



Metropolitan Development Commission Hearing Examiner (September 14, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, September 14, 2023 **Time:** 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-APP-024 | 1833 & 1835 Central Avenue

Center Township, Council District #11
PK-2
Gem Homes, LLC, by Paul Carroll

Park District Two Approval to provide for a single-family dwelling and detached garage with encroachment into the clear-sight triangle of Central Avenue and 19th Street.

****Petitioner withdrawal of Petition**

2. 2023-MOD-016 | 12676 Shorevista Drive

Lawrence Township, Council District #5
D-P (FF)
Andrew Schenck, by David Gilman

Modification of the development statement for 90-Z-110 for Lot 279 of Admiral's Bay, Section Six, to provide for a boathouse with a zero-foot rear setback protruding approximately 17 feet into Geist Reservoir (minimum 20-foot rear setback or 788.4 feet above mean sea level, whichever is greater, no covered boat docks permitted and may not protrude into the Reservoir).

****Petitioner request for continuance to October 12, 2023**

3. 2023-ZON-079 (Amended) | 2153 North Arsenal Avenue

Center Township, Council District #17
Greater Joshua Missionary Baptist Church, by Kevin Thomas

Rezoning of 0.634 acre from the I-3 district to the SU-1 district to provide for religious uses.

****Staff request for continuance to October 12, 2023**

4. 2023-ZON-082 | 1102 and 1138 Roosevelt Avenue

Center Township, Council District #17
Roosevelt Landsite, LLC, by Russell L. Brown

Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage.

****Staff request for continuance to September 28, 2023**

5. 2023-CZN-803 / 2023-CVR-803 | 3601 North Kitley Avenue

Warren Township, Council District #13

Diego Diaz Huijon, by Joseph D. Calderon

Rezoning of three acres from the D-3 district to the C-S district to legally establish a commercial building contractor with outside storage and a single family dwelling.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a lot with zero feet of street frontage (50 feet required), a front building setback of 338 feet from Massachusetts Avenue (65-foot maximum permitted) and outside storage with a zero-foot setback from the east and west property lines (10-foot transitional yard/side yard required).

****Petitioner request for continuance to October 12, 2023, with Notice, to amend Petition**

6. 2023-CZN-839 / 2023-CVR-839 (Amended) | 802 South West Street

Center Township, Council District #16

McCarty West Associates, LLC, by Hannah Able

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

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

****Staff request for continuance to September 28, 2023; Petitioner withdrawal of 2023-CVR-839**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2023-APP-026 | 320 and 362 North Tibbs Avenue and 3455 West Vermont Street

Wayne Township, Council District #15

Acadia Realty Holdings, LLC, by Kevin Buchheit

HD-1

Hospital District One approval to provide for building additions to accommodate a 95-bed expansion of the hospital facility.

8. 2023-ZON-043 | 1400 Campbell Avenue

Warren Township, Council District #19

JAK Holdings Group, LLC, by Mark and Kim Crouch

Rezoning of 1.16 acres from the C-1 district to the D-7 district.

9. 2023-ZON-063 (2nd Amended) | 3855 & 3955 North Emerson Avenue, 5035 East 39th Street and 5070 Roselawn Avenue

Lawrence and Washington Townships, Council Districts #9 and #13

Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen

Rezoning of 9.19 acres from the D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.

10. 2023-ZON-072 | 2143 and 2145 South Emerson Avenue

Warren Township, Council District #18

Tropical Island, LLC, by David Kingen

Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-4 district to provide for residential uses.

- 11. 2023-ZON-077 | 2958 North College Avenue**
Center Township, Council District #9
Spann Alexander REIG, LLC, by Michael Rabinowitch

Rezoning of 0.218 acre from the D-5 district to the MU-2 district to provide for a mixed-use development.

- 12. 2023-ZON-081 (Amended) | 1910 and 1912 Valley Avenue**
Center Township, Council District #17
Kenneth Thorpe, by Mark Young

Rezoning of 0.74 acre from the D-5 district to the D-8 district to provide for a small apartment building development.

- 13. 2023-ZON-083 | 2991 East Troy Avenue**
Perry Township, Council District #21
Timothy Agee d/b/a The Sanctuary, Inc., by Greg Ilko

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

- 14. 2023-CZN-843 / 2023-CPL-843 | 2302 West Morris Street**
Wayne Township, Council District #16
Habitat for Humanity of Greater Indianapolis, Inc., by Chris Barnett

Rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings.

Approval of a Subdivision Plat to be known as Oden Ross Park, subdividing 3.4 acres into six lots and two blocks.

- 15. 2023-CZN-844 / 2023-CPL-844 | 11805 Brookville Road**
Warren Township, Council District #19
DGOIndianapolis05032023, LLC, by Alex Intermill and Tyler Ochs

Rezoning of 1.55 acres from the SU-1 district to the C-3 district to provide for retail development.

Approval of a Subdivision Plat to be known as RSBR Brookville Road, subdividing 4.30 acres into two lots.

- 16. 2023-CAP-845 / 2023-CVR-845 | 2850 Bethel Avenue**
Center Township, Council District #21
Indy Parks, by Ben Jackson
PK-1

Park District One approval to provide for new game fields/courts, a shelter area and parking.

Variance of Development Standards to not provide for sidewalks along Minnesota Street (sidewalks required).

****Petitioner withdrawal of 2023-CVR-845**

- 17. 2023-CZN-846 / 2023-CAP-846 | 8631 River Crossing Boulevard**
Washington Township, Council District #3
PK Partners, LLC, Inc., by Brian J. Tuohy

Rezoning of 10.056 acres from the C-S (FF) district to the C-S (FF) district to add indoor sports and recreation uses (including but not limited to indoor pickleball courts) as a permitted use.

Modification of Commitments related to 93-Z-151, as modified by 2012-CAP-818, to Modify Commitment #2, to allow indoor sports and recreation as a permitted use in the area identified as retail.

- 18. 2023-CAP-850 / 2023-CVR-850 | 8545 South Emerson Avenue**
Franklin Township, Council District #25
C-S
Landmark Holdings 8601 LLC, by Tammy Rice

Modification of the approved C-S Statement, related to 2005-ZON-169, to provide for three integrated pylon signs (maximum two integrated pylon signs permitted).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a third primary freestanding sign within an integrated center (maximum of two freestanding signs permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

19. 2023-ZON-074 | 2013 Southeastern Avenue

Center Township, Council District #12
Omar Hasan, by Mark and Kim Crouch

Rezoning of 0.22 acre from the C-1 district to the D-8 district to provide for a seven-unit townhome development.

20. 2023-ZON-075 | 516 South Rural Street

Center Township, Council District #12
James Roger Martin

Rezoning of 0.12 acre from the D-5 district to the C-1 district.

21. 2023-ZON-078 | 4021 West 71st Street

Pike Township, Council District #7
Turner Adventures, LLC, by Rebekah Phillips

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

Additional Business:

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

STAFF REPORT

Item 1.

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

Case Number: 2023-APP-024
Address: 1833 & 1835 Central Avenue (approximate address)
Location: Center Township, Council District #11
Zoning: PK-2
Petitioner: Gem Homes, LLC, by Paul Carroll
Request: Park District Two Approval to provide for a single-family dwelling and detached garage with encroachment into the clear-sight triangle of Central Avenue and 19th Street.

The petitioner's representative forwarded an e-mail on September 1, 2023, **withdrawing** this petition and requested a partial refund. This would require acknowledgement from the Hearing Examiner.

Based upon calculations, the work that has been completed on this petition to date exceeds the filing fee of \$524.00. Consequently, a partial refund would not be appropriate.

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

Case Number: 2023-MOD-016
Address: 12676 Shorevista Drive (Approximate Address)
Location: Lawrence Township, Council District #5
Zoning: D-P (FF)
Petitioner: Andrew Schenck, by David Gilman
Request: Modification of the development statement for 90-Z-110 for Lot 279 of Admiral's Bay, Section Six, to provide for a boathouse with a zero-foot rear setback protruding approximately 17 feet into Geist Reservoir (minimum 20-foot rear setback or 788.4 feet above mean sea level, whichever is greater, no covered boat docks permitted and may not protrude into the Reservoir)

The petitioner has requested a **continuance from the September 14, 2023 hearing to the October 12, 2023** hearing to allow additional time for the petitioner to finalize discussions with Citizens Energy Group.

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STAFF REPORT

Item 3.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-079 (Amended)
Address: 2153 North Arsenal Avenue (Approximate Addresses)
Location: Center Township, Council District #17
Petitioner: Greater Joshua Missionary Baptist Church, by Kevin Thomas
Request: Rezoning of 0.634 acre from the I-3 district to the SU-1 district to provide for religious uses.

Staff is requesting a **continuance from the September 14, 2023 hearing, to the October 12, 2023 hearing**, with notice. Additional time is required to provide required notice.

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STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-082
Address: 1102 and 1138 Roosevelt Avenue (Approximate Addresses)
Location: Center Township, Council District #17
Petitioner: Roosevelt Landsite, LLC, by Russell L. Brown
Request: Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage.

Staff is requesting a **continuance from the September 14, 2023 hearing, to the September 28, 2023 hearing**, to provide additional time for further discussions with the petitioner's representative.

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-802 / 2023-CVR-803
Address: 3601 North Kitley Avenue (*Approximate Addresses*)
Location: Warren Township, Council Districts #13
Petitioner: Diego Diaz Huijon, by Joseph D. Calderon
Request: Rezoning of three acres from the D-3 district to the C-S district to legally establish a commercial building contractor with outside storage and a single-family dwelling.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a lot with zero feet of street frontage (50 feet required), a front building setback of 338 feet from Massachusetts Avenue (65-foot maximum permitted) and outside storage with a zero-foot setback from the east and west property lines (10-foot transitional yard/side yard required).

This petition should be **continued from the September 14, 2023 hearing to the October 12, 2023 hearing** to provide time for the petition to amended. Because additional acreage will be added to the request, the continuance should be made "with notice."

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STAFF REPORT

Item 6.

Department of Metropolitan Development Division of Planning Current Planning Section

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

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

ADDENDUM FOR SEPTEMBER 14, 2023, HEARING EXAMINER

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

AUGUST 10, 2023, HEARING EXAMINER

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

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

(Continued)

- ◇ The site is surrounded by light industrial, limited commercial uses and surface parking areas. To the north is surface parking and a vehicle storage structure. To the west is the Marion County Coroner's office. To the south and east are light industrial uses.

REZONING

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

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for four-story building, with ground level space for a leasing office, amenities, and a lobby. Additionally, surface parking for 22 spaces would be provided. Bicycle parking is also noted on the site plan, but specifics on the location of those spaces are not shown.
- ◇ A number of variances are requested, due to the small size of the site, which causes the difficulty in meeting D-10 development standards. The Ordinance does provide relief for sites in the Regional Center from meeting typical front yard setbacks. The approved plan can set the front yard setbacks, per the Ordinance.
- ◇ The Ordinance requires that medium apartment uses be located on a lot with a minimum size of 12,000 square feet, and with ten-foot corner side yard setbacks, five-foot side yard setbacks and ten-foot rear yard setbacks. Additionally, the floor area ratio cannot exceed 0.8 and the livability space ratio is required to be a minimum of 0.66.

(Continued)

- ◇ The request would provide for the structure to encroach into the corner side yard, side yard and rear yard, plus would provide for a floor area ratio of 1.35 and a livability space ratio of 0.48. These deficiencies relate entirely to the size of the lot in comparison to the density of the proposed use. Developed lots within the Regional Center are commonly the highest density of sites within the city. Higher density can lead to decreased use of vehicles, especially within walking or biking distance of downtown offices, entertainment facilities and recreation areas. Therefore, staff supports the requested variances.

SITE PLAN

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

REGIONAL CENTER OVERLAY DISTRICT

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

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA AND LAND USE

I-4 (RC) Compact Vacant tavern

SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of West Street is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 48-foot right-of-way. McCarty Street is designated as a primary arterial with an existing and proposed 88-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

SITE PLAN

File-dated June 26, 2023

(Continued)

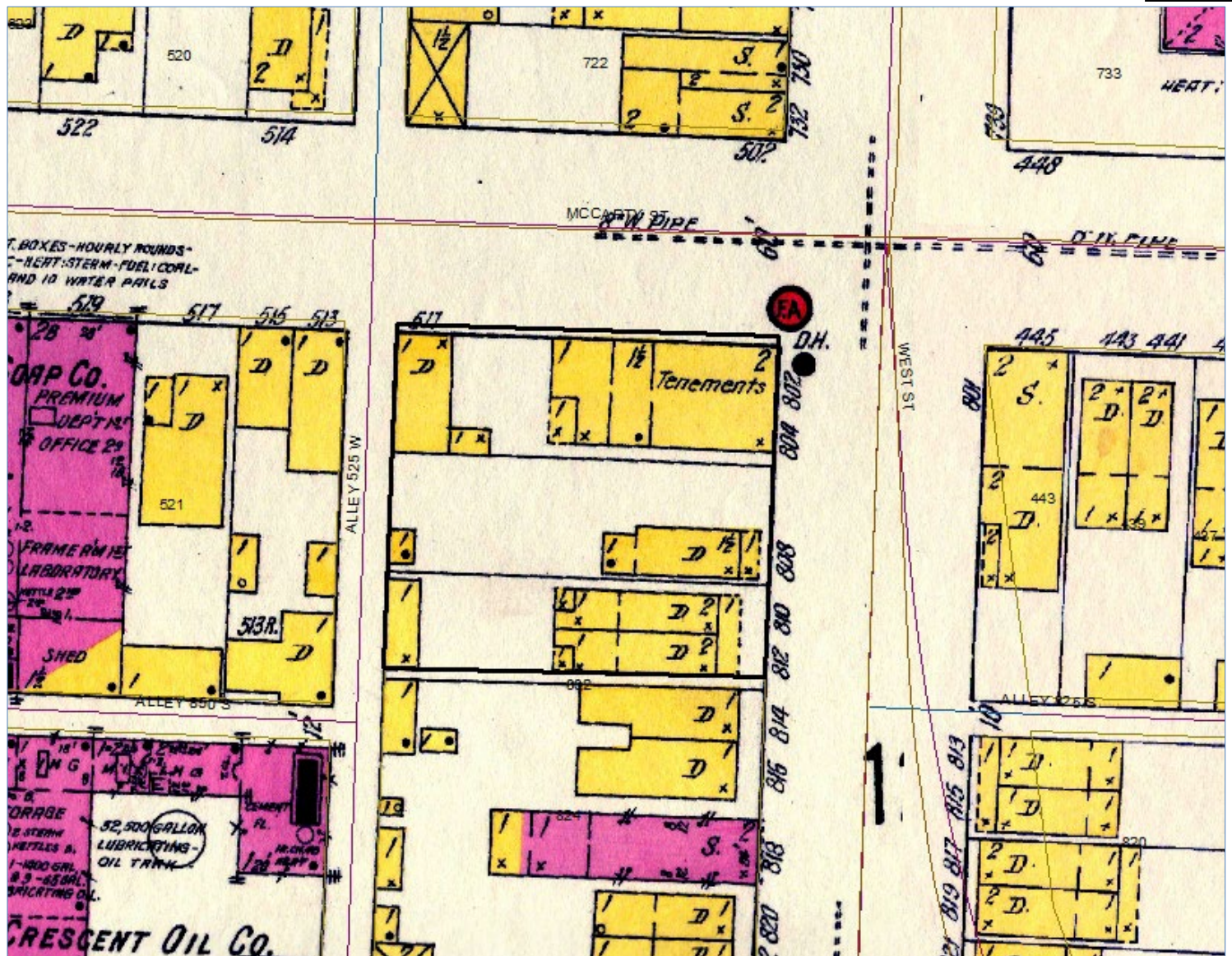
ZONING HISTORY – SITE

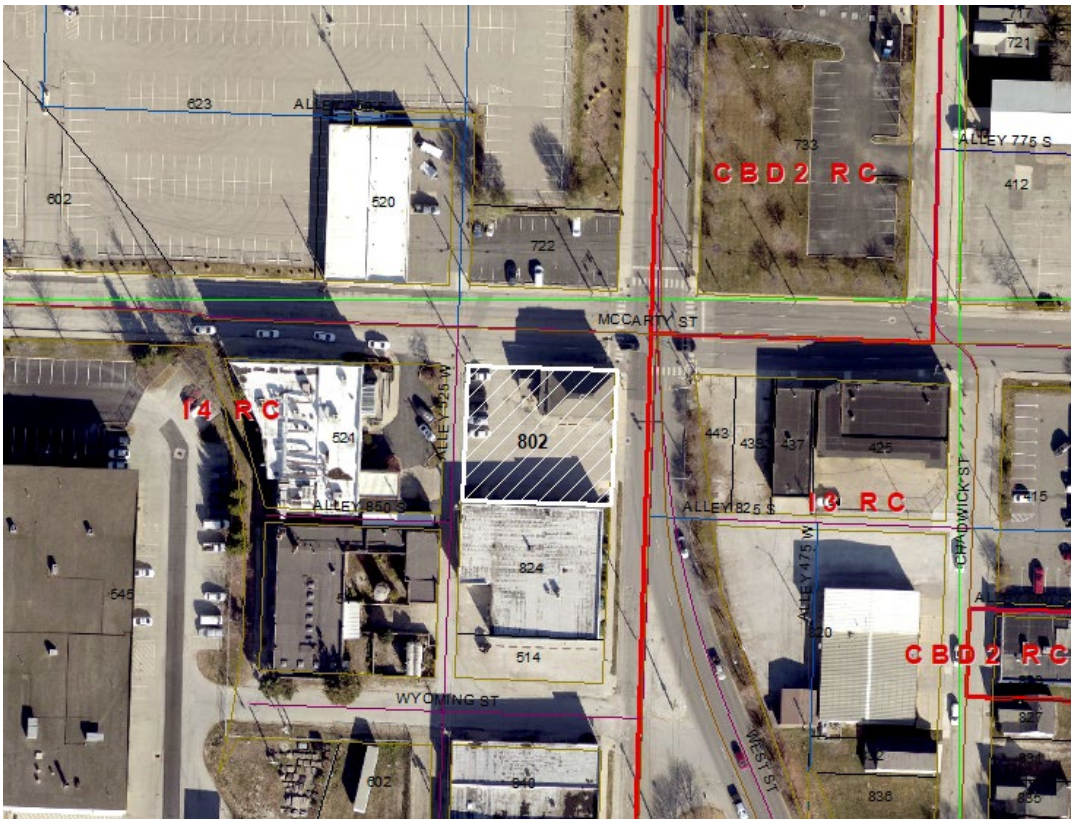
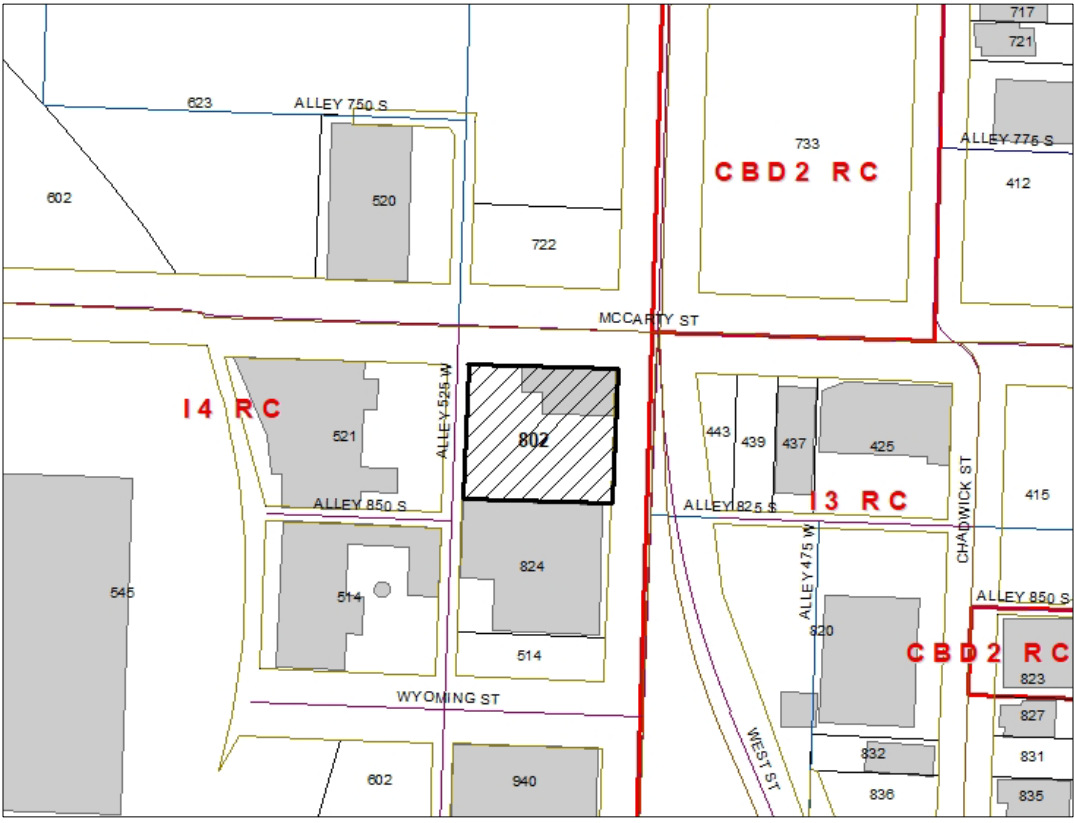
None.

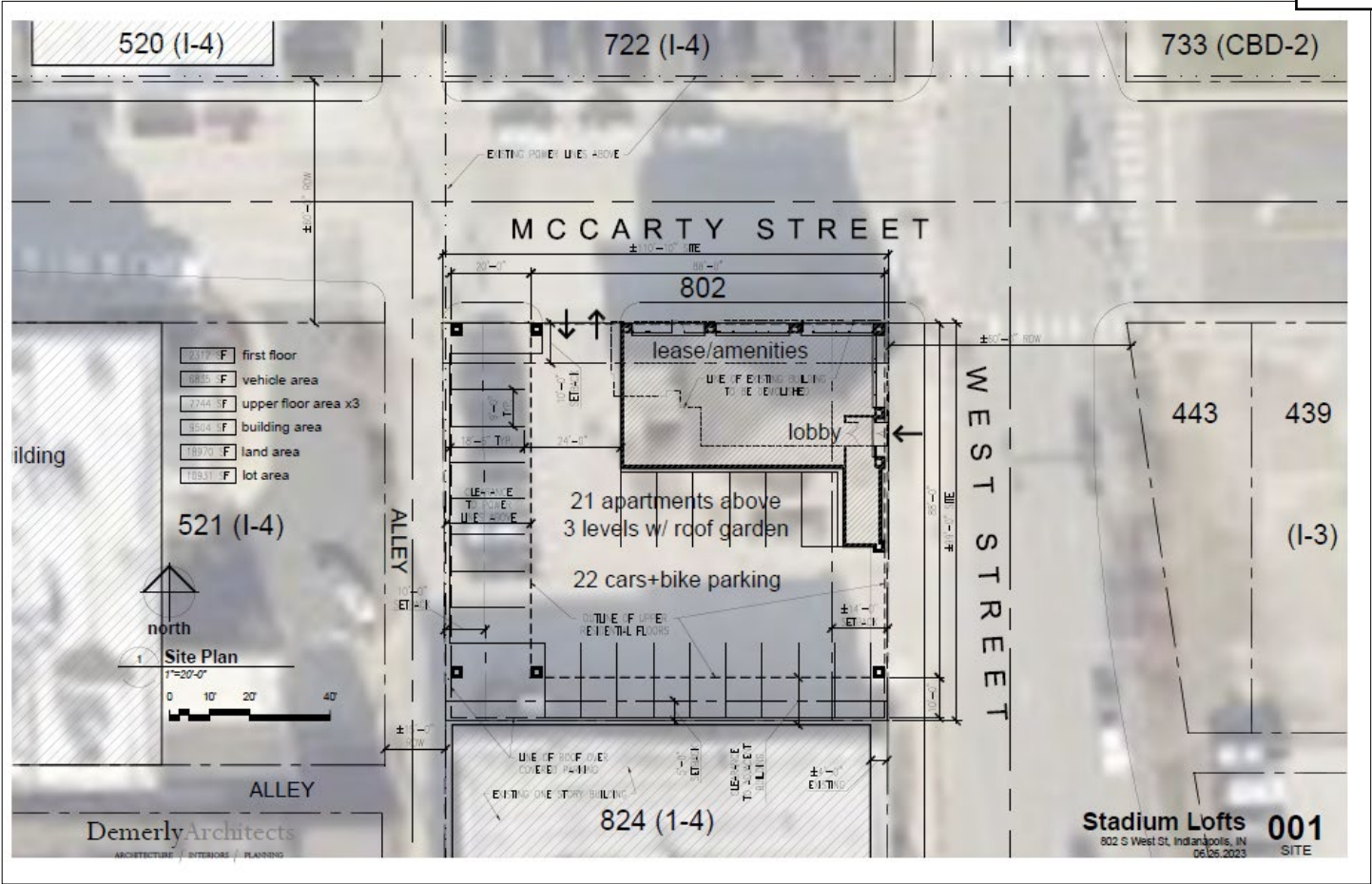
ZONING HISTORY – VICINITY

None.

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Views of the site from McCartney Street and West Street intersection



Views of the site from McCarty Street



View of the alley directly west of the site



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

STAFF REPORT

Item 7.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-026
Address: 320 and 362 North Tibbs Avenue and 3455 West Vermont Street
(approximate addresses)
Location: Wayne Township, Council District #15
Petitioner: Acadia Realty Holdings, LLC, by Kevin Buchheit
Zoning: HD-1
Request: Hospital District One approval to provide for building additions to accommodate a 95-bed expansion of the hospital facility.

RECOMMENDATIONS

Staff **recommends approval** of the request. subject to substantial compliance with the site plan and elevations, filed-dated August 18, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 3.75-acre site, zoned HD-1, is comprised of seven parcels and developed with a residential youth treatment facility. It is surrounded by single-family dwellings to the north, across West Vermont Street, zoned D-5; single-family dwellings to the south, across West New York Street, zoned D-P; governmental uses to the east, across North Tibbs Avenue, zoned D-P; and single-family dwellings and park to the west, zoned D-5 and D-P, respectively.
- ◇ Beginning in 1994 through 2018, variances have been granted for the current use, privacy fences, office additions and expansion of the use. See Zoning History.

HOSPITAL DISTRICT ONE

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

(Continued)

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

Planning Analysis

- ◇ As proposed, the request would provide for building additions to accommodate a 95-bed expansion of the hospital facility.
- ◇ The site was recently rezoned to the HD-1 district which is consistent with the Neighborhood Plan recommendation of special use as well as the historical use of the site.

