoning of 2.75 acres, from the C-4 (FF)(FW) District, to the C-3C (FF)(FW) classification to provide for corridor commercial uses, **approved**.

62-V-31; 5959 East 38th Street, requested variance to enclose carport associated with previously approved drive-in restaurant, and utilize full structure as a restaurant with alcohol sales, **granted**.

VICINITY

2012-CZN-828 / 2012-CVR-828; 5950 East 38th Street (north of site), requested rezoning of 0.54 acre from the C-4 District to the C-3 classification to provide for a convenience store / gasoline station and variances of development standards of the Dwelling Districts Zoning Ordinance to provide for a trash container with a zero-foot front yard setback and in front of the established building line; carryout food service within zero feet of a D-5 zoned protected district; and legally establish a zero-foot front yard along 38th Street, a zero-foot north side yard, a zero-foot north front yard, and zero-foot west front yard, **approved and granted**.

93-Z-74; 3745 Arlington Avenue (east of site), requested rezoning of 7.29 acres from C-5, D-4 and D-A to I-2-S, **approved**.

90-AP-117; 5950 East 38th Street (north of site), requested modification of commitments related to 84-Z-106 to provide for an alternate site plan, to provide landscaping along the site's frontages of East 38th Street and Arlington Avenue rather than a brick-capped wall, **approved**.

84-Z-106, 84-CV-13; 3802 North Arlington Avenue (north of site), requested rezoning of 0.54 acre from D-5 to C-4, **approved**; and a variance of the front setback and rear transitional yard requirements to provide for automotive sales, service and repair, **approved**.

(Continued)

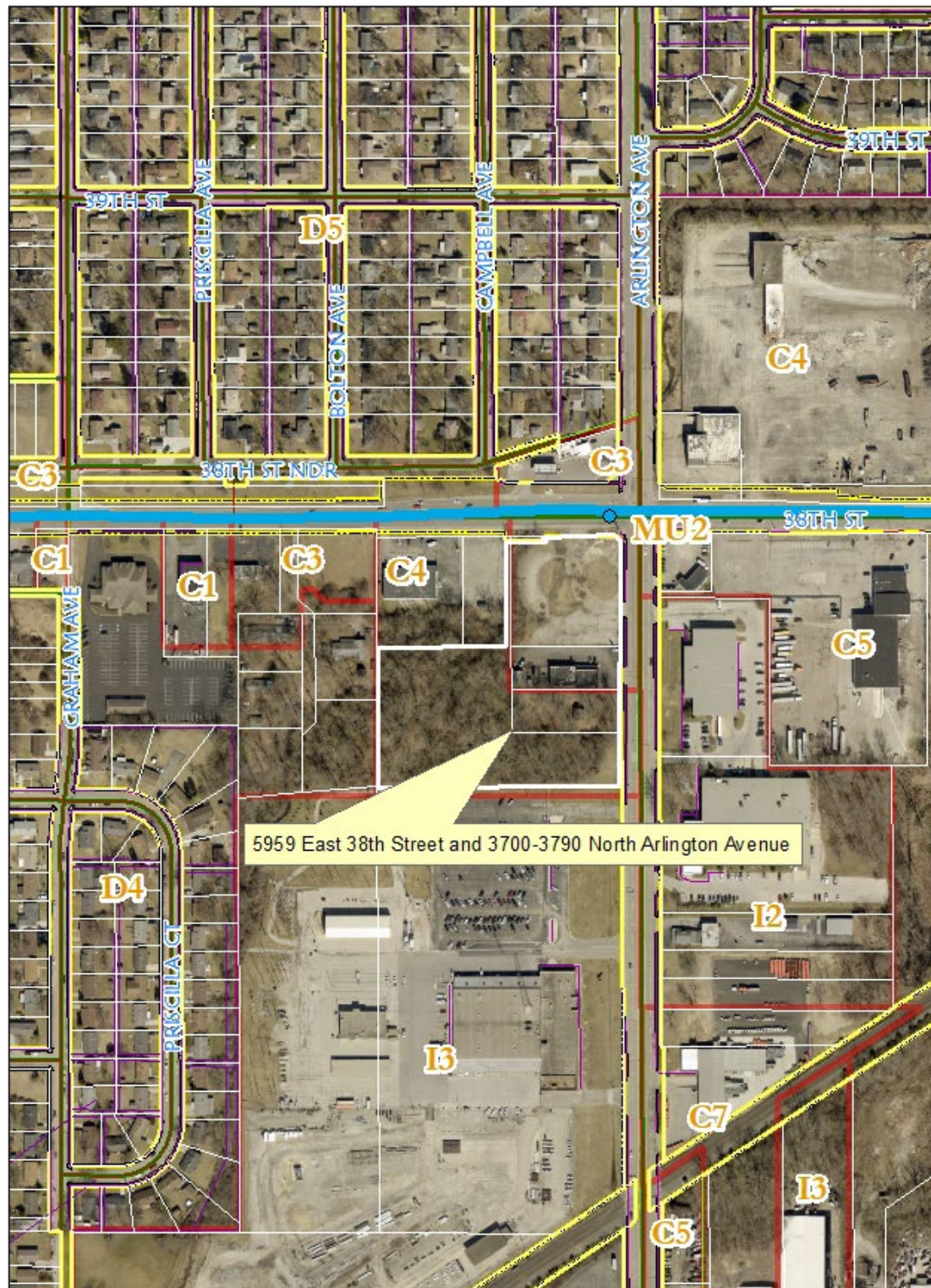
80-UV3-1; 3802 North Arlington Avenue (north of site), requested variance of use and development standards to provide for sales and service of tires, batteries and accessories in an existing building, **granted**.

69-V1-183; 3802 North Arlington Avenue (north of site), requested variance of use, setback and rear yard requirements to provide for a gasoline service station, **granted**.

62-V-512; 3790 North Arlington Avenue (south of site), requested permission to allow for retail sale of packaged liquor within existing business building, **granted**.

62-V-185; 3790 North Arlington Avenue (south of site), requested variance of use to allow for an open-air auto sales lot, **granted**.

kb



5959 East 38th Street and 3700-3790 North Arlington Avenue

5959 East 38th Street and 3700-3790 North Arlington Avenue



0 0.02 0.04 0.08 0.12 0.16 Miles

MEMORANDUM OF EXAMINER'S DECISION

2023-CZN/CVR-817 5959 E. 38th St., 3700-3790 N. Arlington Ave.

The petitions request the rezoning of 5.8 acres from the MU-2 (FW, FF, TOD) and C-4 (FW, FF, TOD) districts to the MU-2 (FW, FF, TOD) district to provide for a mixed-use development, and six variances of development standards regarding height, drive-through service unit, Stream Protection Corridor, interior parking lot landscaping, parking lot setback, and building setback.

Your Hearing Examiner visited the primarily undeveloped site prior to the hearing and noted Pogues Run along the north/northwest portion of the site. The area is developed with a mixture of commercial and industrial uses.

