



Metropolitan Development Commission Hearing Examiner (March 9, 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, March 09, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-ZON-056 (Amended) | 3500 Sutherland Avenue

Center Township, Council District #9

Monon Development Group, LLC, by Andi M Metzel

Rezoning of 6.8 acres from the D-5 (FW) district to the D-10 (FW) district to provide for a multi-family residential development, consisting of approximately 480 dwelling units.

***Withdrawal Requested

2. 2022-ZON-133 | 9425 East 30th Street

Warren Township, Council District #14

God's Grace Community Church, by JoAnn Thompson

Rezoning of 12.808 acres from the SU-1 district to the D-7 district to provide for a multi-family senior-living residential development.

**Staff recommends a continuance to April 13, 2023 to allow time for new legal description

3. 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874 | 202 Miley Avenue, 213 and 217 North Traub Avenue, and 255 N Belmont Avenue

Center Township, Council District #16

Miley Inc., by David Kingen and Emily Duncan

Rezoning of 2.09 acres (202 Miley Avenue) from the D-5 and I-4 (RC) (TOD) districts to the C-S (RC) (TOD) district to provide for the following uses: Micro-Brewery, All C-1 permitted uses, Test Kitchen, Event Space, Restaurant/Tap Room, Food Truck Area, Warehousing as an accessory use, Interior and Exterior Live Entertainment and a Dog Park.

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

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

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

**Staff requesting a continuance to April 27, 2023

4. 2023-ZON-009 | 5635 West 96th Street

Pike Township, Council District #1
Eric Sanquetti

Rezoning of 4.213 acres from the C-S district to the C-S district to provide for indoor recreational and educational uses.

*Automatic continuance to April 13, 2023 from a Registered Neighborhood Organization

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

5. 2023-MOD-004 | 10447 Leeward Boulevard

Lawrence Township, Council District #4
Kelley & Chris Miller

Modification of Commitments and D-P Statement related to 86-Z-96 to allow for an aggregate side setback of sixteen feet (previous petition required a nineteen-foot aggregate side setback).

6. 2023-ZON-008 | 1717 East New York Street

Center Township, Council District #17
Progress Studio, by Joseph Lese

Rezoning of 0.20 acre from the D-8 district to the C-3 district.

7. 2023-CZN-802 / 2023-CVR-802 | 2555 Shelby Street

Center Township, Council District #21
Progress Studio, by Joseph Lese

Rezoning of 0.12 acre from the C-1 District to the C-3 classification.

Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish multi-family dwelling units.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2022-CZN-862 / 2022-CVR-862 | 5204, 5206 and 5216 South Harding Street

Perry Township, Council District #20
Quiktrip Corporation, by J. Murray Clark

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

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard with a five-foot setback along SR 37 (not permitted in front yard, 10-foot setback required), with parking and drive aisles with a five-foot setback from SR 37 (ten-foot wide landscape area required), with a 90-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), with fifteen street trees along Harding Street (29 required) and thirteen trees along SR 37 (23 required) and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

9. 2022-CZN-871 / 2022-CPL-871 (Amended) | 4901 West 56th Street

Pike Township, Council District #8

Dove Asset Partners, by Elizabeth Bentz Williams

Rezoning of 14.53 acres from the SU-5 district to the C-S district to provide for a mini-warehouse (self-storage) facility with outdoor storage of vehicles and recreational vehicles and wireless/radio communication towers.

Approval of a Subdivision Plat to be known as AAA Development and Consulting, LLC Minor Plat, dividing 14.53 acres into two lots.

10. 2023-MOD-001 | 6340 Rockville Road

Wayne Township, Council District #15

Shiloh Holdings, LLC, by Joseph D. Calderon

Modification of Commitments related to 2004-VAR-844 to terminate all commitments associated with Lots 5 and 6.

11. 2023-ZON-001 (Amended) | 5970 Southeastern Avenue

Warren Township, Council District #18

Manjinder Kaur Kahlon by Landman Beatty, Lawyers

Rezoning of 0.93 acres from the D-2 district to the C-4 district to provide for a gas station/convenience store.

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2023-CZN-801 / 2023-CPL-801 | 1670 East 80th Street

Washington Township, Council District #2

Christopher A. Short

Rezoning of 1.36 acres from the D-A District to the D-1 classification to provide for two, single-family detached dwellings.

Approval of a Subdivision Plat to be known as Northern Hills – Case Study 1660-1680, dividing 1.36 acres into two lots.

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

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-ZON-056 (Amended)
Address: 3500 Sutherland Avenue (Approximate Address)
Location: Center Township, Council District #9
Petitioner: Monon Development Group, LLC, by Andi M. Metzel
Request: Rezoning of 6.8 acres from the D-5 (FW) district to the D-8 (FW) district to provide for a multi-family residential development, consisting of approximately 480 dwelling units.

The petitioner has submitted a written request to **withdraw** this petition.

JY

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-133
Address: 9425 East 30th Street (*Approximate Address*)
Location: Warren Township, Council District #14
Petitioner: God's Grace Community Church, by JoAnn Thompson
Request: Rezoning of 12.808 acres from the SU-1 district to the D-7 district to provide for a multi-family senior-living residential development.

Staff recommends that this petition be **continued from the March 9, 2023 hearing to the April 13, 2023 hearing** to allow time for a new legal description to be submitted.

Staff recommends that this petition be continued from the February 9, 2023 hearing to the March 9, 2023 hearing to allow time for a new legal description to be submitted.

At Staff's recommendation this petition was continued from the January 12, 2023 hearing to the February 9, 2023 hearing to allow time for a new legal description to be submitted.

RECOMMENDATION

Staff has **no recommendation** at this time. However, whatever staff's future recommendation may be, it will be with the provision that the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of 30th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography indicates that in 1937 the site was a farmstead, of which the farmhouse still stands. In the mid-1970s the first portion of the existing church building was constructed. By 1978, there were three multi-family residential complexes in the vicinity.

(Continued)

STAFF REPORT 2022-ZON-133 (Continued)

- ◇ The Comprehensive Land Use recommends Suburban Neighborhood for the subject site. This typology primarily provides for single family dwellings, but also provides for small commercial areas and various forms of housing including multi-family dwellings under certain criteria.
- ◇ The criteria for assisted living facilities and nursing homes with the Suburban Neighborhood typology are that they should be located along an arterial or collector street, park or greenway, they should be in harmony with the surrounding neighborhoods and should place and screen their parking, service and emergency vehicle area, and they should not be within 1000 feet of a highway, freeway or expressway. This site is more than 1000 feet from a highway, freeway or expressway and is located on a secondary arterial street.

ZONING

- ◇ This petition requests a rezoning to the D-7 district. This district is intended for medium density residential development including duplexes, rowhouses, triplexes, fourplexes, multi-family dwellings and group living quarters such as assisted living facilities and nursing homes. It does not permit detached single-family dwellings. According to the Ordinance, the district should have superior street access, pedestrian linkages and on-site recreation amenities. Typical residential density is twelve to 15 units per acre. The D-7 district permits religious uses through the Special Exception process.
- ◇ The petitioner has indicated that the intention is to build a residential senior living complex.
- ◇ As submitted, the entire site would be rezoned to the D-7 district. The D-7 district permits religious uses only through the filing of a Special Exception petition. Without the Special Exception, the religious use could continue to operate, but could not expand in any way, even something as minor as adding a sign. To avoid this situation, there are two options available to the petitioner, the filing of a Special Exception or removing the land that the church structure stands on from this petition. The second option would result in the church structure retaining its SU-1 zoning district. The petitioner has decided to pursue the second option, which requires a new legal description outlining only the area to be rezoned. As of publication time, the updated legal description has not been submitted.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-1	Metro	Religious use
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(Continued)

STAFF REPORT 2022-ZON-133 (Continued)

SURROUNDING ZONING AND LAND USE

North	I-3	Trailer rental service
South	D-4	Single-family dwellings
East	D-A, D-4, SU-1	Single-family dwellings, religious use
West	D-7	Multi-family dwelling complex

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

THOROUGHFARE PLAN 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 50-foot existing right-of-way and an 80-foot proposed right-of-way.

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

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

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

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2017-DV2-003; 9535 East 30th Street (east of site), requested a variance of development standards to provide for a single-family dwelling with deficient areas, setback, lot area and frontage width and for an over-size garage, **approved**.

99-Z-121; 9545 East 30th Street (northwest of site), requested the rezoning of eleven acres from the I-3-S district to the C-S district to provide for tire and tube sales and for tire retreading, **approved**.

91-Z-66; 9545 East 30th Street (east of site), requested the rezoning of seven acres from the A-2 district to the SU-1 district, **approved**.

(Continued)

STAFF REPORT 2022-ZON-133 (Continued)

90-SE1-10; 9543 East 30th Street (west of site), requested an industrial special exception for a temporary concrete plant in an I-3-S district, **approved**.

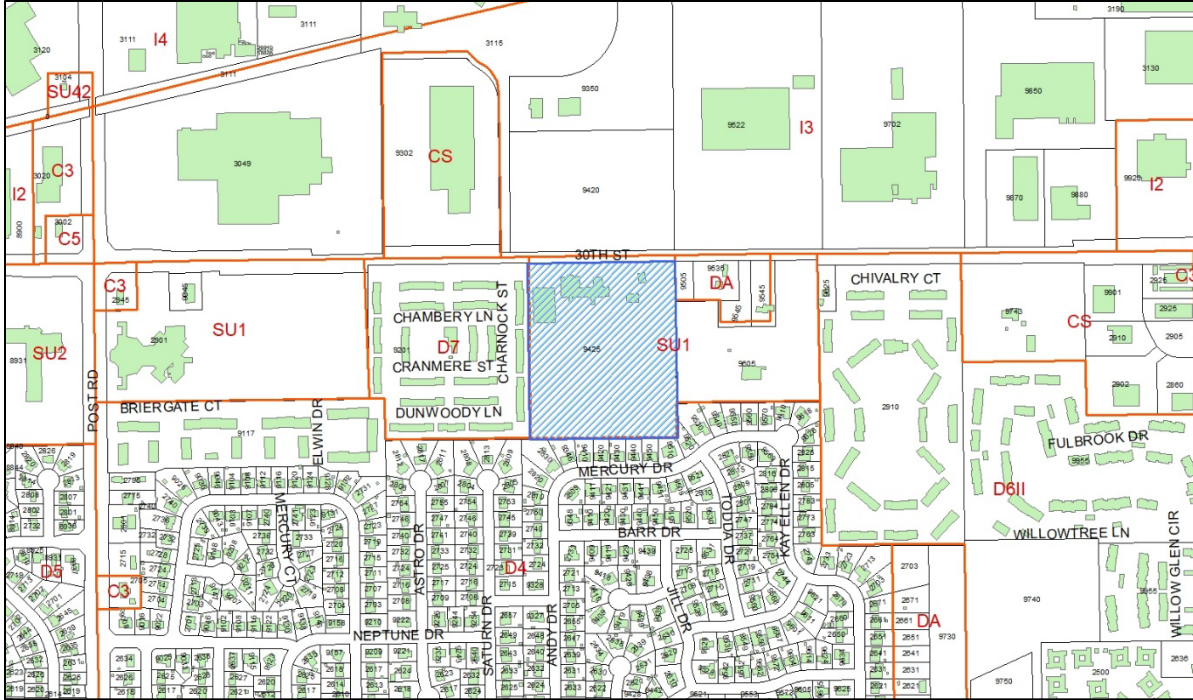
88-SE1-10; 9350 East 30th Street (west of site), requested an industrial special exception to provide for an industrial park, **approved**.

85-UV3-12; 9450 East 30th Street (north of site), requested a temporary variance of use to provide for a concrete batching plant in an I-3-S district, **approved**.

83-UV3-58; 9450 East 30th Street (north of site), requested a temporary variance of use to provide for a concrete batching plant in an I-3-S district, **approved**.

klh

STAFF REPORT 2022-ZON-133, Location



STAFF REPORT 2022-ZON-133, Aerial photograph (2022)



STAFF REPORT 2022-ZON-133, Photographs



Looking east at the existing church building.



Looking south at the site from 30th Street. On the right is the neighboring property to the west.



Looking south at the eastern portion of the subject site and including the historic farmhouse.



Looking southeast across the site.



Looking southwest across the site.



Looking west across the site to the neighbors to the west.



Looking west along 30th Street.



Looking northwest across 30th Street at the neighbor to the northwest.



Looking north across 30th Street at the neighbor to the north.



Looking northeast across 30th Street at the neighbor to the northeast.



Looking east along 30th Street.



Looking south along the east property line.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874
Address: 202 Miley Avenue, 213 and 217 North Traub Avenue, and 255 N Belmont Avenue (Approximate Addresses)
Location: Center Township, Council District #16
Petitioner: Miley Inc., by David Kingen and Emily Duncan
Request: Rezoning of 2.09 acres (202 Miley Avenue) from the D-5 and I-4 (RC) (TOD) districts to the C-S (RC) (TOD) district to provide for the following uses: Micro-Brewery, All C-1 permitted uses, Test Kitchen, Event Space, Restaurant/Tap Room, Food Truck Area, Warehousing as an accessory use, Interior and Exterior Live Entertainment and a Dog Park.

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

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

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

Staff has requested additional information; therefore, this companion petition should be continued to the **April 27, 2023**, hearing. A staff report will be available prior to that hearing.

JY

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-009 (Amended)
Address: 5635 West 96th Street (*Approximate Address*)
Location: Pike Township, Council District #1
Petitioner: Eric Sanquetti
Request: Rezoning of 4.213 acres from the C-S district to the C-S district to provide for indoor recreational and educational uses.

A valid Automatic Continuance was received from a registered neighborhood organization, the Pike Township Residents Association, **continuing this petition from the March 9, 2023 hearing to the April 13, 2023 hearing.**

klh

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-004
Address: 10447 Leeward Boulevard (*Approximate Address*)
Location: Lawrence Township, Council District #4
Zoning: D-P
Petitioner: Kelley & Chris Miller
Request: Modification of Commitments and D-P Statement related to 86-Z-96 to allow for an aggregate side setback of sixteen feet (previous petition required a nineteen-foot aggregate side setback).

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ Historic aerial photography indicates that the dwelling on the subject site was built in the late 1980s. The dwelling is one-and-a-half-story with a two-car garage. Dwellings to the north, west and south were constructed in that same time period.
- ◇ The dwelling on the parcel to the east was built in the 1970s. The parcel it sits on is approximately 3.8 acres in size. The two dwellings are roughly 490 feet apart.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology is primarily intended for single-family dwellings.

MODIFICATION OF COMMITMENTS

- ◇ This site was part of a petition that was approved in 1986 (86-ZON-96, DP-7) that rezoned 145 acres from the A-2 district to the D-P district. The D-P district was established to encourage a more creative approach in land and building site planning and to accommodate site treatments not contemplated in other kinds of districts.

(Continued)

STAFF REPORT 2023-MOD-004 (Continued)

- ◇ Petitions for the D-P district must include a development statement and a preliminary site plan that identifies the locations and types of land uses and proposed layout of streets, open space, parking and other basic elements of the plan.
- ◇ Petition 86-ZON-96, DP-7 provided for a low-density (1.8 units per acre) single-family dwelling neighborhood. That petition continues to govern the lay-out and development standards for the subject site and the neighborhood that it's a part of. The intent of the petition was to provide for house and lot sizes that were the same or larger than the requirements of the D-2 district and for all development standards to meet or exceed the standards of the D-2 district.
- ◇ The development statement provides for minimum front, side and rear setbacks to ensure that there are ample yards. The development statement requires side yard setback lines to be no less than an aggregate of 19 feet, provided, however, that no side yard is less than eight feet. Put another way, the widths of the two sideyards must total at least 19 feet, but no individual sideyard may be less than eight feet in width. If one sideyard is eight feet, the other must be at least eleven feet in order to total 19 feet.
- ◇ This petition would modify the development statement for just this one lot in the development. The modification would provide for a reduced aggregate side setback of 16 feet. The minimum setback would remain at eight feet.
- ◇ The site plan submitted with the petition indicates that the dwelling was originally built with an 8.5-foot west sideyard setback and a 23.5-foot east sideyard setback. The proposed site plan shows the addition of a third parking stall to the garage. The rear corner of the proposed addition would encroach roughly 2.5 feet into the aggregate sideyard, but would remain outside of the required minimum eight-foot sideyard.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-P	Metro	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	D-P	Single-family dwelling
South	D-P	Single-family dwelling
East	D-A	Single-family dwelling
West	D-P	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Lawrence Township Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood.
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STAFF REPORT 2023-MOD-004 (Continued)**THOROUGHFARE PLAN**

Leeward Boulevard is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street with an 80-foot existing right of way and a 50-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

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

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

86-Z-96, DP-7; 9808 Northwind Drive, requested the rezoning of 145 acres from the A-2 district to the D-P district to provide for single-family dwellings, **approved**.

ZONING HISTORY – VICINITY

87-Z-108, DP-5; 10401 East 96th Street (north of site), requested the rezoning of fifty acres from the A-2 district to the D-P district to provide for 98 single-family dwelling at a density of 1.96 units per acre, **approved**

86-Z-271, DP-16; 10566 Fall Creek Road (north of site), requested the rezoning of fifty acres from the A-2 district to the D-P district to provide for 116 single-family dwelling at a density of 2.32 units per acre, **denied**.

klh

STAFF REPORT 2023-MOD-004, Location



STAFF REPORT 2023-MOD-004, Aerial photograph (2022)



STAFF REPORT 2023-MOD-004, Proposed commitment**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS****COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION**

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

Legal Description:

Lot Numbered 21 in the Moorings, Phase One, a Subdivision in Marion County, Indiana, as per plat thereof recorded April 30, 1987 as Instrument No. 87-47594, in the Office of the Recorder of Marion County, Indiana.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. The Commitments and Development Statement associated with rezoning petition 86-Z-96, as recorded as Instrument Number 86-0055824, shall be amended for the above referenced parcel (commonly known as 10447 Leeward Blvd) to amend the required aggregate side setback to sixteen (16) feet.

- 2.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or 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.

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STAFF REPORT 2023-MOD-004, Photographs



Looking southwest across the subject site.



Looking south along the site's east property line.



Looking southeast across the subject site to the parcel to the east.



Looking west along Leeward Boulevard.

STAFF REPORT

Item 6.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-008
Address: 1717 East New York Street (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Progress Studio, by Joseph Lese
Request: Rezoning of 0.20 acre from the D-8 district to the C-3 district.

RECOMMENDATIONS

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. The site shall be in substantial compliance with the site plan, file dated February 3, 2023
3. The following uses shall be prohibited: Check Cashing or Validation Service, Outdoor Advertising Off-Premise Sign, Pawn Shop and Drive Through (Accessory Use).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.20-acre site, zoned D-8, is developed with a one-story commercial building and associated parking. It is surrounded by commercial uses to the north, across East New York Street, zoned C-3; a single-family dwelling to the south, zoned D-8; undeveloped land to the east, zoned D-8; and commercial uses to the west, zoned C-3.