(Continued)

- ◇ The additions would include a building expansion of approximately 1,068 square feet to the existing southern “arm” of the building along West New York Street. The second addition would be approximately 13,740 square feet to the west of the existing building, along with a parking lot consisting of 24 parking spaces.
- ◇ Staff believes the buildings additions would be appropriate, consistent and compatible with the architecture of the existing buildings and provide expansion of services to certain population segments the community that need specialized care.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

HD-1

Residential treatment center

SURROUNDING ZONING AND LAND USE

North - D-5

Single-family dwellings

South - D-P

Single-family dwellings

East - D-P

Governmental uses

West - D-5 / D-P

Single-family dwellings / park

**COMPREHENSIVE LAND USE
PLAN**

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

THOROUGHFARE PLAN

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

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

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

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is not located within an overlay.

SITE / LANDSCAPE PLANS

File-dated August 18, 2023

ELEVATIONS / RENDERINGS

File-dated August 18, 2023

FINDING OF FACT

File-dated August 18, 2023

(Continued)

ZONING HISTORY

2023-ZON-028; 320 and 362 North Tibbs Avenue and 3455 West Vermont, requested rezoning of 3.75 acres from the C-3, D-A, D-5, D-P, and D-7 districts to the HD-1 district, **approved**.

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

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

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

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

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

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

VICINITY

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

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

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

kb



Petition Number _____

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

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 2023

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

the Comprehensive Plan classifies this location as "Special Use", the current facility has long operated from this location, the renovations and expansion have been designed to update the appearance in harmony with surrounding land uses, the site design demonstrates very efficient use of the site with ample space for the built improvements, and utilities and other infrastructure required to serve the site already exist without negative impact on the surrounding neighborhood.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

the proposed expansion capitalizes on the existing site for land use efficiency, the updated architecture provides a seamless visual effect between the existing building and the proposed expansion, and the long tenure of operations at this location demonstrate compatibility of the use with and within a diverse, developed and redeveloping neighborhood.

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

the site and use take full advantage of proximity to current bus routes on Washington and Michigan Streets, and the B & O Trail is located just several blocks to the north and is connected by neighborhood sidewalks with pedestrian crossing infrastructure at the busiest intersections.

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

there is easy and convenient nearby access to existing multi-modal infrastructure and routes. [There are no planned new or interior public streets with this project.]

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

sanitation and public facilities already serve the existing facility and have enough capacity to continue to serve the proposed expansion, and drainage is being designed in concert with the City to ensure best design and practice and compliance with regulations.

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F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

the site is developed and relatively flat and most suitable to accommodate a proposed expansion that is supported by Comprehensive Plan policy.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

the sidewalk along North Tibbs Avenue will be completed along the project site frontage south to New York Street and a new sidewalk will be constructed along the project's Vermont Street frontage.

DECISION

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

Adopted this _____ day of _____, 20 ____

Commission President/ Secretary

[illegible]



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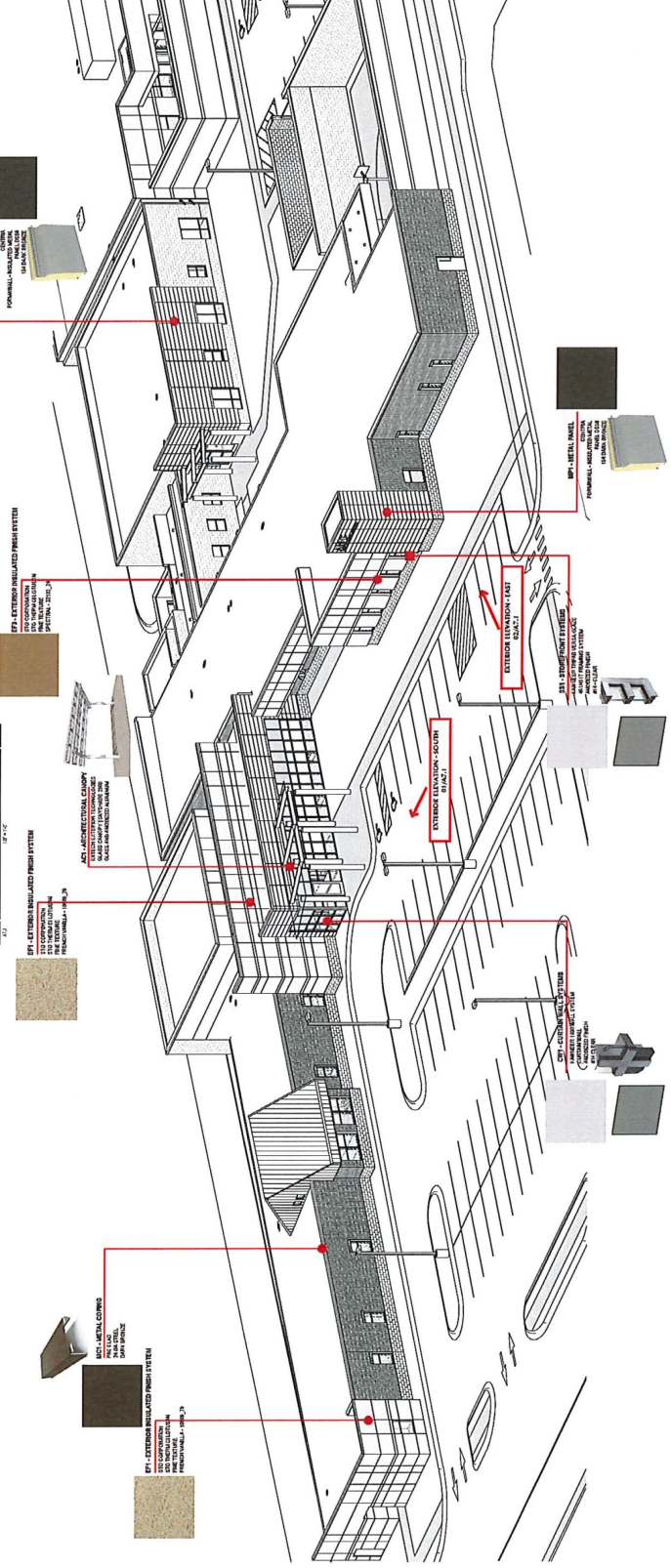
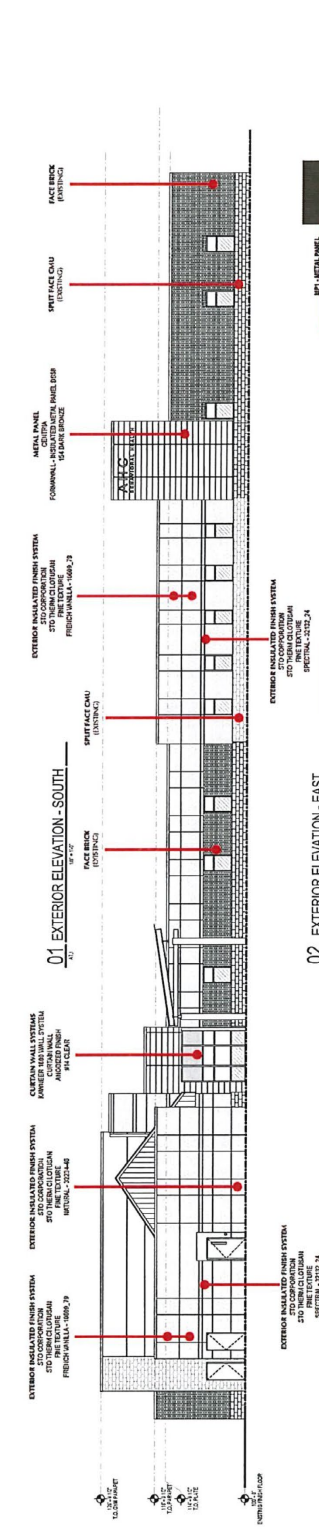
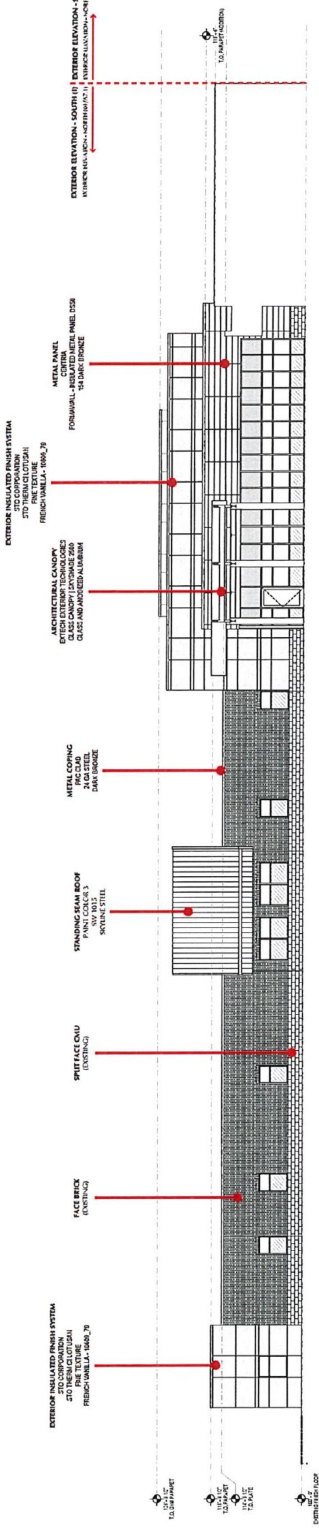


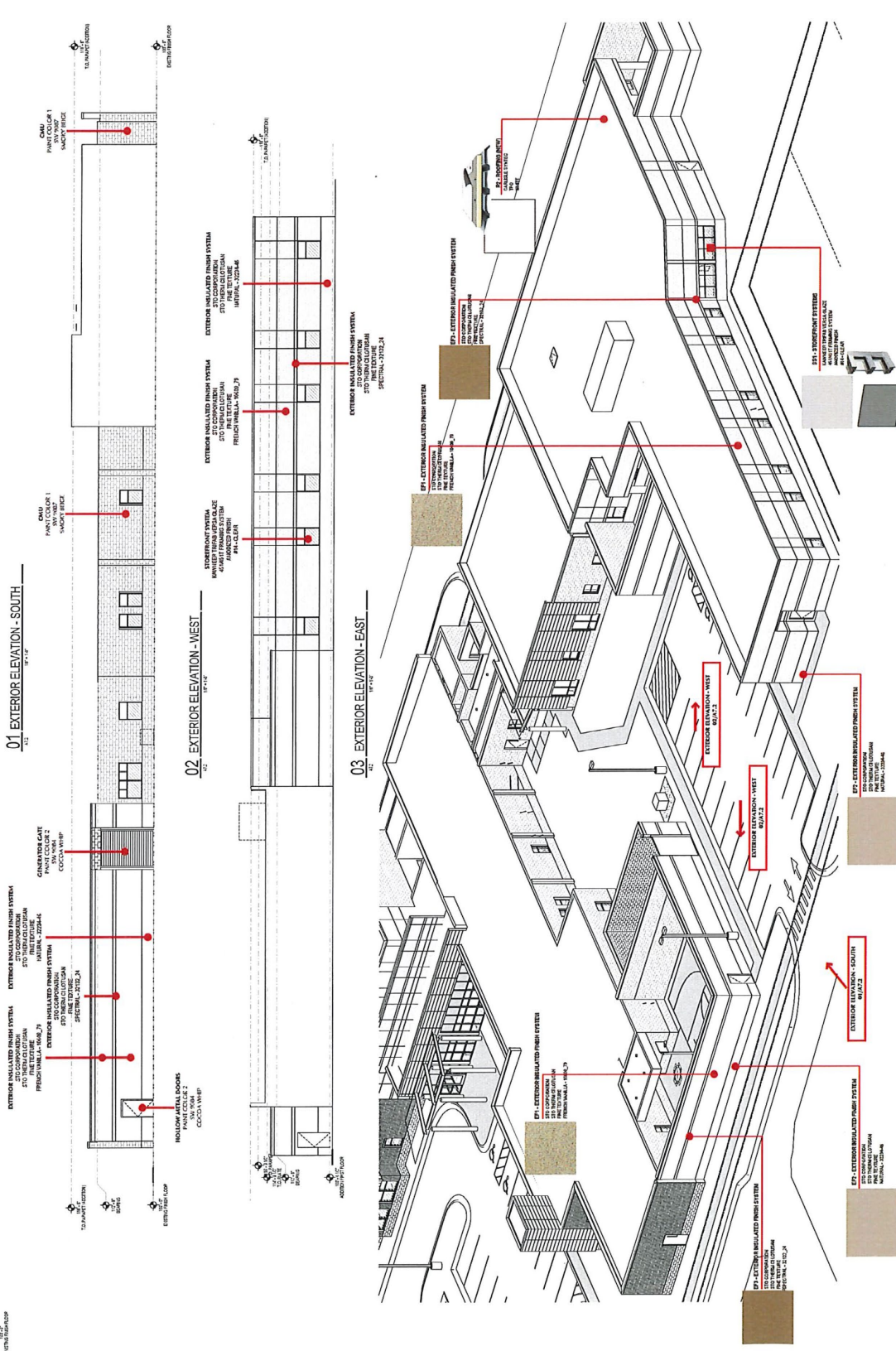
EXTERIOR ELEVATIONS
NEW BEHAVIORAL HEALTHCARE
ACADIA HEALTHCARE COMPANY, INC.
INDIANAPOLIS, INDIANA

19 AUGUST 2022
SNA-ACENT1

A7.1

DESIGN DEVELOPMENT - NOT FOR CONSTRUCTION







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Structural Engineers

Specialty Engineering
Schook
Mechanical Engineering

MECHANICAL ENGINEERING
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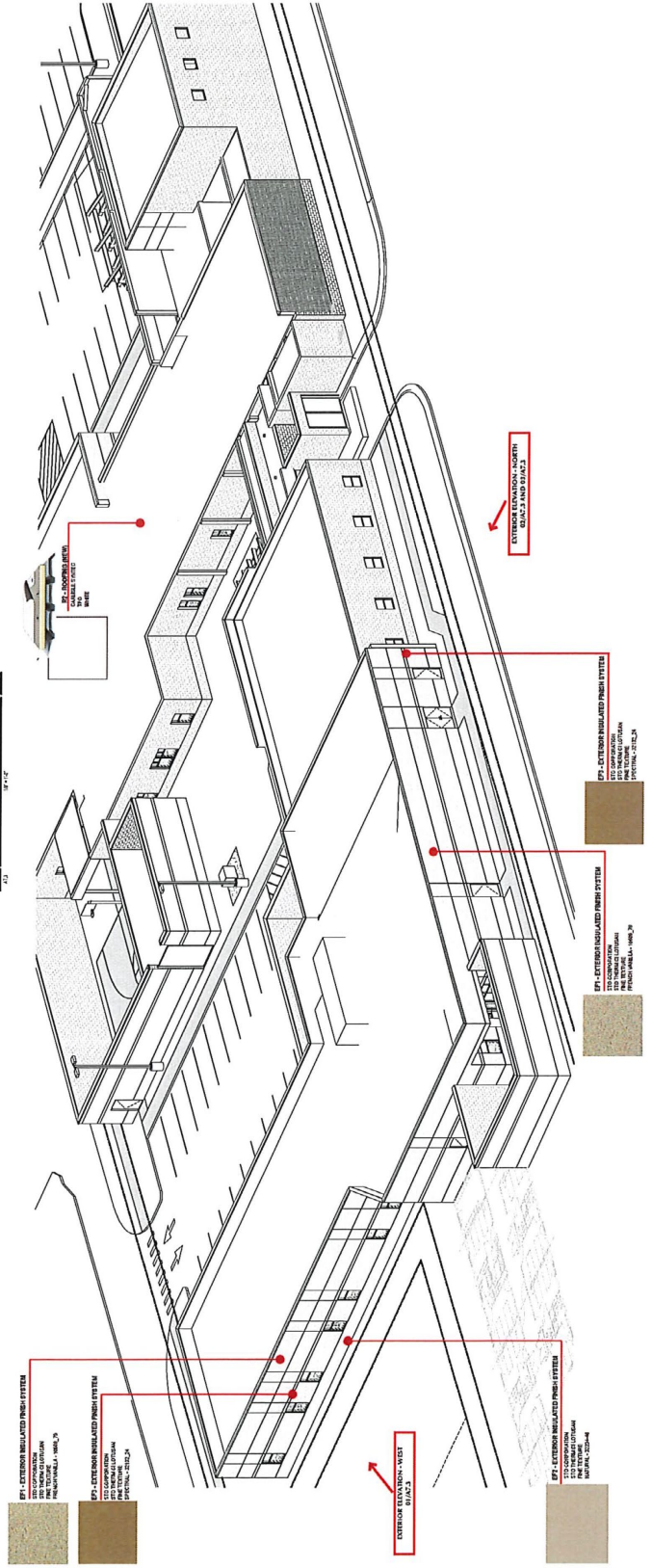
DESIGN DEVELOPMENT - NOT FOR CONSTRUCTION

Item 7.

A7.3

18 AUGUST 2020
SMA/ACHT/1

EXTERIOR ELEVATIONS
NEW BEHAVIORAL HEALTH HOSPITAL
ACADIA HEALTHCARE COMPANY, INC.
INDIANAPOLIS, INDIANA





New Behavioral Health Hospital - Indianapolis, Indiana

AHC2121

ACADIA
HEALTHCARE

STENGEL-HILL
ARCHITECTURE



View looking north along North Tibbs Avenue



View looking south along North Tibbs Avenue



View looking east along West Vermont Street



View looking east along West New York Street



View looking west along West New York Street



View of site looking southeast across West Vermont Street



View of site looking south across West Vermont Street



View of site looking southwest



View of site looking west



View of site looking northeast across West New York Street



View of site looking north across West New York Street



View of site looking north across West New York Street



View of site looking north across West New York Street



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



View from site looking east across North Tibbs Avenue



View from site looking east across North Tibbs Avenue



View from site looking south across West New York Street



View of neighborhood playground looking west from site

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-043
Address: 1400 Campbell Avenue (*Approximate Addresses*)
Location: Warren Township, Council District #19
Petitioner: JAK Holdings Group, LLC, by Mark and Kim Crouch
Request: Rezoning of 1.16 acres from the C-1 district to the D-7 district.

ADDENDUM FOR SEPTEMBER 14, 2023, HEARING EXAMINER

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

1. A final site plan in substantial compliance with the file-dated August 11, 2023 amended site plan and elevations shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.
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 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 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.

The Hearing Examiner continued this petition from the August 10, 2023 hearing, to the September 14, 2023 hearing, at the request of the petitioner's representative.

The petitioner's representative submitted an amended plan on August 11, 2023, that provides for seven duplexes fronting on Campbell Avenue and 28 parking spaces along the eastern boundary with an access drive along East 14th Street.

Infill Housing Guidelines

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

(Continued)

- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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

August 10, 2023

The Hearing Examiner acknowledged the automatic continuance that was filed by a registered neighborhood organization that continued this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing. The Hearing Examiner continued this petition from the July 13, 2023 hearing, to the August 10, 2023 hearing, to provide time for the petitioner’s representative to provide additional information for review and consideration.

RECOMMENDATIONS

Staff **recommends denial** of this request,

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

(Continued)

1. 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.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / 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

- ◇ This 1.16-acre site, zoned C-1, is comprised of seven undeveloped parcels. It is surrounded by a single-family dwelling to the north, multi-family dwellings to the west, across Campbell Avenue, and multi-family dwellings to the south across East 14th Street, all zoned D-7; and commercial development to the east, zoned C-3.
- ◇ Petitions 85-Z-19 / 85-CV-3, rezoned the site from the D-7 District to the C-1 classification to provide for office uses.

REZONING

- ◇ This request would rezone the site from the C-1 District to the D-7 classification. "The D-7 district is intended for medium density residential development, accommodating multifamily dwellings, triplex, fourplex, two-family and single- family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents' needs, must be developed to answer the demands of the higher density of residents."

The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife."

- ◇ 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."

(Continued)

- ◇ 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.
- ◇ The Pattern Book does not provide guidance for residential development within the community commercial typology but does include recommendations for small-scale and large-scale offices, retailing and personal or professional services; small-scale and large-scale schools, places of worship, neighborhood- serving institutions/infrastructure, and other places of assembly; and small-scale parks.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located along the eastern boundary of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Environmental Public Nuisances

Item 8.

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

Site Plan

- ◇ The site plan, file-dated July 24, 2023, provides for five fourplexes for a total of 20 dwelling units, with 33 parking spaces and four bike racks along the frontage of Campbell Avenue.
- ◇ Amenity areas include a picnic area on the southern portion of the site and a playground area on the northern portion of the site.

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology. This site was zoned to the C-1 district in 1985 for commercial office use but has remained undeveloped for 38 years. Because of this, staff questions whether commercial uses would be viable on this site and believes residential uses might be more appropriate, if developed appropriately.

(Continued)

- ◇ Staff believes that an undeveloped parcel would have minimal encumbrances that would require development standard variances.
- ◇ Staff believes the request could be compatible with residential development to the north, west and south, if appropriately developed in a manner that would comply with development standards of the D-7 district, including, but not limited to, required development amenities of a maximum floor area ratio of 0.70 and minimum livability space ratio of 0.95.
- ◇ The amended site plan indicates a density of approximately 21 units per acre. The Ordinance provides for a typical density for the D-7 district of 12 to 15 units per acre.
- ◇ As proposed, a minimum of three variances would be required that would include maneuvering within the right-of-way along Campbell Avenue and a dumpster in the front yard of East 14th Street and within the clear sight triangle.
- ◇ Maneuvering within the right-of-way results in pedestrian and vehicular conflicts that present serious safety issues. Compounding the safety issue is the location of the dumpster (requires an enclosure) within the clear sight triangle.
- ◇ Less impactful variances may be acceptable, but staff would not support variances that would result in less than safe situations for all the residents living within this area, as well as visitors and guests.
- ◇ Consideration should be given not only to the rezoning but also whether the site can appropriately accommodate proposed development of the site that would not be impactful to surrounding land uses, require minimal variances and provide a safe environment. Consequently, staff does not support the rezoning.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-1 Undeveloped

SURROUNDING ZONING AND LAND USE

North -	D-7	Single-family dwelling
South -	D-7	Multi-family dwelling
East -	C-3	Commercial uses
West -	D-7	Multi-family dwellings

COMPREHENSIVE PLAN

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

Marion County Land Use Pattern Book (2019).

Infill Housing Guidelines (2021)

(Continued)

THOROUGHFARE PLAN	<p>This portion of Campbell Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.</p> <p>This portion of East 14th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 35-foot right-of-way and a proposed 48-foot right-of-way.</p>
CONTEXT AREA	<p>This site is located within the compact context area.</p>
OVERLAY	<p>There is no overlay for this site.</p>
SITE PLAN	<p>File-dated May 9, 2023</p>
SITE PLAN – AMENDED	<p>File-dated July 24, 2023</p>
SITE PLAN – AMENDED	<p>File-dated August 11, 2023</p>

ZONING HISTORY

85-Z-19 / 85-CV-3; 1401 North Campbell Avenue, requested rezoning of 1.2 acres, being in the D-7 district, to the C-1 classification to provide for the construction of an 8,280 square foot office building and a variance of transitional yard requirement to permit parking in the required front yard along the south property line and the required side yard along the east property line, **approved and granted**.

VICINITY

85-Z-222; 1520 North Arlington Avenue (northeast of site), requested rezoning of 0.68 acre, being in the C03 and D-7 districts, to the C-3 classification to permit neighborhood retail use, **approved**.

82-Z-96; 1420 North Arlington Avenue (east of site), requested rezoning of 0.16 acre being in the D-7 district, to the C-3 classification to provide for expansion of Taco Bell, **approved**.

72-Z-110; 1425 North Arlington Avenue (east of site), requested rezoning of 0.73 acre, being in the D-7 District, to the C-3 classification to permit construction and operation of a restaurant, **approved**.

63-V-264; 1408 North Campbell Avenue (west of site), requested a variance of lot area requirement to permit erection of a four-family apartment house, **granted**.