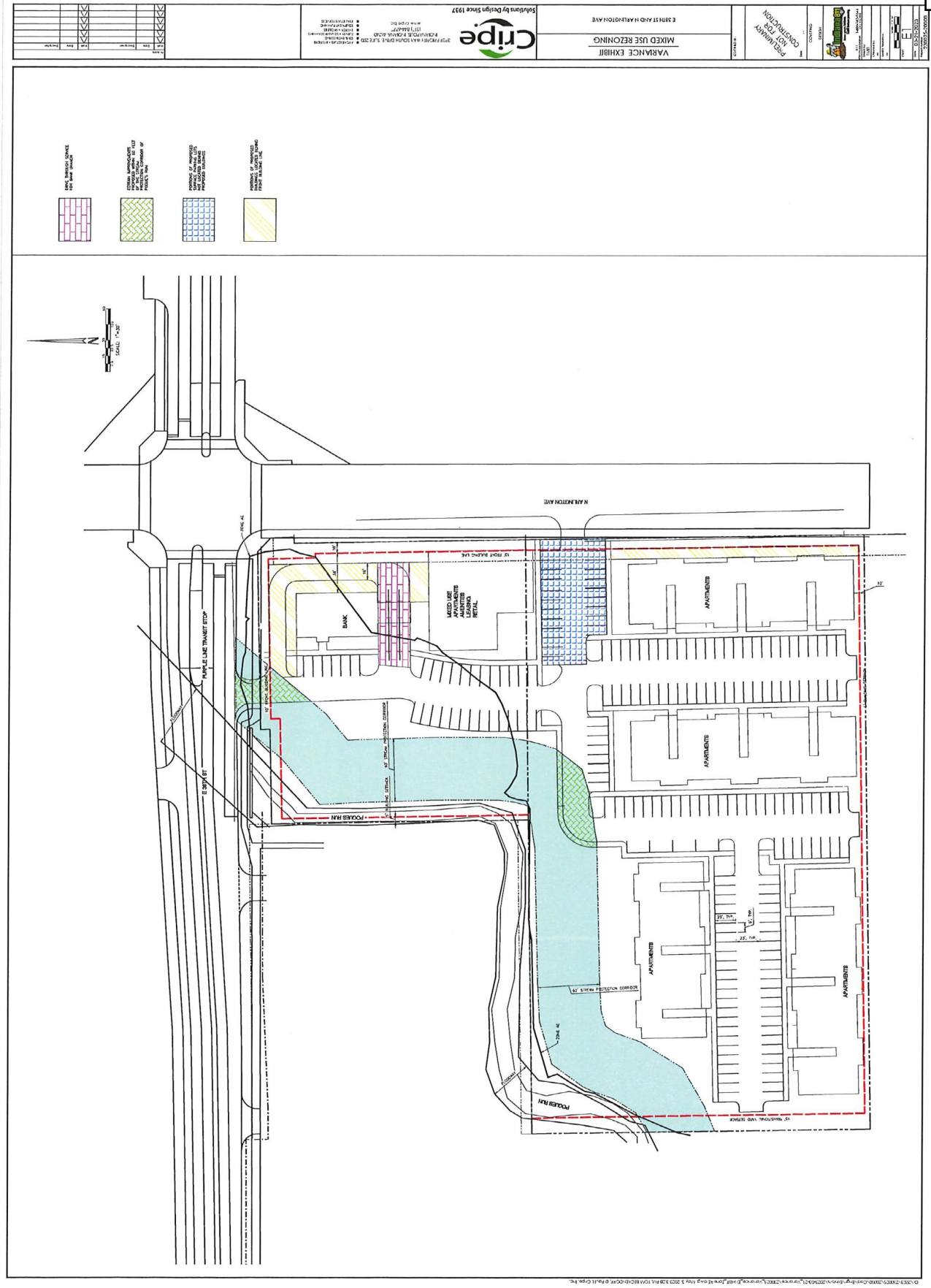
The petitioner's representative described the redevelopment of the site for a bank, a mixed-use building, and multi-family residential development, and explained how the proposal conformed with the Comp Plan and several neighborhood plans recommending community commercial development. Because the two points of contention were the variances for the Stream Protection Corridor and interior parking lot landscaping (variances c) and d)), discussion focused on those two variances. The representative stated that only about 1,800 square feet of improvements are within the Stream Protection Corridor and suggested the Stream Protection Corridor warranted deficient interior parking lot landscaping.

An adjacent resident remonstrated at the hearing and expressed concern with Pogues Run being an attractive nuisance to future residents on the site. There was a letter from Warren Township Development Association opposing the variances of the Stream Protection Corridor and deficient interior parking lot landscaping (variances c) and d)).

Staff explained its support of the rezoning petition and all variances except those for the Stream Protection Corridor and the interior parking lot landscaping (variances c) and d)). Staff stated that there were ongoing discussions with the petitioner about mitigating both of those variances, but no commitments had been finalized. Staff also expressed concern with the lack of green space and recreation amenities on the site.

In your Hearing Examiner's opinion, the proposed redevelopment of this site will be an asset to the community, and approval was recommended of the rezoning petition and of variances a), b), e), and f). Because the Stream Protection Corridor is of utmost importance and there are unresolved mitigation measures for it and for interior parking lot landscaping, denial was recommended of variances c) and d).

For Metropolitan Development Commission Hearing on June 21, 2023



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

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the variances are all necessary to facilitate a project which is bringing needed services (a bank branch and new housing) and none of
the variances sought will create a traffic or access issue with respect to 38th Street or Arlington Ave.

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 adequate separation from the proposed improvements to improvements/uses on adjacent property. There is an intervening
floodway which provides natural separation from the west as well.

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

the subject property has a stream and associated flood hazard access running through a significant portion of it which compresses
the potential buildable area, thus triggering several development standard variances.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking west along East 38th Street



View looking east along East 38th Street



View of site looking southeast across East 38th Street



View looking of adjacent land uses looking northeast across East 38th Street



View

View from site looking northwest across East 38th Street



View looking south along North Arlington Avenue



View looking north along North Arlington Avenue



View of site looking north from adjacent property to the south



View of site looking north from adjacent property to the south



View of site looking west across North Arlington Avenue



View of site looking west across North Arlington Avenue



View of site looking northwest across North Arlington Avenue



View from site looking east across North Arlington Avenue



View from site looking southeast across North Arlington Avenue

STAFF REPORT

Item 22.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-023 / 2023-VAR-003 (Amended)
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.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for self-storage facility with a reduced landscaped buffer along the lot lines abutting a protected district (a minimum 50-foot landscaped buffer required).

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

The Hearing Examiner continued these petitions, with notice, and transferred the petitions from the May 11, 2023 hearing, to the Metropolitan Development Commission for their hearing on June 21, 2023 hearing, at the request of the petitioner's representative.

May 11, 2023

ADDENDUM FOR JUNE 21, 2023, METROPOLITAN DEVELOPMENT COMMISSION

Prior to the May 11, 2023 hearing, it was discovered that a variance of development standards would be required to provide for a reduced landscaped buffer. Consequently, the petitioner's representative requested that the petition be continued and transferred to the Metropolitan Development Commission for initial hearing on June 21, 2023, due certain conditions of the sales contract.

The purpose of a required landscaped buffer abutting a protected district is to provide appropriate separation between land uses when a more intense land use (such as warehousing in this case) abuts a protected district such as the existing residential uses to the west and south.

Staff believes the lack of a buffer represents over development of a site that is currently undeveloped with no impediments to provide for appropriate development that complies with the Ordinance. The amended site plan, file-dated May 24, 2023, provides for a 30-foot landscaped buffer, which is an approximately 40% decrease in the buffer.

The substantially reduced landscaped buffer and the mass of the development would be wholly detrimental and impactful on the surrounding land uses in this area. Furthermore, staff does not believe there is a practical difficulty in the use of the property because the building footprint could be reduced to comply with the Ordinance and minimize impact of the proposed use on surrounding land uses.

(Continued)

Staff, therefore, **recommends denial** of the variance request.

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

(Continued)

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

Conditions for All Land Use Types

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

(Continued)

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;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

(Continued)

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

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
AMENDED C-S STATEMENT	File-dated May 24, 2023
SITE PLAN	File-dated March 10, 2023
SITE PLAN (AMENDED)	File-dated May 24, 2023
RENDERINGS	File-dated March 10, 2023
FINDINGS OF FACT	File-dated May 24, 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**.