REZONING

- ◇ This request would rezone the site from D-8 District to the C-3 (Neighborhood Commercial) classification to provide for commercial office uses. "The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

(Continued)

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

- ◇ The Comprehensive Plan recommends urban mixed-use typology. “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut throughs. This typology has a residential density of at least 25 to 75 units per acre.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

(Continued)

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

- 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.
 - Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.
- ◇ The site is included in the Blue Line Transit Oriented Development Strategic Plan, but outside the Transit Oriented Development overlay. It is located within a ½ mile walk of a proposed transit stop located southeast at the intersection of East Washington Street and Arsenal 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

Environmental Public Nuisances

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

(Continued)

- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of urban mixed-use. Rezoning to provide for a neighborhood commercial use would also be consistent with the historical use of this site, which is currently vacant but has been used commercially for over 70 years despite the residential zoning.
- ◇ It appears from the site plan and elevations, file dated February 3, 2023, that the existing building would remain and would be expanded by way of a second story for office uses. The two small additions on the east and west facades would be removed.
- ◇ The Plan of Operation, file dated February 3, 2023, indicates that the proposed use would be for a real estate office.
- ◇ Staff believes that the proposed redevelopment of the site would be an appropriate reuse of the site and have minimal impact on surrounding land uses. As this site is redeveloped the required landscaping would improve the appearance of the site and provide an enhanced and more positive pedestrian experience in the area.

(Continued)

◇ Additionally, the petitioner’s representative met with the neighborhood organization who requested that certain uses be prohibited. Those prohibited uses are included in requested Commitment Number Three.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-8 Commercial uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	C-3	Commercial uses
South -	D-8	Single-family dwellings
East -	D-8	Undeveloped land
West -	C-3	Commercial uses

COMPREHENSIVE LAND USE PLAN

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

The Blue Line Transit Oriented Development Strategic Plan (2018).

THOROUGHFARE PLAN

This portion of East New York (one-way east) is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 80-foot right-of-way and a proposed 78-foot right-of-way.

This portion of Walcott 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 PLAN / ELEVATIONS

File-dated February 3, 2023

PLAN OF OPERATION

File-dated February 3, 2023

ZONING HISTORY

55-V-516; 1717 East New York Street, requested a variance of use to permit erection of an addition neon sign on the west wall of the existing tavern previously granted by variance, **denied**.

55-V-102; 1717 East New York Street, requested a variance of use to permit a five-foot by nine-foot neon sign on the west wall of the store building previously granted by a variance, **denied**.

54-V-201; 1717 East New York Street, requested a variance of use to permit the proposed erection of a 2.5-foot by five-foot flasher arrow to be attached to the retail store building previously approved by variance, **granted**.

51-V-522; 1717 East New York Street, requested a variance to construct a concrete addition to the rear of the existing residence, extending 1.5 feet from the south side property line, to be used for the operation of a retail store that would replace the existing non-conforming frame structure; a neon sign, not to exceed four square feet, to be attached to the front of the store building; an accessory off-street parking provided on the premises, **granted**.

VICINITY

2010-ZON-034; 1701 East New York Street, requested Rezoning of 0.22 acre from the C-3 district to the C-5 classification to provide for an automobile sales lot, **denied**.

2003-UV2-011; 1825 East New York Street (east of site), requested Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish an automobile repair shop (not permitted), with off-street parking and storage, **denied**.

98-UV3-9; 1728 East New York Street (north of site), requests a variance of use of the Commercial Zoning Ordinance to provide for the retail storage and sales of sandpaper, and for the conversion of sandpaper into various sizes, shapes and combinations, **granted**.

96-Z-168; 1701 East New York Street (west of site), requests a rezoning of 0.22 acre from the D-8 District to the C-3 classification, **approved**.

96-UV3-44; 1701 East New York Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for a fruit and vegetable market in an existing building, with outside display, **granted**.

95-UV3-119; 1728 East New York Street (north of site), requests a variance of use of the Commercial Zoning Ordinance to provide for the storage of tape and plastic materials with the conversion of these materials into other uses/products/materials (not permitted), within an existing commercial building, **granted**.

94-UV1-98; 1825 East New York Street (east of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor sales and display of automobiles, **denied**.

(Continued)

92-UV1-39; 1825 East New York Street (east of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor sales and display of automobiles, **granted for a temporary period of one year.**

91-V2-124; 1630 East New York Street (west of site), requests a variance of use of the Commercial Zoning Ordinance to permit an auction gallery within an existing building, **granted.**

90-UV1-65; 1701 East New York Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **denied.**

88-UV2-94; 1601 East New York Street (west of site), requests a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an addition to an attached garage and the enlargement of a driveway canopy for a funeral home, **granted.**

87-Z-40; 1630 East New York Street (west of site), requests a rezoning of 2.0 acres, being in the C-3 and D-8 Districts, to the C-3 classification to conform zoning to its use as retail development, **approved.**

87-UV1-1; 1701 East New York Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

86-UV1-68; 1825 East New York Street (east of site), variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display and sales of automobiles, **granted for a temporary period of three years, expiring June 3, 1989.**

83-UV3-77; 1701 East New York Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

80-UV1-97; 1825 East New York Street (east of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to legally establish the outdoor display and sales of automobiles, **granted for a temporary period of five years, expiring January 1, 1985.**

80-UV1-63; 1701 East New York Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

77-UV3-64; 1825 East New York Street (east of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display, sales and repair of automobiles, **granted for a temporary period of three years.**

(Continued)

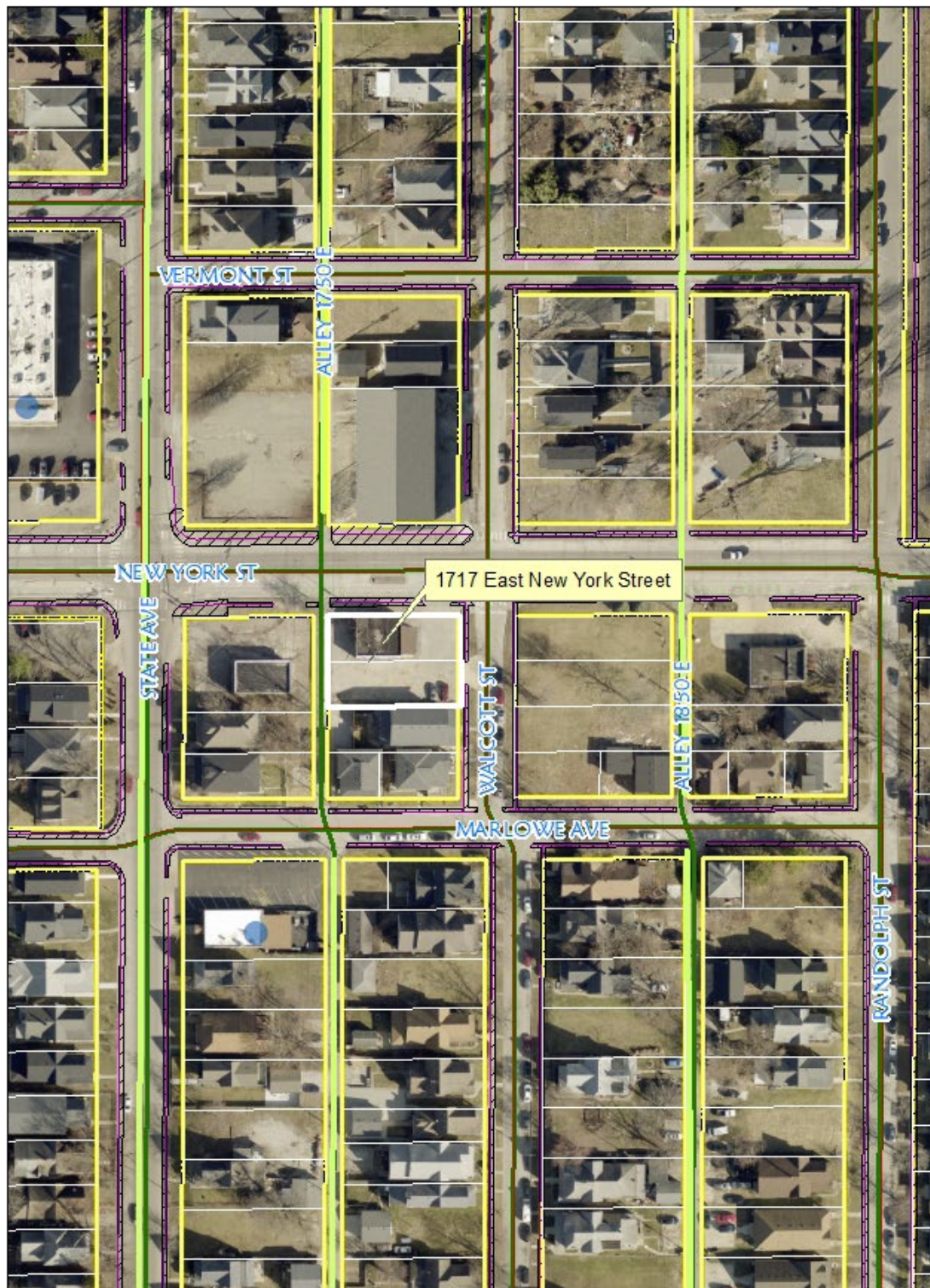
77-UV2-12; 1701 East New York Street (west of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

74-UV2-112; 1701 East New York Street (west of site), requests a variance of use and variance of development standards of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs and deficient setbacks, **granted for two years.**

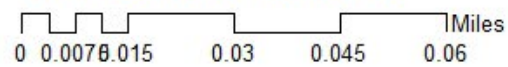
74-UV3-65; 1825 East New York Street (east of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display, sales and repair of automobiles, **granted for a temporary period of three years.**

72-UV1-155; 1825 East New York Street (east of site), requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display, sales and repair of automobiles in addition to automobile painting, **granted for a temporary period of one year.**

kb



1717 East New York Street



1717 East New York – Plan of Operation

Workforce.

- There will be about 6 employees on site daily. Hours of operation are 9am-6 pm. Employees are responsible for their own transportation to and from work. There is parking available on the property.

Clients & Customers.

- The commercial space will provide for a real estate office, in which agents will occasionally use their space for work. There is a meeting and closing room for when customers visit the property to meet with agents and close real estate transactions. Customers will come to the site, Monday through Friday 9a-6p. Along with weekend hours of 12p-6p. The commercial space can hold 20 customers. Customers will be able to park their vehicles in the existing parking lot.

Materials Used.

-Primarily paper products.

No hazardous materials will be generated.

Shipping & Receiving:

-Materials will be shipped/received to the facility either by employees or by delivery vans/trucks. Stocking of materials should occur once a week.

Waste:

-Type of waste: Food trash, paper, plastic wrapping - generated by clients and employees. Local trash pickup service will be scheduled once a week for pickup.

[illegible]



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PREPARED FOR
Randy Myers

1717 New York St.
Indianapolis, IN 46201

PROJECT

1717 East New York
Addition

1717 East New York Street
Indianapolis, IN 46201

CERTIFICATION



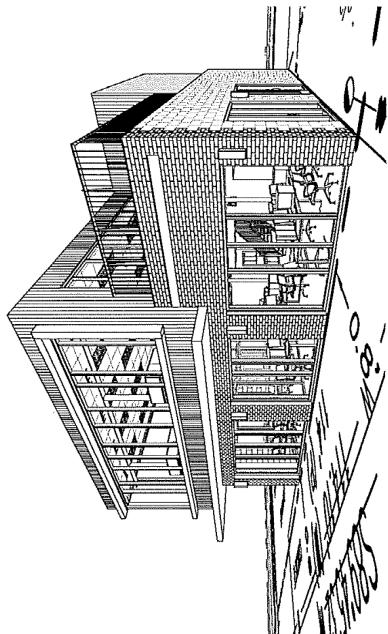
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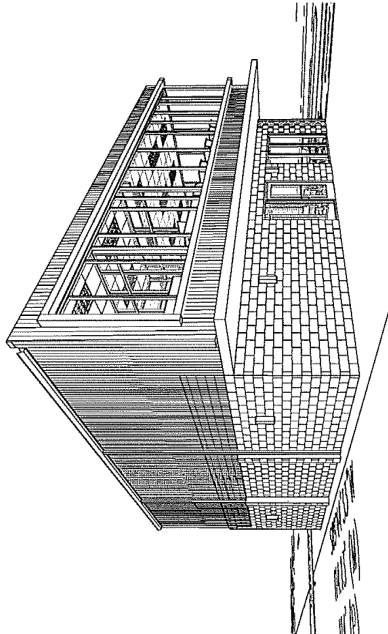
3D VIEWS

SHEET NUMBER

A700



1 EXTERIOR VIEW 1



2 EXTERIOR VIEW 2



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PREPARED FOR
Randy Myers

1717 New York St.
Indianapolis, IN 46201

PROJECT

1717 East New York
Addition

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CERTIFICATION

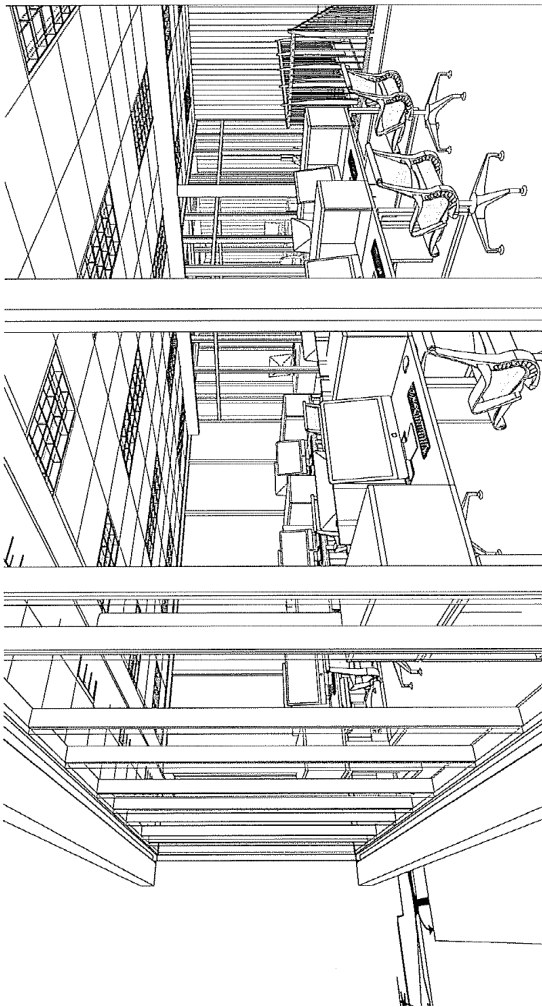


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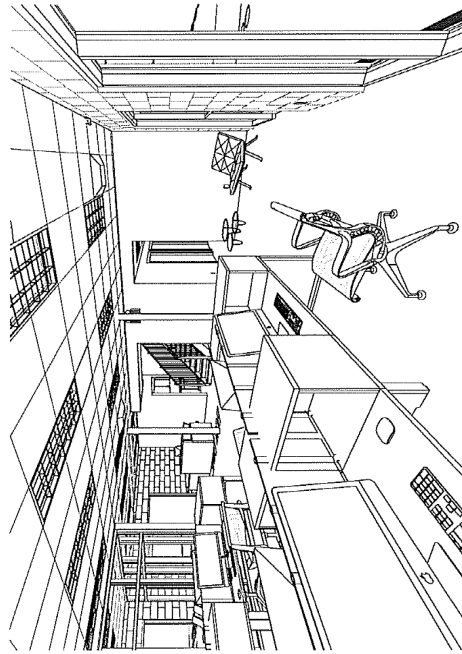
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PROJECT NUMBER: 20203
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SHEET NUMBER

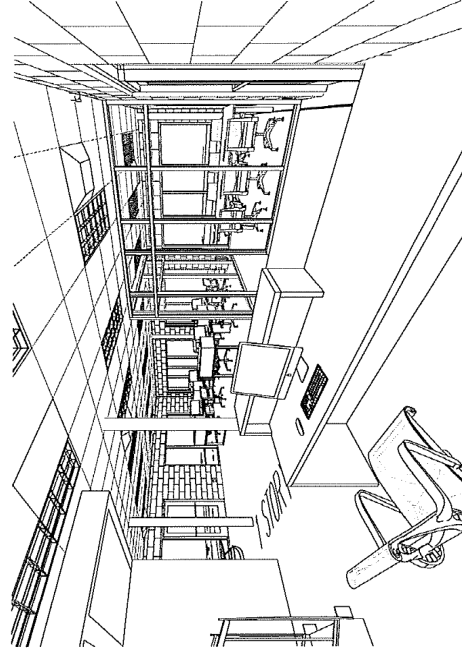
A701



3 INTERIOR VIEW SECOND FLOOR



2 INTERIOR VIEW FIRST FLOOR 2



1 INTERIOR VIEW FIRST FLOOR 1



View looking northwest cross the intersection of East New York Street and Walcott Street.



View looking southeast along East New York Street



View of site looking northwest along Walcott Street



View of site looking west



View of site looking west across Walcott Street



View of site looking south across East New York Street



View of site looking southwest across East New York Street



View of the site and adjacent property to the west looking southeast across East New York Street

STAFF REPORT

Item 7.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-802 / 2023-CVR-802
Address: 2555 Shelby Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Progress Studio, by Joseph Lese
Request: Rezoning of 0.12 acre from the C-1 District to the C-3 classification.

Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish multi-family dwelling units.

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:

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.

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.12-acre site, zoned C-1, is developed with a two-story masonry building. It is surrounded by a single-family dwelling to the north, zoned C-1; a one-story multi-family dwelling to the south, across Southern Avenue, zoned C-1; undeveloped land to the east, zoned D-5; and a park to the west, across Shelby Street, zoned PK-1.

(Continued)

REZONING

- ◇ This request would rezone the site from C-1 District to the C-3 (Neighborhood Commercial District) classification to provide for commercial uses. “The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

- ◇ The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

(Continued)

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

Conditions for All Land Use Types

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

Conditions for All Housing

- Should be within a one-quarter-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.
- 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.

Small-Scale Multi-Family Housing (defined as 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)

- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

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

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise.

Modified Uses (recommended in the transit-oriented development overlay)

- Small-Scale Multi-Family Housing - A residential density of 15+ units per acre is recommended.

(Continued)

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 across the street to the west from a transit station at the intersection of Shelby Street and Southern Avenue (Garfield Park), 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

Environmental Public Nuisances

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

(Continued)

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

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

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

Site Plan

- ◇ The site plan, file-dated February 1, 2023, depicts the existing building that was constructed in 1940 (according to the Assessor's Office records), with open space to the east. There is a small adjoining outdoor space tucked into the north façade of the existing building.
- ◇ It appears that parking would be on-street along Shelby Street and Southern Avenue. Staff would note that the adjacent transit station to the northwest would minimize the need for on-site parking.

Plan of Operation

- ◇ The Plan of Operation, file-dated February 1, 2023, states that approximately two employees would be present on a daily basis to serve customers of the commercial uses that would be retail and include light food and beverages.
- ◇ Hours of operation would be Monday through Friday from 9:00 a.m. to 6:00 p.m. Weekend hours would be from 12:00 p.m. to 6:00 p.m.
- ◇ Two one-bedroom apartments are proposed on the second floor.

VARIANCE OF USE

- ◇ As proposed, this request would legally establish multi-family units on this site, that would include two dwelling units on the second floor.
- ◇ Architecturally, it appears that the building was originally constructed as a mixed-use building with commercial uses on the first floor and residential units on the second floor.
- ◇ The variance is supportable because of the historic use of the site and support of the recommendation of the Comprehensive Plan of village mixed-use, with minimal impact on adjacent land uses.

(Continued)

Planning Analysis

- ◇ As proposed the request, including the variance for residential uses, would be consistent with the Comprehensive Plan recommendation of village mixed-use.
- ◇ The request is also generally supportive of the Pattern Book recommendations that include, but are not limited to, preservation of historic buildings, in proximity of a park, pedestrian connections to the sidewalks and a mixed-use structure at a density at 16.67 units per acre,
- ◇ Furthermore, the request would activate the space as it has been historically used and provide an asset to the neighborhood.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1	Multi-family uses
-----	-------------------

SURROUNDING ZONING AND LAND USE

North -	C-1	Single-family dwelling
South -	C-1	Multi-family dwelling
East -	D-5	Undeveloped land
West -	PK-1	Park

COMPREHENSIVE LAND USE PLAN

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

The Red Line Transit Oriented Development Strategic Plan (2021).