59-V-562; 1416 North Campbell Avenue (west of site), requested a variance of lot area requirements to permit construction of two four-family apartment houses, **granted**.

kb

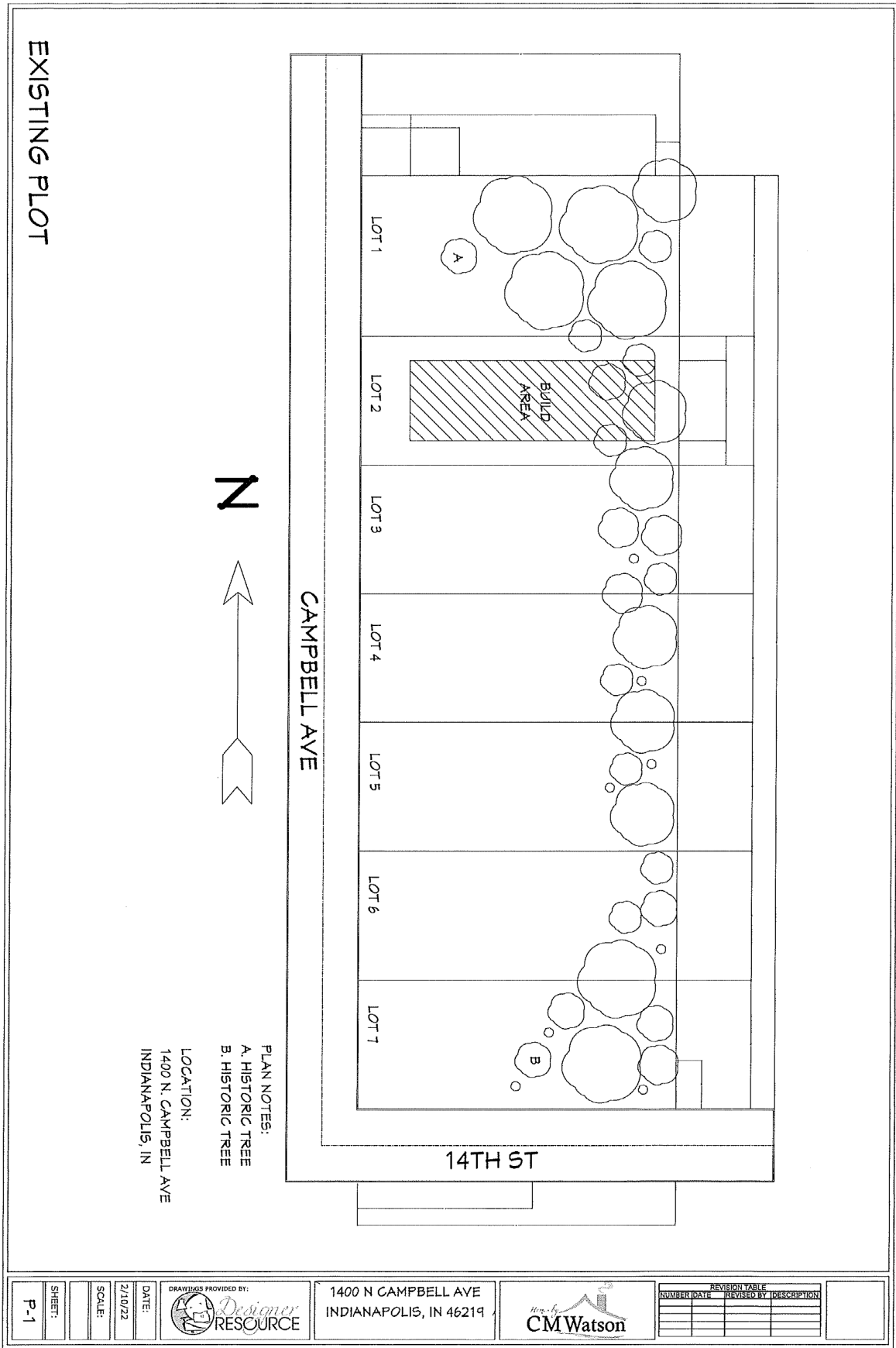
Heritage Tree Conservation

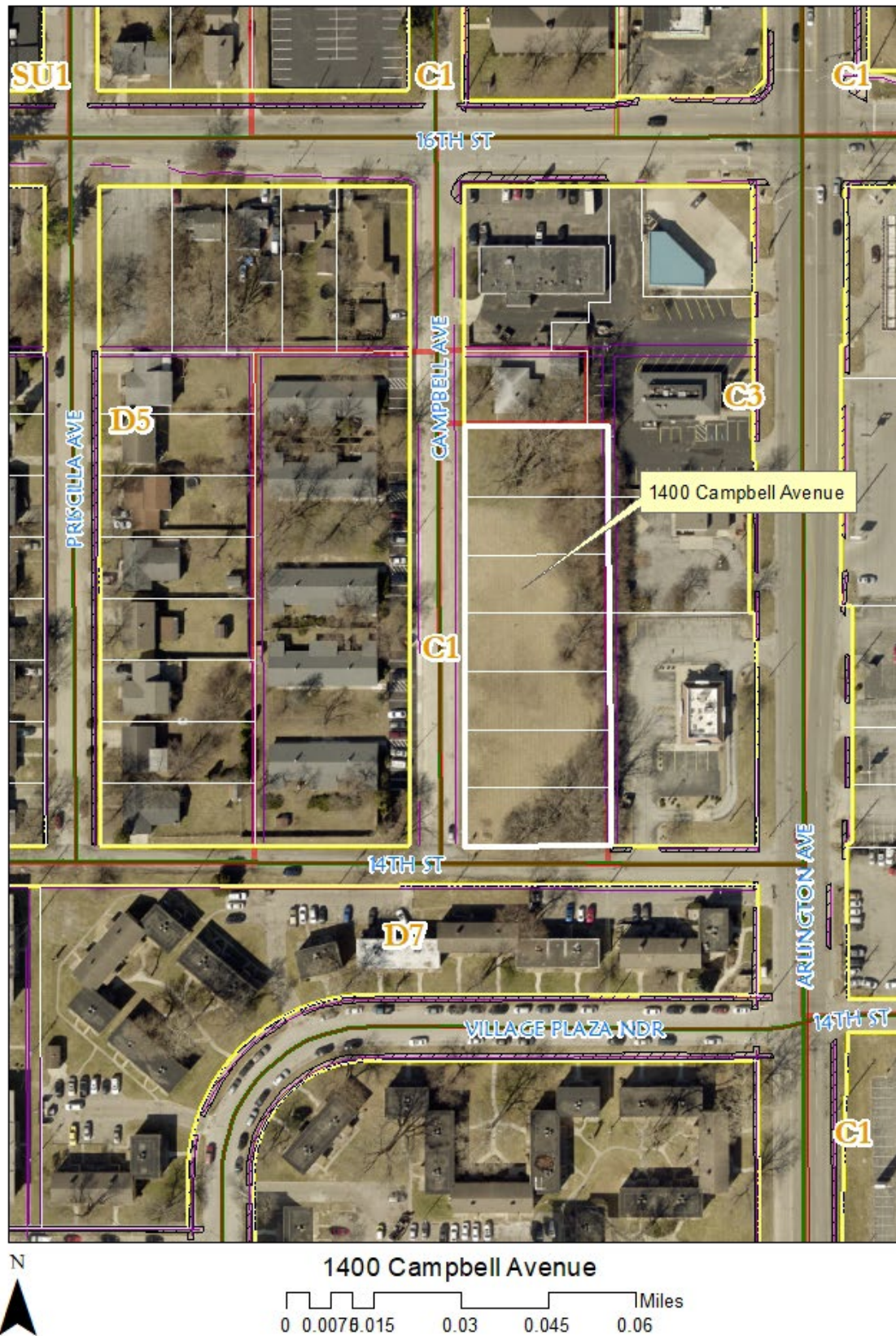
Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

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

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









View looking north along North Campbell Avenue



View looking south along Campbell Avenue



View looking southeast at intersection of East 14th Street and Campbell Avenue



View looking west along East 14th Street



View from site looking west across East 14th Street



View from site looking west across East 14th Street



View of site looking east across Campbell Avenue



View of site looking east across Campbell Avenue



View of site looking east across Campbell Avenue



View of site looking north



View of site looking north across East 14th Street



View of site and adjacent commercial use to the east looking north across East 14th Street



View of site looking northwest across East 14th Street

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-063 (2nd Amended)
Address: 3855 & 3955 North Emerson Avenue, 5035 East 39th Street and 5070 Roselawn Avenue (*Approximate Addresses*)
Location: Lawrence and Washington Townships, Council Districts #9 and #13
Petitioner: Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen
Request: Rezoning of 9.19 acres from the D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.

The Hearing Examiner continued this petition from the July 27, 2023 hearing, to the August 10, 2023 hearing, at the request of staff to provide additional time for required notice related to the amended request.

The Hearing Examiner continued the petition, with notice, from the August 10, 2023 hearing, to the September 14, 2023 hearing, at the request of staff and the petitioner's representative.

RECOMMENDATIONS

Staff **recommends approval** of this 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 / receptacles provided for the proper disposal of trash and other waste.
2. Site plans, landscaping plans and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 9.19-acre site, D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD), is comprised of four non-contiguous parcels developed with vacant multi-family dwellings. It is surrounded by single-family dwellings and religious uses to the north, zoned D-3 (TOD), D-4 (TOD) and SU-1 (TOD), respectively; single-family dwellings, park, and commercial uses to the south, zoned D-3 (TOD), D-4 (TOD), PK-1 (TOD) and C-3 (TOD), respectively; single-family dwellings to the east, zoned, D-4 (TOD), respectively; and multi-family dwellings, park, single-family dwellings and commercial uses to the west, D-6 (TOD), PK-1 (TOD); D-3 (TOD) and C-3 (TOD), respectively.

(Continued)

REZONING

- ◇ This request would rezone the site from the D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”
- ◇ The Comprehensive Plan recommends suburban neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

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

Conditions for All Housing

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

(Continued)

Multifamily Housing (defined as small-scale multifamily housing Single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet and large-scale multifamily housing Single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet).

- Should be located along arterial or collector streets, parks, or greenways.
- Parking should be either behind or interior to the development.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings

Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within a ¼ mile walk of a proposed transit stop located at the intersection of East 38th Street and Emerson Avenue, with a District Center typology.
- ◇ District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- ◇ Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

Infill Housing Guidelines

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

(Continued)

- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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

Environmental Public Nuisances

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

(Continued)

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the sites in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology and compatible with residential redevelopment occurring in the immediate area. This request would also be supportive of the Purple Line TOD plan recommendations.
- ◇ All four of these sites were developed with multi-family dwellings between 1960 and 1979. During the intervening years the site have been abandoned and are in a state of disrepair. Staff understands that the buildings would be renovated and become available for occupancy.
- ◇ During the site visit staff observed some of the buildings had been damaged by fire and may require substantial reconstruction. If some of the buildings would be demolished, staff would request that site plans, along with elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). Staff would also request that elevations of all the structures be submitted for Administrator Approval prior to the issuance of an ILP.
- ◇ As development on these sites occur, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances, if necessary, should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.
- ◇ For all these reasons, staff recommends approval of the rezoning request, subject to the requested commitments.

(Continued)

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

D-3 (TOD) Multi-family dwellings (vacant)
 D-4 (TOD),
 D-6 (TOD)
 C-3 (TOD)

SURROUNDING ZONING AND LAND USE

North -	D-3 (TOD) D-4 (TOD), SU-1(TOD)	Single-family dwellings/ park / religious uses
South -	D-3 (TOD) D-4 (TOD), PK-1(TOD) C-3(TOD)	Single-family dwellings / park / commercial uses
East -	D-4 (TOD)	Single-family dwelling
West -	D-6 (TOD), PK-1(TOD) D-3 (TOD) C-3(TOD)	Multi- / single-family dwellings / park / commercial uses

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.
 Marion County Land Use Pattern Book (2019).
 The Purple Line Transit Oriented Development Strategic Plan (2021).
 Infill Housing Guidelines (2021)

THOROUGHFARE PLAN

This portion of North Emerson Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 100-foot right-of-way and a proposed 88-foot right-of-way.

This portion of East 39th Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 150-foot right-of-way and a proposed 48-foot right-of-way.

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

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within the Transit Oriented Development (TOD) overlay

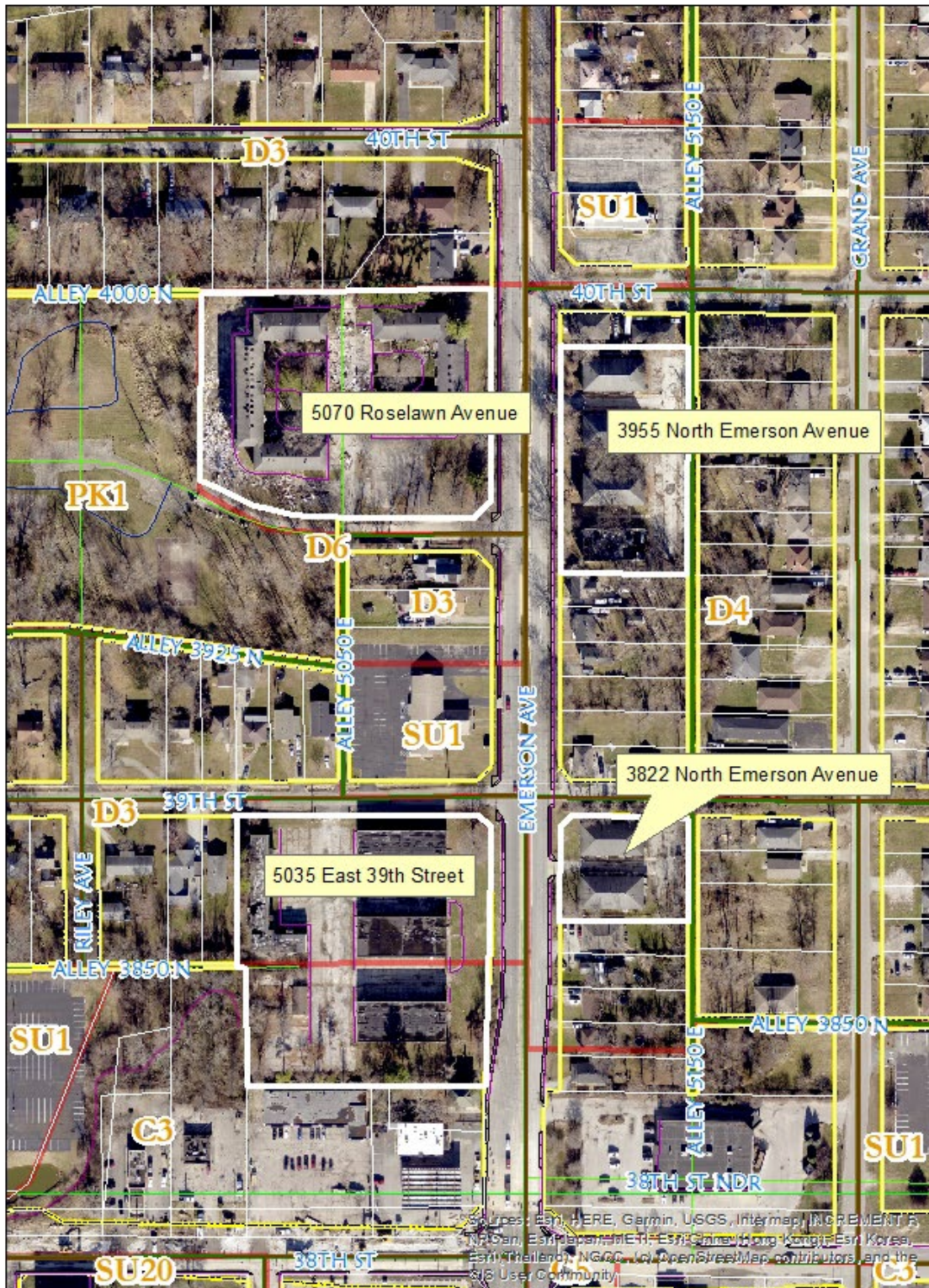
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ZONING HISTORY

81-Z-35; 5102 East 38th Street (south of site), requested rezoning of 1.05 acres, being the D-4 district, to the C-3 classification to provide for construction of new service station improvement, **approved.**

69-Z-154; 505 East 38th Street (south of site), requested rezoning of 2.52 acres, being in the SU-1 district to the C-3 classification to provide for the construction of a new neighborhood shopping center, **approved.**

kb



3855 and 3955 North Emerson Avenue, 5035 East 39th Street and 5070 Roselawn Avenue



0 0.01 0.02 0.04 0.06 0.08 Miles



View looking south along South Emerson Avenue



View looking north along North Emerson Avenue



View looking east along East 39th Street



View looking west along East 39th Street



View of site (3955 North Emerson Avenue) looking west across North Emerson Avenue



View of site (3955 North Emerson Avenue) looking south



View of site (3955 North Emerson Avenue) looking south



View of site (3955 North Emerson Avenue) looking south



View of site (3955 North Emerson Avenue) looking southwest



View of site (5035 East 39th Street) looking southeast



View from site (5035 East 39th Street) looking northeast across East 39th Street



View of site (3955 North Emerson Avenue) looking east across North Emerson Avenue



View of site (3955 North Emerson Avenue) looking east across North Emerson Avenue



View of site (3955 North Emerson Avenue) looking north



View of site (3955 North Emerson Avenue) looking southeast



View of site (3955 North Emerson Avenue) looking northeast



View of site (3955 North Emerson Avenue) looking east



View of site (3955 North Emerson Avenue) looking west



View of site (3855 North Emerson Avenue) looking northeast across North Emerson Avenue



View of site (3855 North Emerson Avenue) looking south across East 39th Street



View of site (3855 North Emerson Avenue) looking south across East 39th Street



View looking west along Roselawn Avenue



View looking east along Roselawn Avenue



View of site (5060 Roselawn Avenue) looking northeast



View of site (5060 Roselawn Avenue) looking northwest



View of site (5060 Roselawn Avenue) looking west



View of site (5060 Roselawn Avenue) looking west



View of site (5060 Roselawn Avenue) looking northwest



View of site (5060 Roselawn Avenue) looking west



View of site (5060 Roselawn Avenue) looking northeast



View of site (5060 Roselawn Avenue) looking north



View looking west into Roselawn Park



View of site (5060 Roselawn Avenue) looking north across Roselawn Avenue



View of site (5060 Roselawn Avenue) looking north across Roselawn Avenue

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-072
Address: 2143 & 2145 South Emerson Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Tropical Island, LLC, by David Kingen
Request: Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-4 district to provide for residential uses.

This petition was continued from the August 24, 2023 hearing to the September 14, 2023 hearing at the request of the petitioner.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The site was platted in 1924 as part of the Sycamore Terrace subdivision. Historic aerial photography indicates that by 1956 structures stood on the three western parcels of the four parcels that make up the subject site. By 1986, the structure on the corner lot had been demolished and the site was being used for automobile sales. By 2015 the remaining structures on the site had been cleared. The site is currently vacant.
- ◇ In the early 1970s, Raymond Street and Emerson Avenue south of the site were widened into major throughfares. It appears that the street widening required additional right-of-way and the subject lots were reduced in size to accommodate that. Medians in both streets partially restrict access to the site.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the subject site. This typology primarily provides for single-family dwellings, although other forms of housing and commercial uses are anticipated under certain criteria. Typical residential density in this typology is one to five units per acre.

(Continued)

STAFF REPORT 2023-ZON-072 (Continued)

ZONING

- ◇ This petition requests a rezoning from the D-3 and SU-18 districts to the D-4 district. The SU-18 district is a Special Use district that provides for “light or power substation.” The D-3 district is a dwelling district that provides for low or medium intensity residential development with a typical density of 2.6 units per acre. Minimum lot size in the D-3 district is 10,000 square feet and minimum lot width is 70 feet.
- ◇ The requested D-4 district is a dwelling district that provides for low or medium intensity single-family and two-family development with a typical density of 4.2 units per acre. The minimum lot size for a single-family dwelling in the D-4 district is 7,200 square feet and minimum lot width is 60 feet.
- ◇ The site’s four existing parcels range in size from 8900 square feet to 12,700 square feet. At least one of the lots and perhaps two of them do not meet the minimum square footage for a D-3 lot, but all would meet the standard for a D-4 lot. Three of the lots don’t currently meet the minimum lot width for the D-3 district, but all of them would meet the minimum lot width for the D-4 district.
- ◇ The D-4 district is appropriate as it is responsive to the Suburban Neighborhood recommendation of the Comprehensive Land Use Plan and is a district found in the vicinity.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3, SU-18	Metro	Vacant land
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SURROUNDING ZONING AND LAND USE

North	D-3	Single-family dwellings
South	C-4, D-A	Woodland
East	D-A	Woodland
West	C-3	Gas station, single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Warren Township Comprehensive Plan (2018) recommends Suburban Neighborhood.
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THOROUGHFARE PLAN	Emerson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 107-foot existing right-of-way and a 119-foot proposed right-of-way.
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(Continued)

STAFF REPORT 2023-ZON-072 (Continued)

Raymond Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 145-foot existing right-of-way and a 119-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE A large portion of this site is located within the floodway fringe of Lick Creek.

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

ZONING HISTORY – SITE

2017-UV2-024; 2143 & 2145 South Emerson Avenue, requested a variance of use to provide for automobile sales, storage trailers, storage of wrecked vehicles and a garage for the preparation of automobiles for sale, **denied**.

64-V-137; 2145 South Emerson Avenue, requested a variance of use to provide for the outdoor sales and display of automobiles, **approved**.

ZONING HISTORY – VICINITY

2003-UV2-044; 2164 South Emerson Avenue (west of site), requested a variance of use to provide for automobile sales and a variance of development standards to provide for parking and display in the required setback and for a sign in the right-of-way, **approved except sign request, which was withdrawn**.

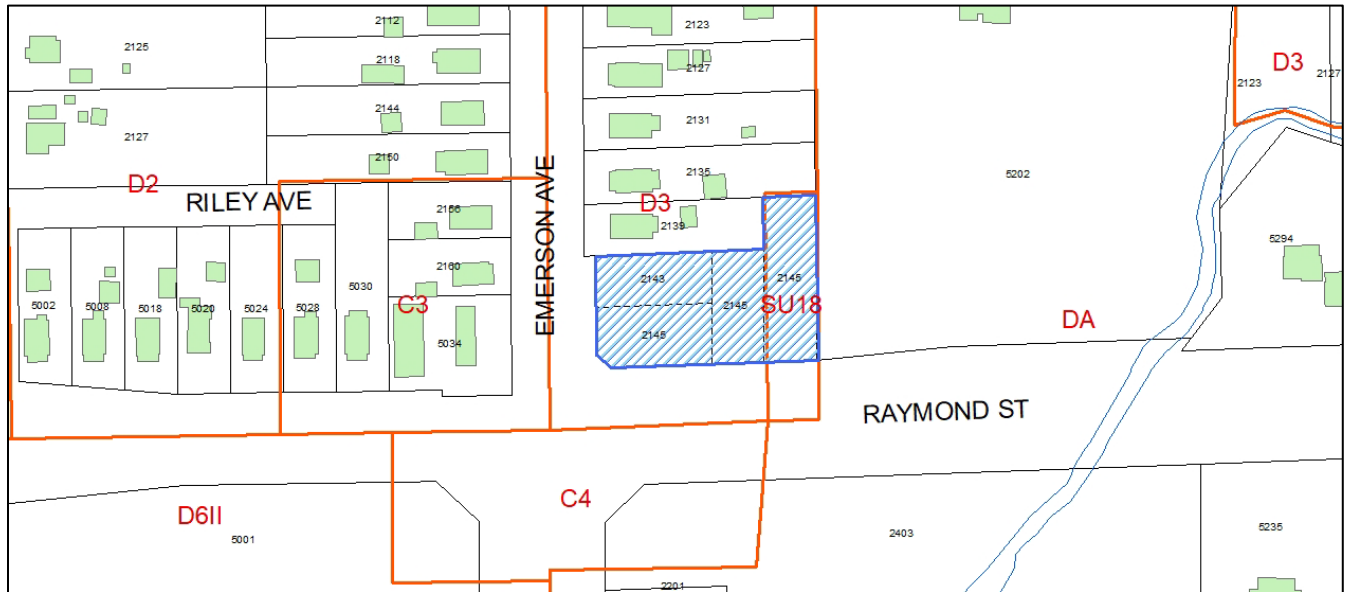
85-UV2-119; 2164 South Emerson Avenue (west of site), requested a variance of use to provide for the sales and display of automobiles, **approved**.

97-V3-69; 5202 East Raymond Street (east of site), requested a variance of use to provide for a confinement feeding operation on less than three acres and variances of development standards to provide for a barn with deficient setbacks and excess accessory structure area, **approved**.

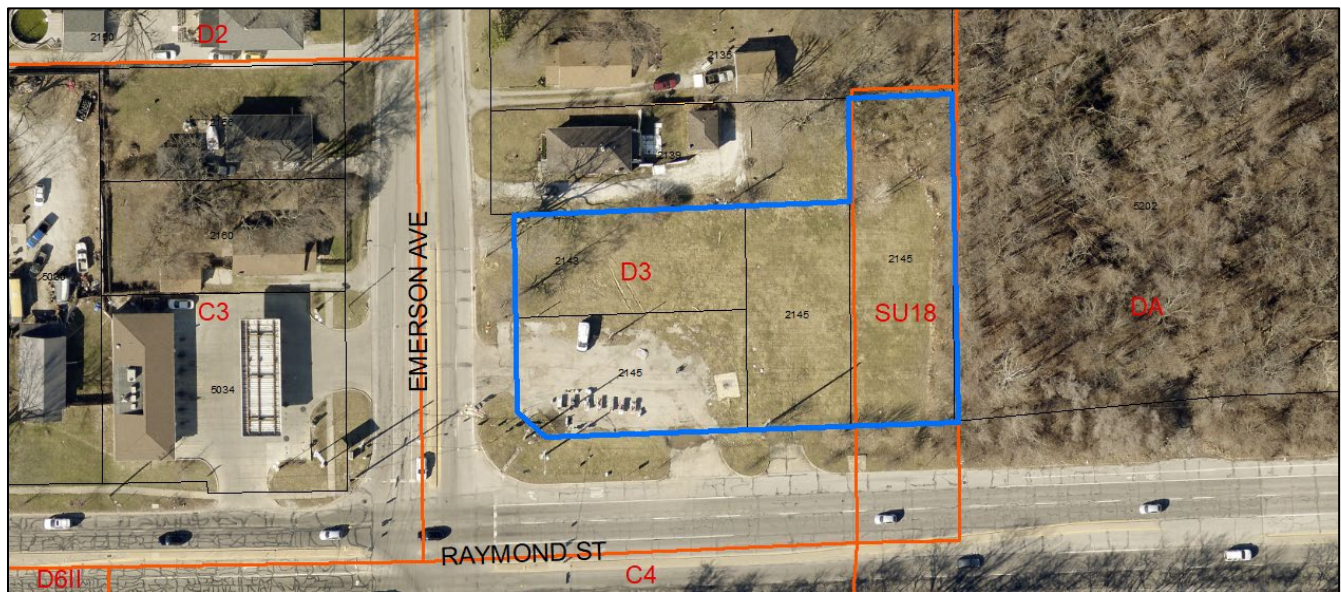
96-V3-68; 5202 East Raymond Street (east of site), requested a variance of development standards to provide for a barn with deficient setbacks and excess accessory structure area, **denied**.

klh

STAFF REPORT 2023-ZON-072, Location



STAFF REPORT 2023-ZON-072, Aerial photograph (2022)



STAFF REPORT 2023-ZON-072, Photographs



Looking east across the subject site from Emerson Avenue.



Looking north along the Emerson Avenue frontage at the site and the neighbor to the north.



Looking west across Emerson Avenue at the neighbors to the west.



Looking southwest from the site across the intersection of Emerson Avenue and Raymond Street.



Looking south across Raymond Street and along Emerson Avenue.



Looking east along the Raymond Street frontage of the site.

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-077
Address: 2958 North College Avenue (Approximate Addresses)
Location: Center Township, Council District #9
Petitioner: Spann Alexander REIG, LLC, by Michael Rabinowitch
Request: Rezoning of 0.218 acre from the D-5 district to the MU-2 district to provide for a mixed-use development.

RECOMMENDATIONS

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

Approval shall be subject to final building elevations to be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.218-acre subject site is zoned residentially but developed with an existing building that was used for ground-floor retail uses per 2010-LNU-013 with apartments upstairs. The Certificate of Legal Non-Conforming Use would have been applicable if the ground floor wasn't almost completely converted to apartment units, the expansion of the retail space didn't extend to the basement level and if the second-floor addition wasn't proposed for more apartment units.
- ◇ The site falls within the Mapleton - Fall Creek neighborhood and is bordered to the north by an auto repair business, zoned C-3, multi-family apartments to the east, zoned MU-1, and single-family dwellings to the west and south, zoned D-5.