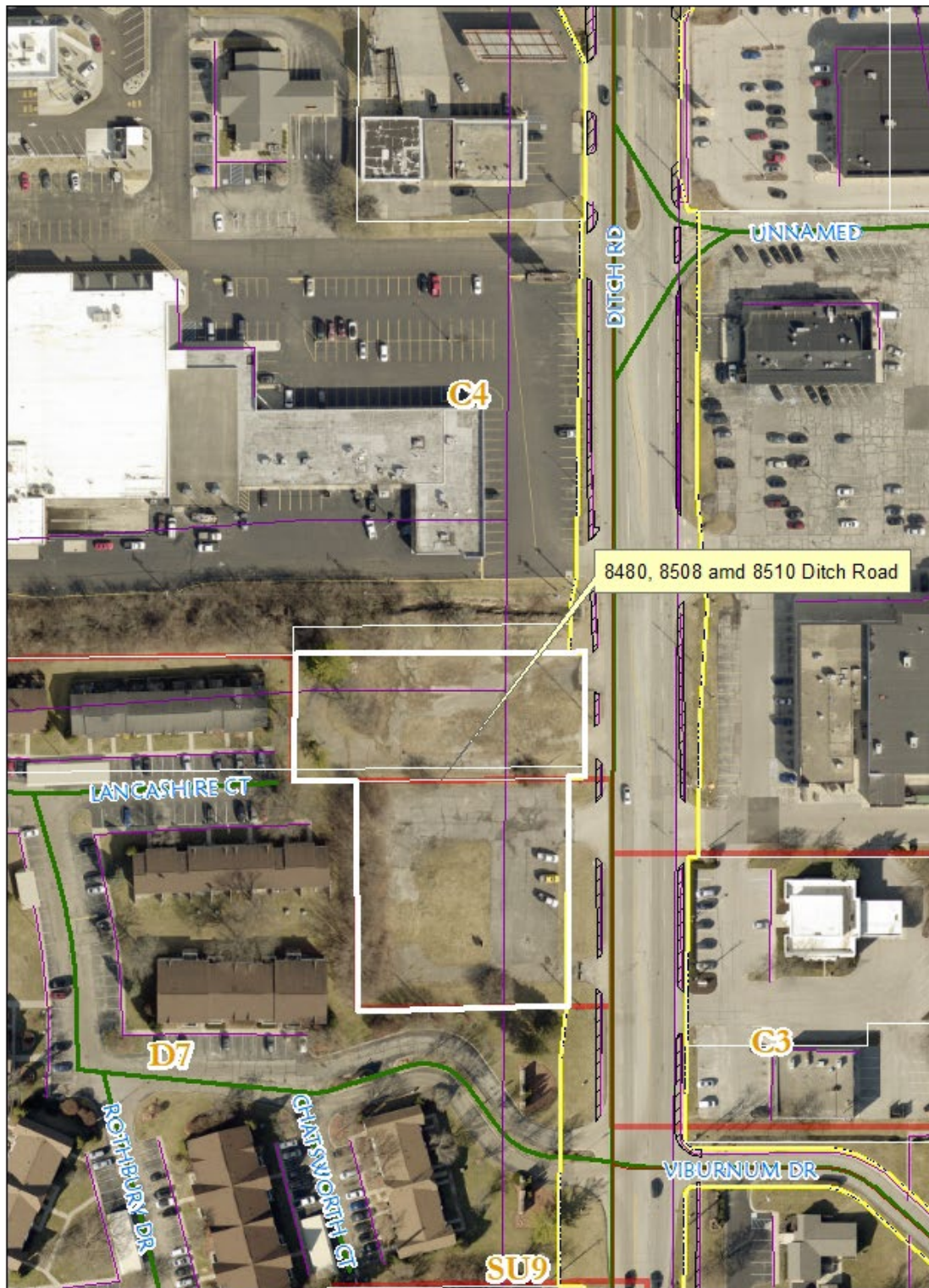
83-Z-9; 8450 Ditch Road, requested rezoning (Commission initiated) from the D-7 and C-1 Districts to the C-1 classification to correct a mapping error based on information found in 72-UV3-88 and 73-Z-144, **approved**.

73-Z-144; 8502 Ditch Road, requested rezoning of 1.03 acres 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



8480, 8508 and 8510 Ditch Road

0 0.0075 0.015 0.03 0.045 0.06 Miles

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.

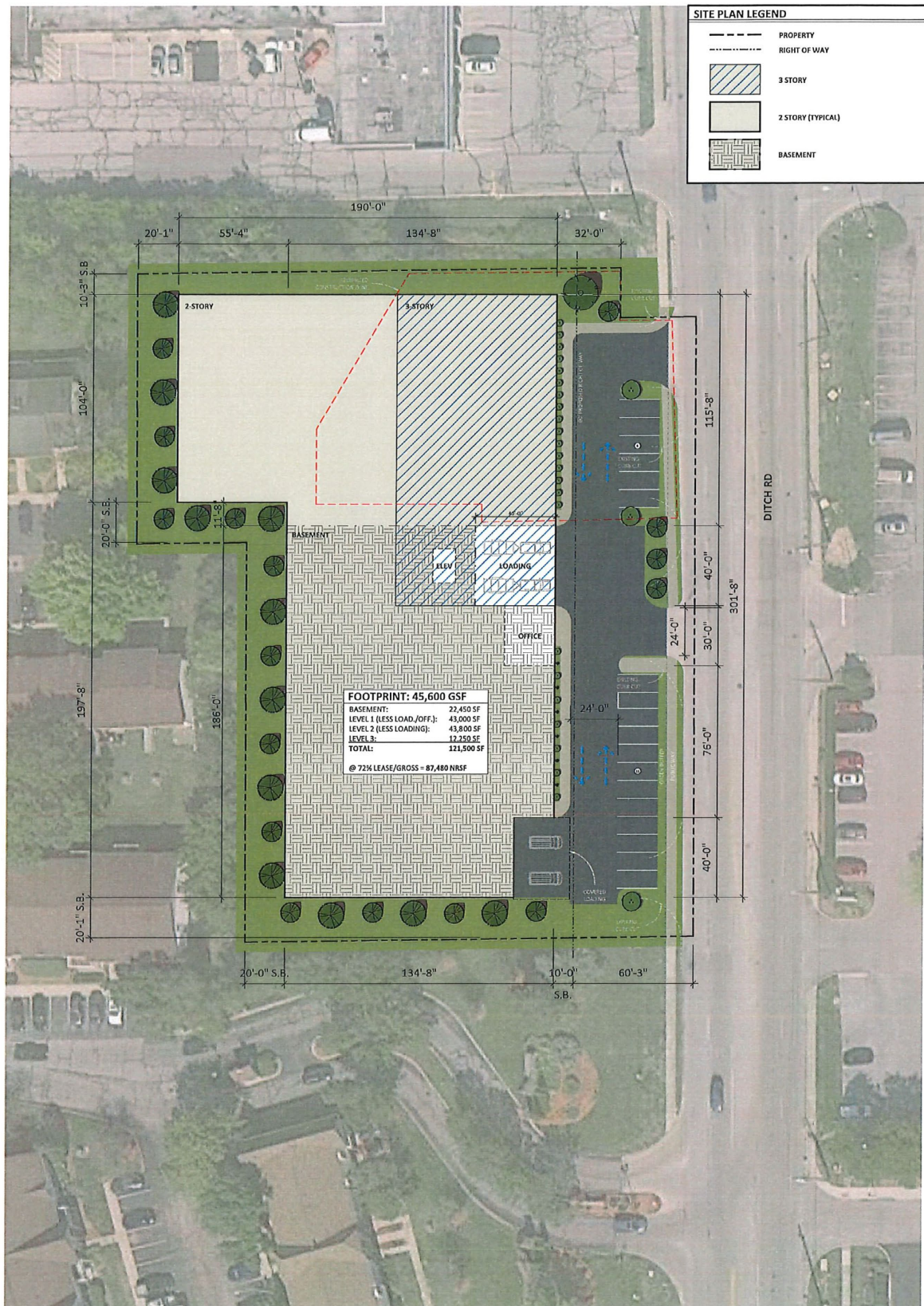
Along Ditch Road, Petitioner proposes to install sidewalks and eliminate two existing curb cuts. Between the Site and the existing multi-family community to the west and south, Petitioner proposes to install landscaping within twenty-foot wide west and south rear/side yards. The 2-story portion of the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

Second Amended 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 east 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 approximately thirty-foot wide landscaped buffers (Petitioner is requesting a variance relating to the widths of the west and south buffers).