THOROUGHFARE PLAN

This portion of Shelby Street is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 62-foot right-of-way and a proposed 78-foot right-of-way.

This portion of Southern 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 overlay

SITE PLAN

File-dated February 1, 2023

FINDINGS OF FACT

File-dated February 1, 2023

(Continued)

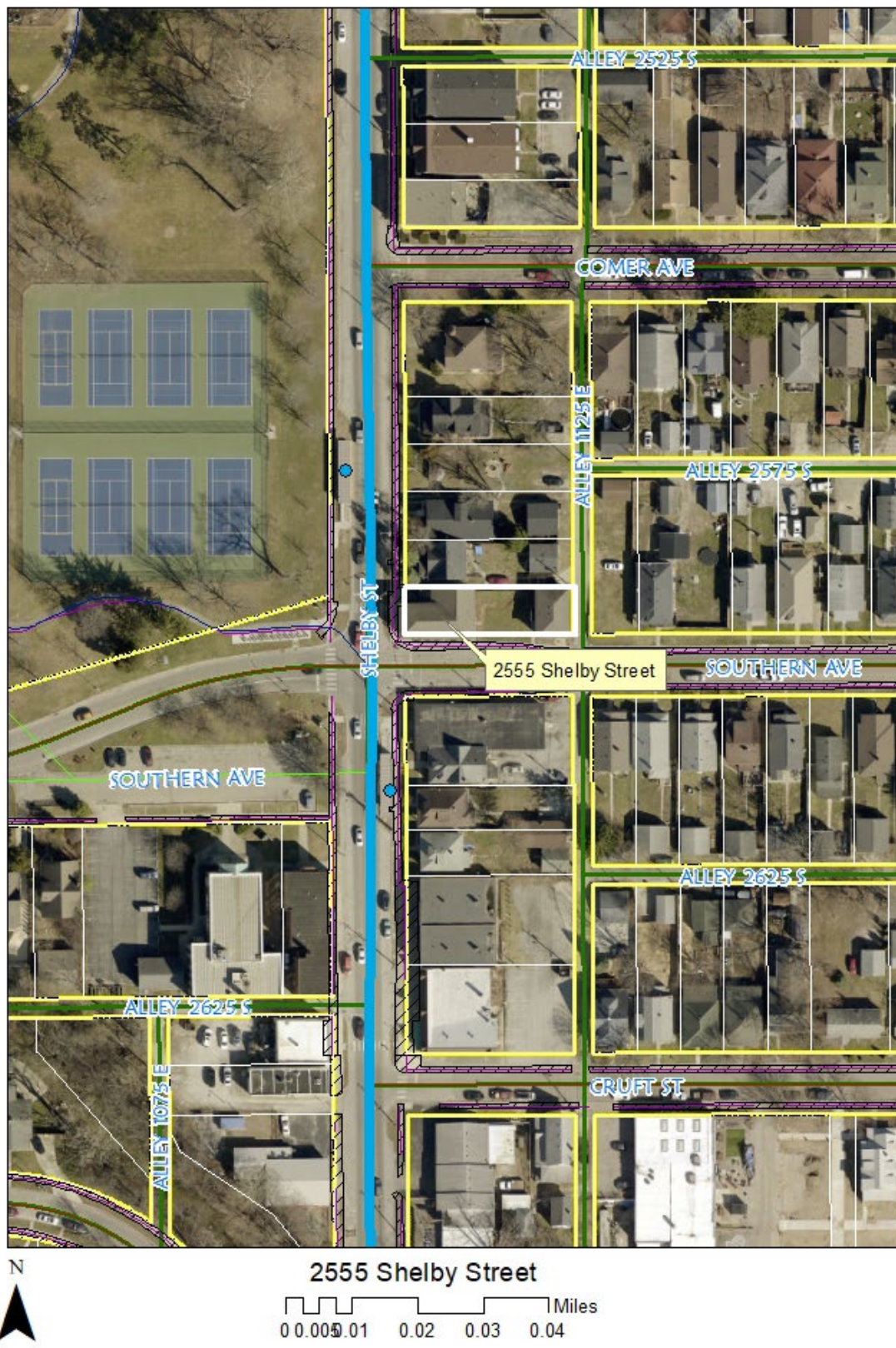
ZONING HISTORY

2022-HOV-003; 2537 Shelby Street (north of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling and to provide for a 484-square foot detached garage with a six-foot east transitional yard, **approved**.

96-Z-197; 2605 Shelby Street (south of site), requested rezoning of 0.22 acre, being in the C-1 District to the C-3C classification to provide for residential and commercial uses, **denied**.

95-UV1-131; 2602-2614 Shelby Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a barbe shop, furniture sales, general retail sales, and apartment uses within an existing building without the required off-street parking, **denied**

kb





PROGRESS STUDIO, LLC
1155 E. 10TH AVENUE
INDIANAPOLIS, IN 46202
317.593.1735
www.progressstudio.com
BY ASSOCIATION WITH

When filing this document, the filer certifies that this filing complies with the provisions of the Indiana Unified Judicial Branch Rule 1.1.1 regarding electronic filing of documents: (a) this filing is in the public interest; (b) this filing is in the best interests of justice; (c) this filing is in the interests of the public; (d) this filing is in the interests of the parties; (e) this filing is in the interests of the court; (f) this filing is in the interests of the state; (g) this filing is in the interests of the nation.

PREPARED FOR
RP LUX

135 E MARKET ST
INDIANAPOLIS, IN 46204

PROJECT
2555 Shelby Street

2555 SHELBY ST
INDIANAPOLIS, IN 46203

CERTIFICATION



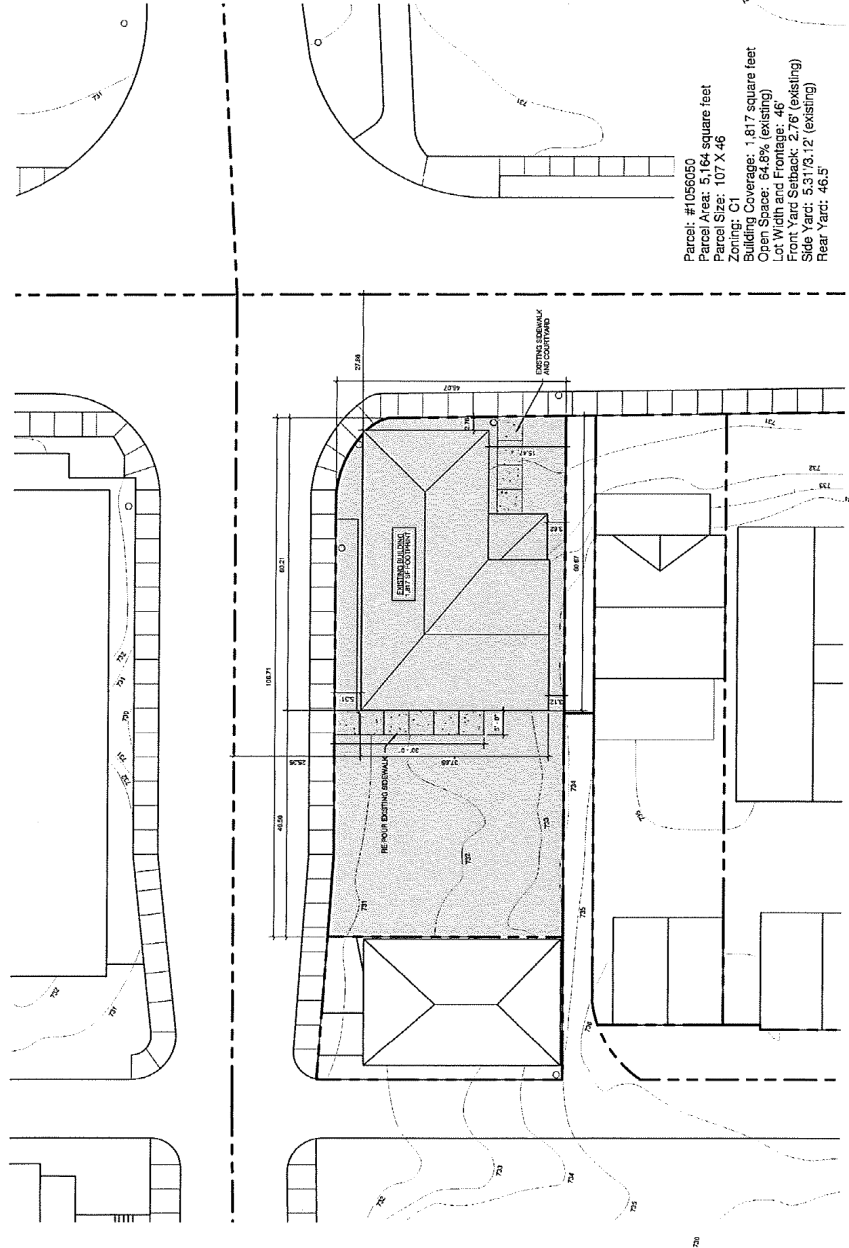
NO.	DATE	DESCRIPTION
1	05/05/2020	100% COMPLETE SET
2	05/05/2020	100% COMPLETE SET
3	05/05/2020	DATE SUBMITTAL SET

DRAWN BY: CK
REVIEWED BY: JEL

SHEET TITLE
**ARCHITECTURAL
SITE PLAN**

SHEET NUMBER

AS101



Parcel: #1056050
Parcel Area: 5,164 square feet
Parcel Size: 107' X 46'
Zoning: C1
Building Coverage: 1,817 square feet
Open Space: 64.8% (existing)
Lot Width and Frontage: 46'
Front Yard Setback: 2.7'6" (existing)
Side Yard: 5.31/3.12 (existing)
Rear Yard: 46.5'

① SITE PLAN
1" = 10'-0"

2555 Shelby St – Plan of Operation

Workforce.

- There will be about 2 employees on site daily. Hours of operation are 9am-6 pm. Employees are responsible for their own transportation to and from work. There is parking available on Shelby St. There is a security system and cameras 24/7.

Clients & Customers.

- The commercial space customers are coming in to buy retail goods along with some light food and beverage. Customers will come to the site, Monday through Friday 9a-6p. Along with weekend hours of 12p-6p. The commercial space can hold 20 customers. There is a porch that can be used for outside seating of an additional 5 customers weather permitting. Above the commercial space on the 2nd floor there are two 1 bedroom apartments. Each apartment will consist of 1 -2 tenants. They will be able to park their vehicles on Selby St and Southern Ave. There is an additional building on the rear of the lot that has two 1 bedroom apartments. Those 2 units consist of 1-2 tenants that park their vehicles on Southern Ave.

Materials Used.

-Consumer goods such as apparel, home décor, sandwiches, coffee and tea can be purchased.

Tables, chairs, gloves, briefs/adult diapers, arts & crafts.

No hazardous materials will be generated.

Shipping & Receiving:

-Materials will be shipped/received to the facility either by employees or by delivery vans/trucks. Stocking of materials should occur once a week.

Waste:

-Type of waste: Food trash, paper, plastic wrapping - generated by clients and employees. Local trash pickup service will be scheduled once a week for pickup.

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The former use was apartments over a commercial tenant space, and due to the rezone request the variance of use is required. By granting the variance, it makes no injury to the public health, safety, morals, and general welfare as the use is not proposing to be changed from the previous use, as it has been throughout the parcel's history.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
the previous use as a mixed-use building is not being changed as a commercial tenant space with apartments above, and the use and value of surrounding properties will not be negatively changed or affected as the use is remaining the same as it has been historically.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The C-1 classification seems to be outdated and inappropriate for what would be a more appropriate C-3 district, in which the services of the commercial space are geared towards neighborhood-focused services of a variety of types and not purely restricted to an office use. Because of a rezone request to a C-3 district to allow for the more appropriate uses the the tenant space may have, the C-3 district then throws the apartments on the 2nd floor out of compliance as it is not allowed in a C-3 district.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the C-1 district is not appropriate for a neighborhood use whereas the C-3 district better suits the classification. As part of the rezone request the C-3 district then creates a hardship where the existing use of the apartments is non-compliant and not allowed within that district. This creates an undue hardship by requesting a rezone to correct the use more appropriate for a neighborhood, but then states otherwise that the residential use is not allowed as it has historically been used in this manner.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the Comprehensive Plan states that this parcel shall be a Village Mixed Use, in which a rezone with this variance grant would allow for and would substantially comply with the intent of the Comprehensive Plan

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along Shelby Street



View looking south along Shelby Street



View of site looking east across intersection of Southern Avenue and Shelby Street



View of site looking west along Southern Avenue



View of site looking north across Southern Avenue



View of site looking north across Southern Avenue



View looking west along Southern Avenue



View from site looking west across Shelby Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-862 / 2022-CVR-862
Address: 5204, 5206 and 5216 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Quiktrip Corporation, by J. Murray Clark
Request: Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard with a five-foot setback along SR 37 (not permitted in front yard, 10-foot setback required), with parking and drive aisles with a five-foot setback from SR 37 (ten-foot wide landscape area required), with a 90-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), with fifteen street trees along Harding Street (29 required) and thirteen trees along SR 37 (23 required) and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

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

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

RECOMMENDATION

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

(Continued)

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

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

ZONING

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

(Continued)

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

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

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

VARIANCES

- ◇ This petition requests eight variances of development standards to provide for
 - a dumpster enclosure in the front yard with a five-foot setback along SR 37. A trash enclosure is not permitted in front yard and a ten-foot setback is required,
 - parking and drive aisles with a five-foot setback from SR 37. A ten-foot wide landscape area required,
 - thirteen street trees along SR 37 where 23 trees are required,
 - fifteen street trees along Harding Street where 29 are required,
 - a 90-foot tall, 391-square-foot pole sign. Maximum pole sign height is 20 feet tall and maximum pole sign area is 300 square feet, and
 - a 23-foot tall, 109-square-foot free-standing incidental sign. Maximum incidental sign height is eight feet tall and maximum incidental sign area is 32 square feet.
- ◇ Trash enclosures are not permitted in front yards. Trash enclosures in a front yard are frequently unsightly and disrespect passers-by and neighbors by forcing them to look at the site's trash. Because the subject site is roughly triangular with streets on two sides, the number of potential locations for a trash enclosure is limited. However, the site plan makes no attempt to locate the enclosures in an inconspicuous spot. Instead, they are placed along State Road 37 and five feet closer to the right-of-way than a structure of any sort is permitted.
- ◇ The site plan depicts parking spaces and drive aisles within the required ten-foot landscape space along State Route 37. This site is an intense use that will generate a significant amount of traffic. The reduced landscape space detracts from the site's ability to adequately screen the site or provide the other aesthetic and environmental benefits conferred by landscaping. The lack of landscaping space along SR 37 is also an indication that the site would be overdeveloped.

(Continued)

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

- ◇ The lack of an adequately sized landscape strip plays into the further request to reduce the required number of street trees along SR 37 from 23 to 13. If an adequately sized landscape strip was provided, a compliant number of trees could be planted. This use will generate a significant amount of vehicle fumes compared to most uses that would be typically found in the Community Commercial typology. The site should be providing more trees rather than a deficient number of trees to mitigate the site's impact on air quality and urban heat.
- ◇ The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. No reason for the lack of trees is given in the Findings of Fact.
- ◇ A pole sign over four times the permitted height has been requested, presumably to allow it to be seen from I-465. Tall signs in close proximity to interstate interchanges were once permitted by the Ordinance. The tall interchange sign provision of the Ordinance was removed in 2019.
- ◇ The tall interchange sign provisions that were in place prior to 2019 allowed for signs up to 80 feet in height if they were within 1,320 feet of the intersection of the centerlines of the interstate and local street. The sign had to be at least 600 feet from a protected district and could be no greater in area than that permitted for other freestanding signs on the site. The tall interchange sign could be the only pole or pylon sign on the site.
- ◇ An eighty-foot tall sign was permitted nearby at 1551 West Thompson Road in the late 1990s. This sign required a variance because it was approximately 1440 feet from the interchange.
- ◇ The proposed sign would not meet any of the 2019 provisions above. The proposed sign is 90 feet tall, roughly 2,600 feet from the interchange, roughly 550 feet from a protected district, is 91 square feet larger than the largest freestanding sign permitted on the site, and is one of two freestanding signs on the site. It would be more distant from the new I-69 interchange than from the remaining I-465 interchange.
- ◇ Freestanding signs in limited numbers can significantly help the motoring public identify destinations; however, unnecessarily large or tall signs tend to distract confuse and disorient motorists while losing the effectiveness of commercial messages in a harsh sea of poles, colors, logos and words. This would be especially true in the subject area with its heavy, fast traffic and preponderance of large trucks.

(Continued)

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

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

Traffic Impact Study

- ◇ A traffic impact study was submitted with this petition. The study investigates how the traffic generated by this project would affect seven nearby intersections and the proposed access points to the site.
- ◇ This request comes at a unique time for this area with the coming of I-69 in the next two years. The opening of the new interstate will cause major shifts in the traffic flows in the vicinity. Among the changes will be a drop in traffic volumes on State Route 37 and its transfer in the responsibility to the City of Indianapolis.
- ◇ According to the study, the proposed development would generate 120 new trips during the peak morning hour and 100 new trips during the peak afternoon hour.
- ◇ The study determined that the proposed development would not generate enough traffic to reduce the operations of nearby intersections to unacceptable levels. The study also looked at the access and egress on the two proposed driveways on Harding Street. The study found that dedicated left turns lanes into the site are not warranted. It also found that a dedicated right turn lane from southbound Harding Street into the north driveway is warranted. A dedicated right turn lane from southbound Harding Street into the south driveway was not warranted. The driveways should each have three lanes: an inbound lane, a right-turn only outbound lane and a left-turn only outbound lane.
- ◇ The study made recommendations for the improvement of traffic flow in the vicinity upon the opening of I-69. These improvements include establishing a left-bound turn lane from northbound Harding Street to southbound S.R. 37 and retiming the stoplights in the area.
- ◇ A Department of Public Works traffic engineer was of the opinion that even after the opening of I-69 and S. R. 37 reverts to the City's responsibility, a driveway from this site directly onto S.R. 37 is unlikely to be permitted. However, the traffic engineer stated that a study would need to be done before a definite decision on this matter was made.