REZONING

- ◇ The request would rezone the property from the D-5 district to the MU-2 district to provide for a mixed-use development that includes a retail space and 10 apartment units.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

(Continued)

- ◇ 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 Mapleton Fall Creek Neighborhood Plan (2013) recommends community commercial use development for the property. “This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional, and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise”.
- ◇ The site is in Critical Area #9 of the Neighborhood Plan. Recommendations note that “this Commercial use designation would allow for a mix of commercial and residential uses in combination”. The zoning designation in place at the time would have allowed for upper floor apartments over street level commercial uses. Further recommendations note that “architectural diversity is encouraged; however monolithic structures (blank walls, minimal fenestration) are not appropriate”.

Staff Analysis

- ◇ As proposed, the rezoning would align with the Neighborhood Plan recommendation while maintaining the historical residential use of the site to promote a diversity of housing types in the neighborhood. However, staff determined that final building elevations should be submitted for Administrator’s Approval prior to the issuance of an Improvement Location Permit (ILP) since the north building façade fenestration would need to be improved and the exterior building material proposed for the addition would need to be more compatible with the existing brick façade.
- ◇ Staff is recommending approval of the request with the commitment as noted.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5	Compact	Vacant Building
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SURROUNDING ZONING AND LAND USE

North	C-3	Auto Repair
South	D-5	Residential (Single-family dwelling)
East	MU-1	Residential (Multifamily dwellings)
West	D-5	Residential (Single-family dwelling)

(Continued)

NEIGHBORHOOD PLAN	The Mapleton Fall Creek Neighborhood Plan (2013) recommends community commercial use development.
THOROUGHFARE PLAN	College Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and an 88-foot proposed right-of-way.
THOROUGHFARE PLAN	30 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with an 80-foot existing right-of-way and a 78-foot proposed right-of-way.
TRANSIT-ORIENTED DEVELOPMENT	This site is not located within the Transit-Oriented Development Overlay.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
SITE PLAN	File-dated August 4, 2023.
ELEVATIONS	File-dated August 4, 2023.
FLOOR PLANS	File-dated August 4, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

2010-LNU-013; 2958 North College Avenue (subject site), Certificate of Legal Non-Conforming Use for ground-floor “retail-type use” of the type indicated in Section 732-203(a)(15) of the Commercial Zoning Ordinance of Indianapolis-Marion County, **approved**.

ZONING HISTORY – VICINITY

2013-ZON-008; 3019, 3022, 3023 and 3025 Ruckle Street; 3127 and 3131 New Jersey Street, 3130 Central Avenue; 2925 2929, 2931, and 3151 North Park Avenue (southwest of site), Rezoning of 1.91 acres, from the D-5 District to the PK-1 classification to provide for park uses, **approved**.

(Continued)

2008-ZON-848, 2008-VAR-848 and 2008-APP-848; 710 East 30th Street and 3002 Fall Creek Parkway North Drive (northeast of site), Rezoning of 0.42 acre, from the D-4 District, to the C-2 classification to provide for high-intensity office-apartment commercial uses. Approval of a Modification of Site Plan, related to petition 2004-ZON-813, to remove the landscape strip along the east property line that was required by Commitment Eight. Approval to Modify commitments, related to petitions 2004-ZON-813 and 2004-VAR-813, to: a) terminate Commitment Eight (commitment required a landscape strip and barrier along the east property line), b) terminate Commitment Nine (commitment restricted the hours of business operation to 6:00 AM to 11:00 PM only), c) terminate Commitment 14 (commitment required chain gates at all points of access to the property so as to prohibit autos from entering the property during those hours when the store is not open). Variance of Development Standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for: d) a gas station canopy with a 57.167-foot front setback from the centerline of East 30th Street (minimum 70-foot front setback from centerline required), e) a 4.167-foot landscape strip along East 30th Street (minimum ten-foot front landscape strip required), f) a pylon sign with a four-foot front setback from the existing right-of-way of College Avenue and a thirteen-foot front setback from the right-of-way of East 30th Street (minimum fifteen-foot front setbacks required). g) carry-out food service within eight feet of a protected district (minimum 100-foot separation from protected district required).

2008-ZON-840; 703 East 30th Street (east of site), Rezoning of 1.9 acres from C-S to C-2, and Variances of Development Standards of the CZO to provide for a 20,146-square foot building addition with a 65-foot front setback from the centerline of Fall Creek Parkway North Drive, and with a 40.5-foot front setback from the centerline of 30th Street, to provide for an enclosed dumpster located in front of the established front building line along College Avenue, and having a 52-foot front setback from the centerline of College Avenue, and to provide for senior housing, having 47 dwelling units, with 27 off-street parking spaces, **approved**.

2007-ZON-087; 3010 and 3014 North College Avenue (north of site), Rezoning of 0.1504 acres, from the D-5 District, to the C-3 classification to provide for neighborhood commercial uses, **approved**.

2005-ZON-154; 703 East 30th Street (east of site), Rezoning of 1.63 acres from C-1 to C-S to provide for all C-2 and SU-2 uses, **approved**.

2004-ZON / VAR-837; 2910 North College Avenue (south of site), Rezoning of 0.66 acre from D-5 to C-3, and variance of development standards of the CZO to provide for food carryout and drive-through with a deficient separation from a protected district, and outdoor seating, **approved**.

2004-ZON / VAR-813; 3007 North College Avenue (northeast of site), Rezoning of 0.10 acre from the D-5 to C-3 to provide for a convenience store and a gasoline station, and variance to allow for three-foot east and three-foot north transitional yards, and a 60-foot setback from centerline of College Avenue, **approved**.

2001-ZON-097; 703 East 30th Street (east of site), Rezoning of 2.2 acres from D-5 to C-1, **approved**.

85-Z-189; 3001 North College Avenue (northeast of site), Rezoning 0.2 acre from the D-5 to C-3, **approved**.

2023-ZON-077; Location Map

Item 11.



2023-ZON-077; Sanborn (year)



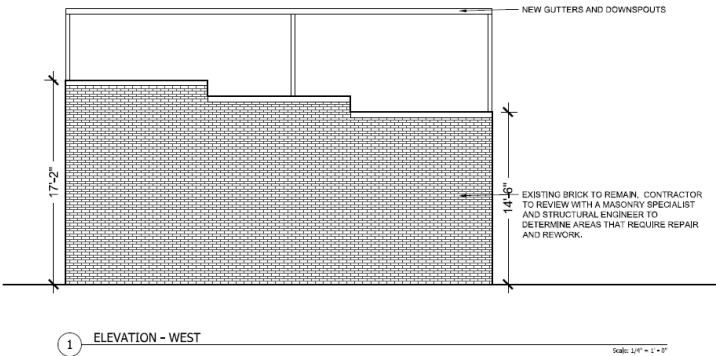
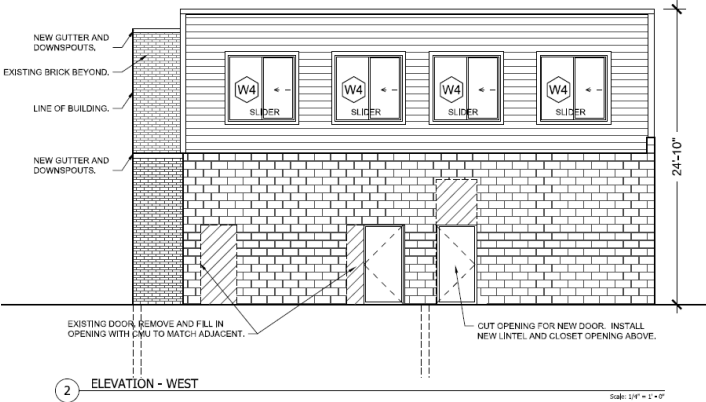
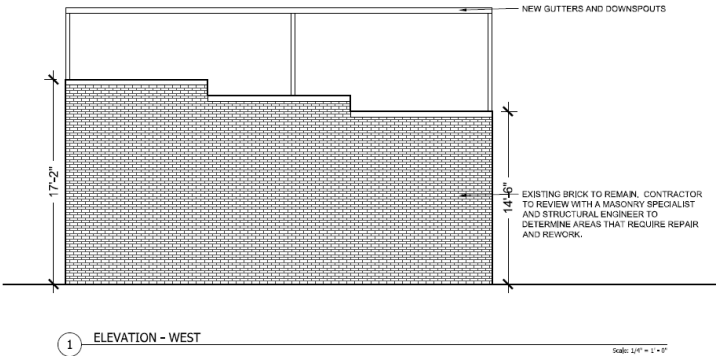
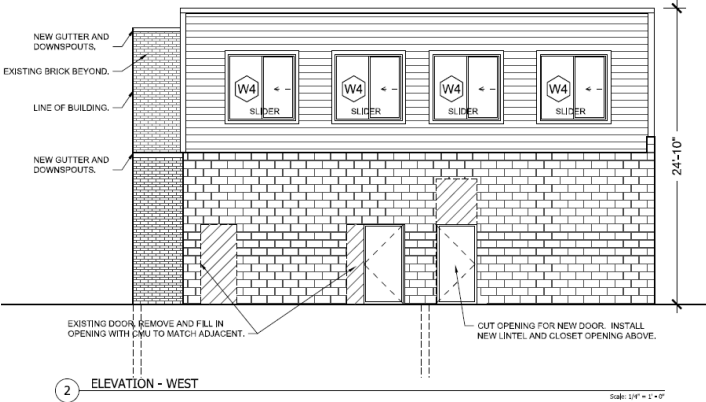


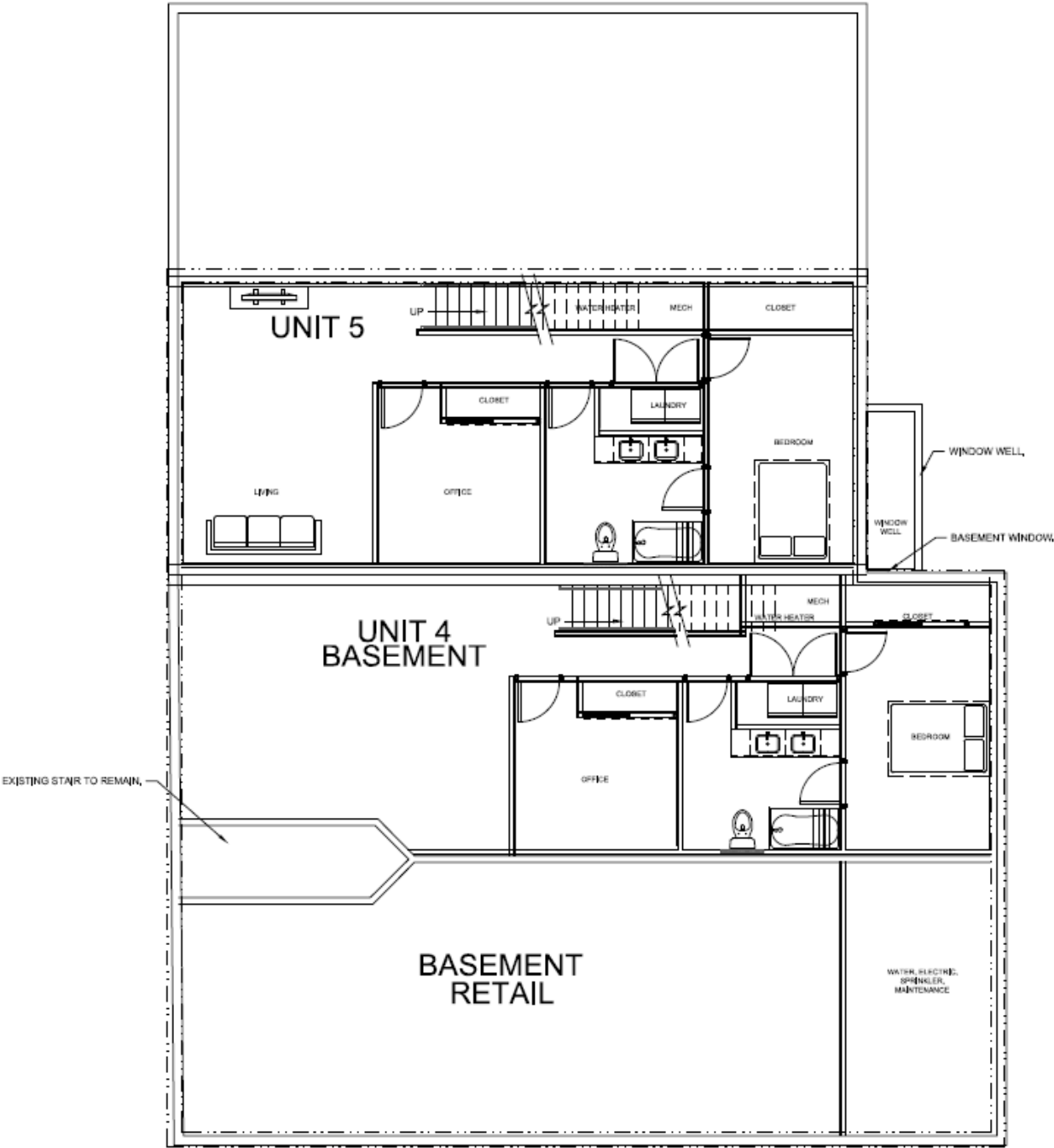


1 ELEVATION - NORTH

3 ELEVATION - SOUTH

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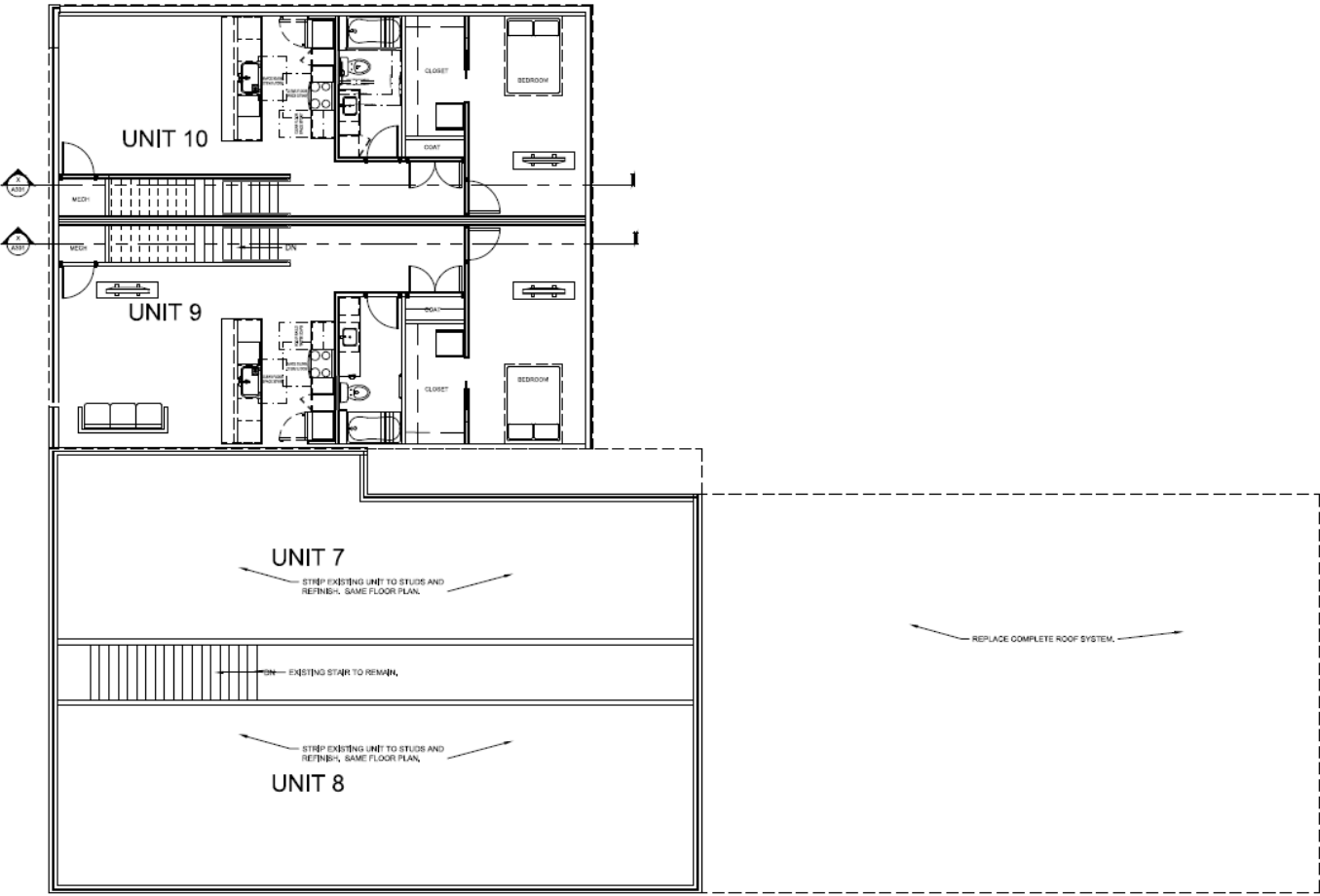




1 FLOOR PLAN - BASEMENT

Scale: 1/4" = 1' - 0"





1 FLOOR PLAN - 2ND FLOOR

Scale: 1/4" = 1'-0"



Photo of the north building façade of the subject property at 2958 North College Avenue.



Photo of the existing north building façade continued.



Photo of the existing east building façade.



Photo of the existing east building façade where the second story addition will be constructed.



Photo of the existing west and south building façades.



Photo of the west building façade where the second story addition will be constructed.



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



Photo of the auto repair business north of the site.



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



Photo of the multifamily apartments east of the site.

STAFF REPORT

Item 12.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-081 (Amended)
Address: 1910 and 1912 Valley Avenue (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Kenneth Thorpe, by Mark Young
Request: Rezoning of 0.74 acre from the D-5 district to the D-8 district to provide for a small apartment building development.

RECOMMENDATIONS

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

A final site plan that addresses the parking on site shall be submitted for Administrative Approval prior to the issuance of an Improvement Location Permit.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.74-acre subject site is located in the Martindale-Brightwood neighborhood and is comprised of two undeveloped residential lots.
- ◇ The property is bordered to the north with a single-family dwelling, zoned D-5, to the northwest across Roosevelt Avenue with a single-family dwelling, zoned D-5, to the southwest across Valley Avenue with a single-family dwelling, zoned D-5, and to the south with an Interstate 70 overpass.

REZONING

- ◇ The amended request would rezone the to the D-8 district for a small apartment building development comprised of 12 units.
- ◇ The subject sites were historically developed as six individual lots with single-family dwellings and accessory structures per a 1915 Sanborn Map.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

(Continued)

- ◇ The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.
- ◇ Lastly, the Comprehensive Plan recommends traditional neighborhood development for this site. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- ◇ The D-5 district does not permit more than four residential units on site where the D-8 district allows up to 12 units.

Staff Analysis

- ◇ The initial request was to rezone the property from the D-5 district to the D-9 district for a medium apartment building development comprised of 16 units. However, staff found that the proposed D-9 district would not have been appropriate with the surrounding neighborhood since it is intended for a higher density area where the D-8 district is more compatible with small-scale apartments and is intended to be used for infill situations in established urban areas.
- ◇ Because the petitioner agreed to eliminate one of the proposed buildings reducing the total number of units from 16 to 12 and rezoning to the D-8 district instead of the D-9 district, staff is supportive of the amended request.
- ◇ However, there are still concerns with the proposed parking depicted on the amended site plan due to the newly proposed curb cut and location of said access adjacent to the I-70 overpass. Additionally, staff notified the petitioner that street parking along this portion of Valley Avenue would not be possible since the street measures approximately 22 feet wide and according to the Department of Public Works is not wide enough for street parking to be permitted.
- ◇ Staff provided the petitioner with options to resolve the parking concerns which can be addressed prior to the issuance of an Improvement Location Permit. For this reason, staff is requesting a commitment that a final site plan be submitted for Administrator's Approval to address the parking on site.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5 Compact Undeveloped
(Continued)

SURROUNDING ZONING AND LAND USE

North	D-5	Residential (Single-family dwelling)
South	I-3	Industrial
East	D-5	Undeveloped
West	D-5	Residential (Single-family dwelling)

LAND USE PLAN

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

THOROUGHFARE PLAN

Valley Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 25-foot existing half right-of-way and a 24-foot proposed half right-of-way.

THOROUGHFARE PLAN

Roosevelt Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 28-foot existing right-of-way and a 24-foot proposed right-of-way.

TRANSIT-ORIENTED DEVELOPMENT

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

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

SITE PLAN

File-dated August 9, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

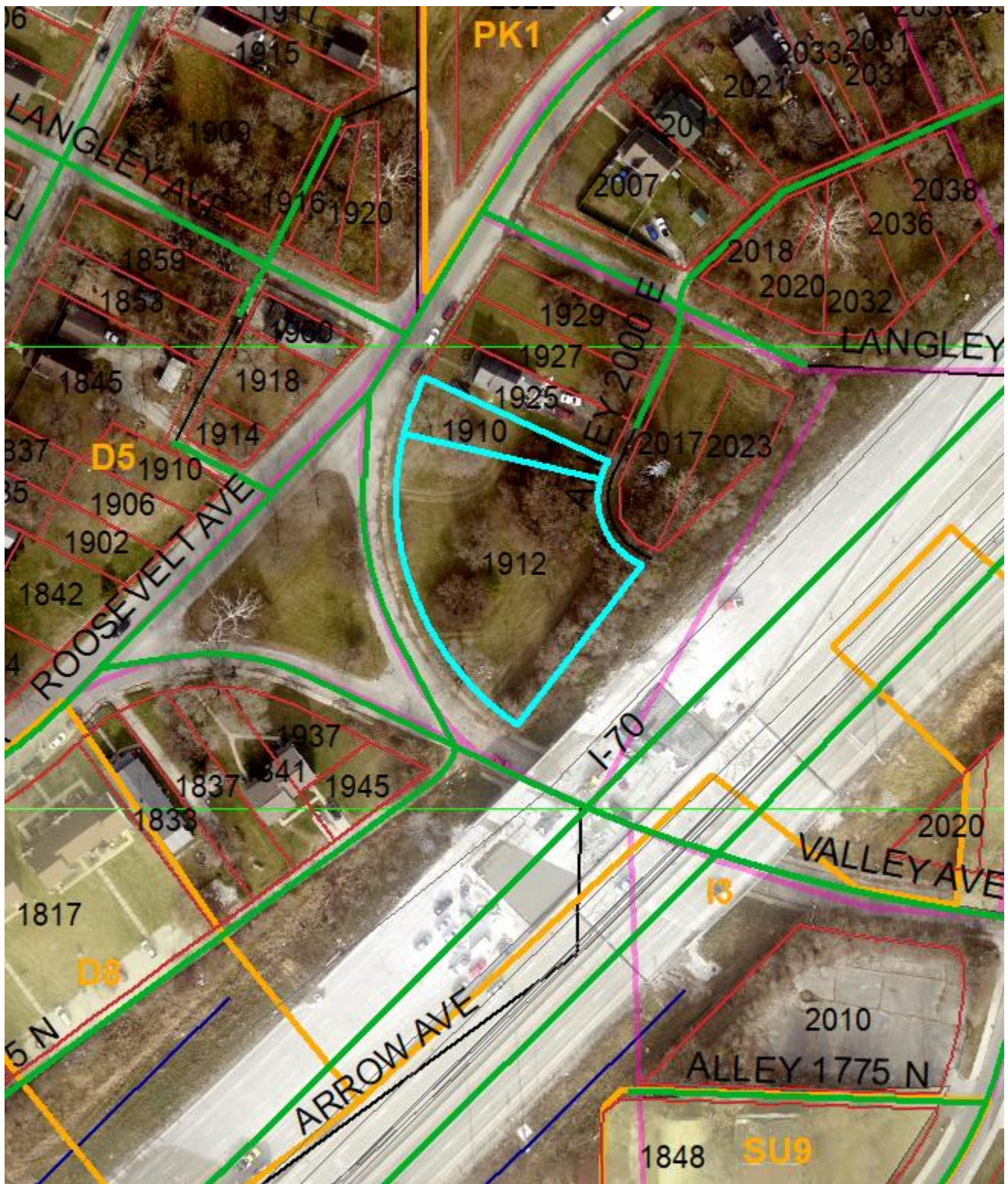
PREVIOUS CASES: None.

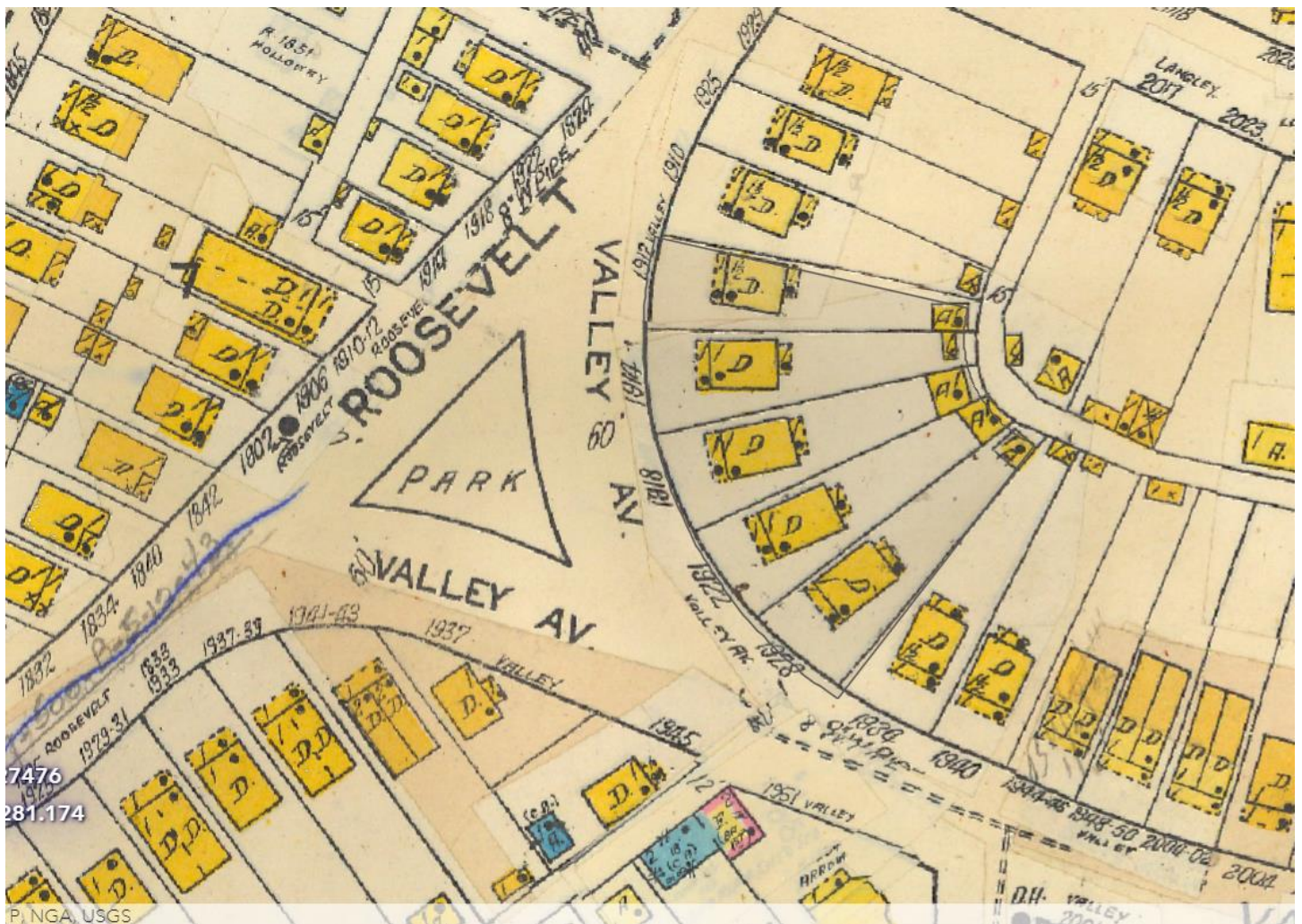
ZONING HISTORY – VICINITY

2004-ZON-167; 1848 Ludlow Avenue (south of site), Rezoning of 2.9 acres, being in the I-3-U District to the SU-9 classification to provide for a residential work release facility for criminal offenders, **approved**.