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

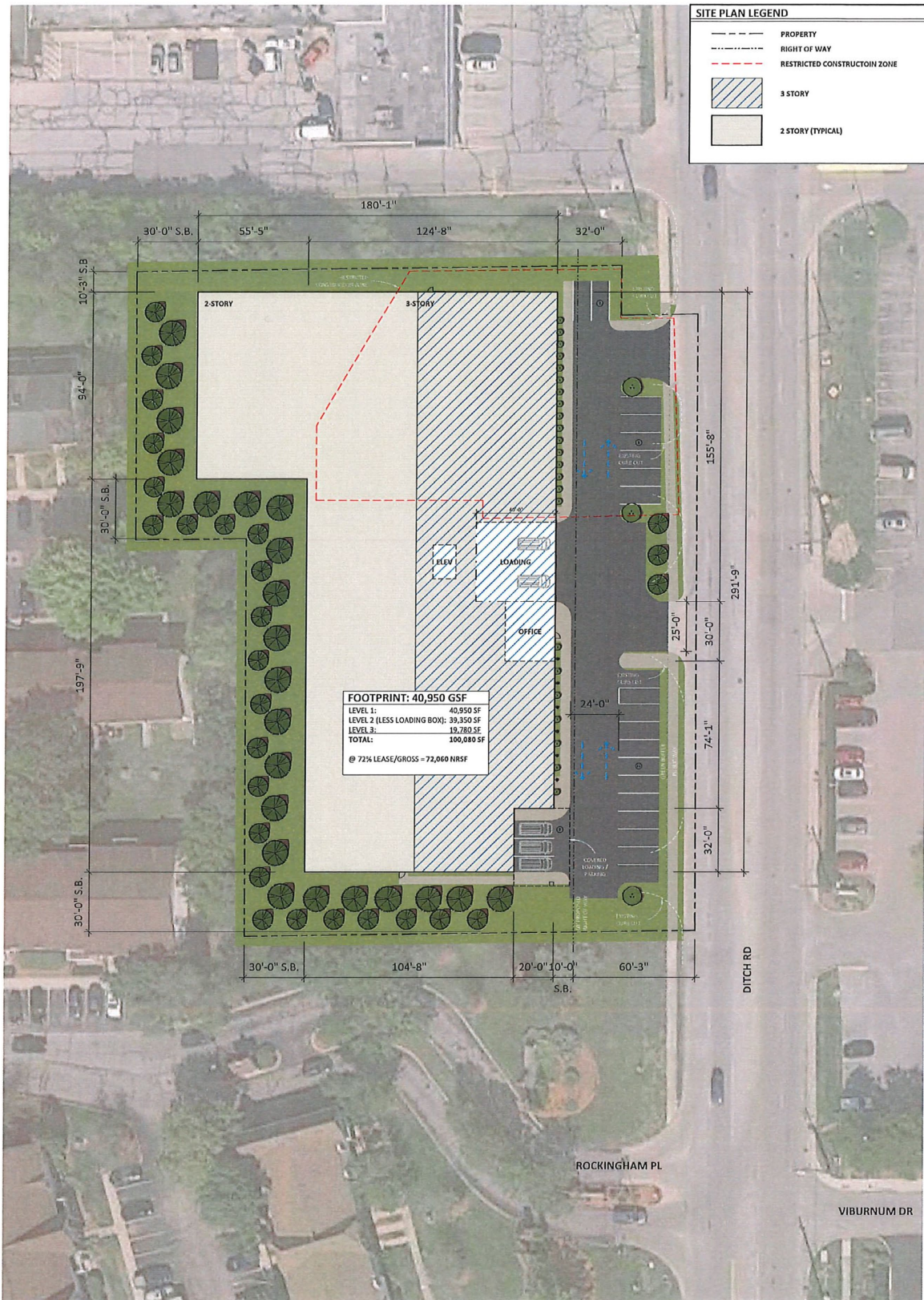
0 10' 20' 40'
SCALE: 1" = 20'

DITCH ROAD STORAGE

M-H
MORGAN HANSEN
Architects • Engineers

Amended Site Plan

Item 22.



SITE CONCEPT - 3 STORY - 30 FT BUFFER
INDIANAPOLIS, IN
05/23/2023

DITCH ROAD STORAGE

BOHANNAN HANSEN
ARCHITECTS & ENGINEERS

Petition Number _____

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

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

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

The site was previously used as a gas station / car wash and bank with a drive through. The proposed use is for a completely indoor storage business.

Petitioner proposes extensive landscaping within approximately 30' wide yards along the west and south sides of the site to buffer the neighboring apartment complex, which includes two story apartment buildings. Similarly, the west and a portion of the south elevations of the proposed building are two stories. Further, directly south of the site is an undeveloped green area and the drive for the adjacent apartment complex. The west elevation of the proposed building will face the ends of the apartment buildings and will contain no windows. Due to the proposed landscaped buffer areas to be provided, the configuration of the adjacent apartment buildings and the proposed storage building's design, granting the variance will not be injurious.

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:

A gas station / car wash and a bank with a drive through previously operated on the site. The proposed use will have no outdoor operations or storage.

Petitioner proposes to install extensive landscaping within approximately 30' wide yards along the west and south sides of the site to provide separation to the adjacent apartment complex. Directly south of the site is a green area / driveway and to the west of the site, the ends of the apartment buildings face the west side of the site. Due to the configuration of the apartment buildings, the landscaped buffer area to be provided and the proposed indoor use, the area adjacent to the site will not be adversely affected. The variance will allow for substantial investment in a long vacant site, which will increase the assessed value of the site. The storage building will provide a convenient storage place for residents of the nearby apartments and condominiums. The proposed use will generate limited traffic and will not disturb adjoining properties.

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

The zoning ordinance requires the front yard setback (the east side setback) of the site to be at least ten feet from the proposed right-of-way of Ditch Road, which is 60'. In order to comply with the front setback requirements and substantial proposed right-of-way, the width of the buildable area of the site east to west is reduced. Previous uses on the site included a gas station, car wash and bank with drive through, but the proposed use will have no outdoor operations or storage. The strict application of the terms of the zoning ordinance prevents the improvement of a former gas station site with a use that will have substantially less of an impact on the adjacent apartment community than previous uses, due to the proposed building's design and operations.

DECISION

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

Adopted this _____ day of _____, 20 ____



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

MH
MICHAEL HANSEN
ARCHITECTS

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

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829

Address: 822-838 Eugene Street, 815-827 West 30th Street, 629 & 631 West 28th Street, and 2954 & 2709-2735 Dr. Martin Luther King Jr Street
(Approximate Address)

Location: Center Township, Council District #11

Petitioner: The NRP Group, by Russell L. Brown

Request: Modification of the plan of operation related to 2020-ZON-067 to allow for the development of 122 multi-family dwelling units and 12,160 square feet of food supply and a workforce training center, with no greater than 197 parking spaces between two sites.

Variance of use to allow for the development of 2713 and 2717 Dr. Martin Luther King Jr. Street, 629 and 631 West 28th Street to be developed in association with uses provided by 2020-ZON-067 and further amended by petition 2023-CAP-829, including multi-family development, grocery and food retail, job training and associated accessory parking

Vacation of the first alley west of Dr. Martin Luther King, Jr. Street, being 12.9 feet in width, from the south right-of-way line of 30th Street, being the northwest corner of Lot 1 of Block 1 of William Braden, et al, North Indianapolis Addition, Recorded in Plat Book 5, Page 23 in the Office of the Recorder of Marion County, Indiana, south 270 feet, to the north right-of-way line of Eugene Street, with a waiver of the assessment of benefits

Vacation of the first east-west alley south of 30th Street, being 20 feet in width, from a point 125 feet south of the northeast corner of Lot 1 of Block 2 of William Braden, et al, North Indianapolis Addition, Recorded in Plat Book 5, Page 23 in the Office of the Recorder of Marion County, Indiana, being the southeast corner of Lot 1 of said Block, east 120 feet to the southwest corner of Lot 4 of said Block, with a waiver of the assessment of benefits

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

Vacation of the first alley east of Dr. Martin Luther King, Jr. Street, being 12 feet in width, from the south right-of-way line of 28th Street, being the northeast corner of Lot 9 in Harland and Kessler's Northern Heights, Recorded in Plat Book 13, Page 37 in the Office of the Recorder of Marion County, Indiana, south 245.88 feet, to the southeast corner of Lot 2 of said subdivision, with a waiver of the assessment of benefits

Vacation of a portion of the first east-west alley south of 28th Street, being 12 feet in width, from a point 140.79 feet south of the northwest corner of Lot 10 of said subdivision, being the southwest corner of Lot 11, east 22.29 feet to the southeast corner of Lot 11, with a waiver of the assessment of benefits

At the request of the petitioners, this petition was transferred by the Hearing Examiner for initial hearing by the Metropolitan Development Commission at the June 21, 2023 hearing.

RECOMMENDATION

Staff **recommends approval of these requests**, provided that the following commitments be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to certification to the City-County Council:

1. Administrator's Approval of the site plans shall include a livability space ratio within substantial compliance with the standards of the D-9 zoning district and shall provide either a turn-around or a connection to a public access at the west end-point of Alley 2775 N.
2. A right-of-way shall be dedicated connecting Alley 2975 N to Eugene Street and an alley shall be constructed within that right-of-way to the standards of the Department of Public Works.
3. Building elevations shall be submitted for Administrator' Approval prior to the issuance of an Improvement Location Permit for that building.