(Continued)

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

- ◇ The site plan does not show sidewalks along Harding Street or from Harding Street to the front of the proposed building. Staff notes that sidewalks in these locations will be required to be provided by the Ordinance.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

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

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

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Land Use Plan (2018) recommends Community Commercial.
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THOROUGHFARE PLAN	Harding Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 65 feet to 107 feet and an 80-foot proposed right-of-way. State Route 37 is classified in the Official Thoroughfare Plan for Marion County, Indiana as an Expressway. The plan does not propose a future right-of-way width.
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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.
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STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.
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(Continued)

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

ZONING HISTORY – SITE

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

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

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

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

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

ZONING HISTORY – VICINITY

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

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

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

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

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

(Continued)

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

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

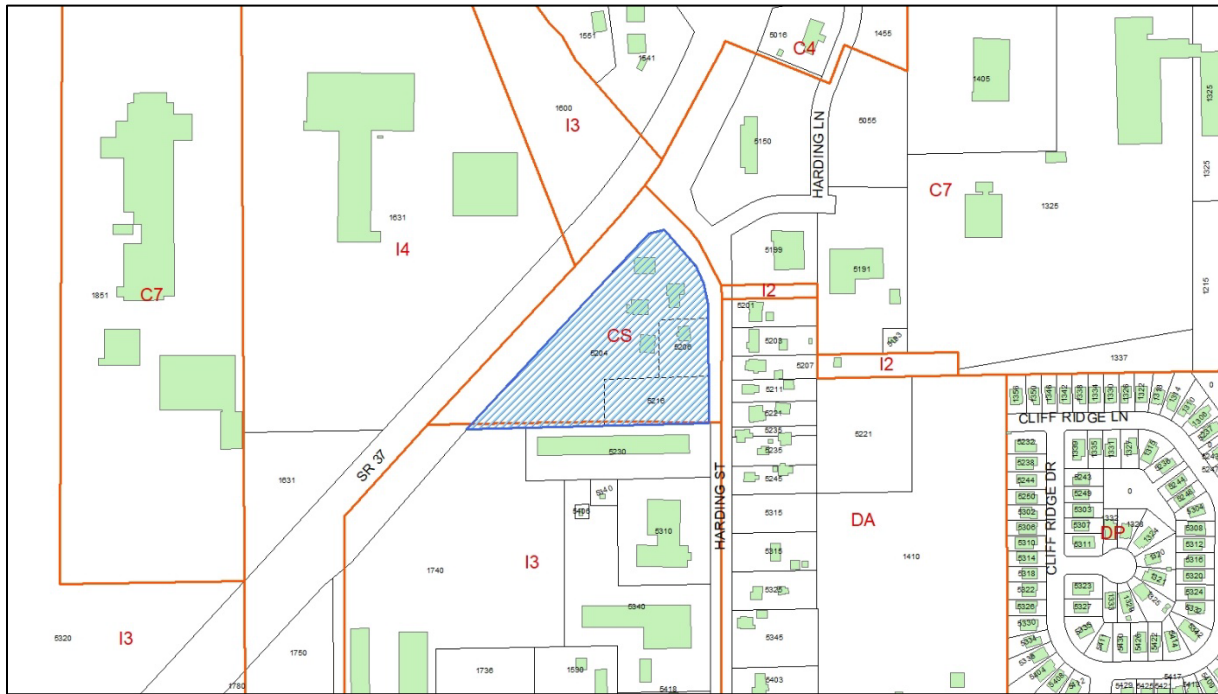
94-Z-45; 1631 West Thompson Road (northwest of site), requested the rezoning of 22.9 acres from the I-4-S district to the C-7 district, **withdrawn**.

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

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

klh

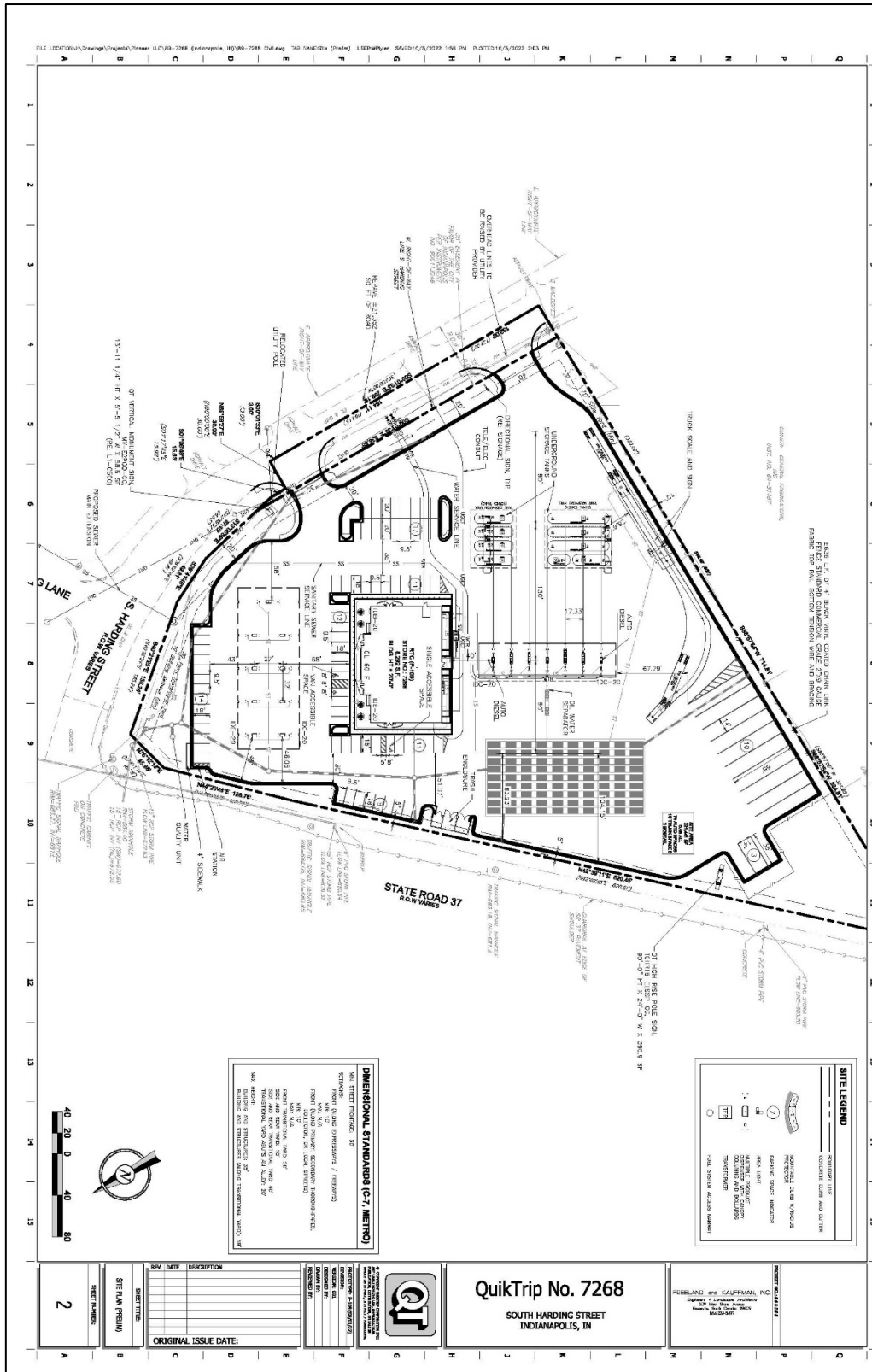
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Location



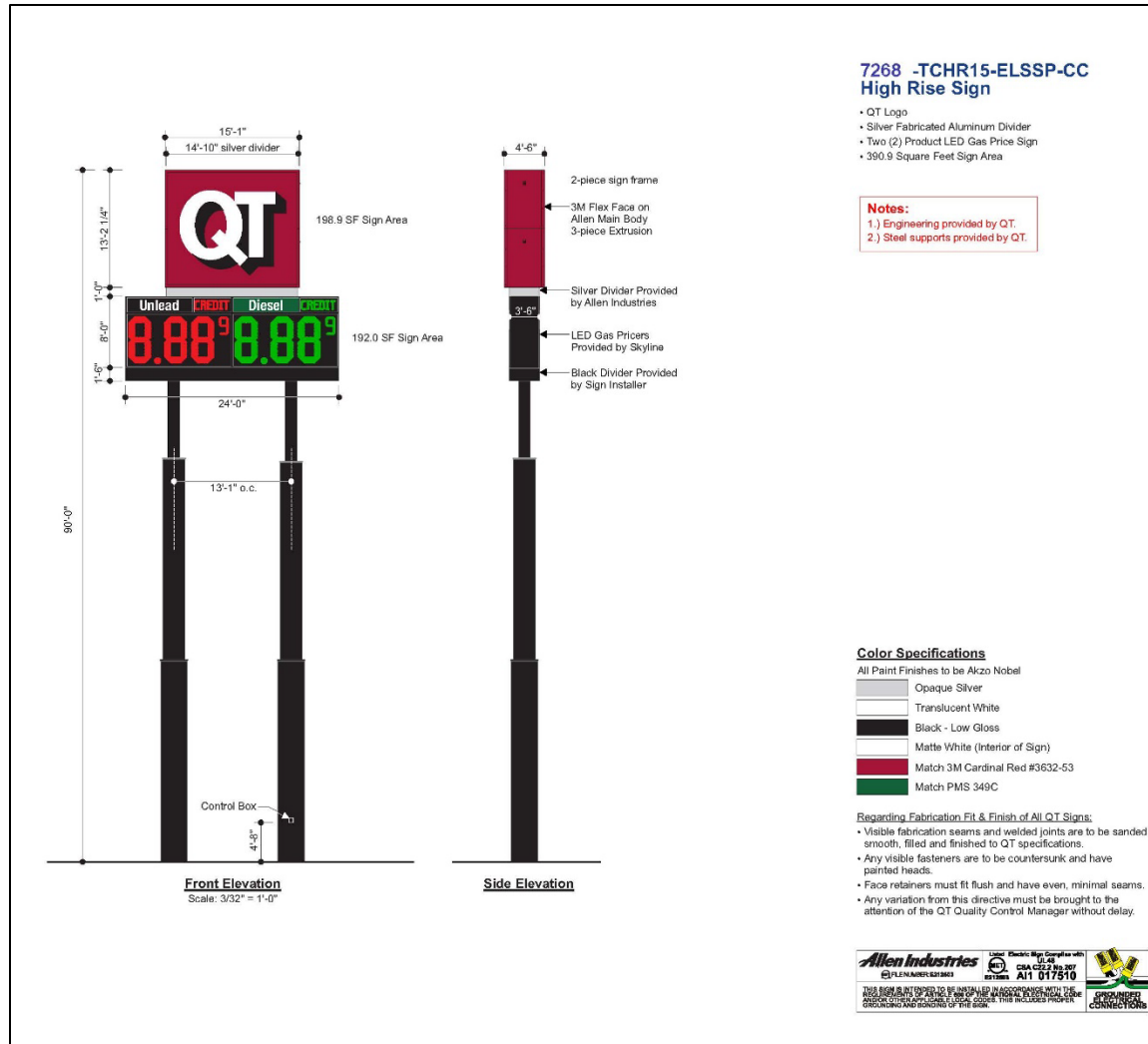
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Aerial photograph (2021)

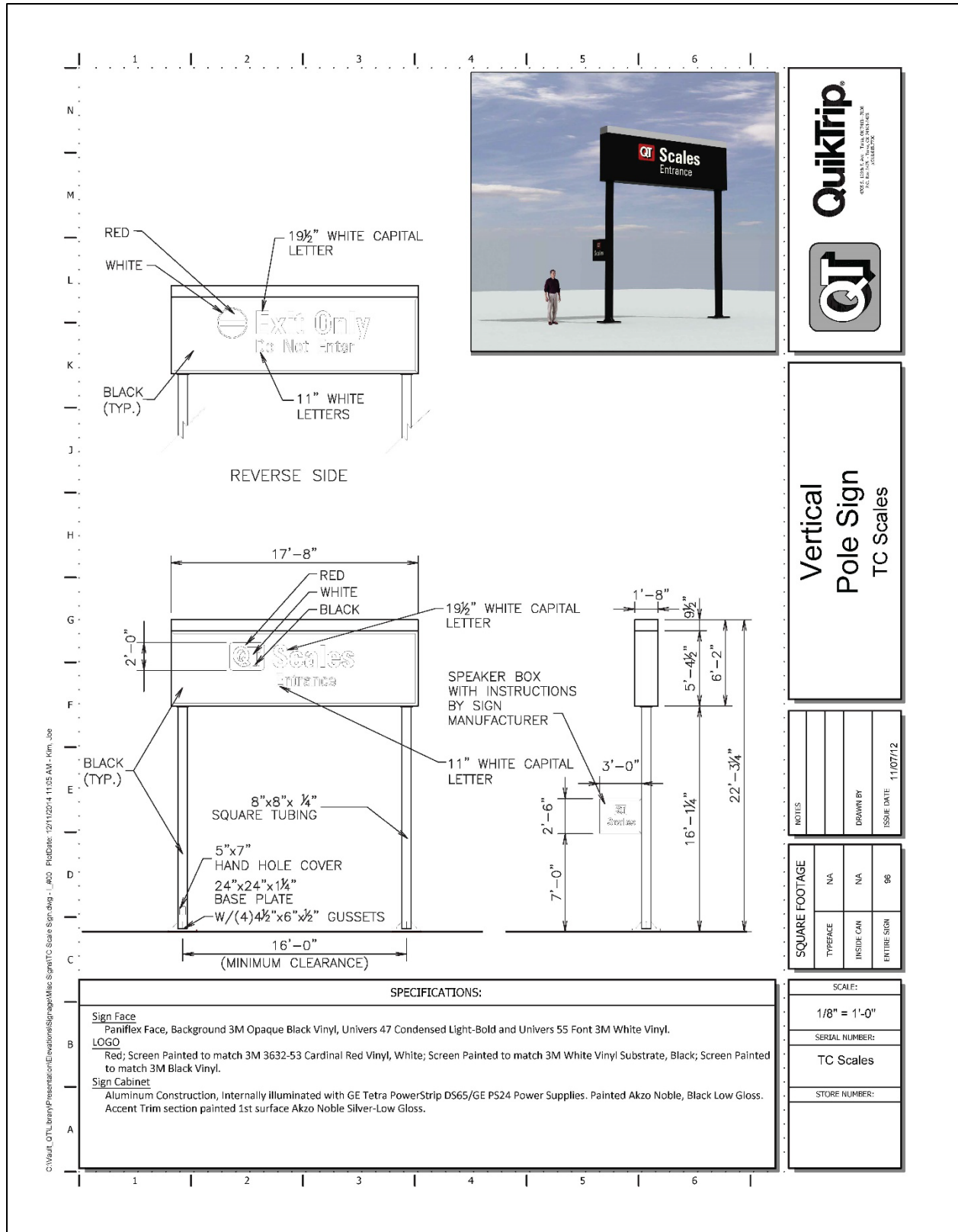


STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Site Plan



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





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

Petition Number _____

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

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

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

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 ____

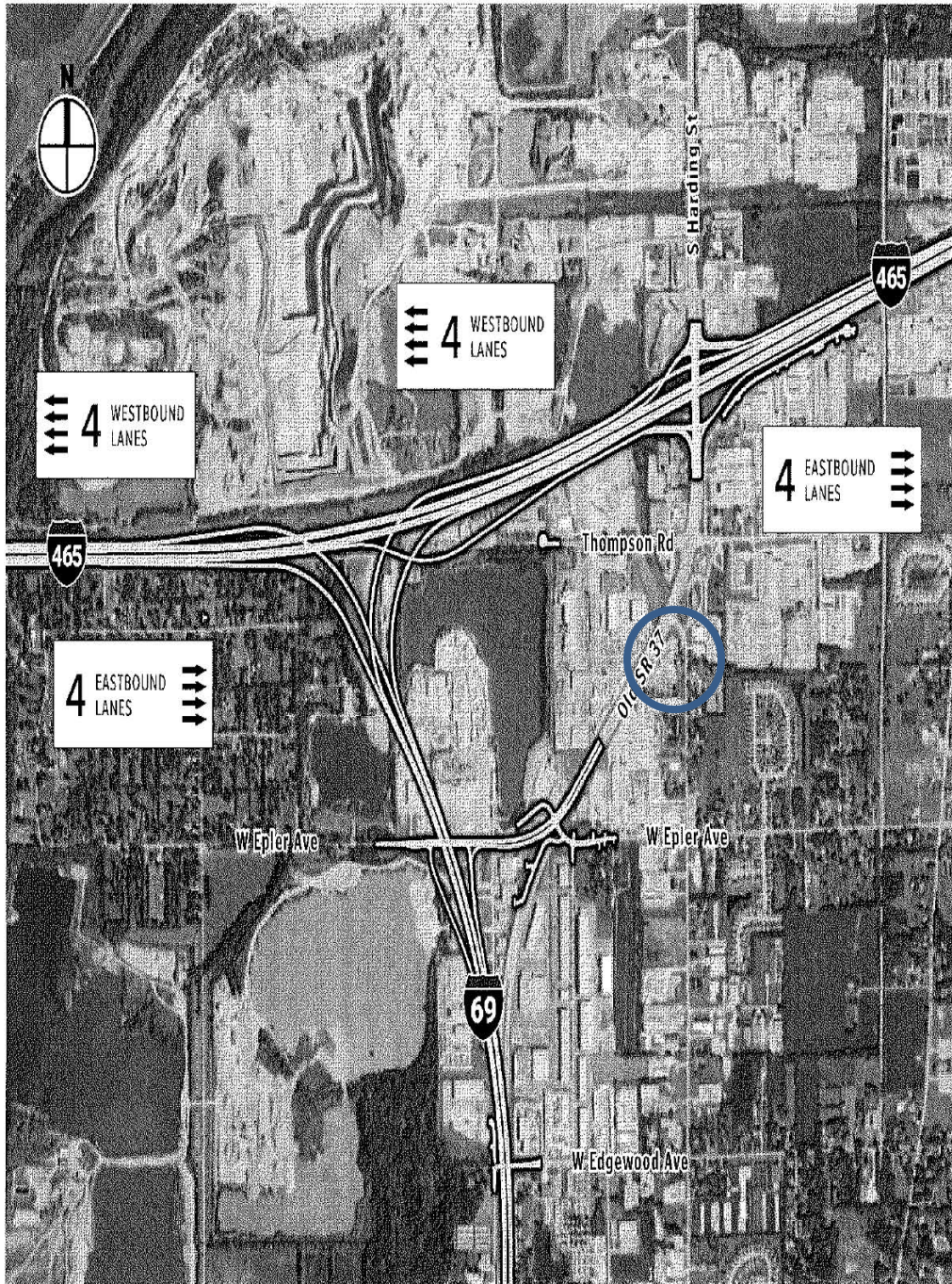
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Proposed list of excluded uses.

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

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

List of prohibited uses:

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

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Proposed Route of I-69.**STOP 11 RD to I-465**

Subject site is in the blue circle.

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



Looking south across the southwest portion of the subject site.



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



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



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



Looking west at the site from Harding Street.



Looking west at the site from Harding Street.



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



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



Looking east from the site across Harding Street.



Looking north from the site across Harding Street.



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



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

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-871 / 2022-CPL-871
Address: 4901 West 56th Street (*Approximate Addresses*)
Location: Pike Township, Council District #8
Petitioner: Dove Asset Partners, by Elizabeth Bentz Williams
Request: Rezoning of 14.53 acres from the SU-5 district to the C-S district to provide for a mini-warehouse (self-storage) facility with outdoor storage of vehicles and recreational vehicles and wireless/radio communication towers.

Approval of a Subdivision Plat to be known as AAA Development and Consulting, LLC Minor Plat, dividing 14.53 acres into two lots.

This petition was continued from the February 23, 2023 hearing to the March 9, 2023 hearing, from the February 9, 2023 hearing to the February 23, 2023 hearing, and from the January 12, 2023 hearing to the February 9, 2023 hearing. This petition was automatically continued from the December 15, 2022 hearing, to the January 12, 2023 hearing.

Amended site plans were submitted with changes as requested by the neighborhood group. Exhibits below.

February 9, 2023

RECOMMENDATIONS

Staff recommends **approval of the rezoning** petition with the following commitments:

1. The landscape plan must include a vegetative buffer between the proposed retention pond and the nursing home east of site, subject to administrative approval.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 4, 2033, 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.