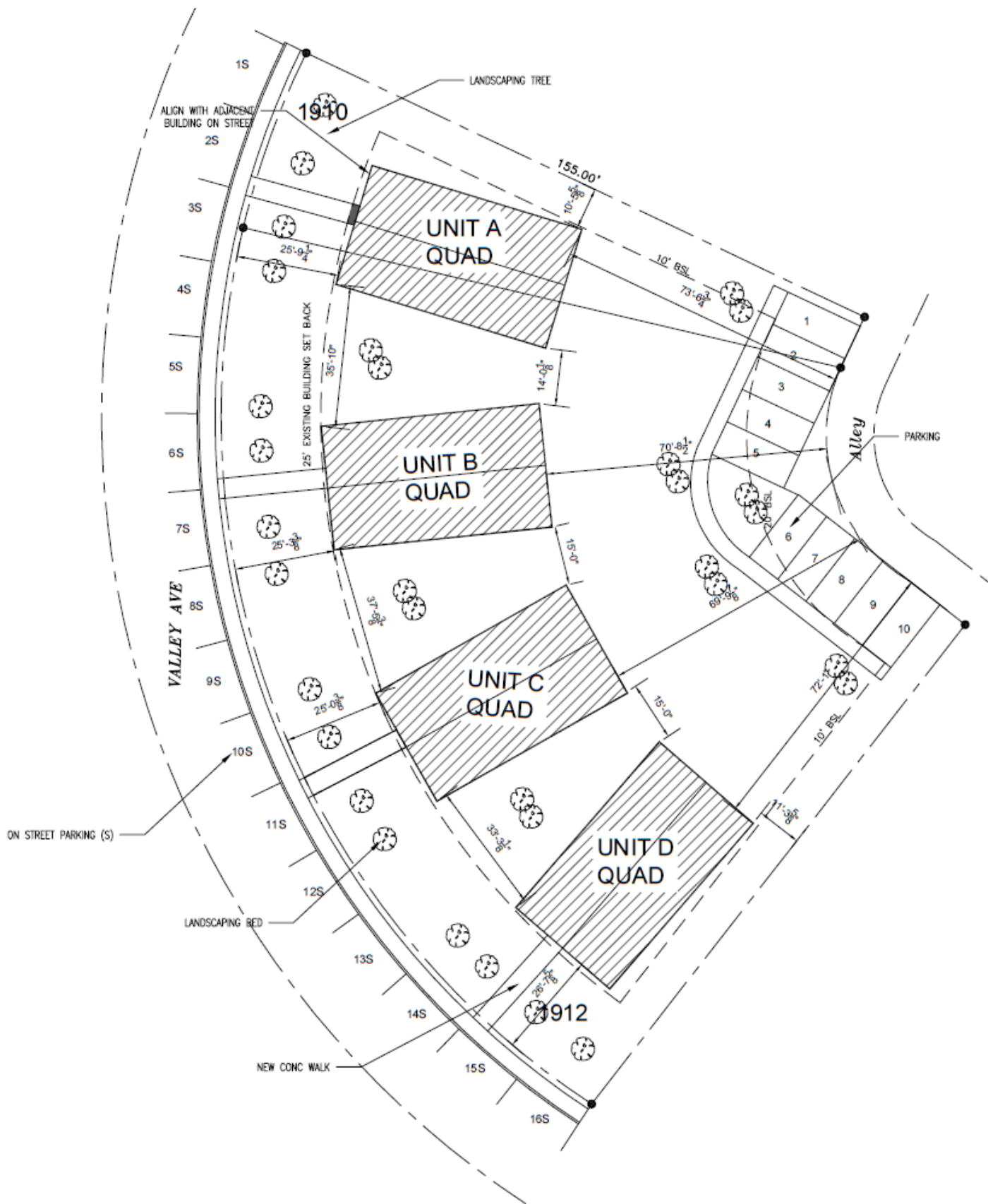
98-Z-210; 1933, 1940-1948 North Keystone Avenue, 2117-2121, 2214-2220, 2242-2252, 2327-2333, 2401-2411, and 2418 Langley Avenue, 2223, 2315 01317, and 2411 Roosevelt Avenue, 2130, 2138, 2210 and 2214 Valley Avenue (southeast of site), Rezoning 6.6 acres from D-5 and C-3 to I-3-U, **approved**.

96-Z-77; 1813-1829 Roosevelt Avenue (southwest of site), Rezoning of 0.81 acre, being in the D-5 District, to the D-8 classification to provide for the construction of a multi-family residential development, **approved**.

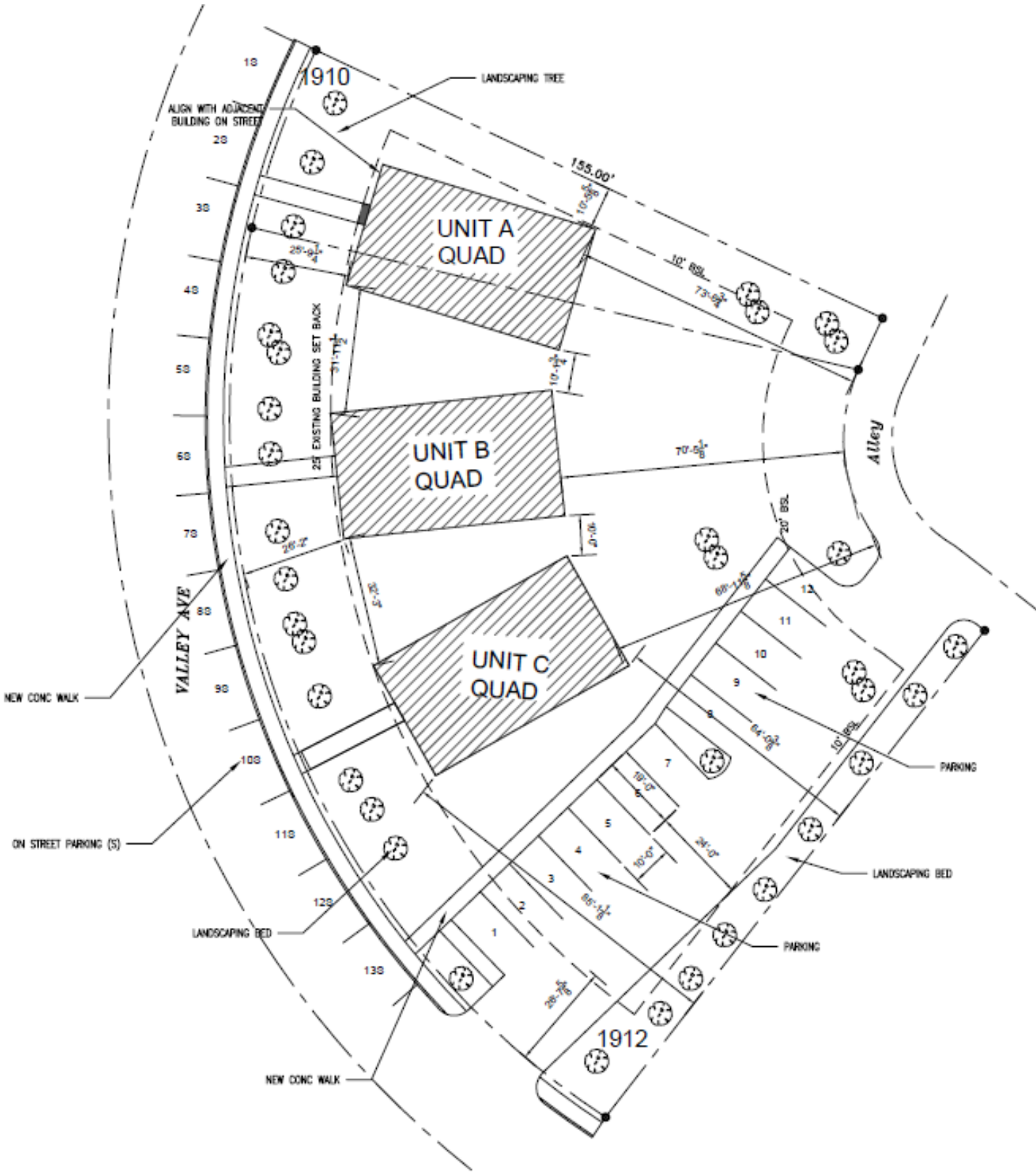




P. NGA, USGS



4 ARCHITECTURAL SITE PLAN
1" = 20'-0"



4 ARCHITECTURAL SITE PLAN
1" = 20'-0"



Photo of the Subject Property: 1910 Valley Avenue



Photo of the Subject Property: 1912 Valley Avenue



Photo of the Subject Property: 1912 Valley Avenue



Photo of the Subject Property: 1912 Valley Avenue



Photo of the residential property southwest of the site.



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



Photo of the 22-foot wide narrow street abutting the property named Valley Avenue.



Photo of the residential property northwest of the site.



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

STAFF REPORT

Item 13.

Department of Metropolitan Development Division of Planning Current Planning Section

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

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

LAND USE

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

REZONING

- ◇ The request would rezone the subject site to the SU-7 district to provide for a food pantry ministry.

(Continued)

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

Tree Preservation / Heritage Tree Conservation

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

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

Staff Analysis

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

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5	Metro	Undeveloped (Portion to be rezoned)
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SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE PLAN

The Comprehensive Plan recommends suburban neighborhood development.

(Continued)

THOROUGHFARE PLAN

Troy Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 70-foot existing right-of-way and a 90-foot proposed right-of-way.

Merts Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.

TRANSIT-ORIENTED
DEVELOPMENT

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

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

SURVEY

File-dated August 10, 2023.

PROPOSED COMMITMENT

File-dated August 31, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

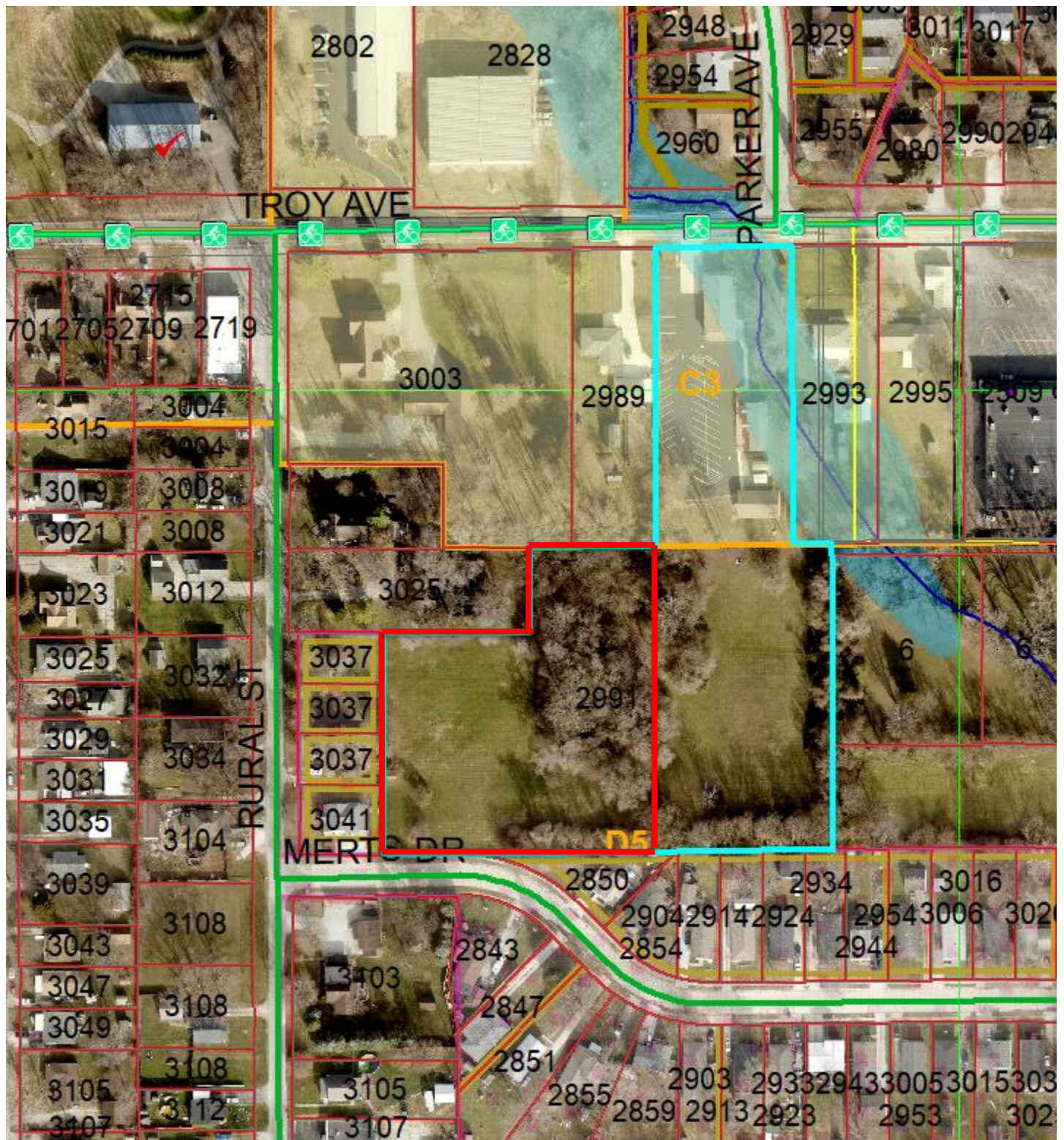
PREVIOUS CASES

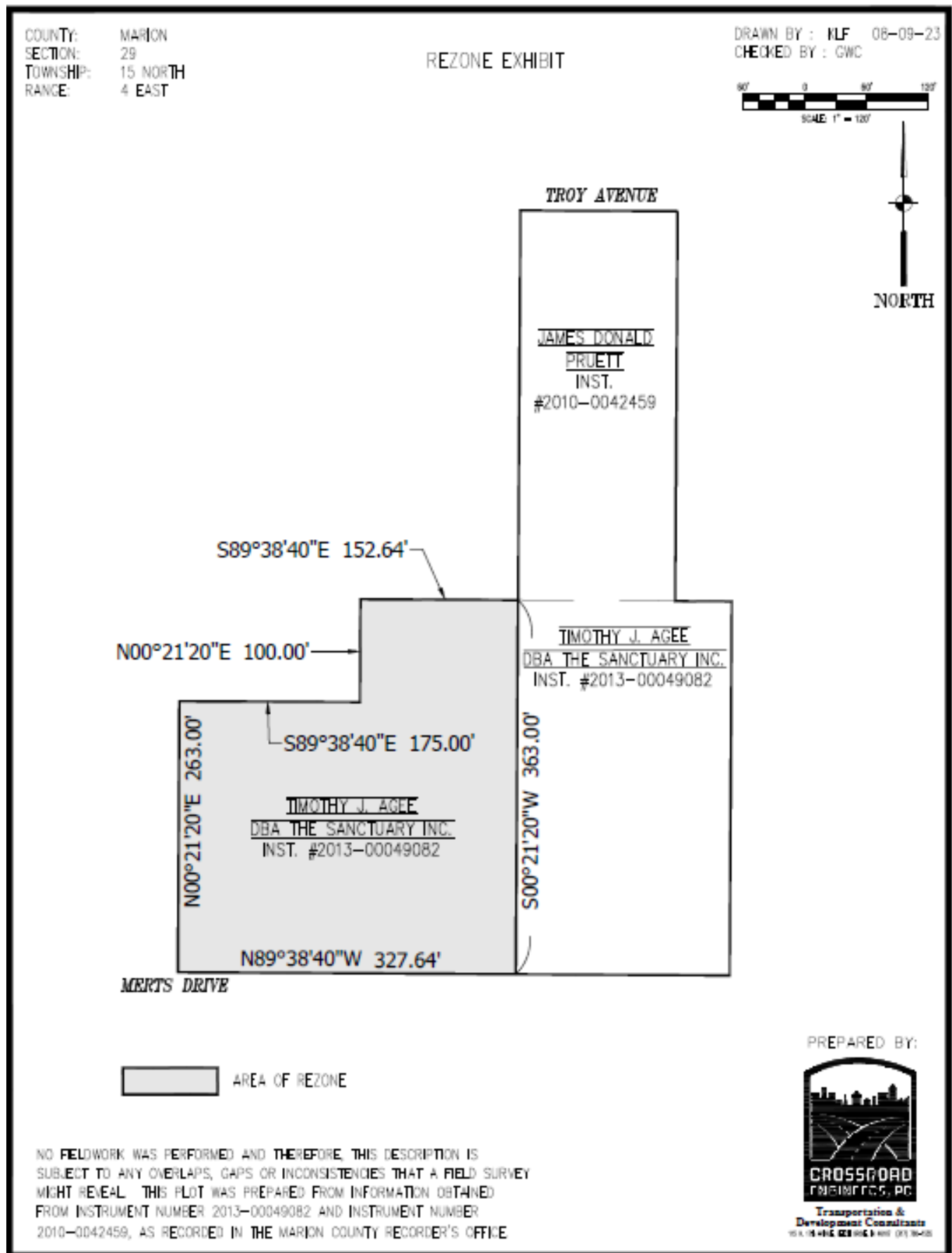
62-Z-35; 356 East Troy Avenue (north portion of site), Rezoning of 7 acres being in the R-4 district, to U3-H1-A2 classifications to permit the construction of a shopping center and service shops, **approved**.

ZONING HISTORY – VICINITY

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

MI





STATEMENT OF COMMITMENTS

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

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

Legal Description:

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

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

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".

MDC's Exhibit B - - page 1 of 5

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

3.

4.

5.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2023-ZON-083 by the City-County Council changing the zoning classification of the real estate from a D-5 zoning classification to a SU-7 zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the SU-7 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

MDC's Exhibit B - - page 2 of 5

M. Replacement Trees

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

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

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



Photo of the Subject Property: 2991 East Troy Avenue



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



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



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



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



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



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

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-843 / 2023-CPL-843
Address: 2302 West Morris Street (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Habitat for Humanity of Greater Indianapolis, Inc., by Chris Barnett
Requests: Rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings.
 Approval of a Subdivision Plat to be known as Oden Ross Park, subdividing 3.4 acres into six lots and two blocks.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated July 27, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

(Continued)

2023-CZN-843 / 2023-CPL-843 STAFF REPORT (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned C-S and is partially developed with a playground. This site is on the north side of West Morris Street in the West Indianapolis neighborhood. It is surrounded by commercial and single-family residential uses.
- ◇ This petition would subdivide the property into six lots and two blocks. The proposed six lots would be rezoned to the D-5II district to provide for future development with single-family detached dwellings. The proposed blocks are not proposed for development at this time.

REZONING

- ◇ This petition would rezone a portion of this site from the C-S district to the D-5II district to provide for single-family development.
- ◇ The comprehensive plan recommends Special Use as designated in the West Indianapolis Neighborhood Land Use Plan. The portion requesting the rezoning to a residential district is only 0.706 acre on the northernmost portion of the 3.4-acre site. The proposed residential development would be similar to the single-family developments that exist north and east of site; therefore, staff believes the D-5II zoning classification would be appropriate for this location.

PLAT

- ◇ The plat would subdivide the subject site into six lots and two blocks. The six lots are proposed for single-family development ranging from 4,720 square feet to 6,449 square feet. These lots would meet the standards of the proposed D-5II district in the companion rezoning. The proposed Blocks A and B would be reserved for future development, to be determined, and generally meet the standards of the C-S district adopted via 91-Z-173.

TRAFFIC / STREETS

- ◇ Lots One through Six would front on Wilkins Street to the north. Lot One would be a corner lot with a side yard on Tremont Street to the east. An access easement is proposed at the rear of these lots, which would function like a private alley or shared driveway. Block A would front on Tremont Street to the east. Block B would have frontage on Tremont Street to the east and Morris Street to the south. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are required on Wilkins Street, Tremont Street, and Morris Street in compliance with the Department of Public Works standards.

(Continued)

2023-CZN-843 / 2023-CPL-843 STAFF REPORT (Continued)**GENERAL INFORMATION****EXISTING ZONING, CONTEXT AREA, AND LAND USE**

C-S	Compact	Undeveloped / Playground
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-family residential
South	C-4	Commercial
East	D-5 / C-4	Single-family residential / religious use
West	C-S	Industrial / Undeveloped

COMPREHENSIVE LAND USE PLAN	Special Use
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THOROUGHFARE PLAN

Morris Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 70-foot existing and a 78-foot proposed right-of-way.

Tremont Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 59-foot existing and proposed right-of-way.

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

PRELIMINARY PLAT

File-dated July 27, 2023

ZONING HISTORY – SITE

91-Z-173, 2530 West Morris Street, rezoning of 10.75 acres from the D-5 and C-4 district to the C-S district, **approved**.

ZONING HISTORY – VICINITY

2005-PLT-005, 2435 West Wilkins Street, **approval** of a plat to be known as WIDC Wilkins Street New Addition, dividing 1.78 acres into six lots.

97-Z-158, 2450 West Morris Street, rezoning of 12.693 acres from the D-5 and C-7 district to the C-S district, **approved**.

95-UV2-5, 2331 West Morris Street, variance to provide for construction of a 400-square foot detached garage for an existing single-family dwelling in the C-4 district, **approved**.

95-Z-19, 2530 West Morris Street, rezoning of 8.575 acres from the C-S district to the D-5 district, **approved**.

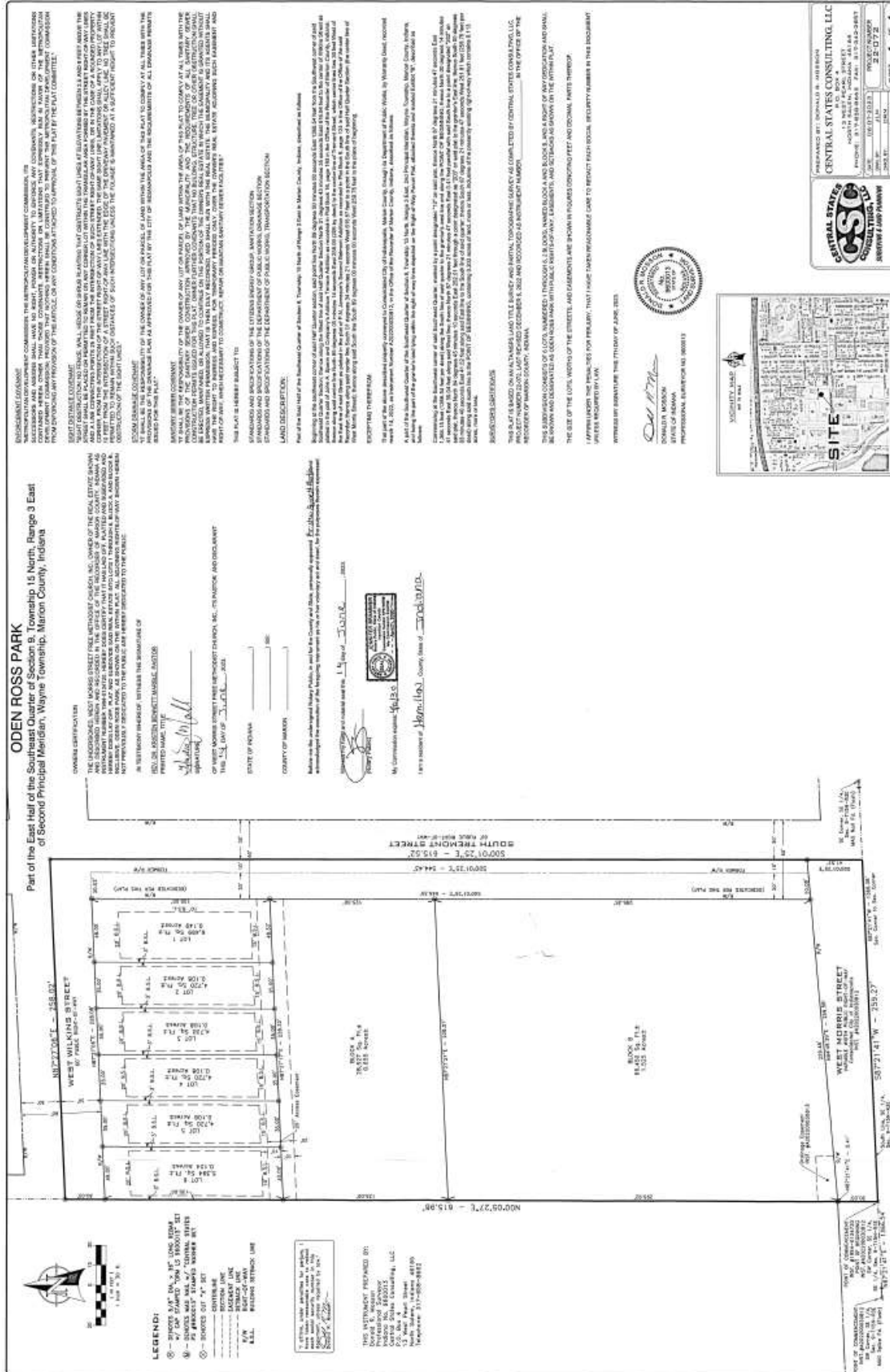
83-UV3-88, 1101 South Tremont Street, variance to provide for the continued use of an existing garage for storage of two church buses, **approved**.