Staff **recommends denial of the waiver of benefits for Alley 825 W, Alley 2975 N, and Alley 675 W.** Staff **recommends approval of the waiver of benefits for Alley 2775 N.**

RECOMMENDED MOTION: That the Hearing Examiner finds that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be scheduled for July 19, 2023; and that the Metropolitan Development Commission confirms and ratifies the adoption of Declaratory Resolution 2023-CVC-829; subject to the rights of public utilities under IC 36-7-3-16 and to Commitments One and Two.

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ This petition comprises two sites along Dr. Martin Luther King, Jr. Street. In this report, the site between 30th Street and Eugene Street is referred to as the North Site. The site between 28th Street and 27th Street is referred to as the South Site.
- ◇ Dr. Martin Luther King, Jr. Street from 30th Street south to 27th Street has long been a mixed commercial, institutional and residential corridor, with dwellings becoming a larger part of the mix as one moved south. However, by the mid-1990s most of the single-family dwellings along the street had given way to either cleared lots or other uses. Behind the lots facing Dr. Martin Luther King, Jr. Street to both the east and the west are neighborhoods predominately made up of single-family dwellings.
- ◇ With the exception of the Eugene Street parcels, the United Northwest Neighborhood Plan, a segment of the Indianapolis/Marion County Comprehensive Plan, recommends Commercial Retail and Service for the three sites. This typology envisions neighborhood-serving retail establishments; personal, profession, and business services; consumer repair services; restaurants and taverns. The Eugene Street parcels are recommended for single-family dwellings at a density of 3.5 to five units per acre.

MODIFICATION OF PLAN OF OPERATION

- ◇ Both sites were the subject of a 2020 petition (2020-ZON-067) that rezoned the sites to the C-S district. The C-S district is intended to provide for adaptability and flexibility within the established zoning controls by allowing a petitioner to submit an individualized list of potential land uses and a site plan for review and approval of the Metropolitan Development Commission. The site plan may fall anywhere in the range of specificity from conceptual to highly detailed. Future development on the site is expected to be substantially in compliance with the approved site plan. The 2020 petition approved the following land uses:
 - ◇ North site – 30 units of Multi-family dwellings and Grocery Store
 - ◇ South site – 57 units of Multi-family dwellings and a Vocational/Technical Training Center

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

- ◇ This petition proposes the following:
 - ◇ North site – 50 units of Multi-family dwellings
 - ◇ South site – 72 units of Multi-family dwellings and approximately 12,000 square feet of commercial space
- ◇ The C-S district was established in part to encourage a more creative approach to land planning and superior site and structural design and development. As such, development in C-S districts should be at least to the same level of quality, and ideally a higher level of quality, as other districts that permit the proposed uses.
- ◇ If this development was developed in the D-9 district, a Livability Space Ratio of 0.75 would be required. The Livability Space Ratio expresses the relationship between the size of the proposed structures and the amount of usable open space. The bigger the number, the more open space available for the residents of the site. Staff's rough calculations of the Livability Space Ratio for the proposed development is 0.157 on the north site and 0.015 on the south site. These numbers indicate that little useable open space will be available to those persons living in these buildings.
- ◇ The sites' Livability Space Ratios could be improved by reducing the amount of built space within the structures or reducing the amount of space dedicated to parking. As the site plans show more parking than is required by the Ordinance, a reduction in the amount of parking is likely the easiest way to make these sites more livable.
- ◇ The proposed buildings will be taller than nearly any other buildings in their proximity site and will be located close to the right-of-way line of Dr Martin Luther King Jr Street. The buildings will be very prominent, so it's especially important that the architecture of the building be appropriate for the site, the streetscape and the pedestrian experience. As such, staff is requesting Administrator's Approval of the building elevations.

VARIANCE

- ◇ This petition includes a variance of use for four parcels that were not a part of the 2020 rezoning but have now been added to the project. The variance of use would allow for these parcels to be developed in conjunction with the rest of the subject site and under the same standards.

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

VACATIONS

This vacation petition would vacate four sections of right-of-way. They are:

- Alley 825 W, a north-south alley that runs from 30th Street to Eugene Street through the north site,
- Alley 2975 N, an east-west alley that runs from its T-intersection with the north-south alley described above to the point where it leaves the subject site,
- Alley 675 W, a north-south alley that runs approximately 450 feet south through the south site from 28th Street south to its dead-end, and
- A short portion of Alley 2775 N, an east-west alley south of 629 West 28th Street.
- A waiver of the Assessment of Benefits has been requested for all four rights-of-way.

The requests would allow for larger buildable sites. However, it would create several situations that are poor platting practices.

The vacation of the two alleys through the north site would create a dead-end on Alley 2975 N. The petitioner has accommodated this situation by proposing a drive within an access easement from the end-point of Alley 2975 N and Eugene Street. Staff recommends that instead of an access easement, a new right-of-way be dedicated for the new alley connection.

The vacation of the two alleys through the south site would create a dead-end on Alley 2775 N. The site plan does not propose any mitigation of this situation. Although Alley 2775 N does not appear to be in active use at this time, it does provide access to the backs of the lots at 553 to 625 West 28th Street. Many of these lots are vacant. Should they be redeveloped, the Ordinance would require that they be accessed from the alley. Creating a dead-end on Alley 2775 N makes future redevelopment more difficult. Staff recommends that the petition provide a solution for this situation such as a turn-around, or connection of the alley to their parking lot.

After evaluation of the above considerations, staff finds that the vacation **would be in the public interest** and recommends the vacation petition be **approved with Commitments 1 and 2 above**.

ASSESSMENT OF BENEFITS

Rights-of-way are public assets. Many of them are improved either by the City or original developer and then dedicated to the City which has maintained the improvement over time. Vacation of a right-of-way transfers that public asset to a private entity. Assessment of Benefits compensates the City for the loss of that asset.

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

Waiver of the Assessment of Benefits allows the private entity to assume the right-of-way without compensation to the City. Staff routinely recommends denial of the waiver if there is evidence that the street or alley in the right-of-way was ever constructed. Staff will frequently recommend approval of the waiver if it appears that the right-of-way was never improved.

The two alleys within the north site are currently in place and in use. Historic aerial photography indicates that the north-south alley through the south site was constructed and in use for many years. The east-west alley through the south site does not appear to have existed within the right-of-way. As such staff **recommends denial of the waiver of benefits for Alley 825 W, Alley 2975 N, and Alley 675 W.** Staff **recommends approval of the waiver of benefits for Alley 2775 N.**

PROCEDURE

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

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

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

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

GENERAL DESCRIPTION:

Vacation of the first alley west of Dr. Martin Luther King, Jr. Street, being 12.9 feet in width, from the south right-of-way line of 30th Street, being the northwest corner of Lot 1 of Block 1 of William Braden, et al, North Indianapolis Addition, Recorded in Plat Book 5, Page 23 in the Office of the Recorder of Marion County, Indiana, south 270 feet, to the north right-of-way line of Eugene Street,

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

Vacation of the first east-west alley south of 30th Street, being 20 feet in width, from a point 125 feet south of the northeast corner of Lot 1 of Block 2 of William Braden, et al, North Indianapolis Addition, Recorded in Plat Book 5, Page 23 in the Office of the Recorder of Marion County, Indiana, being the southeast corner of Lot 1 of said Block, east 120 feet to the southwest corner of Lot 4 of said Block,

Vacation of the first alley east of Dr. Martin Luther King, Jr. Street, being 12 feet in width, from the south right-of-way line of 28th Street, being the northeast corner of Lot 9 in Harland and Kessler's Northern Heights, Recorded in Plat Book 13, Page 37 in the Office of the Recorder of Marion County, Indiana, south 245.88 feet, to the southeast corner of Lot 2 of said subdivision,

Vacation of a portion of the first east-west alley south of 28th Street, being 12 feet in width, from a point 140.79 feet south of the northwest corner of Lot 10 of said subdivision, being the southwest corner of Lot 11, east 22.29 feet to the southeast corner of Lot 11.