(Continued)

2022-CZN-871 / 2022-CPL-871 STAFF REPORT (Continued)

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.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is currently zoned SU-5 and developed with wireless/radio towers and equipment. There is a one-story block building on northern portion of the site to be removed.
- ◇ This petition would rezone this property to the C-S district and subdivide the property into two lots to provide for a mini-warehouse facility (self-storage) in addition to the existing communication facilities.

REZONING

- ◇ This petition would rezone this site from the SU-5 district to the C-S district to permit communication facilities and mini-warehouses (self-storage), including outdoor storage of vehicles and recreational vehicles. The current zoning of SU-5 would only permit radio receiving or broadcasting towers and accessory buildings. The comprehensive plan recommends suburban neighborhood uses.
- ◇ The C-S district is designed to permit, within a single zoning district, commercial and noncommercial uses. C-S districts are limited to uses specified by a rezoning petition and subject to site and development plans approved by the Metropolitan Development Commission.
- ◇ Radio towers and similar facilities are permitted in several districts as accessory uses or structures. Mini warehouses are permitted in industrial districts or heavy commercial districts. Staff believes the C-S district is appropriate as no other districts would allow both proposed uses as primary uses.

(Continued)

2022-CZN-871 / 2022-CPL-871 STAFF REPORT (Continued)

- ◇ The suburban neighborhood recommendation is a living typology; however, staff believes that the existing radio and cell towers on site limits the marketability for residential development. This site has single-family residential on the west and commercial uses on the east. The west side of the property would remain the radio and cell tower use, while the east would be developed for storage. Landscaping and retention areas are shown on the south and east property boundaries. Staff believes this pattern of development would provide an adequate buffer between uses.
- ◇ Staff recommends approval of the C-S zoning subject to the development plan and substantial compliance with the site plan.

PLAT

- ◇ The plat would subdivide the subject site into two lots. Lot One would contain the existing radio/wireless towers. Lot Two would be developed with mini-warehouses and outdoor storage for vehicles and recreational vehicles.

TRAFFIC / STREETS

- ◇ The subject site has frontage on 56th Street to the north. Each lot would have its own access from 56th Street. No new streets are proposed.

SIDEWALKS

- ◇ Sidewalks are required along the 56th Street frontage.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-5	Metro	Radio/wireless towers
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SURROUNDING ZONING AND LAND USE

North	MU-1 / C-S	Commercial/ Assisted Living Residential
South	D-P	Multi-family Residential
East	C-1 / C-3	Commercial / Nursing Home
West	D-3	Single-family Residential

COMPREHENSIVE LAND USE PLAN	Suburban Neighborhood
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THOROUGHFARE PLAN	56 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 117-foot existing and proposed right-of-way.
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SITE PLAN	File-dated January 15, 2023
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SITE PLAN (AMENDED)	File-dated March 1, 2023
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LANDSCAPE PLAN	File-dated January 15, 2023
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LANDSCAPE PLAN (AMENDED)	File-dated March 1, 2023
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LIGHTING PLAN	File-dated January 15, 2023
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LIGHTING PLAN (AMENDED)	File-dated March 1, 2023
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(Continued)

2022-CZN-871 / 2022-CPL-871 STAFF REPORT (Continued)

SURVEY/ PRELIMINARY PLAT	File-dated January 4, 2023
DEVELOPMENT PLAN (C-S)	File-dated March 1, 2023
COMMITMENTS	File-dated March 1, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2020-DV3-032A, 5766 & 5932 Lafayette Road and 6166 West 62nd Street, variance to provide for 39-foot to 47-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way, **approved**.

2020-DV3-032B, 5928 & 6003 Terrytown Road, and various addresses, variance to provide for 39-foot to 47-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way, **denied**.

2013-ZON-019, 5404 Georgetown Road, rezoning of 6.95 acres from the C-3 district to the C-1 district to provide for a nursing home, **approved**.

2006-ZON-838, 2006-VAR-838, & 2006-APP-838, 4900 West 56th Street, rezoning of 0.830 acre from the C-S district to the C-3 district to provide for C-3 uses and the sale of auto-parts and accessories, and variances to provide for a 2.78-foot west side setback, for parking with a zero-foot south front setback from the right-of-way of 56th Street, for parking with a six-foot east front setback along a portion of the right-of-way of Eden Village Drive, and for parking with a zero-foot north side yard setback, **denied**.

95-Z-201, 4900 West 56th Street, rezoning of 4.292 acres from the C-S district to the C-S district to permit C-3 uses, mini warehouses, and uses permitted per 89-Z-158, **approved**.

90-P-11, approval of a subdivision to be known as Deer Creek Section Three.

89-Z-158, 4900 West 56th Street, rezoning of 7 acres from the SU-3 district to the C-S district to provide for multiple commercial uses, **approved**.

89-P-90, approval of a subdivision to be known as the Gardens at Eagle Creek North, Section Three.

88-Z-264, 5150 West 56th Street, rezoning of 39.41 acres from the A-2, D-6II and SU-43 district to the D-P district, **approved**.

88-P-09, approval of a subdivision to be known as Deer Creek Section Two.

87-Z-207, 5440 Georgetown Road, rezoning of 7.5 acres from the D-P district to the C-3 district, **approved**.

(Continued)

2022-CZN-871 / 2022-CPL-871 STAFF REPORT (Continued)

87-Z-173, 5101 West 56th Street, rezoning of 20 acres from the A-2 district to the D-3 district, approved.

87-Z-106, 5101 West 56th Street, rezoning of 48.89 acres from the A-2 district to the D-7 district, **approved.**

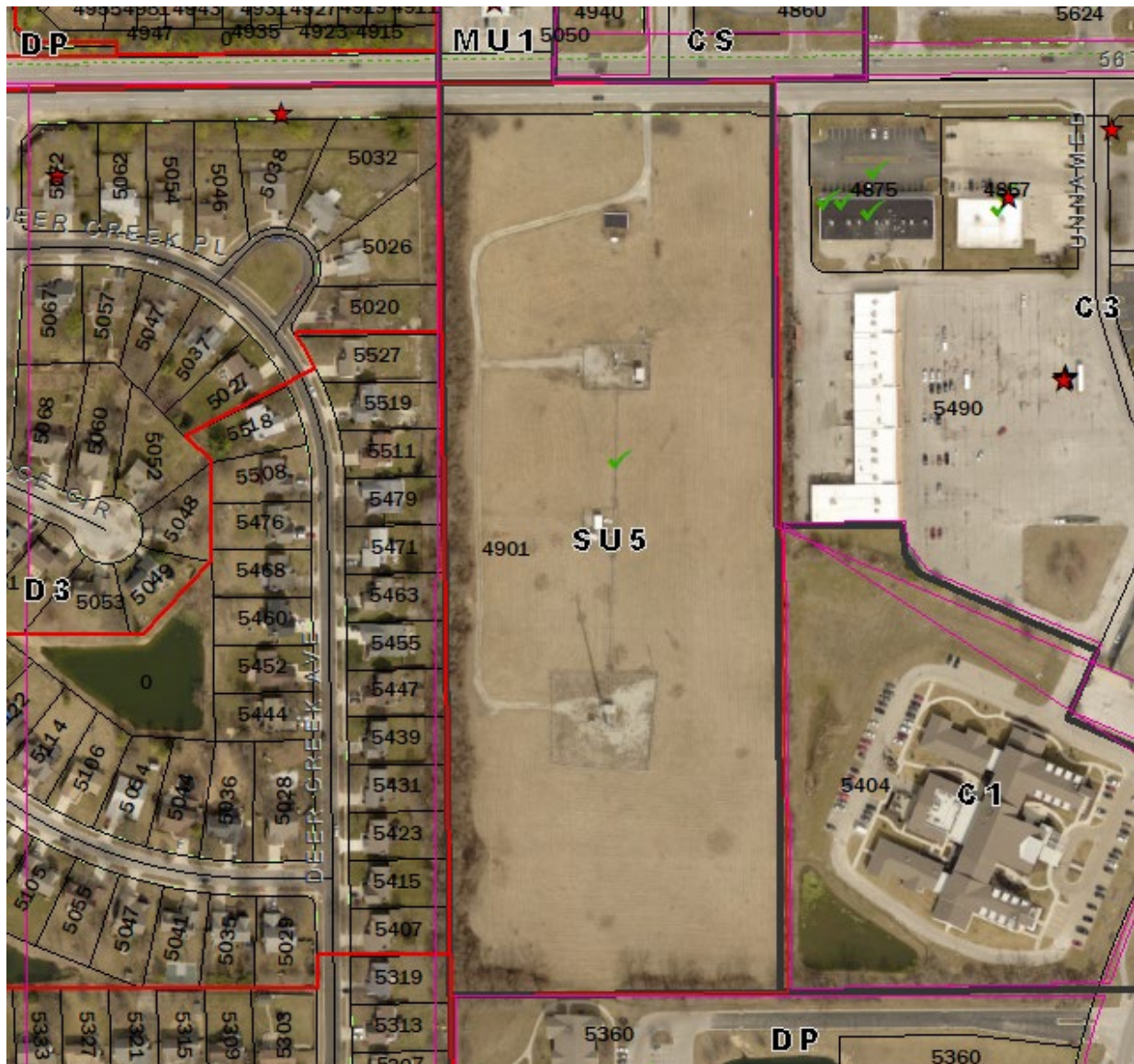
87-P-131, approval of a subdivision to be known as Deer Creek Section One.

85-Z-168, 4910 West 52nd Street, rezoning of 7.88 acres from the D-P district to the D-P district to allow for additional housing units, **approved**.

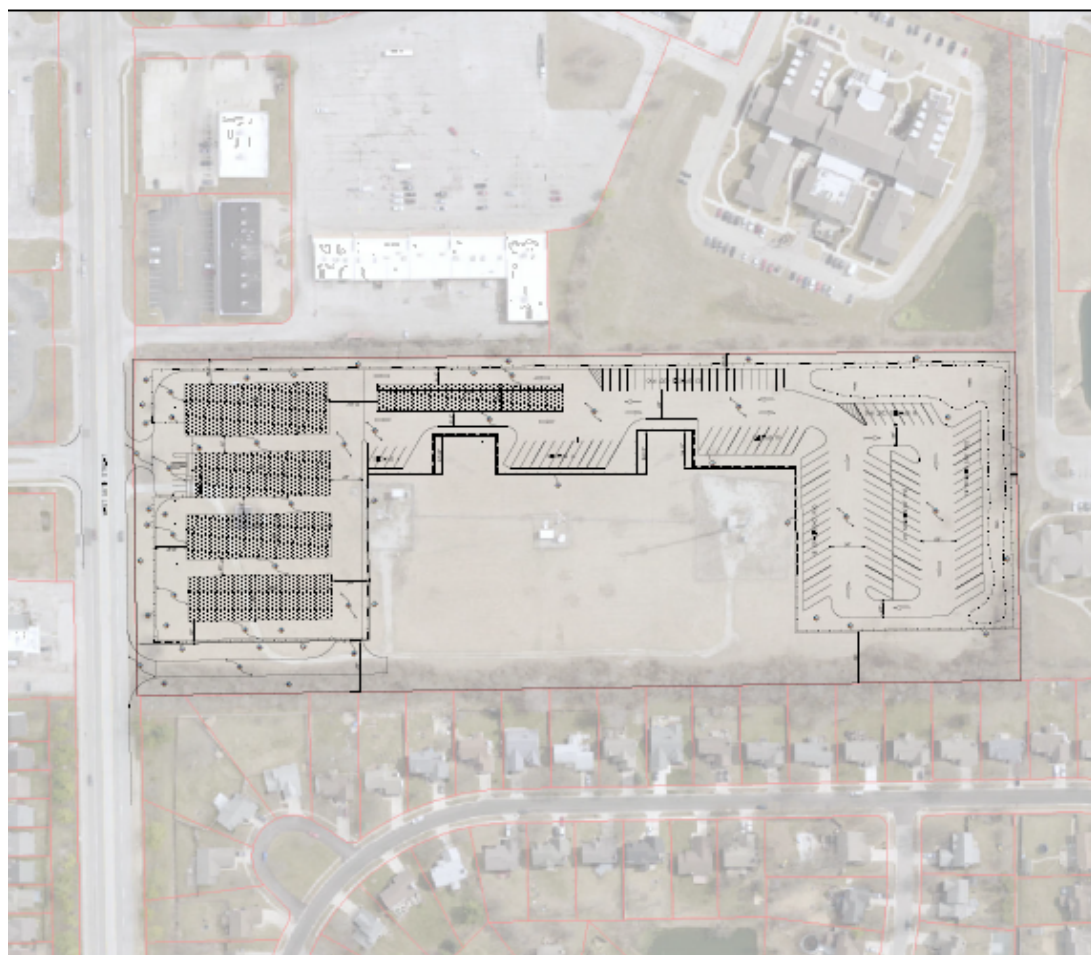
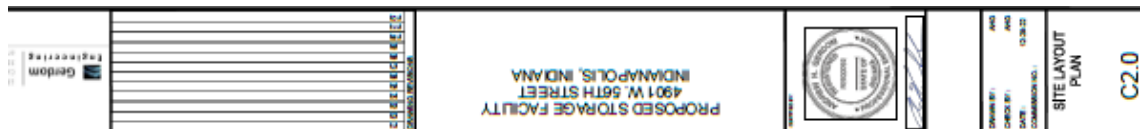
83-Z-152, 4559 West 56th Street, rezoning of 15.70 acres from the D-P district to the C-3 district, approved.

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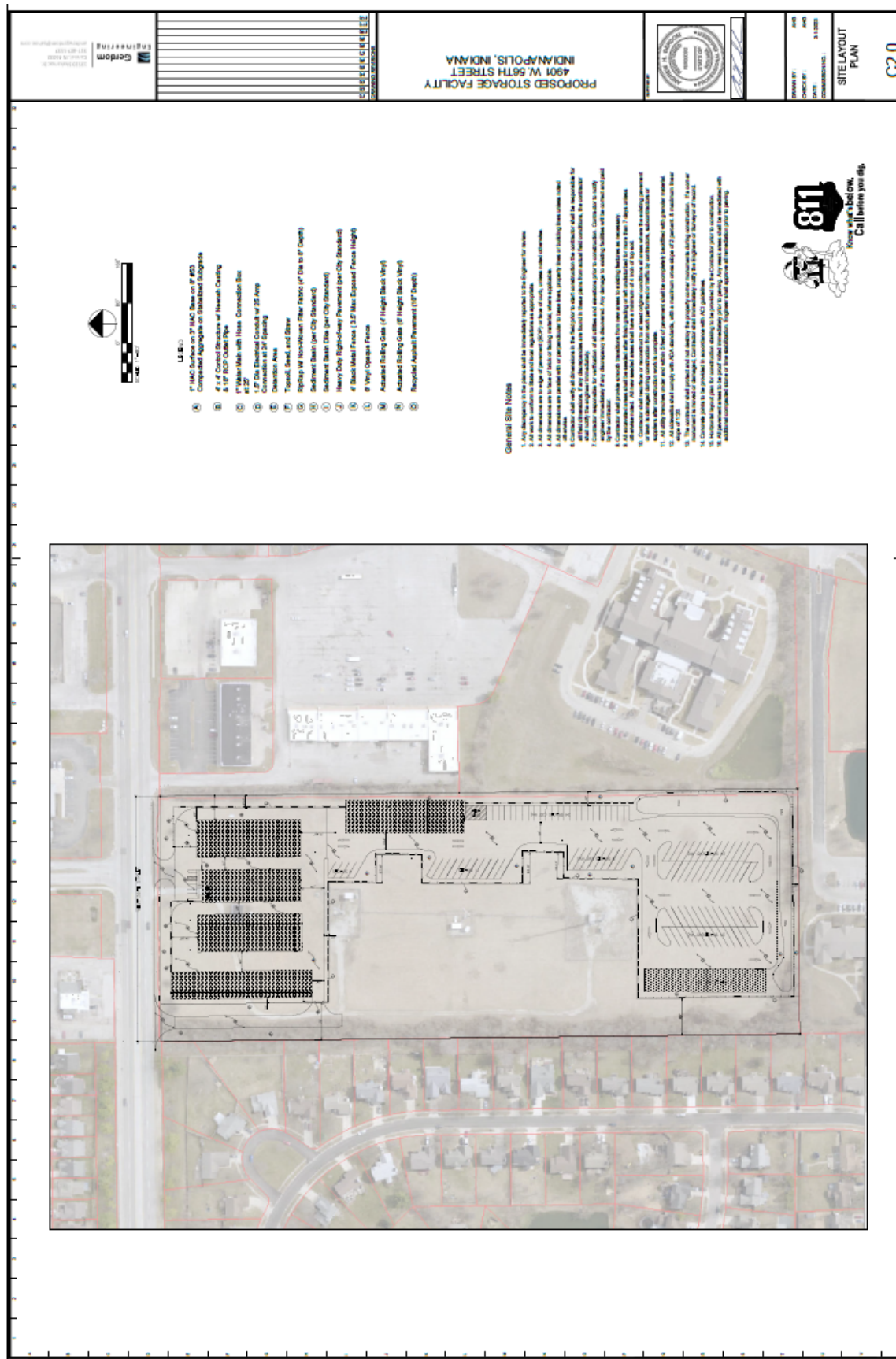
2022-CZN-871 / 2022-CPL-871 Aerial Map