73-VAC-25, vacation of the first alley north of West Morris Street from the east property line of Tremont Street to a point 176 feet to the east, **approved**.

AR

2023-CZN-843 / 2023-CPL-843 Aerial Map





2023-CZN-843 / 2023-CPL-843 Site Photos



Proposed Block B viewed from the intersection of Tremont Street and Morris Street, looking west



Proposed Block B viewed from Tremont Street, looking southwest



Proposed Block A viewed from Tremont Street, looking west



View of proposed Lots One through Six from Tremont Street, looking west



Proposed single-family lots viewed from Wilkins Street, looking south



Proposed single-family lots viewed from Wilkins Street, looking west

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-844 / 2023-CPL-844
Address: 11805 Brookville Road (*Approximate Address*)
Location: Warren Township, Council District #19
Petitioner: DGOIndianapolisIN05032023, LLC, by Alex Intermill and Tyler Ochs
Requests: Rezoning of 1.55 acres from the SU-1 district to the C-3 district to provide for retail development.

Approval of a Subdivision Plat to be known as RSBR Brookville Road, subdividing 4.30 acres into two lots.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 6, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is a 4.30-acre lot, zoned SU-1, and is undeveloped.
- ◇ This petition would subdivide the property into two lots and rezone one of the lots to the C-3 district to permit a commercial retail development.

REZONING

- ◇ This petition would rezone 1.55 acres of this site from SU-1 district to the C-3 classification.
- ◇ The comprehensive plan recommends community commercial uses, which are typically in freestanding buildings or small shopping centers. Uses may include small-scale shops, grocery stores, drug stores, etcetera. The proposed use would be a general store, which is supported by the comprehensive plan.
- ◇ Potential issues for this site are use of a septic system and fire hydrant access.
- ◇ Public sewer is not available at this site, so a commercial development would require state approval for a septic system. It has not been determined if the site is suitable for a septic system.
- ◇ This site would be subject to the following Indiana Fire Code provisions:

Indiana Fire Code 2014

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.

Exceptions:

3. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)

4. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)**PLAT**

- ◇ The plat would subdivide the subject site into two lots—Lot One being 1.55 acres and Lot Two being 2.45 acres. The proposed plat meets the standards of the C-3 zoning classifications as proposed in the companion rezoning.

TRAFFIC / STREETS

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

SIDEWALKS

- ◇ Sidewalks are required along Brookville Road.

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

SU-1	Metro	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	SU-9 / PK-1	Undeveloped / Baseball Fields
South	D-A	Agriculture / Undeveloped
East	C-3	Undeveloped
West	SU-1	Undeveloped

**COMPREHENSIVE LAND USE PLAN
THOROUGHFARE PLAN**

Community Commercial
Brookville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 95-foot existing and proposed right-of-way.

PRELIMINARY PLAT

File-dated September 6, 2023

SITE PLAN

File-dated August 4, 2023

ZONING HISTORY – SITE

2009-ZON-082, rezoning of twelve acres from the SU-9 district to the SU-1 district, **approved**.

87-Z-89, rezoning of 147 acres from the A-2 district to the SU-9 district, **approved**.

ZONING HISTORY – VICINITY

2020-ZON-053, 11815 Brookville Road, rezoning of 4.62 acres from the C-3 district to the C-7 district, **withdrawn**.

2019-ZON-117, 11815 Brookville Road, rezoning of 4.22 acres from the SU-9 district to the C-3 district, **approved**.

2018-ZON-052, 11815 Brookville Road, rezoning of 4.22 acres from the SU-9 district to the C-7 district, **denied**.

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

2010-ZON-059, 2600 Kitley Road and other locations, rezoning of 173.70 acres (in various locations) to the PK-1 district for park use, **approved**.

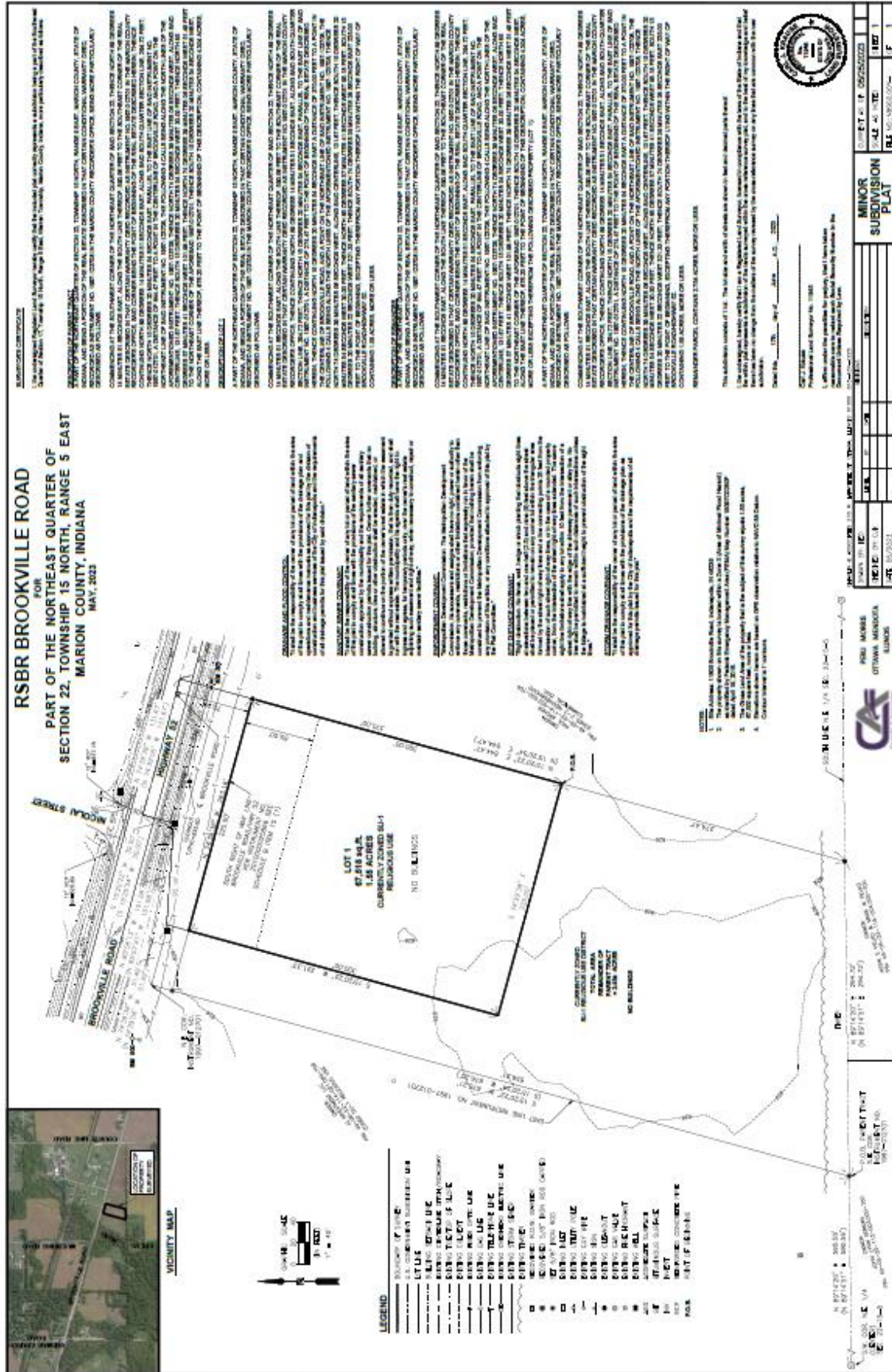
2010-ZON-027, 11850 Brookville Road and other locations, rezoning of 355.42 acres to the PK-1 district for park use, **approved**.

AR

2023-CZN-844 / 2023-CPL-844 Aerial Map

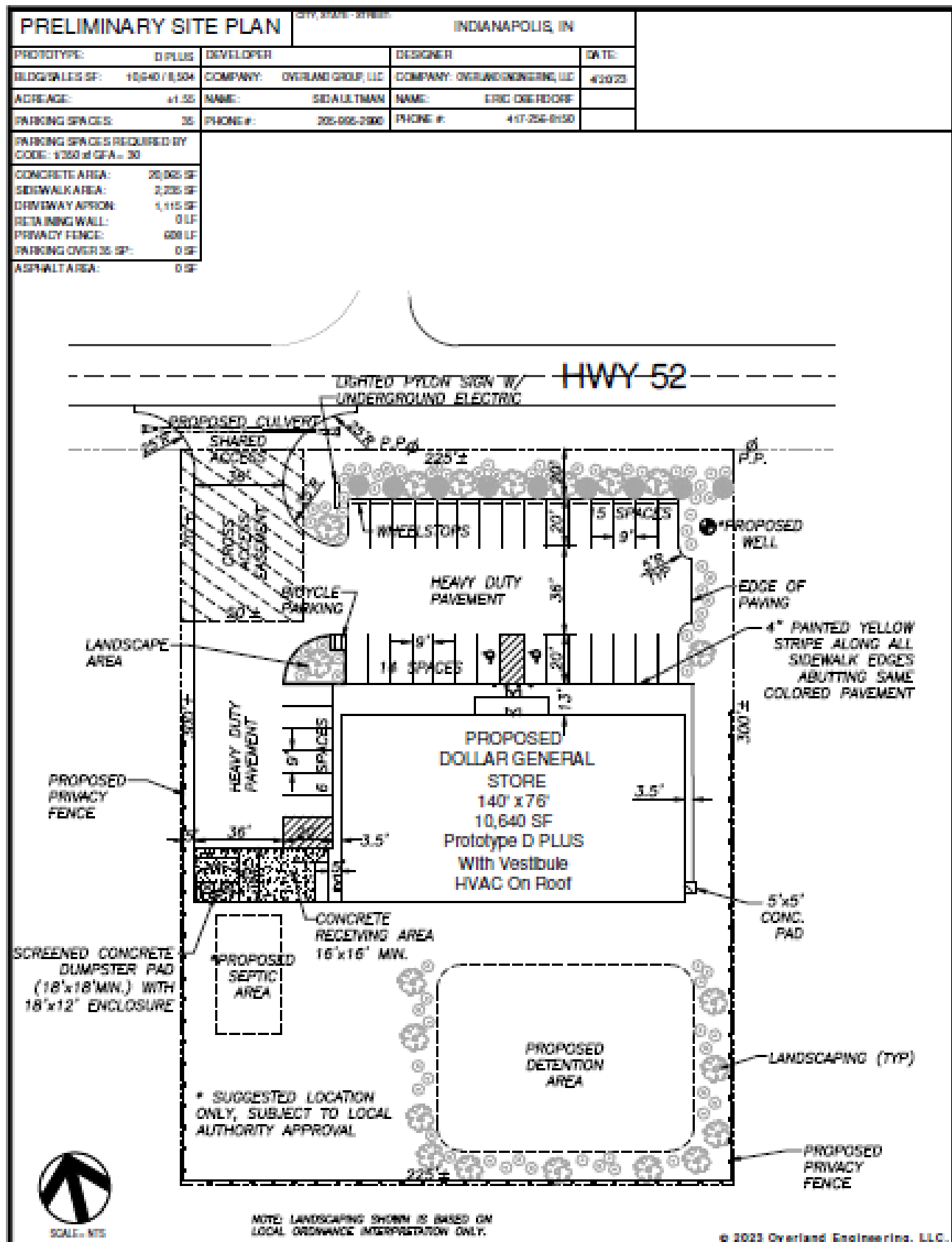


2023-CZN-844 / 2023-CPL-844 Preliminary Plat



2023-CZN-844 / 2023-CPL-844 Preliminary Site Plan*

*Not reviewed for compliance



2023-CZN-844 / 2023-CPL-844 Site Photos



Subject site viewed from intersection of Brookville Road and Sorrel Street, looking south



East of site, looking south



North of site- baseball fields and community center

STAFF REPORT

Item 16.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-845 / 2023-CVR-845
Address: 2850 Bethel Avenue (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Indy Parks, by Ben Jackson
Zoning: PK-1
Request: Park District One approval to provide for new game fields/courts, a shelter area and parking.

Variance of Development Standards to not provide for sidewalks along Minnesota Street (sidewalks required).

On August 21, 2023, the petitioner communicated to Staff that they would be withdrawing the filed petition for variance of development standards. This would require acknowledgement by the Hearing Examiner.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ This petition would provide for new game field and court, shelter, and parking at an existing park within the Indy Parks and Recreation System: Stanley Strader Park (formerly known as Bethel Park).
- ◇ The park is zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;

(Continued)

- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

◇ The Comprehensive Plan recommends large-scale park for the site.

◇ The site plan indicates the proposed improvements would be within the park boundaries. Staff supports this request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1

Park

SURROUNDING ZONING AND LAND USE

North - D-5

Single-family dwellings

South - SU-10

Cemetery

East - D-5 / D-8 / SU-1

Single-family dwellings / Senior Living / Religious

West - D-6II / SU-2

Multi-family dwellings / Elementary School

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development
THOROUGHFARE PLAN	Bethel Avenue is designated in the Marion County Thoroughfare Plan as a primary collector street with an existing 50-foot right-of-way and a proposed 56-foot right-of-way. Minnesota Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 55-foot right-of-way and a proposed 48-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There are no overlays for this site.

ZONING HISTORY

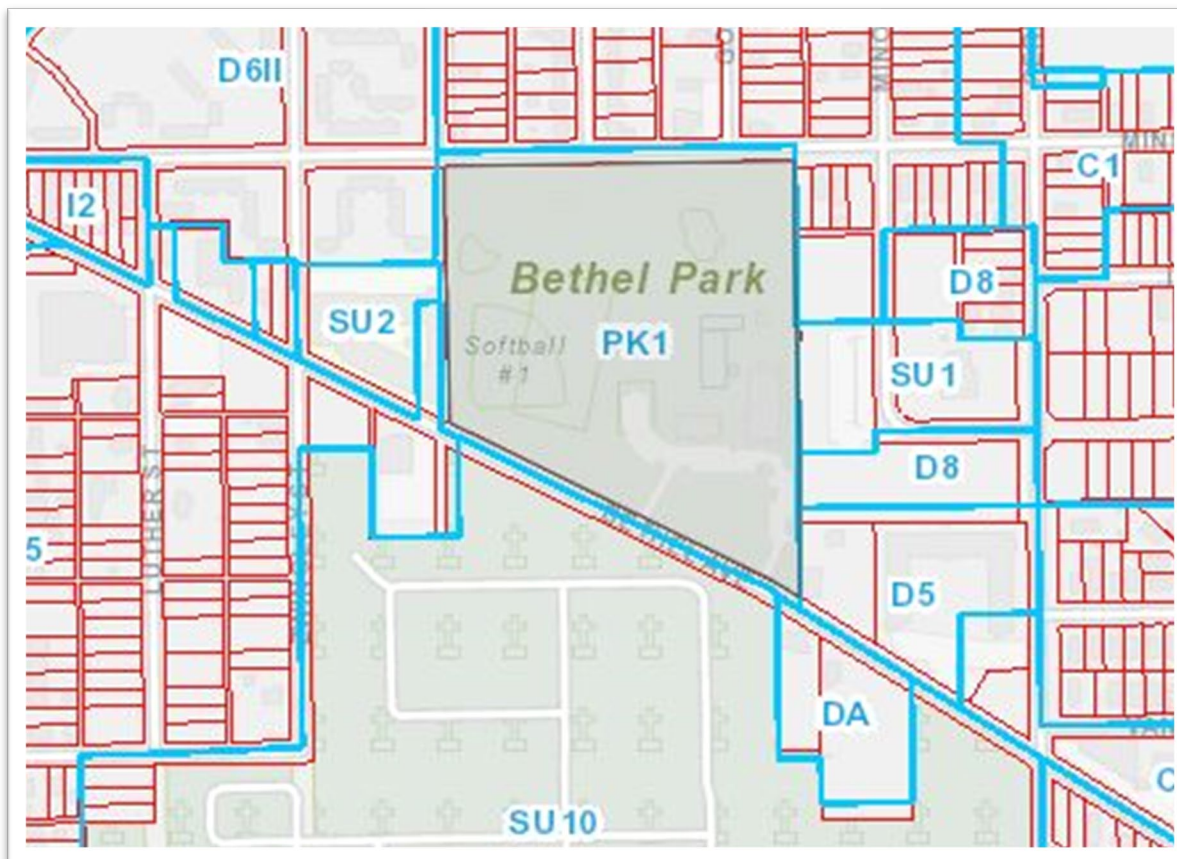
SITE

None.

VICINITY

2021-ZON-076, 1463, 1502, 1505 and 1518 Renton Street, 1591 Barrington Avenue, 2400 and 2410 East Minnesota Street and 1719 Zwingley Street, rezoning of 16.618 acres from the I-4, C-1 and D-5 districts to the D-6II district., **granted**.

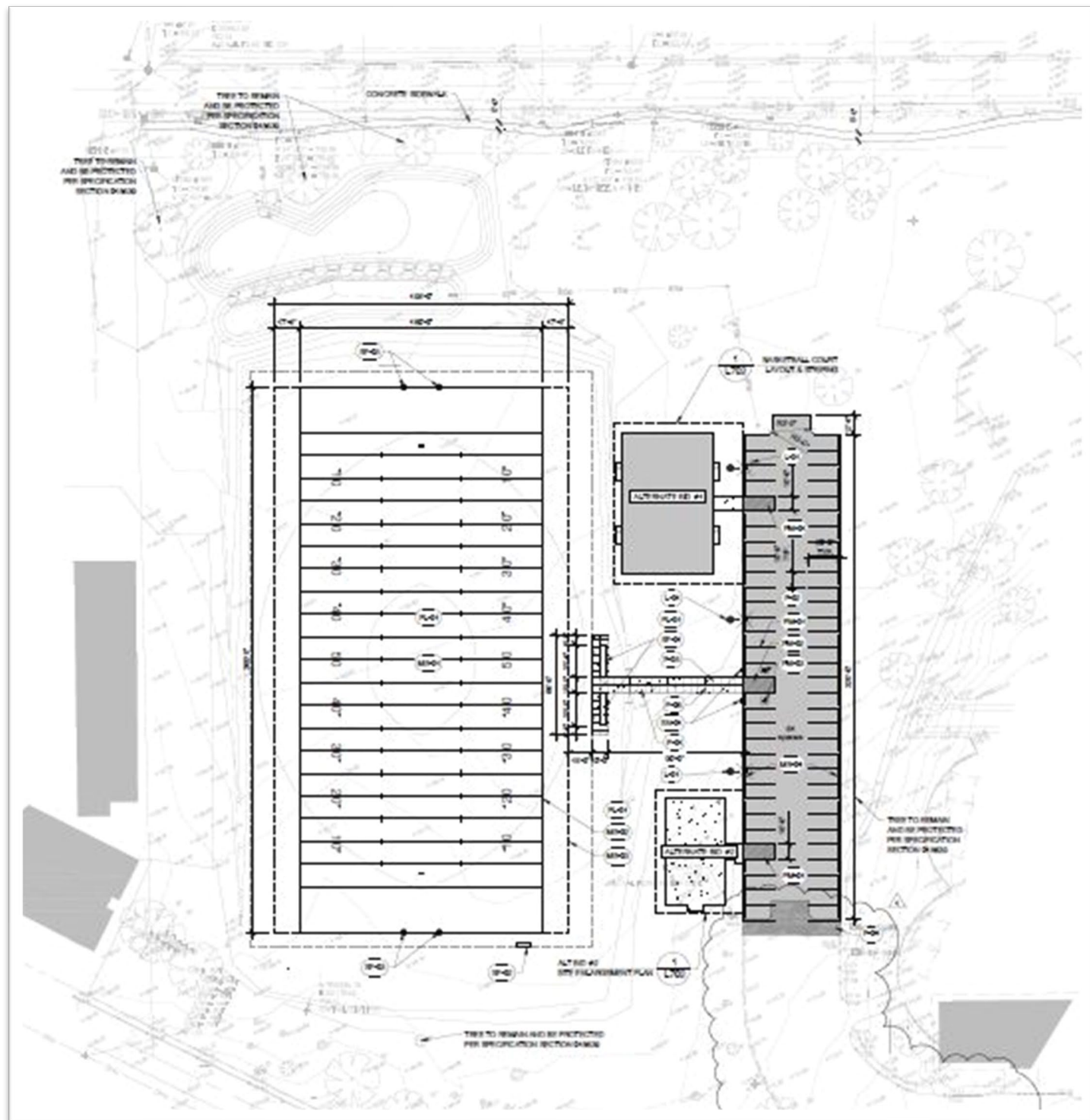
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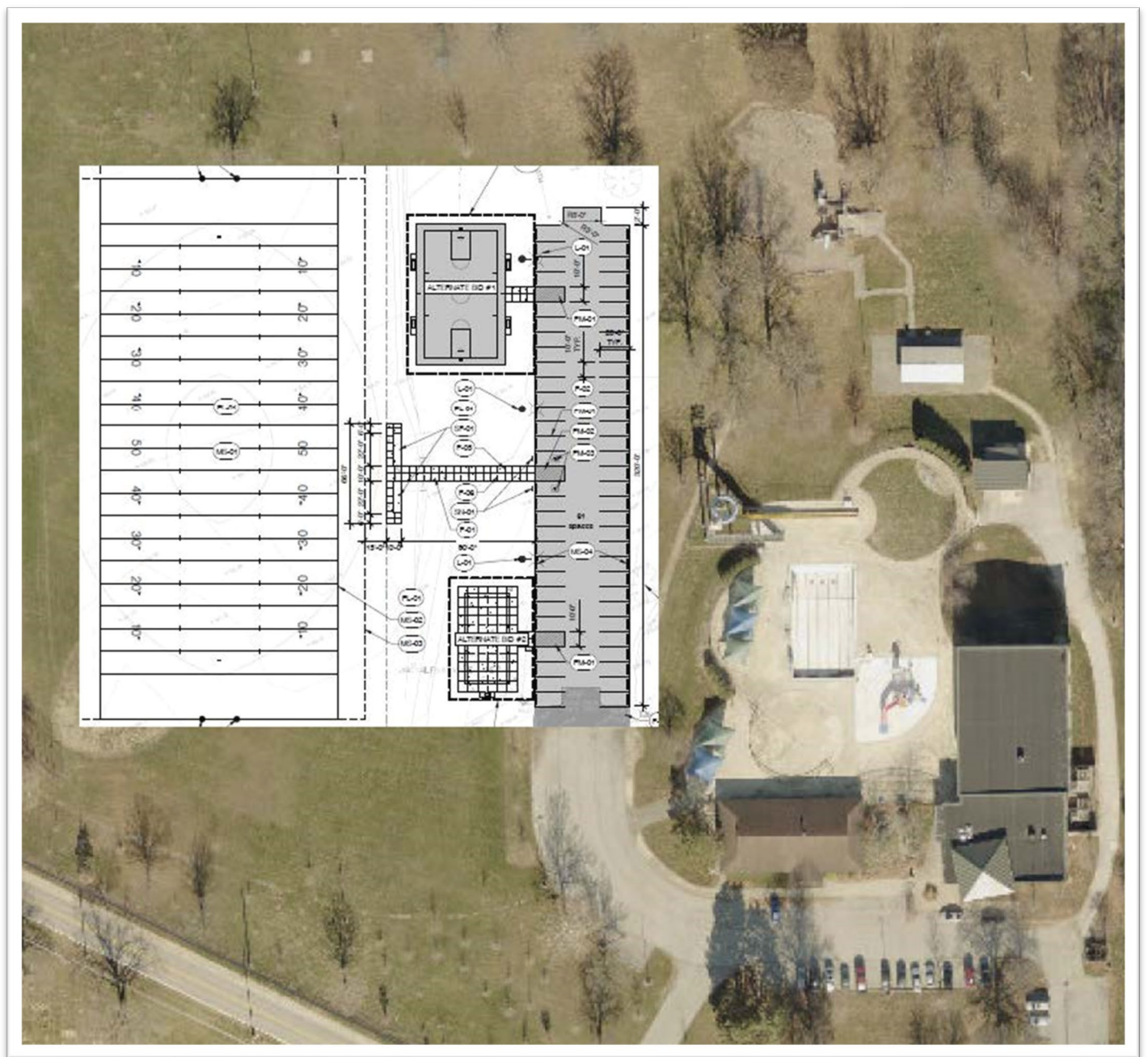
Location Map, Stanley Strader Park



Aerial view, Stanley Strader Park



Site Plan, Stanley Strader Park



Aerial site plan, Stanley Strader Park



Site photo (from northeast), Stanley Strader Park



Site photo (from south), Stanley Strader Park, parking and pool

STAFF REPORT

Item 17.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-846 / 2023-CAP-846
Address: 8631 River Crossing Boulevard (*Approximate Address*)
Location: Washington Township, Council District #3
Petitioner: PK Partners, LLC, Inc., by Brian J. Tuohy
Requests: Rezoning of 10.056 acres from the C-S (FF) district to the C-S (FF) district to add indoor sports and recreation uses (including but not limited to indoor pickleball courts) as a permitted use.

Modification of Commitments related to 93-Z-151, as modified by 2012-CAP-818, to Modify Commitment #2, to allow indoor sports and recreation as a permitted use in the area identified as retail.

RECOMMENDATIONS

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

The site 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

- ◇ This 10.056-acre site, zoned C-S (FF), is developed with a one-story commercial center and associated parking. It is surrounded by commercial office uses to the north, commercial uses south and multi-family dwellings to the east, all zoned C-S (FF); and a shopping center to the west, across River Crossing Boulevard, zoned C-4.

(Continued)

REZONING

- ◇ This request would rezone the site from the C-S District to the C-S classification from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.
- ◇ The Comprehensive Plan recommends regional commercial typology. “The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.”
- ◇ 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.

Large-Scale Schools, Places of Worship, Community- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as Schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.

- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.

(Continued)

Environmental Public Nuisances

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

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of regional commercial typology and the Pattern Book guidelines regarding places of assembly. Furthermore, the proposed use would not negatively the surrounding commercial uses within the immediate area. For these reasons, staff recommends approval of the rezoning request.
- ◇ Staff believes that the modification of the C-S Statement to add indoor sports and recreation as a permitted use in the area identified as retail would not be detrimental to the surrounding commercial uses and provide for reuse of vacant tenant spaces.