UTILITIES AND AGENCY REPORT

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

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

North Site: C-S	Compact	Vacant lots, retail center
South Site: C-S, C-3	Compact	Vacant lots, retail center

SURROUNDING ZONING AND LAND USE

North site:		
North	C-3, C-4	Retail buildings
South	C-4, D-5	Automobile fueling station, Single-family dwellings, vacant lots
East	C-4	Automotive use, vacant lot
West	C-3, D-5	Single-family dwellings, Single-family dwelling converted to a retail use

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

South site:

North	C-3, D-5	Single-family dwellings, Religious use
South	MU-2	Vacant lot, Multi-family dwelling
East	D-5, SU-1	Single-family dwellings, Religious use
West	C-3, SU-6	Post Office, Health Center

COMPREHENSIVE LAND USE PLAN North site: the United Northwest Neighborhood Plan recommends Commercial Retail and Service for a portion of the site and Residential development at 3.5 to five units per acre for the remainder of the site.

South site: the United Northwest Neighborhood Plan recommends Commercial Retail and Service.

THOROUGHFARE PLAN

Dr. Martin Luther King Jr. Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary arterial, with an existing right-of-way ranging from 78 feet to 135 feet and a proposed right-of-way ranging from 66 feet to 88 feet.

30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an existing right-of-way that varies from 60 to 70 feet, and a 78-foot proposed right-of-way.

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

28th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

27th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

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

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

The south site is not located within a floodway or floodway fringe.

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

The south site is located within the White River W-5 wellfield protection district.

ZONING HISTORY – SITE

Both sites –

2020-ZON-067; 2439, 2455, 2461, 2709, 2711, 2713, 2715, 2717, 2723, 2735, 2753, 2954 Dr. ML King Jr. Street; 815, 821 and 827 West 30th Street; 822, 826, 830, 834 and 838 Eugene Street, requested the rezoning of 4.5 acres from the D-5, C-3, C-3 (W-5) and C-4 districts to the C-S and C-S (W-5) classifications to provide for multi-family residential development, a food hub/food supply, medical training, automotive training and relocation of a lodge, **approved.**

ZONING HISTORY – VICINITY

North site –

2002-DV3-048; 850, 854, & 858 Eugene Street and 19 other addresses (west of site), requested variances of development standards to provide for townhouses with deficient main floor area and deficient front yard setback, **approved.**

2001-DV1-079; 2926 Dr. Martin Luther King Jr Street (south of site), requested variances of development standards to provide for deficient transitional yard, deficient separation of a fast food restaurant from a Protected District, and a trash container in a transitional yard, **approved.**

98-UV2-65; 832 - 836 West 30th Street (north of site), requested a variance of use for off-site parking and a variance of development standards for deficient front setback, **approved.**

South site –

2011-CVR-814; 2625 - 2637 Dr. Martin Luther King Jr Street (south of site), requested variances of development standards to provide for a commercial building in excess of permitted size, deficient front setbacks, without landscaping, deficient number of parking spaces, a building and trash container in a transitional yard, truck loading in a transitional yard and a sign with deficient setback and space from a protected district, **approved.**

(Continued)

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829 (Continued)

2011-CVR-809; 551 – 611 West 27th Street (southeast of site), requested variances of development standards to provide for a building in excess of permitted height, deficient front transitional yard, deficient number of parking spaces, deficient side transitional yard, and a maintenance shed and trash container in a transitional yard, **approved**.

2007-ZON-822, 2007-CVR-822, 2007-VAC-822; 2625 Dr. Martin Luther King Jr Street and 617 East 26th Street (south of site), requested the rezoning of 1.77 acres from the C-3 and SU-1 districts to the C-3C district, variance of development standards, and an alley vacation, **withdrawn**.

2006-DV2-033; 561 West 28th Street and 23 other addresses (north of site), requested a variance of development standards to provide for deficient main floor area, **approved**.

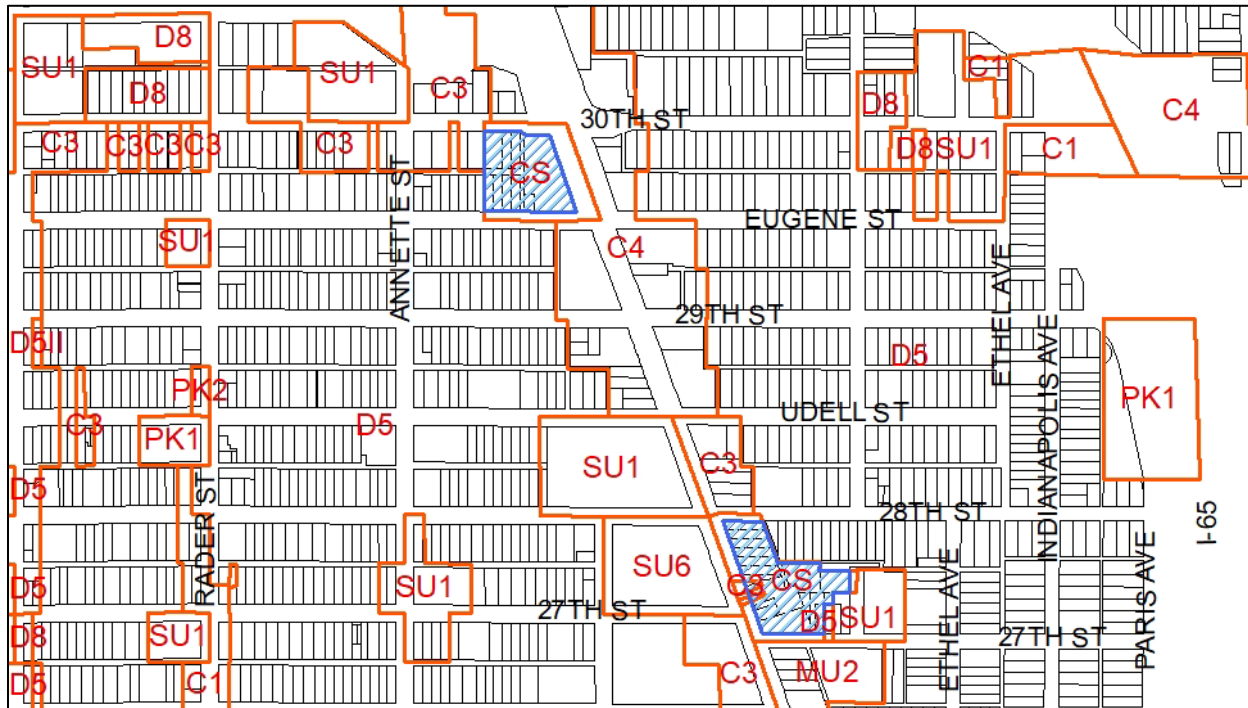
2002-DV3-048; 625 West 28th Street and 21 other addresses (north of site), requested variances of development standards to provide for townhouses with deficient main floor area and deficient front yard setback, **approved**.

2002-UV2-014; 2701 California Street (east of site), requested a variance of use to provide for a funeral home, **approved**.