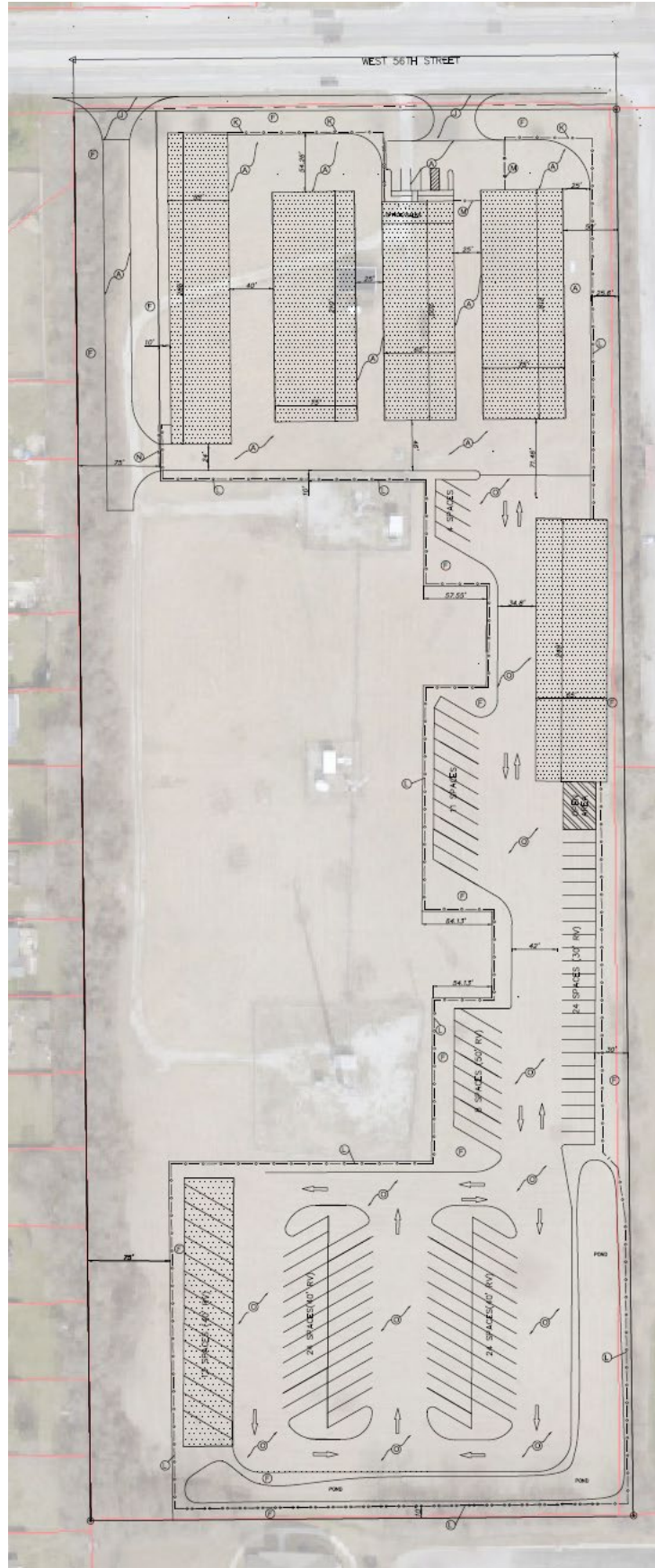
2022-CZN-871 / 2022-CPL-871 Site Plan



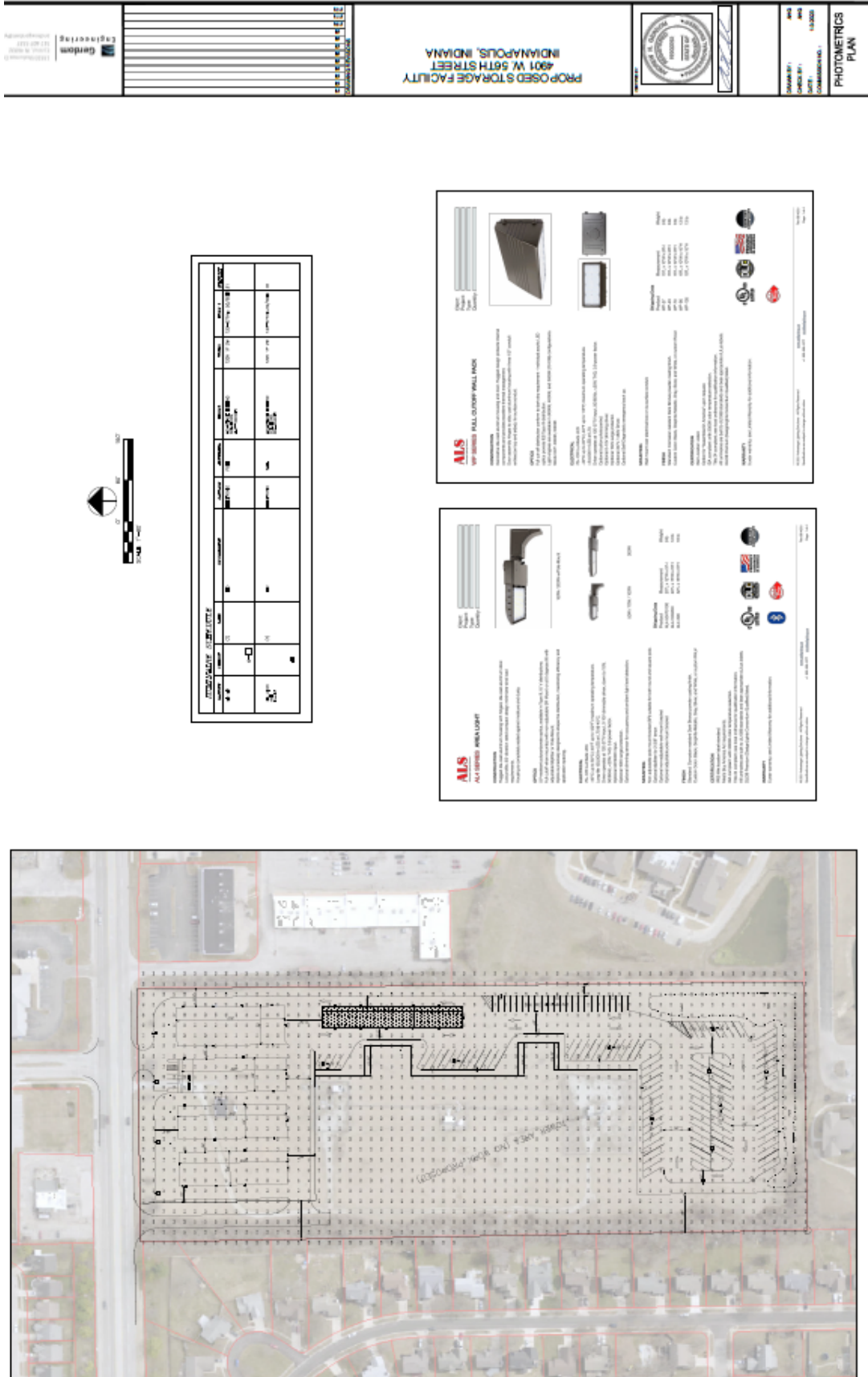
2022-CZN-871 / 2022-CPL-871 Site Plan (Amended)



2022-CZN-871 / 2022-CPL-871 Site Plan (Amended) Details



2022-CZN-871 / 2022-CPL-871 Lighting Plan



2022-CZN-871 / 2022-CPL-871 Lighting Plan (Amended)

2022-CZN-871 / 2022-CPL-871 Lighting Plan (Amended)

Engineering
Gordon
1100 N. 10th St.
Indianapolis, IN 46202
Phone: 317.344.1100
Fax: 317.344.1101
www.gordon-engineering.com

PROPOSED STORAGE FACILITY
4901 W. 56TH STREET
INDIANAPOLIS, INDIANA

Seal of the City of Indianapolis
OFFICE OF THE CITY ENGINEER
INDIANAPOLIS, INDIANA

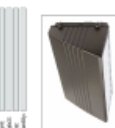
DATE: 08/11/2022
DRAWN BY: J. GORDON
CHECKED BY: J. GORDON
SCALE: AS SHOWN
PROJECT NO.: 2022-CZN-871 / 2022-CPL-871

PHOTOMETRICS
PLAN



STANDARD LIGHTING SPECIFICATIONS									
NO.	DESCRIPTION	TYPE	WATTAGE	FOOT COUNCILS	FOOT COUNCILS	FOOT COUNCILS	FOOT COUNCILS	FOOT COUNCILS	FOOT COUNCILS
1	STREET LIGHTING	10	100	100	100	100	100	100	100
2	STREET LIGHTING	10	100	100	100	100	100	100	100

ALS
ALL SERIES
AREA LIGHT




ALS Area Light fixture

DESCRIPTION: This is a high-pressure sodium (HPS) area light fixture. It is designed for use in parking lots, streets, and other areas where high-intensity lighting is required. The fixture is made of die-cast aluminum and has a powder-coated finish. It is available in 100, 150, and 200 watt versions.

FEATURES:

- High-pressure sodium (HPS) lamp
- Die-cast aluminum housing
- Powder-coated finish
- Available in 100, 150, and 200 watt versions

ALS
ALL SERIES
FULL CUTOFF BALL INK



ALS Full Cutoff Ball Ink fixture

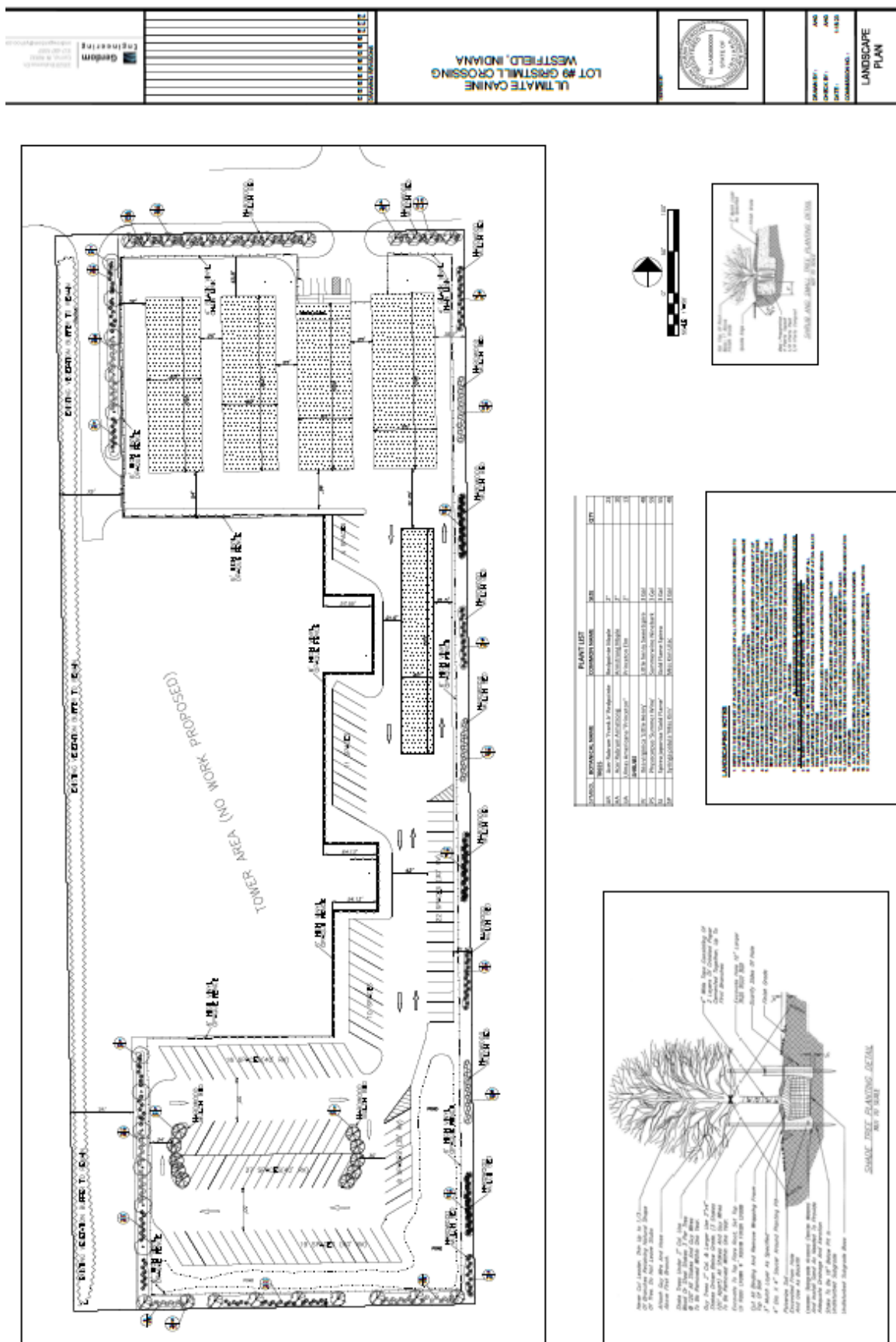
DESCRIPTION: This is a high-pressure sodium (HPS) full cutoff ball ink fixture. It is designed for use in parking lots, streets, and other areas where high-intensity lighting is required. The fixture is made of die-cast aluminum and has a powder-coated finish. It is available in 100, 150, and 200 watt versions.

FEATURES:

- High-pressure sodium (HPS) lamp
- Die-cast aluminum housing
- Powder-coated finish
- Available in 100, 150, and 200 watt versions

92

2022-CZN-871 / 2022-CPL-871 Landscape Plan



2022-CZN-871 / 2022-CPL-871 Landscape Plan (Amended)

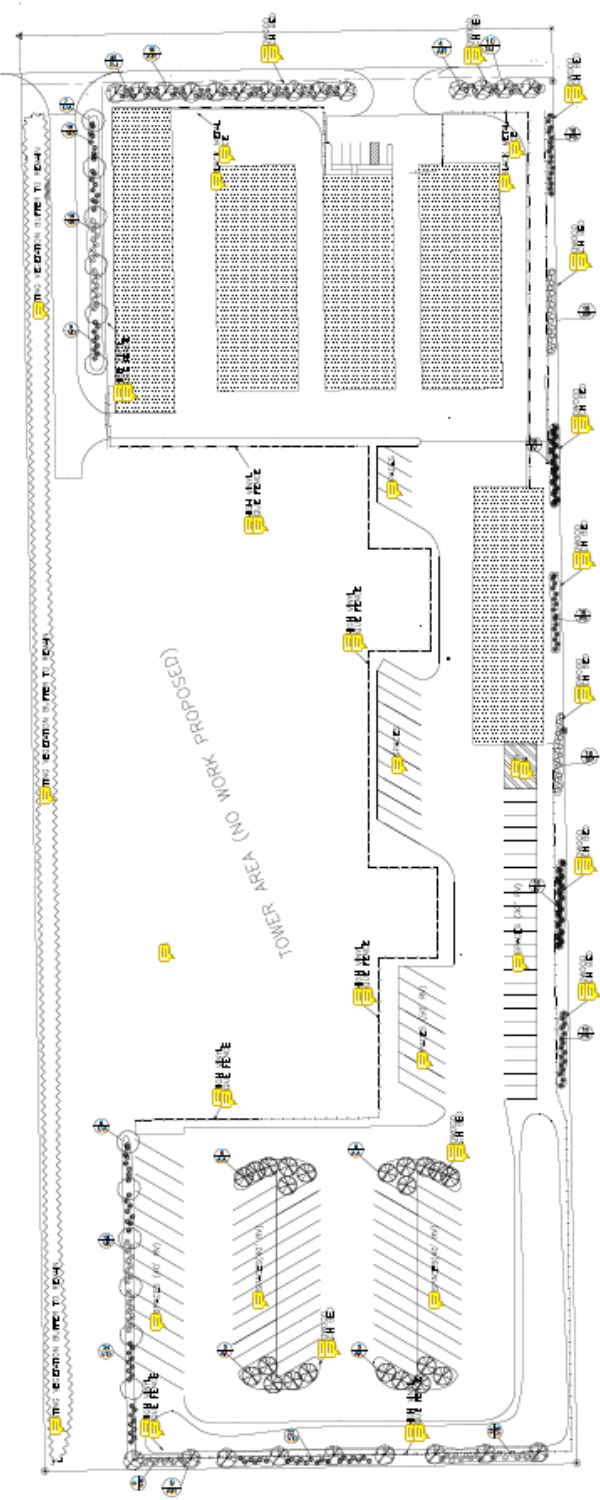
56TH STREET STORAGE FACILITY
INDIANAPOLIS, INDIANA



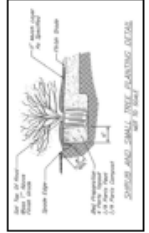
LANDSCAPE
PLAN

DESIGNED BY: AND
CHECKED BY: AND
DATE: 9.1.2023
COMMISSION NO.:

Engineering
Gordon
2023 09 01 10:00 AM
2023 09 01 10:00 AM
2023 09 01 10:00 AM



SYMBOL	REFERENCE NAME	COMMON NAME	SIZE	QTY
1	Tree	Red Robin Tree	12"	20
2	Tree	Red Robin Tree	12"	20
3	Tree	Red Robin Tree	12"	20
4	Tree	Red Robin Tree	12"	20
5	Tree	Red Robin Tree	12"	20
6	Tree	Red Robin Tree	12"	20
7	Tree	Red Robin Tree	12"	20
8	Tree	Red Robin Tree	12"	20
9	Tree	Red Robin Tree	12"	20
10	Tree	Red Robin Tree	12"	20
11	Tree	Red Robin Tree	12"	20
12	Tree	Red Robin Tree	12"	20
13	Tree	Red Robin Tree	12"	20
14	Tree	Red Robin Tree	12"	20
15	Tree	Red Robin Tree	12"	20
16	Tree	Red Robin Tree	12"	20
17	Tree	Red Robin Tree	12"	20
18	Tree	Red Robin Tree	12"	20
19	Tree	Red Robin Tree	12"	20
20	Tree	Red Robin Tree	12"	20



LANDSCAPE NOTES

1. THE LANDSCAPE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

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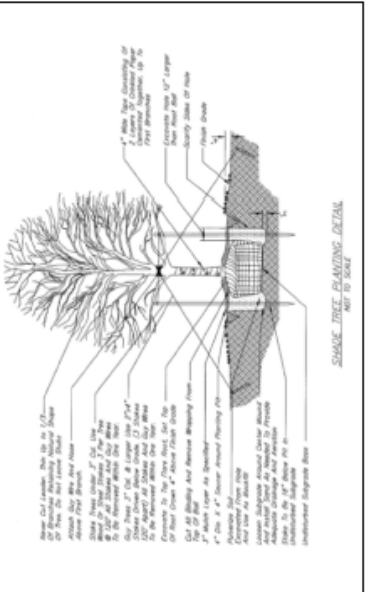
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2022-CZN-871 / 2022-CPL-871 Development Plan

Development Plan
4901 W. 56th Street, Indianapolis, IN
March 1, 2023



USE:

The site is currently being used to house 2 cell towers and an AM radio station tower. The site will be modified to also include single-story self-storage along the north and eastern ends of the property, and long-term boat/RV parking on the eastern and southern ends of the property.

Storage is typically rented by residents and business owners inside a radius of 5 miles.

RV and boat parking renters can come from a radius up to 20 miles.

HOURS OF OPERATION

Normal business hours will be Monday – Friday from 9:00 am to 5:00 pm. Renters can also use a drive-up kiosk, which will be connected to a call center for questions after normal operating hours. Property access is restricted to renters only via two keypad code security gates. The gates are locked 24 hours per day and entry is only provided via the gate keypad. Tenants will have access to the property 24 hours a day via the keypad gates.

EMPLOYEES

The facility will have an administrative/maintenance staff on site each weekday to interact with renters and to perform routine maintenance and clean up.

SITE PLAN

As shown in Exhibit A, the property will support the existing towers plus the self-storage units and boat/RV parking. There will be no changes to the existing towers themselves. Access to the towers is currently provided by a curb cut near the center of the property, which then angles westward to meet up with the access road on the west side of the property near the first cell tower. There is a recorded easement along the west side of the property for access to the towers. The access easement runs north to south along the western property line to the southernmost tower. We will install a curb cut on the west side of the property to allow access to that easement. It will be set back approximately 30 feet from the western boundary line.

There will be a second curb cut along 56th street to allow access to the storage facility. The curb cut will be aligned with Eden Village Drive to the north. Two curb cuts will be necessary because tower maintenance vehicles will not have access to the storage facility.

The front portion of the property extending from the access easement eastward to the property line and south from W. 56th street to the first cell tower will contain 4 single-story climate-controlled buildings.

The western-most building will have access only from the east side at the request of nearby residents. This building will be set back approximately 70' from the residential zone.

The remaining buildings in this section will have drive up access (exterior doors) along the perimeter with additional fully enclosed interior units accessible via interior hallways. The 4 climate-controlled buildings will total approximately 57,000 square feet of storage.

The eastern edge of the property to the south of the front section will contain 1 single-story building totaling approximately 16,000 sq ft plus approximately 50 open boat/trailer parking spaces. The building and parking will be located approximately 200 feet from the western residential zone and approximately 30 feet from the eastern property boundary (or as allowed by building setback requirements).

The southern section of the property will contain no more than 67 RV parking spaces. It will extend from the southernmost cell tower to the southern property line and from the eastern property line to no less than 70 feet from the residential zone. Parking will be set back no less than 70 feet from the western residential zone and approximately 50 feet from the southern property line. The westernmost RV parking will be partially or fully enclosed and open from the east side of the building at the request of the nearby residents to shield the RVs from view.

There will be approximately 500 self-storage units and no more than 120 RV/boat parking units.

Landscaping

We will make use of and augment the existing perimeter landscaping. Currently, there are trees along the western and southern property lines that are up to 40 feet in height. In addition, there are bushes extending 30 to 50 feet from the property lines that will be retained.