(Continued)

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-S (FF)	Commercial retail uses
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SURROUNDING ZONING AND LAND USE

North -	C-S (FF)	Commercial office uses
South -	C-S	Commercial retail uses
East -	C-S (FF)	Multi-family dwellings
West -	C-4	Shopping Center

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends regional commercial typology. Marion County Land Use Pattern Book (2019).
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THOROUGHFARE PLAN	This portion of River Crossing Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing 75-foot right-of-way and a proposed 48-foot right-of-way.
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CONTEXT AREA	This site is located within the metro context area.
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OVERLAY	This site is not located within an overlay
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PROPOSED DESCRIPTION	File-dated August 15, 2023
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C-S- STATEMENT	File-dated August 15, 2023
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ZONING HISTORY

2023-ZON-066; 8711 River Crossing Boulevard (north of site), requested rezoning of 2.964 acres from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use, **pending**.

2014-CZN 802 / 2014-CVR-802; 8711 and 8805 River Crossing Boulevard and 3520 Commerce Crossing, requested rezoning of 14.6 acres from the C-4 and C-S districts to the C-S district to provide for a mixed-use development of residential, office and hotel uses, with first-floor retail, fitness center and restaurant uses and free-standing retail and restaurant uses, with outdoor seating and dining areas and a variance of development standards of the Commercial Zoning Ordinance up to a 30 percent reduction in the amount of parking and a maximum height of 65 feet at the setback line, with a three-foot height increase for each additional foot of setback to a maximum setback of 30 feet, with a maximum height of 150 feet beyond a 30-foot setback at 3520 Commerce Crossing and with an unlimited height beyond a 30-foot setback at 8711/8805 River Crossing Boulevard, **approved and granted**.

(Continued)

2018-DV3-040; 8711 River Crossing Boulevard, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 210 small vehicle parking spaces, **granted**.

VICINITY

2013-UV1-023: 8701 and 8702 Keystone Crossing (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for indoor automobile sales and display and electric automobile charging stations within the parking garage (not permitted); **granted**.

2013-DV3-021: 8631 River Crossing Boulevard (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through lane, with two stacking spaces before the pick-up window and one stacking space after the pick-up window (six stacking spaces required before the pick-up window and two after the pick-up window), and to provide for a trash enclosure in front of the established building line along River Crossing Boulevard (not permitted); **granted**.

2012-CVR-818 / 2012-CAP-818: 8631 River Crossing Boulevard (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating/dining for all types of restaurants (outdoor seating permitted for family restaurants only); and requested modification of the C-S statement and commitments related to 93-Z-151; **granted and approved**.

2011-ZON-005: 8787 Keystone Crossing (west of site), requested rezoning of 6.87 acres, from the C-S District to the C-S classification to provide for multi-family residential uses; **approved**.

2004-UV3-005; 3520 Commerce Crossing (west of site); requested a variance of development standards of the Commercial Zoning Ordinance to provide for a fourteen-story, 258-foot tall, 240,000-square foot office building, **granted**.

93-Z-151: 8701 River Road (includes site), requested the rezoning of 85 acres, being in the D-A and SU-23 (GSB) District, to the C-S classification to provide for a mixed-use development to consist of an integrated retail commercial center, offices, a hotel, a free-standing restaurant and 675 residential apartments, **approved**.

93-CV-14: 8701 River Road (includes site), requested a Variance of Development Standards of the Commercial Zoning Ordinance to permit the development of residential apartment buildings with a setback of 20 feet from the existing right-of-way of River Road (minimum 70 feet from the centerline or 10 feet from the proposed right-of-way required); **granted**.

73-Z-41: 8750 North River Road (includes site), requested rezoning of 147 acres, being in the D-A District, to the SU-23 classification to provide for a sand and gravel operation; **approved**.

kb

Proposal Description

8631 River Crossing Blvd (the "Site")

The approximately 10.056 acre site was part of approximately 85 acres rezoned to C-S in 1993, under Petition No. 93-Z-151 (the "1993 Rezoning"). See the 1993 C-S Statement and the 1993 Site Plan filed herewith. Additionally, commitments were recorded in connection with the 1993 Rezoning as Instrument No. 1993-0180508 (the "1993 Commitments"). The Site is within the Retail portion of the development depicted on the 1993 Site Plan.

Subsequently, in 2012, the 1993 C-S Statement, the 1993 Commitments and the 1993 Site Plan were modified under Petition No. 2012-CAP-818. See the approval letter dated December 20, 2012, the Statement of Modification or Termination of Commitments recorded as Instrument No. A2012001331135, and the 2012 Site Plan filed herewith.

Petitioner respectfully requests to amend the existing C-S zoning classification to allow Indoor Sports and Recreation (including but not limited to indoor pickleball courts and improvements related thereto) on the Site, along with the previously permitted uses set forth in the 1993 C-S Statement and its amendment in 2012. Additionally, Petitioner respectfully requests to modify Commitment No. 2 of the 1993 Commitments as follows:

2. Land Use Designation. Land use boundaries shall be located substantially as depicted on the Conceptual Land Use Plan filed-dated November 12, 1993 ("Land Use Plan"). The two land use categories of Multi-family/Office and Multi-Use Area shall be subject to "Conversion Factors" described in the Detailed Description of Request filed with Docket No. 93-Z-151, file-dated August 23, 1993. The areas identified by the land use categories of Office, Multi-Family Residential and Retail shall be limited to those respective specified land uses and shall be non-convertible to other uses within those areas; provided that Indoor Sports and Recreation shall also be a permitted use within the Retail area.

2023 C-S Statement
8631 River Crossing Blvd (the "Site")

The 1993 C-S Statement filed in connection with Case No. 93-Z-151 (attached hereto as Exhibit A), its amendment in 2012 as described by the approval letter for Case No. 2012-CAP-818 (attached hereto as Exhibit B), the 1993 Site Plan (attached hereto as Exhibit C), its amendment in 2012 (attached hereto as Exhibit D) shall remain in full force and effect, except as modified as follows:

The first bullet point under the Permitted Uses section of the 1993 C-S Statement (as amended in 2012) shall state as follows:

-Retail commercial uses, all types of restaurants, with outdoor seating/dining, and indoor sports and recreation uses (including but not limited to indoor pickleball courts), located in an integrated center with a total leasable area of 115,500 square feet, exclusive of any out-lot leasable area. One outlot in front of the retail center shall be permitted.

EXHIBIT "A"
93-Z-151 C-S STATEMENT PAGE 1 of 2

DETAILED DESCRIPTION OF REQUEST

**8700 River Road
 River Crossing - C-S Rezoning**

PROJECT DESCRIPTION

Petitioner, P K Partners, L.P., requests the rezoning of approximately 85 acres from the SU-23 (GSB) classification to the C-S classification to provide for the development of an integrated, mixed-use development.

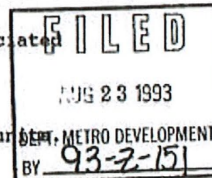
The site is bounded on the west by Keystone at the Crossing, on the north by Interstate 465 with the Precedent Office Park located north of the interstate, on the east and south by River Road and the White River. Access to the site is gained via Bazaar Drive and River Road. Provision shall be made for internal roadway connections between each land use developed as a part of the overall development.

A prominent feature of the real estate is an approximately 28 acre lake located centrally on the site. The lake will be utilized not only for drainage purposes, but also as an amenity around which much of the proposed development will be focused. Such lake front amenities may include a boardwalk, walking/hiking path, outdoor restaurant seating, picnic areas and the like which may be developed by the various individual users or as common amenities provided by the developer for and accessible to all users along the perimeter of the lake.

PERMITTED USES

Subject to the Land Use Reallocation Allowances specified below, development shall not exceed the following limits, with land uses located in substantial compliance with the Conceptual Land Use Plan and Conceptual Site Master Plan filed with this petition:

- Retail commercial uses located in an integrated center with a total leasable area of 110,000 square feet. There shall be no outlot development in front of the retail center.
- Office development with a total leasable area of 300,000 square feet.
- Hotel development with 200 rooms and an associated restaurant.
- Free standing restaurant or retail use.
- Residential development with a total of 675 units.



LAND USE REALLOCATION ALLOWANCES

In order to provide flexibility in the marketing and development of the real estate, petitioner requests approval of certain "conversion factors" to allow for a reallocation of the land uses specified above provided that the traffic generated by the reallocation of land uses is equal to or less than the traffic generated by the initially proposed development described above. Petitioner proposes the following "conversion factors":

- One residential living unit = one hotel room
- Two residential living units/hotel rooms = 1,000 square feet of leasable office space.
- Eight residential living units/hotel rooms = 1,000 square feet of leasable retail space/restaurant.

EXHIBIT "A"
93-Z-151 C-S STATEMENT PAGE 2 of 2

TRANSPORTATION ISSUES

Petitioner recognizes that the capacity of the thoroughfare system in this portion of Marion County is a primary concern of local officials and area property owners. As a result, petitioner has commissioned a traffic study and will implement improvements identified in the traffic study subject to the approval of the Department of Transportation. Roadway improvements will include River Road, the intersection of River Road and Bazaar Drive, and the intersection of Bazaar Drive with 86th Street.

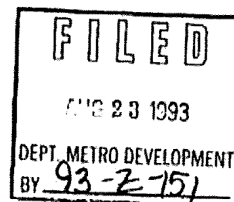


EXHIBIT B
2012 Approval Letter

City of
Indianapolis
Gregory A. Ballard, Mayor



December 20, 2012

Eugene Valanzano
Baker & Daniels, LLP
600 East 96th Street, Suite 600
Indianapolis, IN 46240

Re: 2012-CAP-818; River Shops, LLC
8631 River Crossing Boulevard; Washington Township

Dear Mr. Valanzano:

The Metropolitan Development Commission, at their regular scheduled meeting on November 7, 2012, heard your petition for a Modification of the C-S statement and commitments related to 93-Z-151 to modify Commitment Three and the first bullet point under the Permitted Uses section of the C-S Statement to provide for all types of restaurants, with outdoor seating /dining, 115,500 square feet of leasable area, exclusive of any out-lot leasable area, and to provide for one out-lot in front of the retail center (maximum 110,000 square feet permitted, no out-lots permitted).

The Commission, being fully advised in this matter, approved the petition, subject to the commitments recorded as Instrument No. 2012-131135 in the office of the Recorder of Marion County, Indiana, a copy of which is on file in the offices of the Metropolitan Development Commission.

Sincerely,

Michael Peoni, AICP
Administrator

MP:eh

Department of Metropolitan Development
Division of Planning

1821 City County Building | (317) 327-5155
200 E. Washington Street | (fax) 327-7883
Indianapolis, Indiana 46204 | www.Indy.GOV

Exhibit C
93-Z-151 SITE PLAN

93-Z-151

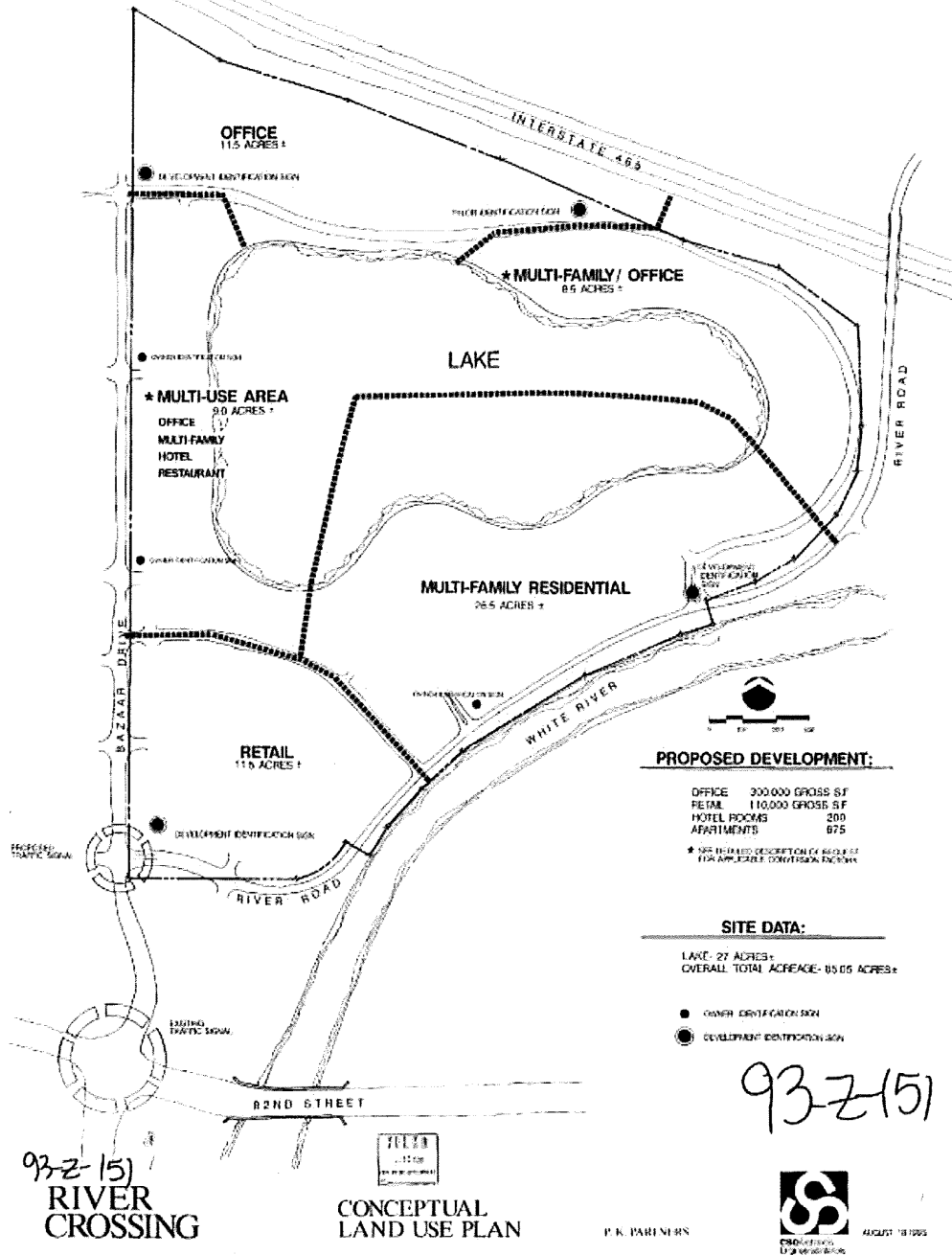
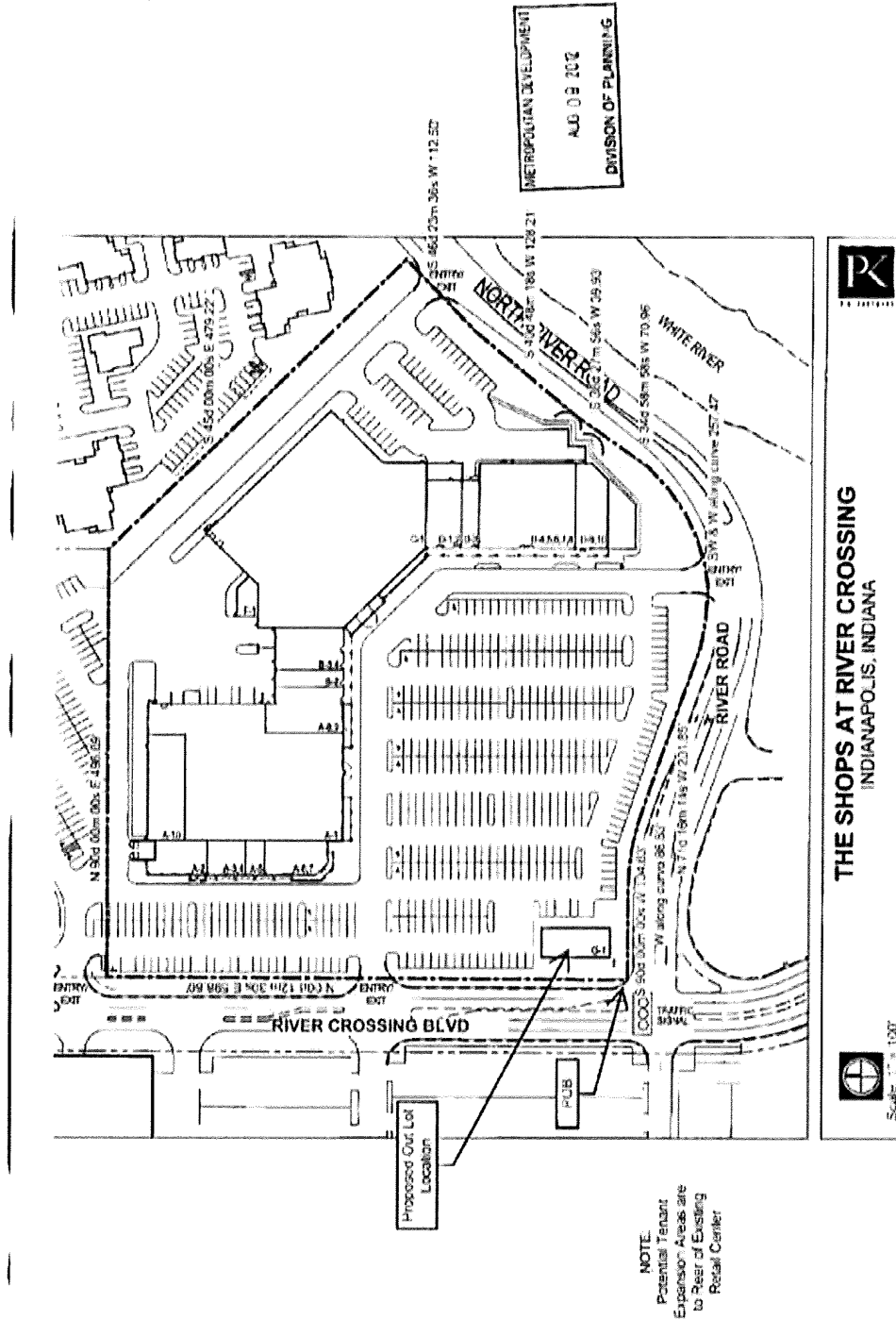


EXHIBIT D
2012-CAP-818 SITE PLAN
 (file-dated August 9, 2012)





View looking south along River Crossing Boulevard



View looking north along River Crossing Boulevard



View of site looking southeast across River Crossing Boulevard



View of site looking south along access drive and parking lot to the west.



View of site looking southwest



View of site looking south



View of site looking southeast



View from site looking northeast

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-850 / 2023-CVR-850
Address: 8545 South Emerson Avenue (*Approximate Address*)
Location: Franklin Township, Council District #25
Zoning: C-S
Petitioner: Landmark Holdings 8601 LLC, by Tammy Rice
Request: Modification of the approved C-S Statement, related to 2005-ZON-169, to provide for three integrated pylon signs (maximum two integrated pylon signs permitted).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a third primary freestanding sign within an integrated center (maximum of two freestanding signs permitted).

RECOMMENDATION

Staff **recommends approval of these requests.**

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ This subject site is part of an integrated center that runs along Emerson Avenue from Noggle Way north to the Heathwood neighborhood. The integrated center was farmland until 2015 when the grocery at the corner of Emerson Avenue and Noggle Way was built. Development of the integrated center has continued since that time.
- ◇ The I-65 / County Line Road Strategic Plan, a segment of the Indianapolis/Marion County Comprehensive Plan, recommends Interchange Area Mixed-Use for the site. This typology provides for a wide range of uses appropriate to the vicinity of interstate interchanges, including medium- to large-scale regional commercial areas.

(Continued)

STAFF REPORT 2023-CAP-850 / 2023-CVR-850 (Continued)

- ◇ The Strategic Plan also makes design recommendations. For signs in the subject area, the plan states that “Signs should be architecturally compatible with and accentuate the buildings and landscaping on the site in terms of colors, materials, and style. . . An excessive number of signs and excessively large signs are discouraged.”

MODIFICATION OF DEVELOPMENT STATEMENT

- ◇ The site was the subject of a 2005 petition (2005-ZON-169) that rezoned the site 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 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.
- ◇ The development statement approved with the 2005 petition committed to a list of development standards including the following statement concerning signs: “The project shall include not more than two integrated commercial center pylon signs on Emerson Avenue.”

VARIANCE

- ◇ This petition includes a variance of development standards to provide for the erection of a third primary freestanding sign within an integrated center where a maximum of two freestanding signs are permitted.
- ◇ The Ordinance seeks to limit the proliferation of signs. Among the ways the Ordinance does this is to limit the number of primary freestanding signs to two and also by requiring separation between primary freestanding signs. A site must have at least 500 feet of street frontage to qualify for a second primary freestanding sign, and the signs must be at least 300 feet apart.

(Continued)

STAFF REPORT 2023-CAP-850 / 2023-CVR-850 (Continued)

- ◇ The subject integrated center runs an exceptionally long distance along Emerson Avenue, approximately 1940 feet or more than one-third of a mile. Pylon signs have been erected at the southern point of the center and approximately at its mid-point. The southern, lower sign identifies the grocery and its gas station. The mid-point sign identifies the integrated center and includes spaces for the individual tenants and outlots.
- ◇ The proposed sign would be located in the northern third of the integrated center. It would match the design of the mid-point sign and would identify the center and the individual tenants and outlots. Center signs with spaces for the individual tenants and outlots help reduce the proliferation of signs by aggregating the identification of the businesses in the center.
- ◇ The proposed sign would be 600 feet north of the existing taller pylon sign, meeting the separation standard of the Ordinance.
- ◇ Given the size of the integrated center, the separation distance of the freestanding signs, and the effect of reducing the overall number of signs through their aggregation on one sign, staff recommends approval of this petition. However, staff would be unlikely to recommend approval of any additional primary freestanding signs along this frontage in the future.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S	Metro	Vacant
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SURROUNDING ZONING AND LAND USE

North	C-S	Vacant
South	C-S	Vacant lots
East	C-S	Vacant
West	C-S	Vacant

COMPREHENSIVE LAND USE PLAN	The I-65 / County Line Road Strategic Plan (2008) recommends Interchange Area Mixed-Use.
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THOROUGHFARE PLAN	Emerson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary arterial, with a 140-foot existing right-of-way and a 119-foot proposed right-of-way.
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(Continued)

STAFF REPORT 2023-CAP-850 / 2023-CVR-850 (Continued)

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

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

ZONING HISTORY – SITE

2005-ZON-169; 8601 & 8651 South Emerson Avenue, requested the rezoning of 58 acres from the D-A district to the C-S district to provide for commercial uses, hospital and hospital related uses, and multi-family dwellings as permitted by the C-4, HD-1, and D-7 districts, **approved**.

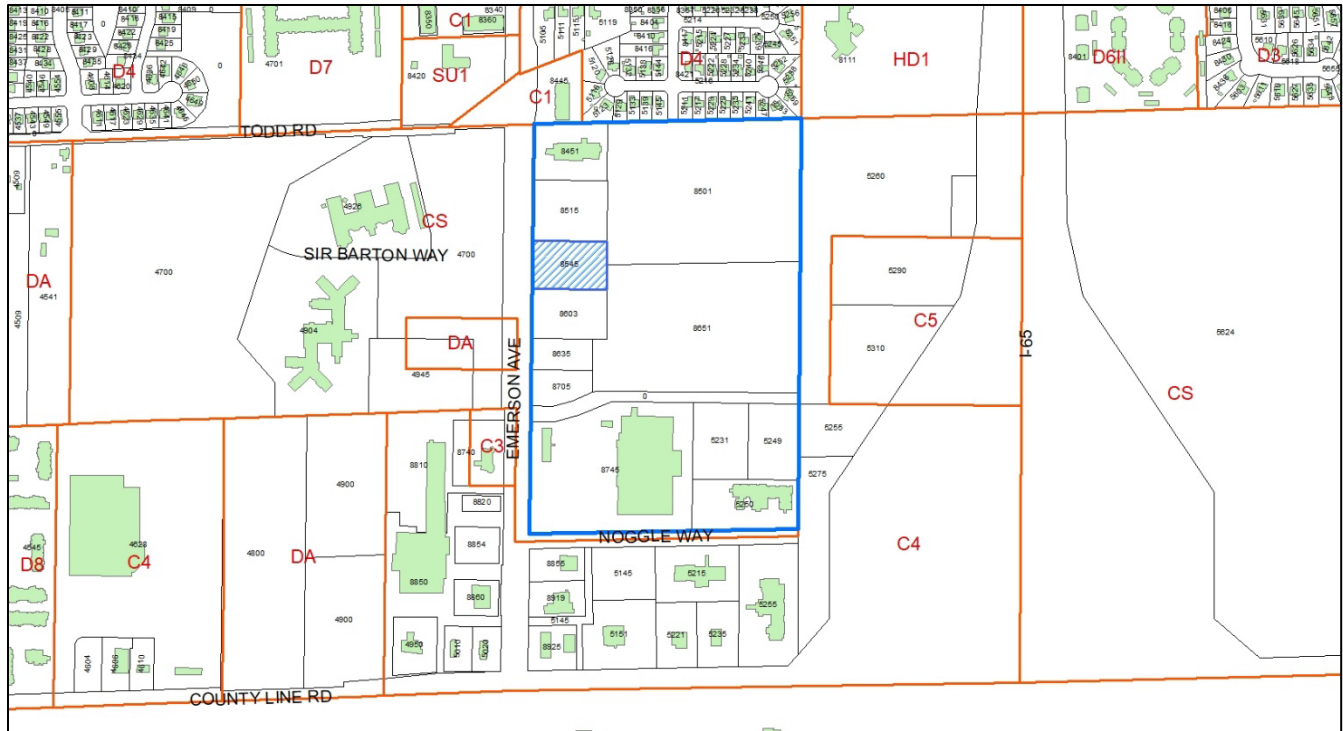
2003-ZON-153; 8601 South Emerson Avenue, requested the rezoning of 56.5 acres from the D-A district to the C-4 district, **withdrawn**.

ZONING HISTORY – VICINITY

85-Z-182; 4801 East Ralston Road (west of site), requested the rezoning of 61.8 acres from the A-2 district to the C-S district to provide for hospital uses, **approved**.