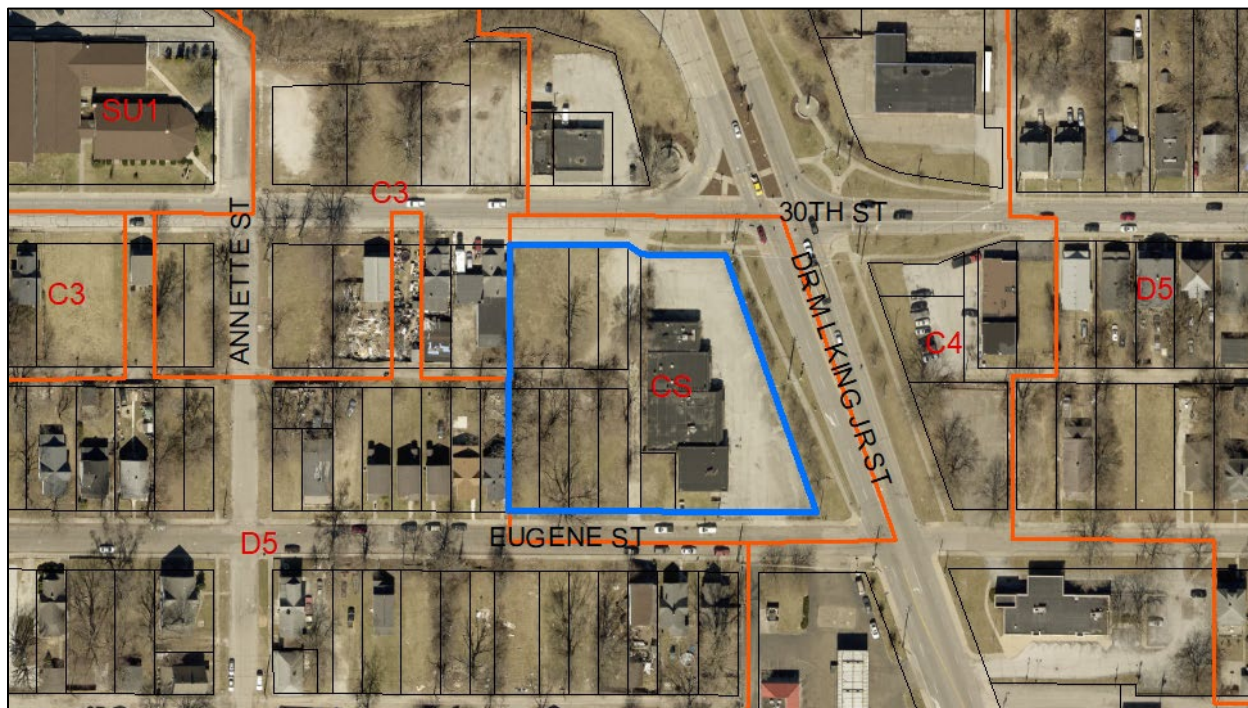
85-UV3-040; 2658 Dr. Martin Luther King Jr Street (west of site), requested a variance of use to provide for a motorcycle club, **denied**.

klh

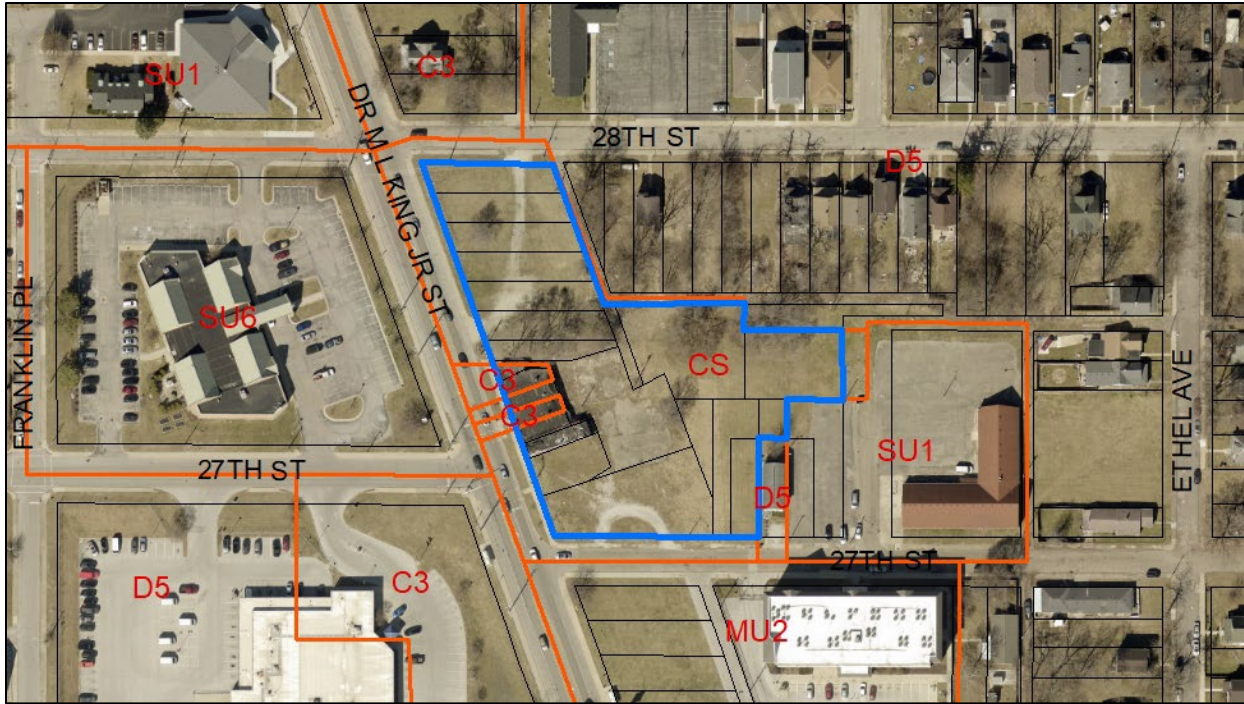
STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829, Locations



STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829, Aerial photograph (2022)

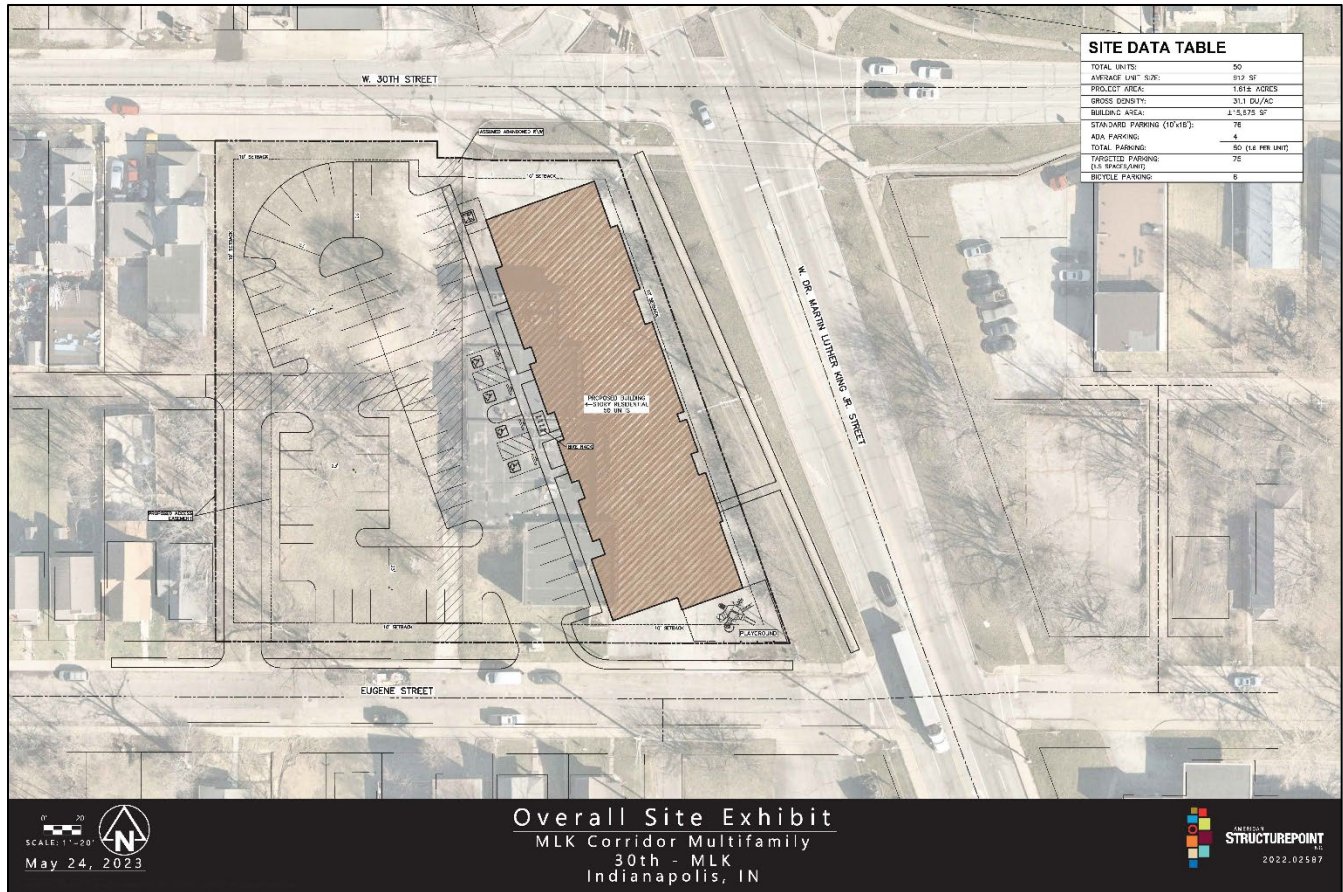


North site.