Additional trees and landscaping will be placed along the exterior of the property in substantial conformance with the landscape plan. Additional evergreen trees/bushes will be planted along the perimeter fence to obscure the RV parking from the southern and western neighbors as shown on the landscaping plan.

Lighting

Lighting between the storage buildings will be directed eastward and southward towards the center of the property. RV parking lighting will be shielded, down lit and faced away from adjacent residential zoning. Lighting shall be designed to minimize overflow light into the night sky, shield the light filaments from any right-of-way or protected district, prohibit hazardous glare perceptible from any point beyond the lot lines, and provide adequate light for safety. All lighting will be in compliance with Table 744-604-1: Light Level Standards.

Trash

No trash dumpster will be available for use of renters.

Signage

Signage will be limited to one ground sign for the self-storage use and wall signs per ordinance. An incidental entry sign for the cell tower parcel shall be allowed.

SITE MAINTENANCE & SECURITY

Maintenance will be performed by maintenance employees or outsourced to local service providers. An administrative/maintenance person will walk the property every day noting any maintenance items that need to be corrected.

The site will be secured by perimeter fencing surrounding the facility. The fencing along W56th Street will be 4' high black metal rail fencing. Fencing along the rest of the perimeter will be 6' high. No barbed wire/razor wire will be used on the fencing.

Access is controlled by ingress/egress gates and is restricted to renters with keypad codes. Each renter will have a unique keypad code allowing us to know who entered the premises and when.

The main gate will be on the northeast corner of the property across from Eden Village Drive. It will be set back at least 100' from W56th street. We expect all storage tenants and all parking tenants to use this gate for ingress & egress due to the limited number of turns.

There will be a second ingress/egress gate on the west side of the property just north of the first cell tower. This gate connects with the tower easement and is expected to be used primarily for egress by the storage tenants in the western building. There will be a third gate in front of the easternmost building. This gate will exit to the main entryway and will facilitate traffic flow around the easternmost building. This gate will be used for exit only.

The site will have external security cameras monitoring the entry/exit points to the property and the parking areas. Interior security cameras will monitor all interior hallways with interior access restricted to renters with keypad codes. There will be prominent signs noting the presence of the cameras.

The security cameras and individual keypad codes will allow us to document any lease or security violations so that effective corrective action can be taken.

FUTURE

All of the above are typical and customary for the storage industry. Market demands may indicate the need for additional self-storage over RV/boat storage. In such a case, up to 50% of the RV/boat storage would be replaced by one or more additional single-story storage buildings totaling no more than 40,000 square feet of additional storage space.

9247 N. Meridian Street | Suite 204
Indianapolis, IN 46260
www.doveassetpartners.com

2022-CZN-871 / 2022-CPL-871 Site Photos



Subject site 56th Street frontage, looking north



Subject site looking west



Subject site looking south, existing building shown right



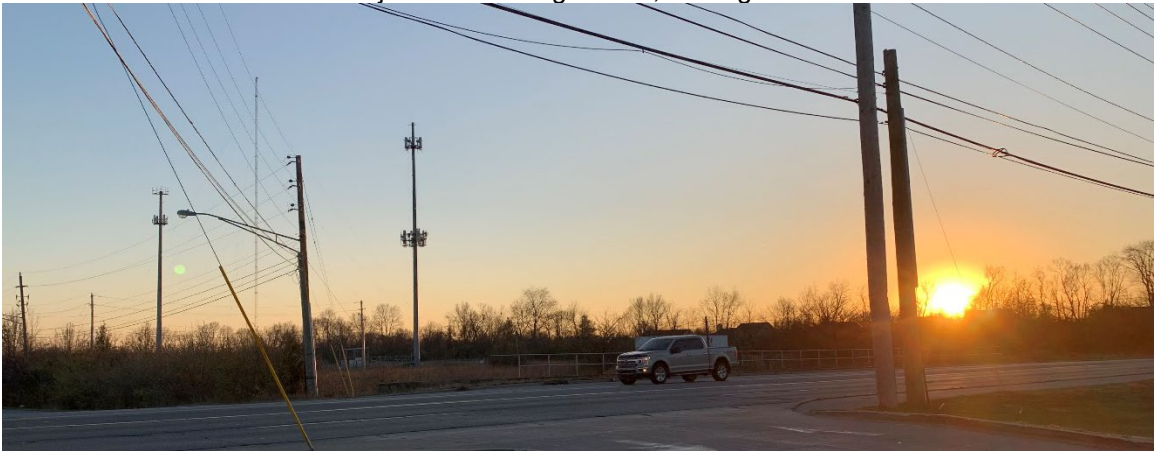
Subject site, looking southeast



Subject site existing tower, looking southeast



Subject site existing towers, looking south



Site viewed from 56th Street, looking south



Site viewed from property to the north, facing south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-001
Address: 6340 Rockville Road (*Approximate Address*)
Location: Wayne Township, Council District #15
Zoning: C-4
Petitioner: Shiloh Holdings, LLC, by Joseph D. Calderon
Request: Modification of Commitments related to 2004-VAR-844 to terminate all commitments associated with Lots 5 and 6.

A valid Automatic Continuance was received from a registered neighborhood organization, the Rockville Road, High School Road, Girls School Road Neighborhood Association, continuing this petition from the February 9, 2023 hearing to the March 9, 2023 hearing.

RECOMMENDATION

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ Historic aerial photography indicates that the subject site was undeveloped until the late 1950s/early 1960s when a commercial building was erected on the site. That building stood until the mid-1990s when an oil-change facility was constructed on the site. That building stood until 2014/2015 when it was demolished. Since that time only the parking lot associated with the oil change facility remains on the site. The parking lot appears to be used for truck parking.
- ◇ The 2018 Comprehensive Land Use Plan recommends Community Commercial for the site. This typology envisions low-intensity commercial and office uses that serve the nearby neighborhoods.
- ◇ The site has been the subject of two recent land use petitions. In 2022 the site and parcels to the north and west were part of a companion petition that would have rezoned 0.09 acre from the C-S district to the C-4 district and provided for variances of development

(Continued)

STAFF REPORT 2023-MOD-001 (Continued)

standards for a car wash with stacking spaces in the front yard and without an exclusive bypass aisle. In 2018, the site and parcels to the north and west were the subject of a rezoning request that would have rezoned two acres from the C-S and C-4 districts to the C-S district to provide for MU-1 and C-3 uses. Both petitions were withdrawn.

MODIFICATION OF COMMITMENTS

- ◇ This site was part of a companion rezoning and variance petition filed in 2004. That petition included both the subject site and four parcels to the north and west. The 2004 petition rezoned the north portion of that subject site and included commitments for the entire site. The purpose of the 2004 zoning petition was to provide for an office and retail center on the northern portion of that site with direct access to Rockville Road through the subject site of this petition. The 2004 petition was approved with 14 commitments. The 2004 commitments, location map and site plan can be found below.
- ◇ This petition would eliminate all 14 commitments associated with the 2004 petition for the current subject site only. The site would continue to be zoned C-4 and any redevelopment would have to meet the development standards associated with the C-4 zoning district. The commitments would continue to apply to the other parcels subject to the 2004 petition.
- ◇ There is no indication in the record that the 2004 commitments were the result of a negotiation between the petitioner and staff. Instead, they were a product of negotiations between the petitioner and the neighborhood organization without staff's involvement. As such, staff has no recommendation on the commitment's modification. However, staff would note that the neighborhood's recommendation in the original petition was based on all the commitments that were submitted and on the reasonable assumption that the site would be developed in accordance with those commitments.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-4	Metro	Parking lot
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SURROUNDING ZONING AND LAND USE

North	C-S	Undeveloped land
South	C-4	Commercial center
East	C-4	Billboard, gas station
West	C-4	Vacant commercial lot

(Continued)

STAFF REPORT 2023-MOD-001 (Continued)

COMPREHENSIVE LAND USE PLAN	The Wayne Township Comprehensive Land Use Plan (2018) recommends Community Commercial.
THOROUGHFARE PLAN	Rockville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial with an existing right of way ranging from 125 feet to 133 feet and a 112-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

2022-CZN-832 / 2022-CVR-832; 6340 & 6380 Rockville Road, requested the rezoning of 0.09 acre from the C-S district to the C-4 district and variances of development standards to provide for a car wash with stacking spaces in the front yard and without an exclusive bypass aisle, **withdrawn**.

2018-ZON-086; 6340 & 6380 Rockville Road, requested the rezoning of two acres from the C-S and C-4 districts to the C-S district to provide for MU-1 and C-3 uses, **withdrawn**.

2004-ZON-844 / 2004-VAR-844; 6340 Rockville Road, requested rezoning of 1.26 acres from the C-4 District to the C-S classification to provide for commercial development with C-1, C-2 and some C-3 permitted uses and variances of development standards to provide for a reduced north transitional yard, a dumpster located in front of the building line and without a loading dock, **approved**.

ZONING HISTORY – VICINITY

2018-UV3-031; 6345 Rockville Road (south of site), requested a variance of use to provide for a security courier and delivery service in a C-4 district, **approved**.

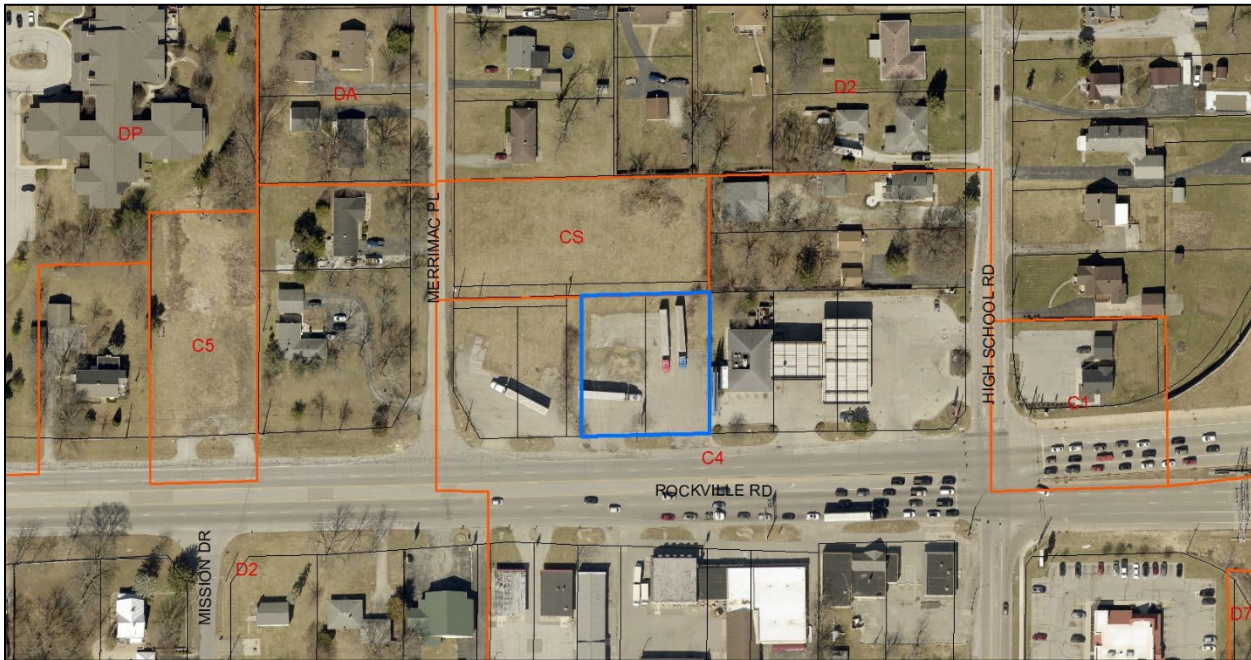
2011-UV3-005; 6345 Rockville Road (south of site), requested a variance of use to provide for a tattoo parlor within 500 feet of a Protected District, **denied**.

klh

STAFF REPORT 2023-MOD-001, Location



STAFF REPORT 2023-MOD-001, Aerial photograph (2022)



STAFF REPORT 2023-MOD-001, Commitments from 2004-VAR-844**RECEIVED**

FEB 28 2005

ATTACHMENT "C"**METROPOLITAN DEVELOPMENT**

Petitioner commits to the following:

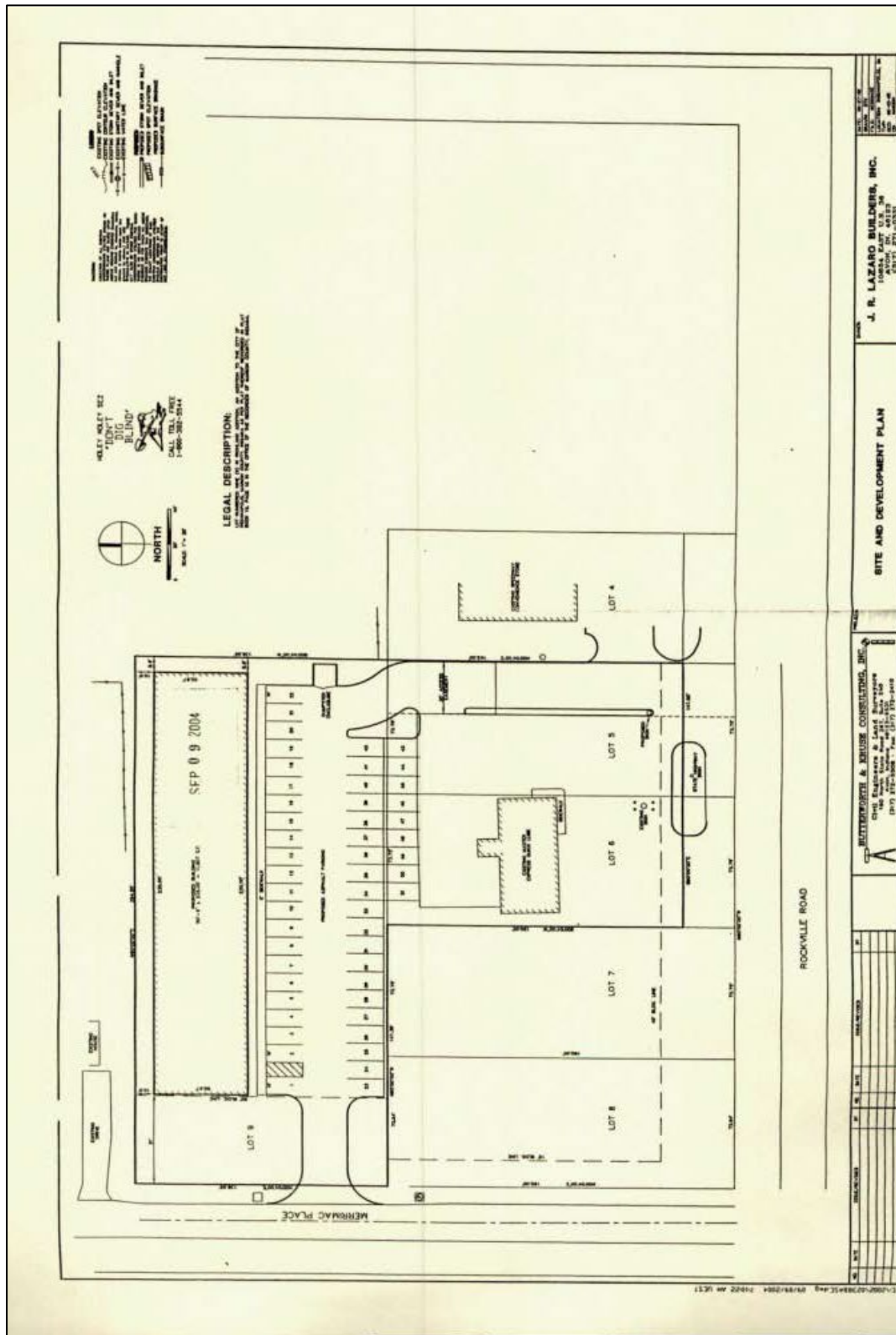
1. To construct a one story commercial building that shall not exceed thirty (30) feet in height.
2. To prepare a Drainage Plan for approval by the City of Indianapolis, Department of Public Works, City of Indianapolis that demonstrates on site retention of water on the site. Such drainage plan shall be shown to a representative(s) of the Merrimac Place residents and of the Rockville, High School & Girls School Roads Neighborhood Association, Inc. for review and comment at least twenty (20) days prior to submission to the city.
3. To prepare a Landscape Plan for Administrator's Approval by the City of Indianapolis, Department of Metropolitan Development that demonstrates significant on site landscaping, with special attention to the area to the west of the proposed commercial building facing the residential area to the west. Such landscape plan shall attempt to shield any lights from exiting autos onto residential properties to the west. Such landscape plan shall be shown to a representative(s) of the Merrimac Place residents and of the Rockville, High School & Girls School Roads Neighborhood Association, Inc. for the review and comment at least ten (10) days prior to submission to the city.
4. To construct a commercial building constructed of brick material with a pitched roof and shingles, with elevation subject to Administrator's Approval.
5. To restrict all tenants to hours of operation of not earlier than six (6) am and not later than eleven (11) pm
6. To work with the property owner to the north to install appropriate screening utilizing a wooden fence. Such fence shall be no greater than six (6) feet in height.
7. To control light spillage by placing shields on all exterior lights so as to prohibit light from projecting onto any adjoining properties.
8. To construct the north wall of the commercial building of brick material with the only openings to be for emergency access doors and windows.
9. To prohibit signage along Merrimac Place.
10. To construct the dumpster enclosure with masonry material with the exterior to match the façade of the commercial building and with wooden gates oriented to the west.
11. To restrict all wall signs to the south façade of the commercial building only.
12. To prohibit the use of any drive-thru facility on the property.
13. To restrict outdoor seating to benches to allow patrons of the particular facility offering food or beverage to sit outdoors.

2/25/05

STAFF REPORT 2023-MOD-001, Location map from 2004-VAR-844



STAFF REPORT 2023-MOD-001, Site Plan from 2004-VAR-844



STAFF REPORT 2023-MOD-001, Photographs



Looking northeast across the subject site.



Looking east along Rockville Road at the neighbor to the east.



Looking west along Rockville Road from the site.



Looking southeast across Rockville Road at the neighbors to the south.

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-001 (Amended)
Address: 5970 Southeastern Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Manjinder Kaur Kahlon by Landman Beatty, Lawyers
Request: Rezoning of 0.93 acres from the D-2 district to the C-4 district to provide for a gas station/convenience store.

The Hearing Examiner acknowledged an automatic continuance that continued this petition from the February 9, 2023 hearing, to the March 9, 2023 hearing, by a registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends denial** of the 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:

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of South Arlington Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.93-acre site, zoned D-2 is undeveloped and surrounded single-family dwellings to the north and west, zoned D-2; residential and commercial uses to the east, across South Arlington Avenue, zoned D-2 and C-3, respectively; and commercial uses to the south across Southeastern Avenue, zoned C-4.

(Continued)

REZONING

- ◇ This request would rezone the site from the D-2 District to the C-4 (Regional Commercial) classification to provide for a gas station / convenience store. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ The Comprehensive Plan recommends Rural or Estate Neighborhood typology. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. There are limited recommended uses for the rural or estate neighborhood typology that include detached housing, working farms, group homes, bed / breakfast and wind / solar farms. **No commercial uses are recommended for this typology.**

Site Plan

- ◇ The site plan, file-dated January 6, 2023, provides for six service areas under a canopy that fronts on Southeastern Avenue and South Arlington Avenue. A 2,500-square-foot convenience store would be located on the northern portion of the site, adjacent to residential development.
- ◇ Access would be gained from South Arlington Avenue and Southeastern Avenue. A total of ten parking spaces would be provided. A six-foot tall wood privacy fence is proposed along portions of the west, north and east sides of the property to mitigate the impact of the proposed development.
- ◇ Proposed development of the site would not be possible without development standard variances. Specifically, the proposed building encroaches into the required 20-foot east transitional yard by 13.76 feet and the trash enclosure is in the front yard, which is prohibited. Additionally, the requested dedication of right-of-way along South Arlington Avenue by the Department of Public Works could impact the location of the canopy and fuel pumps. No variances have been requested.