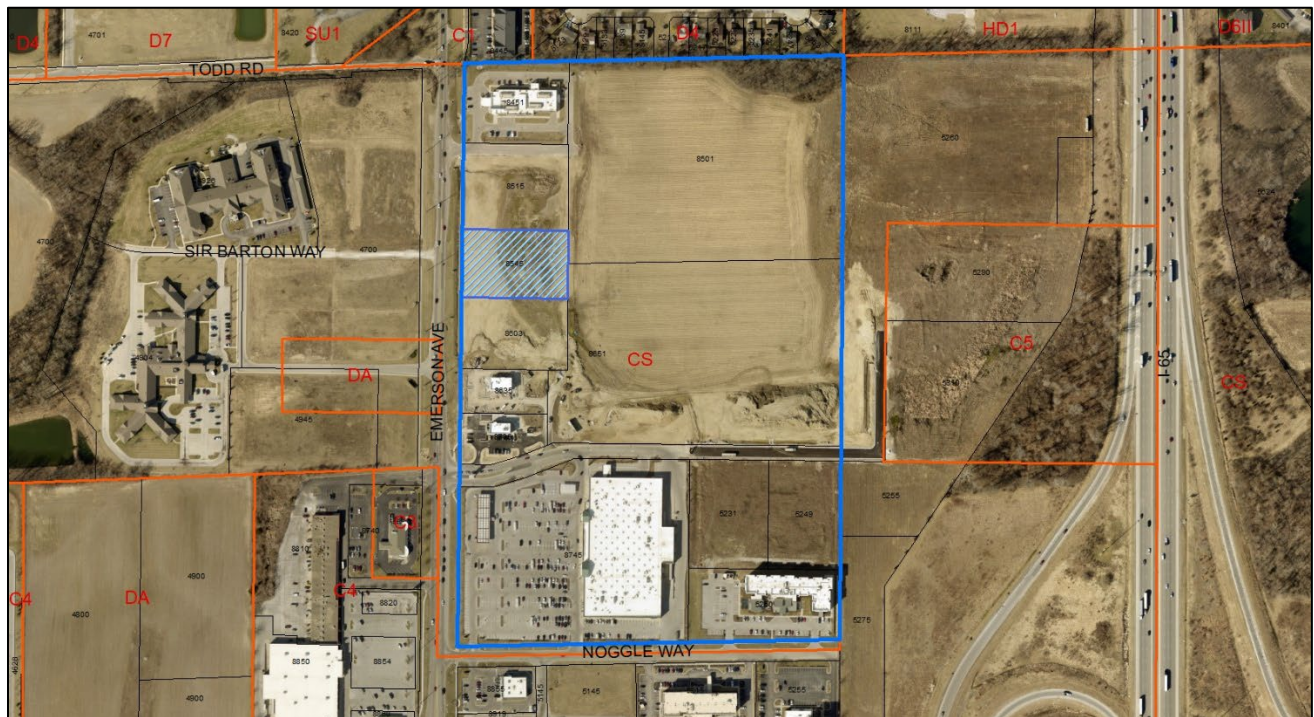
klh

STAFF REPORT 2023-CAP-850 / 2023-CVR-850, Location

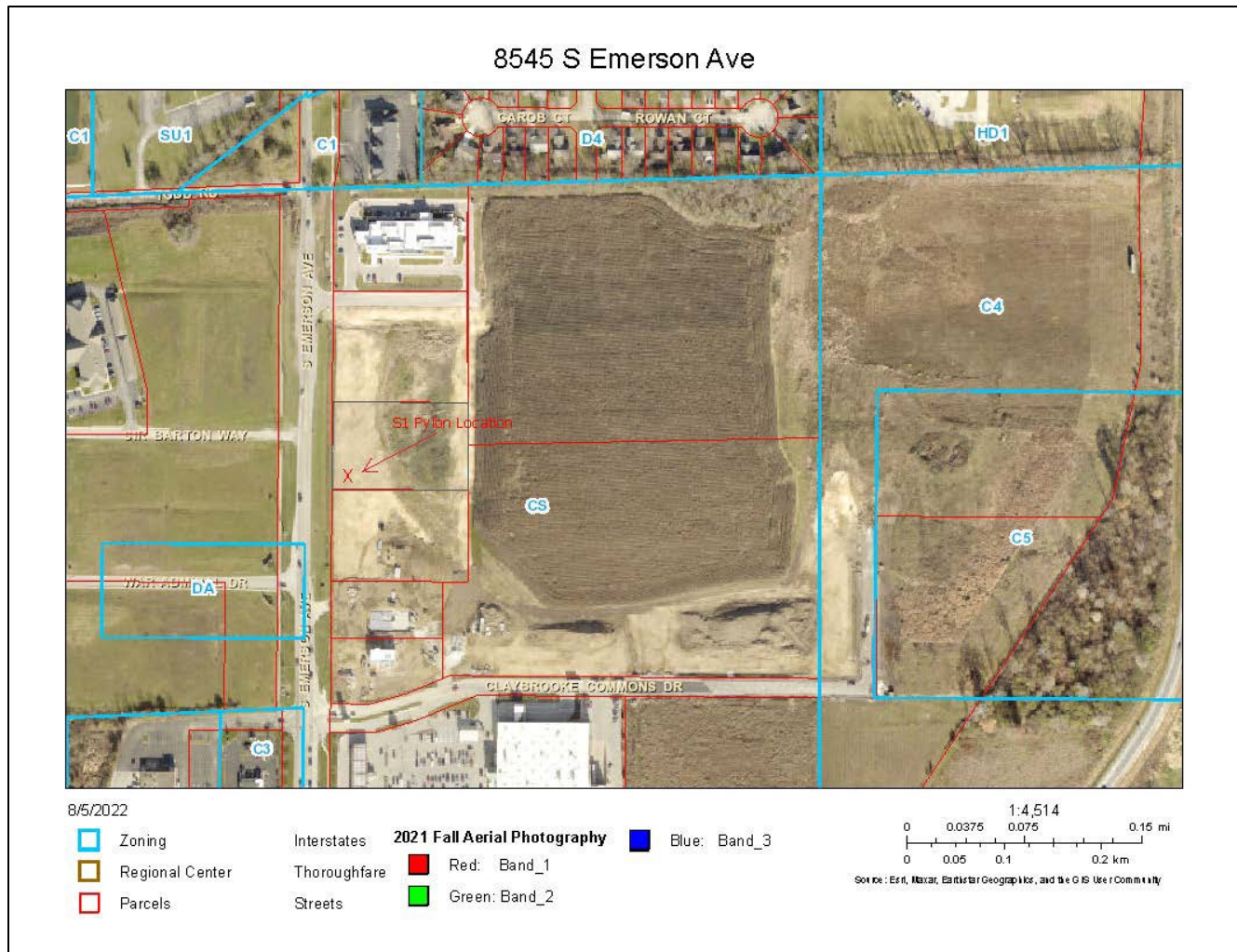


Subject is within the hatched area. The blue outline is the extents of 2005-ZON-169.

STAFF REPORT 2023-CAP-850 / 2023-CVR-850, Aerial photograph (2022)



STAFF REPORT 2023-CAP-850 / 2023-CVR-850, Site Plan



STAFF REPORT 2023-CAP-850 / 2023-CVR-850, Variance Findings of Fact

**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 pylon sign is compliant with code and will help alleviate confusion for traffic to identify what tenants are located within the commercial use property

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 pylon sign will not create any additional need for multi-modal access, such as parking and loading areas, transit provisions and bicycle facilities

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 allows 2 freestanding signs per integrated center. This center--Claybrooke Commons-- is a rather large integrated center and the 2 allowed signs are in front of the anchor store of Kroger. There are many outlots within this integrated center that do not have an option for a freestanding sign unless a variance is filed and board approves. This proposed pylon sign will give an opportunity for many new businesses to advertise their location as this will be along a very bust street. Without this pylon sign many people would be slowing down on this busy street, possibly causing accidents, to look to see where business are within the integrated center.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CAP-850 / 2023-CVR-850, Photographs

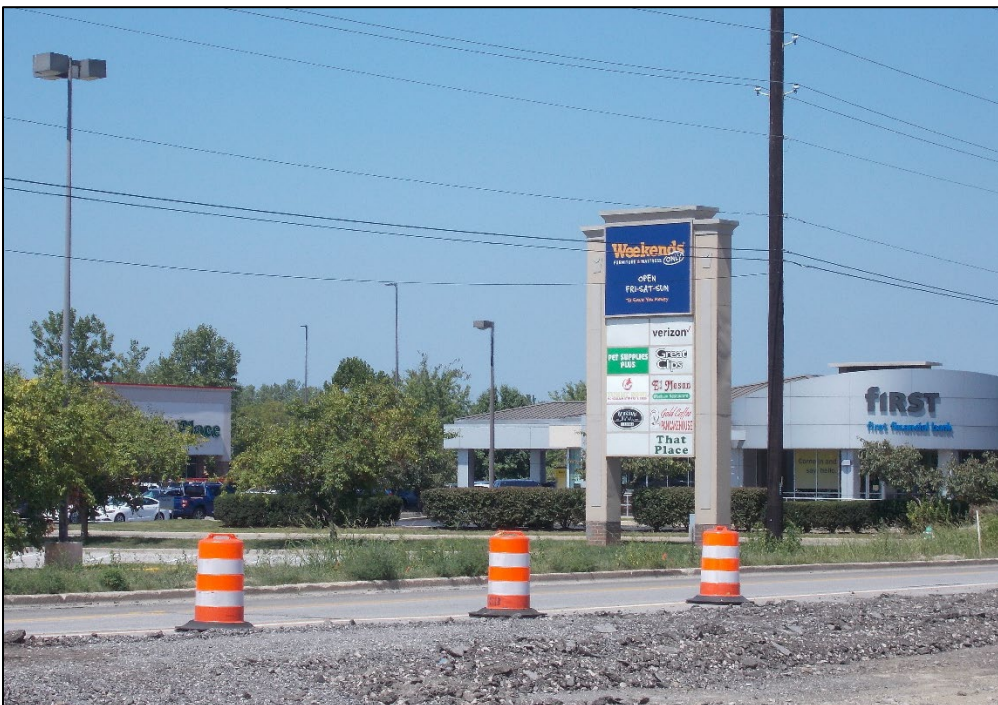
Looking north along Emerson Avenue. The proposed pylon sign would be located approximately in the right middle-ground of the photo.



Looking south along Emerson Avenue to the existing taller pylon sign.



Looking north along Emerson Avenue. The shorter existing pylon sign is in the right foreground. The taller existing pylon sign is mostly hidden by trees in the middle of the photograph.



Looking northwest across Emerson Avenue at a freestanding sign for the neighbor to the west.



Looking west across Emerson Avenue at monument signs across from the proposed pylon sign.

STAFF REPORT

Item 19.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-074
Address: 2013 Southeastern Avenue (Approximate Addresses)
Location: Center Township, Council District #12
Petitioner: Omar Hasan, by Mark and Kim Crouch
Request: Rezoning of 0.22 acre from the C-1 district to the D-8 district to provide for a seven-unit townhome development.

RECOMMENDATIONS

Staff **recommends denial** of this request.

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

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

- ◇ This 0.22-acre site, zoned C-1, is undeveloped and surrounded by single-family dwellings to the north across Southeastern Avenue, zoned C-1; single-family dwellings to the south, zoned D-5; commercial uses to the east, zoned C-1; and single-family dwellings to the west, zoned C-1 and D-5.

REZONING

- ◇ This request would rezone the site from the C-1 District to the D-8 classification. "The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book."

(Continued)

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

Conditions for All Land Use Types

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

Conditions for All Housing

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

Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium).

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

(Continued)

Environmental Public Nuisances

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

Infill Housing Guidelines

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

(Continued)

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology but based on the documents submitted, it is likely that some variances would be required that would not be supportable because of the impact on surrounding residential development and the fact that this lot is currently undeveloped with minimal encumbrances.
- ◇ Staff would note that historical maps indicate that the site was initially developed with single-family dwellings and a store that were demolished between 1986 and 1991. The site has remained undeveloped in the intervening years.
- ◇ Staff believes a density of 31.8 units per acre would not be appropriate when the traditional neighborhood typology recommends a range of five to 15 units per acre and the surrounding residential land uses, zoned D-5, have a lower density. Staff would not be opposed to a higher density but believes doubling the density would not be appropriate.
- ◇ Staff reviewed this request as row houses on a large lot with development standards that include, but not limited to, a rear setback of 15 feet, 15% open space, minimum floor area ratio of 0.60 and minimum livability space ratio of 0.75. No information has been submitted that would document these ratios would be met.
- ◇ Furthermore, the proposed main floor area of each unit is 432 square feet when the Ordinance requires 660 square feet.

(Continued)

- ◇ Staff is also concerned with the permitted building height of 40 feet or three stories because dwellings in the area are primarily single-story, with some two-story dwellings. The permitted height combined with the mass of the structures would be out of character and inconsistent with the residential character of the neighborhood.
- ◇ The surrounding residential neighborhood land uses primarily consist of single-family dwellings, with some two-family dwellings. This request would introduce a mid-block, multi-family residential land use and zoning classification that would not be consistent with either the existing residential character of the neighborhood, the Pattern Book recommendations, or the Infill Housing Guidelines.
- ◇ Because no elevations were submitted for review, staff would request, if approved, that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character.
- ◇ As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1 Undeveloped land

SURROUNDING ZONING AND LAND USE

North -	C-1	Single-family dwellings
South -	D-5	Single-family dwellings
East -	C-1	Bar / parking lot
West -	C-1 / D-5	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.
	Marion County Land Use Pattern Book (2019).
	Infill Housing Guidelines (2021)

THOROUGHFARE PLAN	This portion of Southeastern Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 60-foot right-of-way and a proposed 78-foot right-of-way.
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(Continued)

CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated August 1, 2023

ZONING HISTORY

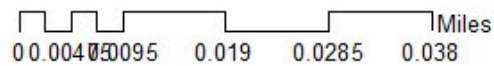
94-UV1-132; 2001 Southeastern Avenue (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for church use, **granted**.

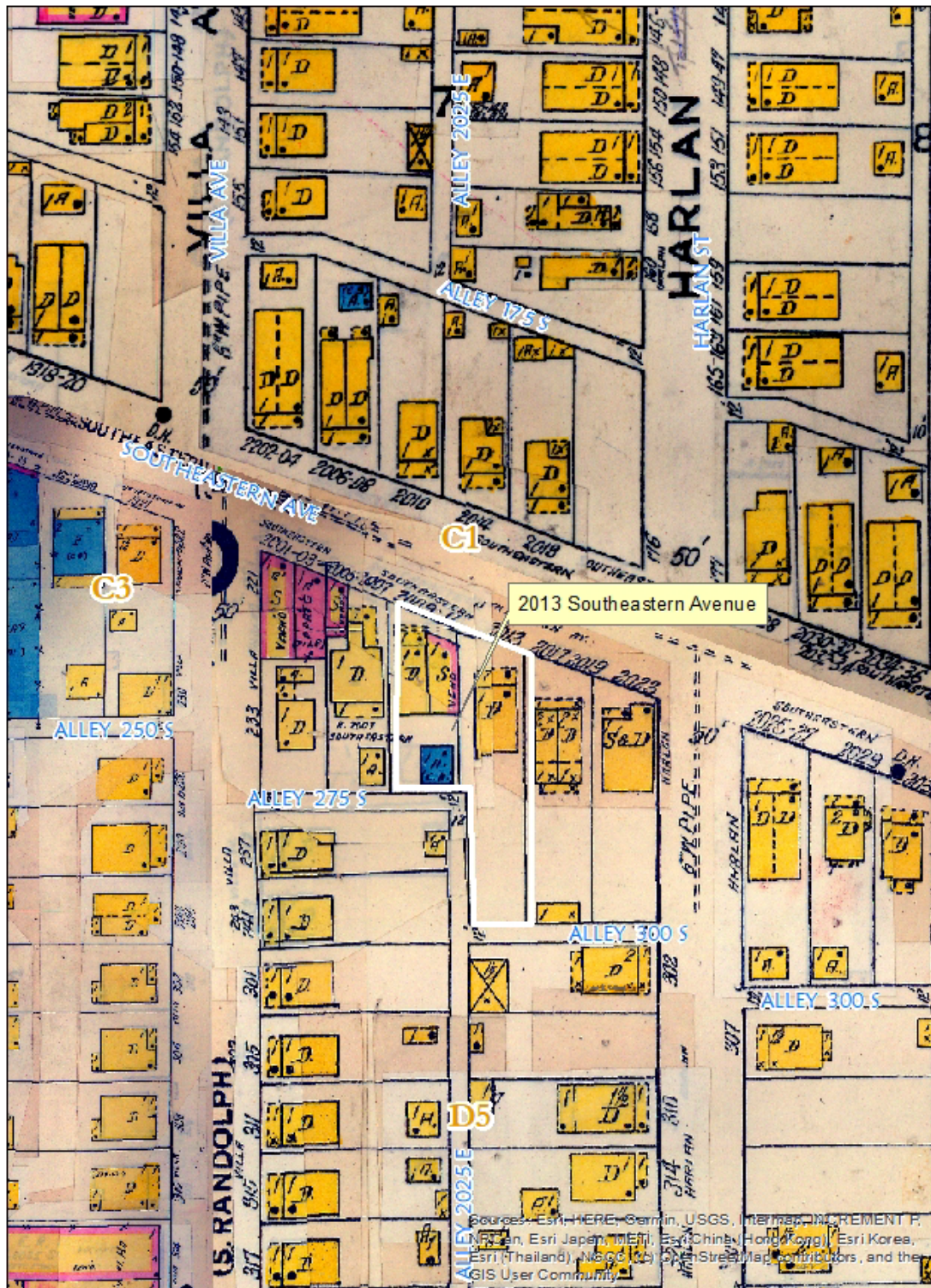
78-UV2-65; 2002-2003 (west of site), requested a variance of use and development standards of the C-1 District to permit operation of an office and sign shop in the existing commercial building, **granted**.

kb



2013 Southeastern Avenue





2013 Southeastern Avenue



0.004 0.0095 0.019 0.0285 0.038 Miles



View looking east along Southeastern Avenue



View looking west along Southeastern Avenue



View of site looking northwest from adjacent parking lot to the east



View of site looking west from the adjacent parking lot to the east



View of site looking west from adjacent parking lot to the east



View of site frontage looking west along Southeastern Avenue



View of north / south alley to the south of site



View of site looking northeast from north / south alley



View of site looking north



View of east / west alley looking west

STAFF REPORT

Item 20.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-075
Address: 516 South Rural Street (Approximate Addresses)
Location: Center Township, Council District #12
Petitioner: James Roger Martin
Request: Rezoning of 0.12 acre from the D-5 district to the C-1 district.

RECOMMENDATIONS

Staff **recommends denial** of this request.

If approved, staff would recommend approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 44-foot half right-of-way shall be dedicated along the frontage of Rural 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

LAND USE

- ◇ The 0.12-acre subject site is a residential lot developed with a one-story single-family dwelling. The lot is in the Christian Park neighborhood within a residentially developed block that is separated by an alley from a gas station and convenience store, zoned C-3 and C-4, to the north. The site is adjacent to single-family residential dwellings to the west and south, zoned D-5, and senior apartment to the east, zoned D-10.

REZONING

- ◇ The request would rezone this parcel to the C-1 district to provide for office uses. It is understood that the existing single-family dwelling would be converted into office use with parking at the rear of the lot.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

(Continued)

- ◇ The C-1 district is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt.
- ◇ Lastly, the Comprehensive Plan recommends traditional neighborhood development for this site. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 44-foot half right-of-way along Rural Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

- ◇ Although the C-1 district works as a buffer between less intense and more intense uses, staff determined that the proposed office use at this specific location would not be appropriate since there are no other commercial districts within the residential block south of the alley.
- ◇ Staff would note that a separation is already built in with the alley and topography change between the residential and commercial property to the north, but the commercial property is missing the required landscape buffer from the residential district to the south.
- ◇ Approval of the conversion of residential dwellings for commercial use would be detrimental to the surrounding residents since it could lead to the destabilization of the neighborhood, encourage similar intrusion of commercial into the neighborhood and would further reduce the housing stock that it is desperately needed.
- ◇ The proposal would not be consistent with the traditional neighborhood typology because where small-scale offices are proposed they are required to be located at intersections and should be limited to areas and parcels with adequate space for required screening and buffering, which this site would not meet these conditions.
- ◇ For these reasons, staff is recommending denial of the request.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5 Compact Residential (Single-family Dwelling)

SURROUNDING ZONING AND LAND USE

North	C-3 / C-4	Fuel Station
South	D-5	Residential (Single-family Dwelling)
East	D-10	Residential (Senior Apartments)
West	D-5	Residential (Single-family Dwelling)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood development.

THOROUGHFARE PLAN

Rural Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 56.6-foot existing right-of-way and an 88-foot proposed right-of-way.

**TRANSIT-ORIENTED
DEVELOPMENT**

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

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES: None.

ZONING HISTORY – VICINITY

2015-ZON-069; 2815 English Avenue (east of site), Rezoning of 4.18 acres, from the D-5 and C-4 districts to the D-10 classification to provide for multi-family uses, **approved**.

84-Z-132; 2707 English Avenue (north of site), Rezoning of 0.87 acre, being in the C-3 and C-4 districts, to the C-5 classification, to provide for the continued use for the coordination of liquidation of debtor estates and to provide for incidental vehicle sales, **withdrawn**.

83-Z-212; 2715 English Avenue (north of site), Rezoning of 0.39 acres, being in the C-4 district, to the C-5 classification, to provide for auto sales, **withdrawn**.

83-Z-211; 2701 English Avenue (north of site), Rezoning of 0.51 acres, being in the D-5 district, to the C-3 classification, to provide for retail and office uses, **approved**.





Photo of the Subject Property: 516 South Rural Street



Photo of the adjacent alley looking east and rear yard of the subject site.



Photo of the adjacent alley looking west and the gas station north of the subject site.



Photo of the gas station at the intersection.



Photo of the single-family dwellings south of the subject site.



Photo of the senior apartments east of the site.

STAFF REPORT

Item 21.

Department of Metropolitan Development Division of Planning Current Planning Section

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

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

LAND USE

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

REZONING

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

(Continued)

- ◇ The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.
- ◇ The Comprehensive Plan recommends light industrial development for this site. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ Where light industrial uses are proposed, industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street.
- ◇ Small-Scale Offices, Retailing, and Personal or Professional Services should be subordinate to and serving the primary uses of production, warehousing, and offices. Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology. Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

Department of Public Works

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

Staff Analysis

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

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-1	Metro	Office
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SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE PLAN

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

THOROUGHFARE PLAN

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

TRANSIT-ORIENTED DEVELOPMENT

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

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

PLAN OF OPERATION

File-dated August 4, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

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

ZONING HISTORY – VICINITY

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

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

(Continued)

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

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

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

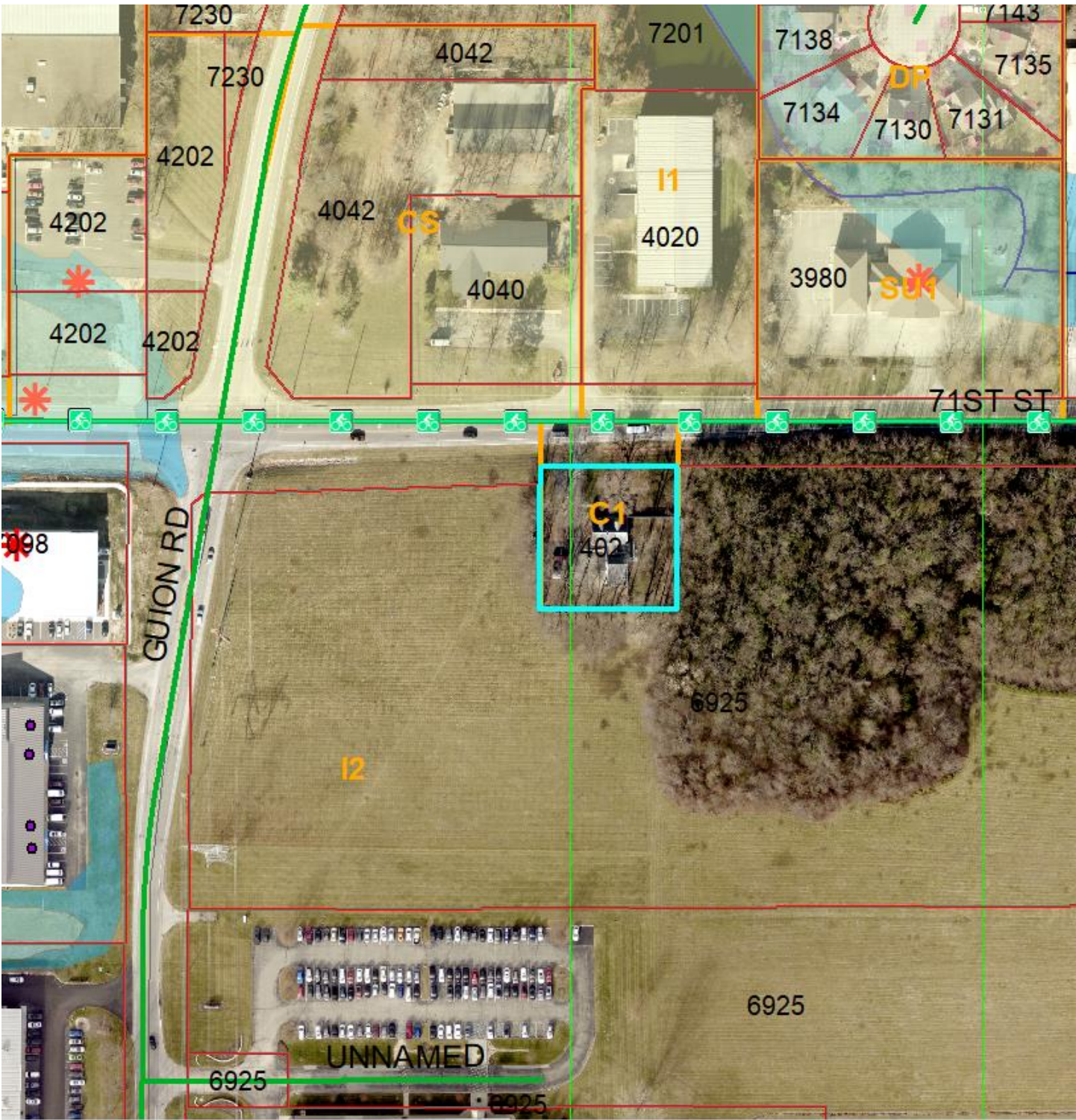
96-CP-22Z / 96-CP-22P; 3840 West 71st Street (northeast of site), Rezoning of 13.77 acres from the D-S District to the C-P classification to provide for single-family residential, commercial and industrial development and plan approval dividing 13.77 acres into 28 residential lots and three commercial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

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

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

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

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- PLAN OF OPERATION -

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

Business:

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

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

Workforce:

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

Clients and Customers:

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

Processes Conducted on Site:

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

Materials Used:

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

Shipping and Receiving:

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

Waste:

Standard trash and recycling is disposed of appropriately.



Photo of the Subject Property: 4021 West 71st Street



Photo of the western property boundary of the site.



Photo of the existing buildings on site.



Photo of the southern property boundary.



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



Photo of the industrially zoned property north of the site.



Photo of the commercially zoned property north of the site.



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