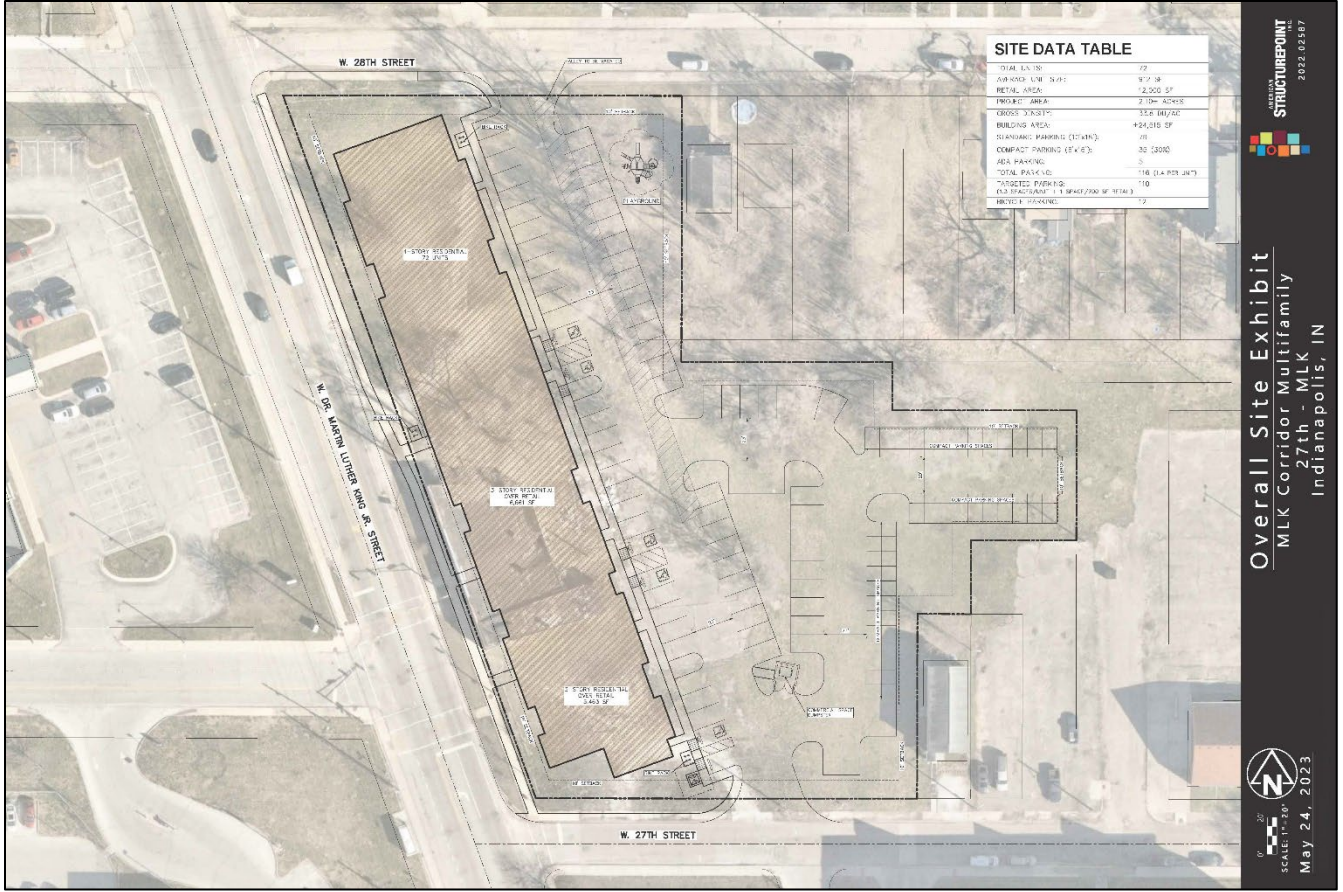


South site

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829, Site Plans



North Site



South site

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829, Variance Findings of Fact

Petition Number _____

METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The proposed use will allow for the comprehensive redevelopment of the block from 28th to 27th on Dr. Martin Luther King Jr. Street with a development that is responsive to the community and provides for affordable housing options on a major thoroughfare. The five parcels which are subject to this petition are adjacent to and/or engulfed by a previously approved project. The variance will allow for development which is integrated to this previously approved project.

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

The use of these five parcels in conjunction with the previously approved project will provide for a more cohesive development with adequate and necessary parking infrastructure and open space. The inclusion of these parcels will have an overall positive value to the aesthetics and functionality of the previously approved project (as modified by the companion petitions filed herewith).

3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because:

These parcels were originally not under common ownership with the properties approved for the comprehensive development and thus were largely designed around. The continued exclusion of these parcels will make those fronting on MLK largely unusable and would impact available parking for the previously approved project.

4. The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The properties on MLK would be largely undevelopable or unusable if not folded into the proposed project. The 28th Street parcels provide for off street parking and open space necessary to support the previously approved project. If the variance is not granted, these parcels will become orphan parcels with difficulties for reuse instead of part of an overall redevelopment benefitting the community and neighborhood.

5. The grant does not interfere substantially with the Comprehensive Plan because:

The Comprehensive Plan contemplates Commercial Retail and Service. The proposed mixed use development contains a community serving grocery space as well as job readiness training for a known community partner. The multi-family development will encourage further retail and service development by increasing residential density. The parking provided on parcels included in this variance will support all users of the property, residential and commercial users.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829, Vacation Findings of Fact

Petition Number _____

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

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

FINDINGS OF FACT

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

Southern Alley - The alley exists on paper only. It is completely grown over with vegetation and provides access to no homes or business.

Upon vacation, the vacated property will be part of a parking field for a mixed use development providing services to area residences and affordable housing options.

Northern Alley - The current alley largely serves one commercial building to be replaced with an affordable housing development. The proposed development will include a reconstructed access drive off of Eugene Street to provide access to the remainder of the alley. The vacated alley way will allow for development of required parking in support of the proposed residential development.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829, Proposed commitments for the variance of use

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

Legal Description:

SEE ATTACHED EXHIBIT A

Statement of COMMITMENTS:

1. The variance grant shall be utilized only in a development which is developed in an integrated manner with the CS Zoned mixed use development on parcels immediately adjacent to the subject property, and in conformance with the petition originally filed as 2020-ZON-067 as modified.

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2021-UV1-031 the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and
2. Owners of all parcels of ground adjoining the real estate depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various township assessors of the Marion County, which the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the COMMITMENT was made);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2023-CMP-

STAFF REPORT 2023-CAP-829 / 2023-CVR-829 / 2023-CVC-829, Photographs



North site – view of site looking northwest from the corner of Eugene Street and Dr. Martin Luther King, Jr. Street.



North site – looking north along the north-south alley (Alley 825 W).



North site - Looking north from Eugene Street at the site of the proposed access easement and neighbor to the west.



North site – looking east along the east-west alley (Alley 2975 N) toward the subject site.



South site – looking northeast across the site from the corner of Dr. Martin Luther King, Jr. Street and 27th Street.



South site – looking northwest along the Dr Martin Luther King Jr Street frontage.



South site – looking southeast along the north-south alley (Alley 675 W) .



South site – looking west along the east-west alley (Alley 2775 N) from Ethel Avenue.

STAFF REPORT

Item 24.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-831 / 2023-CVR-831
Address: 4185, 4191, 4197 and 4201 College Avenue (*Approximate Address*)
Location: Washington Township, Council District #7
Petitioner: City of Indianapolis, by Kathleen Blackham
Requests: Rezoning of 1.48 acres from the SU-9 (TOD) District to the MU-1 (TOD) District to provide for mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building (maximum 45-foot-tall building height permitted) and a zero-foot transitional side setback (15-foot transitional side setback required).

These petitions will need to be **continued from the June 21, 2023 hearing, to the July 5, 2023 hearing**, for additional time to provide for published legal notice. Notice has been sent to surrounding property owners, subject to an eight-day waiver of the notice period.

kb