(Continued)

- ◇ The purpose of the transitional yard setback requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required transitional yard setbacks, the impact of the proposed use upon the less intense uses, such as the residential neighborhood uses to the west, north and east would be detrimental and injurious to the overall community.

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 South Arlington Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

- ◇ If approved, staff would request the following commitment:

A 59.5-foot half right-of-way shall be dedicated along the frontage of South Arlington Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Environmental Public Nuisances

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

(Continued)

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

◇ If approved staff would request the following commitment:

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.

Planning Analysis

- ◇ As proposed, this request would not be consistent with the Plan recommendation of very low-density residential development and would represent intense regional commercial encroachment within a solidly residential neighborhood to the west, north and east.
- ◇ A gas station / convenient store would be objectionable in such proximity to residential uses due to the nature of the use (noise, trash, lighting), with primarily outdoor operations 24 hours per day, 365 days per year. Providing a gas station, especially with a 24-hour convenience store would be detrimental to the stability of the adjacent residential uses and could potentially lead to an inappropriate transformation from a residential neighborhood to commercial uses.
- ◇ Furthermore, staff believes the need for variances is a strong indication that the site is over developed and cannot appropriately accommodate such an intense commercial use that would result in a detrimental impact on the adjacent residential land uses and the surrounding community.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-2 / C-3

Undeveloped

SURROUNDING ZONING AND LAND USE

North - D-2

Single-family dwellings

South - C-4

Commercial uses

East - D-2

Single-family dwellings

West - D-2

Single-family dwellings

Continued)

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of Southeastern Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 100-foot right-of-way and a proposed 102-foot right-of-way.

This portion of South Arlington Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 50-foot right-of-way and a proposed 119-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay

SITE PLAN

File-dated January 6, 2023

ZONING HISTORY

94-UV3-97; 5990 Southeastern Avenue, requested a variance of use of the Commercial Zoning Ordinance to legally establish an existing open-air, used automobile sales operation, previously approved temporarily by petition 91-UV3-103, granted., **granted**.

91-UV3-103; 5990 Southeastern Avenue, requested a variance of use of the Commercial Zoning Ordinance to permit the continued operation of an open-air automobile sales business, **granted for a temporary period until September 24, 1993**.

85-UV3-38, requested a variance of use of the Commercial Zoning Ordinance to legally establish the outdoor display and sale of automobiles, **granted for a temporary period, until May 28, 1988**.

VICINITY

2022-ZON-025; 2345 South Arlington (east of site), requested rezoning of five acres from the D-A district to the C-7 district to provide for a commercial contracting business, **withdrawn**.

2020-ZON-071; 6002 Southeastern Avenue (east of site), requested rezoning of 0.70 acre from the C-3 district to the C-4 district, **withdrawn**.

2016-ZON-052; 6011 Southeastern Ave (south of site), requested rezoning of two acres from the C-3 district to the C-4 district, **denied**.

Continued)

2007-ZON-082; 6011 Southeastern Avenue (south of site), requested rezoning of 0.5 acre from the D-A district to the C-3 district, **approved**.

2004-ZON-048; 6010 and 6020 (east of site), requested the rezoning of three acres from the D-A and C-3 districts to the C-3 district, **approved**.

95-UV1-81; 6020 Southeastern Avenue (south of site), requested a variance of use to provide for an office in a dwelling district, **approved**.

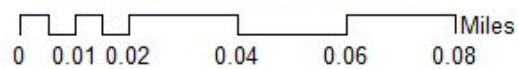
85-Z-145; 6011 Southeastern Avenue (south of site), requested a rezoning of one acre from the A-2 district to the C-7 classification, **withdrawn**.

85-UV2-78; 6030 Southeastern Avenue (south of site), requested a variance of use to provide for the display and sales of automobiles in a dwelling district, **withdrawn**.

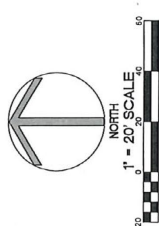
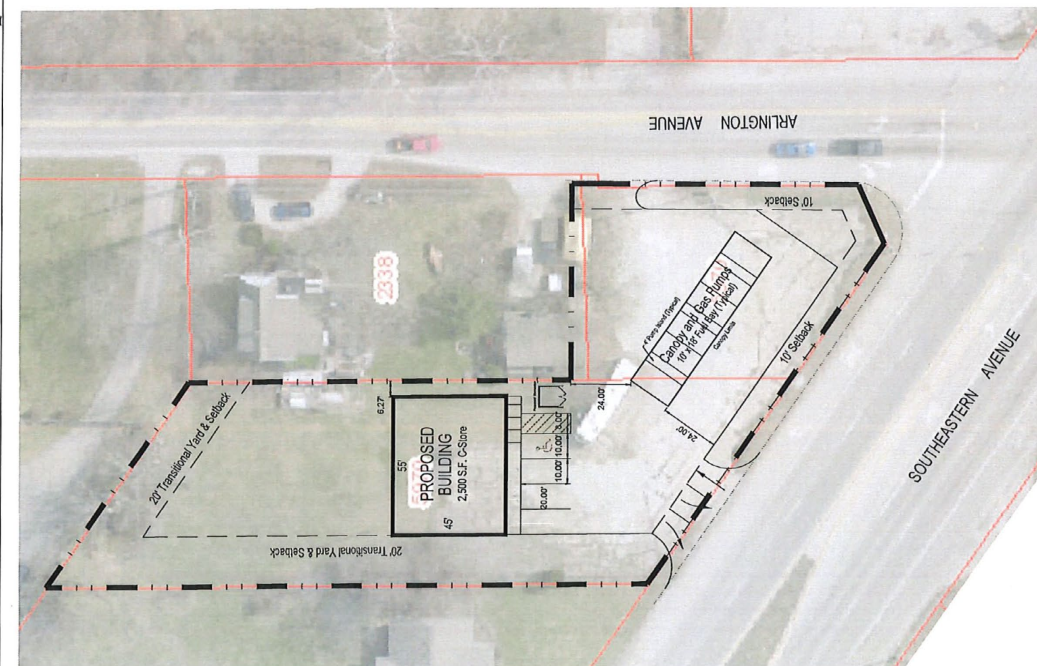
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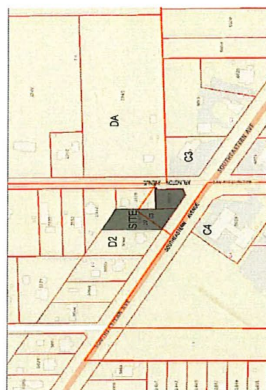
5970 Southeastern Avenue



Conceptual Site Plan



ZONING MAP
1" = 200' SCALE



DEVELOPMENT SUMMARY

OVERALL SITE AREA	= 27,965 S.F./0.64+/-AC.
PROPOSED BUILDING	= 2,500 S.F.
EXISTING ZONING	= C3 / D2
FRONT SETBACK (SOUTHEASTERN AVE.)	= 10 FEET
FRONT SETBACK (ARLINGTON AVE.)	= 10 FEET
SIDE AND REAR SETBACK	= 20 FEET TRANSITIONAL YARD
MINIMUM REQUIRED PARKING	= 1 P.S./250 S.F. = 10 SPACES
PROPOSED PARKING	= 10 SPACES
CONVENTIONAL AT BUILDING AT FUEL STATION ACCESSIBLE	= 9 SPACES = 3 SPACES = 6 SPACES = 1 SPACE

DATE: 11-18-2022 SHEET 1 OF 1	BY:	INDIANAPOLIS, INDIANA 6970 SOUTHEASTERN AVENUE PROPOSED COMMERCIAL BUILDING	REVISIONS:	1. 11/18/22 2. 11/18/22 3. 11/18/22 4. 11/18/22 5. 11/18/22 6. 11/18/22 7. 11/18/22 8. 11/18/22 9. 11/18/22 10. 11/18/22 11. 11/18/22 12. 11/18/22 13. 11/18/22 14. 11/18/22 15. 11/18/22 16. 11/18/22 17. 11/18/22 18. 11/18/22 19. 11/18/22 20. 11/18/22 21. 11/18/22 22. 11/18/22 23. 11/18/22 24. 11/18/22 25. 11/18/22 26. 11/18/22 27. 11/18/22 28. 11/18/22 29. 11/18/22 30. 11/18/22 31. 11/18/22 32. 11/18/22 33. 11/18/22 34. 11/18/22 35. 11/18/22 36. 11/18/22 37. 11/18/22 38. 11/18/22 39. 11/18/22 40. 11/18/22 41. 11/18/22 42. 11/18/22 43. 11/18/22 44. 11/18/22 45. 11/18/22 46. 11/18/22 47. 11/18/22 48. 11/18/22 49. 11/18/22 50. 11/18/22 51. 11/18/22 52. 11/18/22 53. 11/18/22 54. 11/18/22 55. 11/18/22 56. 11/18/22 57. 11/18/22 58. 11/18/22 59. 11/18/22 60. 11/18/22 61. 11/18/22 62. 11/18/22 63. 11/18/22 64. 11/18/22 65. 11/18/22 66. 11/18/22 67. 11/18/22 68. 11/18/22 69. 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View looking east along Southeastern Avenue



View looking south along South Arlington Avenue



View looking north along South Arlington Avenue



View looking south along South Arlington Avenue



View of site looking west across South Arlington Avenue



View from site looking south across Southeastern Avenue



View from site looking east



View from site looking north at adjacent residential uses



View looking northwest at adjacent residential uses



View from site looking west at adjacent residential uses



View from site looking southwest across Southeastern Avenue

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-801 / 2023-CPL-801
Address: 1670 East 80th Street (*Approximate Address*)
Location: Washington Township, Council District #2
Petitioner: Christopher A. Short
Request: Rezoning of 1.36 acres from the D-A District to the D-1 classification to provide for two, single-family detached dwellings.

Approval of a Subdivision Plat to be known as Northern Hills – Case Study 1660-1680, dividing 1.36 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 January 30, 2033, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. 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-801 / 2023-CPL-801 STAFF REPORT (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an undeveloped 1.36-acre lot, zoned D-A. This is within the north central neighborhood, east of the IndyGo Red Line along Westfield Boulevard.
- ◇ This petition would rezone this property to the D-1 district, and plat the site into two lots to provide for two single family detached dwellings.

REZONING

- ◇ This petition would rezone this site from the D-A district to the D-1 district.
- ◇ The existing site is 1.36 acre, which is already less than the minimum three acres required lot area for the D-A district.
- ◇ The comprehensive plan recommends Suburban Neighborhood development, with a density of one to five units per acre.
- ◇ The proposed zoning district is D-1, which has a minimum lot area of 24,000 square feet, and a typical density of 0.9 units per acre.
- ◇ The proposed subdivision of this site would create two lots, 26,857 square feet and 26,824 square feet, respectively. The D-1 district is consistent with the recommended density and the proposed lot sizes comply with these standards. Therefore, staff is recommending approval of the rezoning to the D-1 district.

PLAT

- ◇ The plat would subdivide the subject site into two lots, Lot One and Two. Lot One would contain 26,857 square feet and Lot Two would contain 26,824 square feet. The plat generally meets the standards of the D-1 district as proposed in the companion rezoning.

TRAFFIC / STREETS

- ◇ The subject site has frontage on East 80th Street. No new streets are proposed as part of this petition

SIDEWALKS

- ◇ Sidewalks are not required for minor plats.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A Metro Undeveloped

(Continued)

2023-CZN-801 / 2023-CPL-801 STAFF REPORT (Continued)**SURROUNDING ZONING AND LAND USE**

North	D-S	Single-family Residential
South	D-S	Single-family Residential
East	D-A	Single-family Residential
West	D-1	Single-family Residential

COMPREHENSIVE LAND USE PLAN Suburban Neighborhood

THOROUGHFARE PLAN 80th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing and 80-foot proposed right-of-way.

PRELIMINARY PLAT File-dated January 30, 2023

TOPOGRAPHY MAP File-dated January 30, 2023

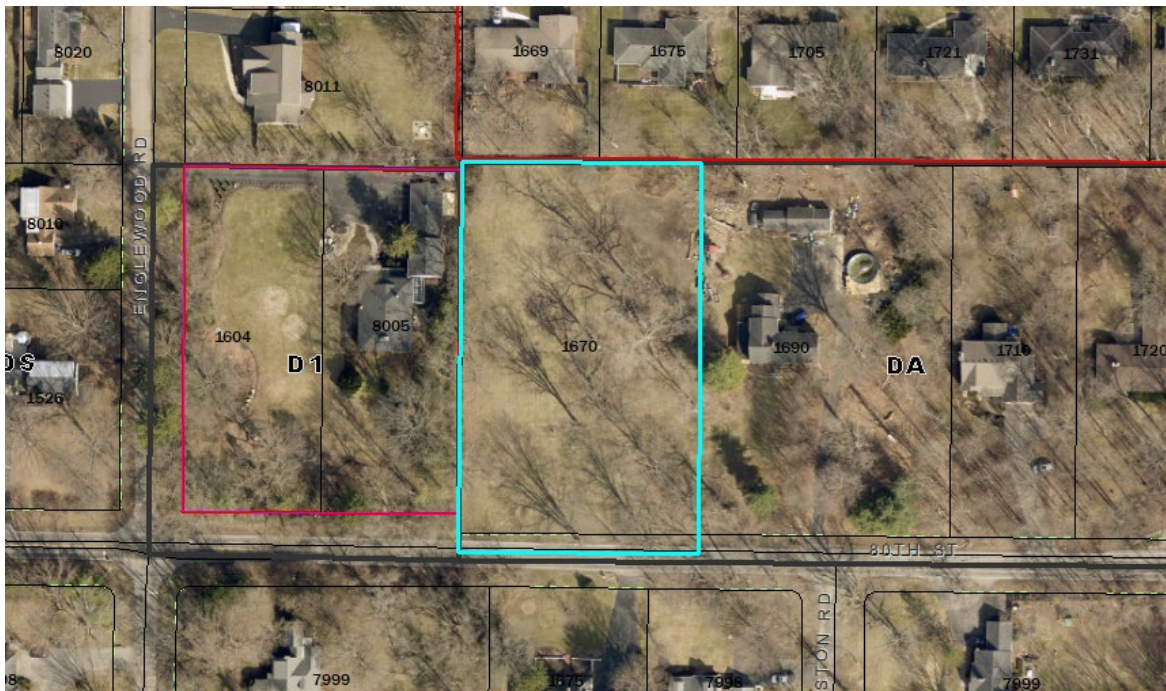
ZONING HISTORY

2018-ZON-060, 8005 Englewood Road, rezoning of 1.39 acres from the D-S district to the D-1 district, approved.

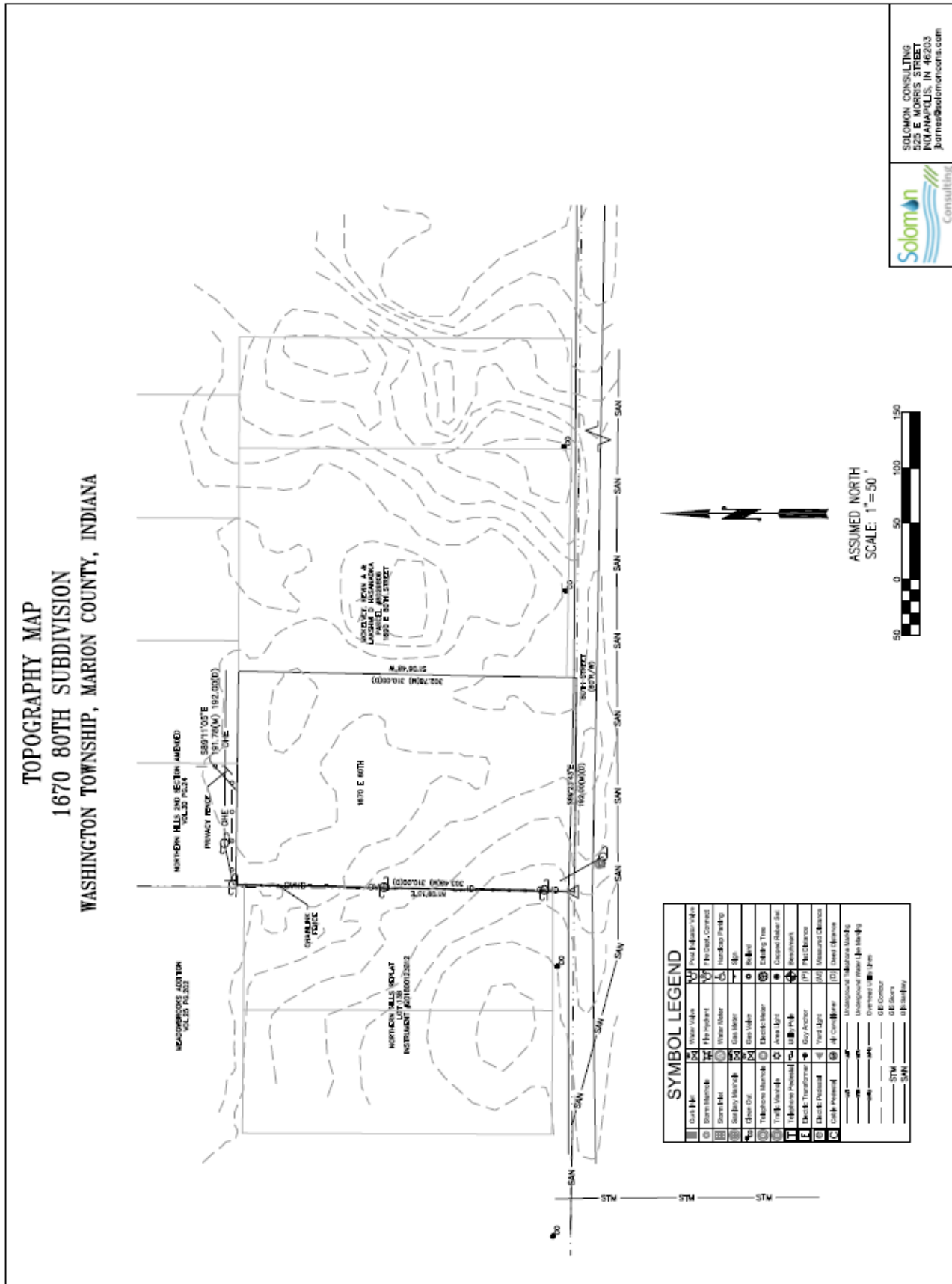
2018-PLT-062, 8005 Englewood Road, approval of a subdivision plat to be known as Replat of Lot 13 in Northern Hills Addition, dividing 1.39 acres into two lots.

5-F-SZ-56, 1919 East 81st Street, approval of a subdivision plat to be known as Northern Hills Second Section.

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2023-CZN-801 / 2023-CPL-801 Aerial Map

2023-CZN-801 / 2023-CPL-801 Topography Map



2023-CZN-801 / 2023-CPL-801 Site Photos



Proposed Lot Two 80th Street frontage, facing west



Proposed Lot One 80th Street frontage, looking east



Lot One and east of site, looking north



Subject sites rear yards, looking north



Lot Two and west of site, looking north