



Metropolitan Development Commission (January 17, 2024) Meeting Notice

Meeting Details

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

Date: Wednesday, January 17, 2024 **Time:** 1:00 PM

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

Business:

Adoption of Meeting Minutes: 1-3-2024

Policy Resolutions:

REAL ESTATE:

1. 2024-R-001

Metropolitan Development Commission authorizes DMD to dispose of the property at 1322 Columbia Avenue.

ECONOMIC DEVELOPMENT / INCENTIVES:

2. 2024-E-001

Authorizes DMD to allocate up to one million dollars (\$1,000,000) for financial services to support economic development for growth of businesses owned by disproportionately impacted classes and in qualified census tracts.

3. 2024-E-003

Authorizes the Director of DMD to amend the current services agreement with Cat Consulting, LLC, by transferring the remaining balance as well as assign the rights of the current agreement to the CAC.

4. 2024-E-004

Declaratory Resolution and Consolidated Redevelopment Plan to expand the Consolidated Area and establish the Extended Area as the Housing Hub Allocation Area.

5. 2024-E-007

Authorizes DMD to grant three hundred thousand dollars (\$300,000) for the year 2024 to assist in funding the maintenance and operation of the City Market.

PLANNING:

6. 2024-P-001

Appointment of a backup Hearing Examiner and Plat Committee member.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

- 7. 2023-ZON-072 (Amended) | 2143 and 2145 South Emerson Avenue**
Warren Township, Council District #18
Tropical Island, LLC, by David Kingen

Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-5 district to provide for residential uses.
- 8. 2023-ZON-088 | 8815 and 8817 Haverstick Road**
Washington Township, Council District #2
Roman Catholic Archdiocese of Indianapolis, Inc. as trustee for Our Lady of Peace Cemetery, by Paul Carroll

Rezoning of 2.99 acres from the D-A district to the SU-10 district to provide for cemetery uses.
- 9. 2023-ZON-101 | 3905 East Raymond Street and 3820 and 3912 Bethel Avenue**
Center Township, Council District #21
Malwa Truck & Tire Repair Shop, LLC, by David Gilman

Rezoning of 17.25 acres from the D-3 (FW) (FF), C-7 (FF) and I-3 districts to the C-7 (FW) (FF) district to provide for heavy commercial uses.
- 10. 2023-ZON-113 | 6008 North Keystone Avenue**
Washington Township, Council District #2
Rose Property Partners LLC, by Rebekah Phillips

Rezoning of 0.33 acre from the D-3 district to the C-1 district to provide for office uses.
- 11. 2023-CZN-803 | 3601 North Kitley Avenue and 6535 Massachusetts Avenue**
Warren Township, Council District #13
Diego Diaz Huijon, by Joseph D. Calderon

Rezoning of 7.9 acres from the D-3 district to the C-S district to legally establish a commercial building contractor with outside storage, accessory uses related to the building contractor and two single-family dwellings with residential accessory uses.
- 12. 2023-CZN-863 and 2023-CAP-863 | 1228, 1232, 1302 and 1306 East 10th Street**
Center Township, Council District #17
Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams

Rezoning of 0.41 acres from the MU-1 and D-8 districts to the D-8 district.

Termination of Commitments related to 2019-CZN/CVR-821 to provide for a new two-family dwelling development (previous commitments required four-foot side setbacks for single-family detached dwellings).

PETITIONS FOR PUBLIC HEARING:

Petitions for Public Hearing

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

2023-CAP-856 / 2023-CVR-856 | 6333 and 6345 West Thompson Road

Decatur Township, Council District #20

C-1

Derrick S. Emmons & Sue Ann Emmons and Kentucky Avenue Holdings, LLC, by William T. Niemier

Modification of Commitments, related to 2003-ZON-119, to modify Commitments #1, #2 and #6 to allow for a painting business and truck rental business (previous commitments prohibited trucks heavier than a one-ton truck, limited the number of trucks parking overnight to one, and limited the permitted uses to C-1 uses).

Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a painting business and a truck rental business (not permitted).

14. PLAT PETITION TRANSFERRED FROM THE PLAT COMMITTEE FOR INITIAL HEARING:

2023-PLT-101 | 4005 North Franklin Road

Lawrence Township, Council District #9

D-P

Mt. Paran Baptist Church, by Michael J. Smith

Approval of a Subdivision Plat to be known as Mt. Paran Hope Subdivision, dividing 19.464 acres into two lots.

15. REZONING PETITION SCHEDULED FOR INITIAL HEARING:

2023-ZON-121 | 1007, 1008, 1010, 1011, 1015 & 1027 East Georgia Street and 1018, 1022 & 1030 Bates Street

Center Township, Council District #16 (#18 Beginning 2024)

RHC Shelby Street, LLC, by Brian J. Tuohy

Rezoning of 1.16 acres from the I-4 (TOD) District to the C-S (TOD) District to provide for a housing hub for those experiencing homelessness including associated supportive services.

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.

Disposition-1322 Columbia
Real Estate – January 2024

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2024-R-001**

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

WHEREAS, pursuant to I.C. 36-7-15.1-6, and 7(a) (2) the Metropolitan Development Commission ("MDC") is charged with the responsibility of promoting the use of land in the manner that best serves the interest of the City of Indianapolis ("City") and its inhabitants, both from the standpoint of human needs and economic values and has the authority to convey property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the City and its inhabitants; and

WHEREAS, DMD has explored various disposition options for the City-owned property at 1322 Columbia Avenue ("Property") and concluded that facilitating expansion of the adjacent business at 1302 Columbia Avenue would be the current the highest and best use of the Property.

WHEREAS, DMD wishes to dispose of the Property to the owner of the adjacent business at an appraised price of \$30, 500.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission does hereby authorize the DMD to convey the Property as described above to promote the use of land in the manner that best serves the interest of the City and its inhabitants.
2. The DMD Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed and approved, for the conveyance of said Property in accordance with this Resolution.

Approved as to Adequacy & Legal Form
Sheila Kinney *sek*

Sheila Kinney, Asst. Corp Counsel

Date: 1/10/2024

Metropolitan Development Commission

John J. Dillon III, President

Date: _____

Professional Services
Contract-Equity 1821

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2024-E-001**

WHEREAS, Pursuant to I.C. 36-7-15.1, the Metropolitan Development Commission (“MDC”) acts as the redevelopment commission of the Consolidated City of Indianapolis (“City”); and, consistent with the policy and purpose of I.C. 36-7-15.1, has a duty to promote redevelopment of areas needing redevelopment so as to best serve the interests of the county and its citizens and to authorize certain funds to cover the cost of these projects ; and

WHEREAS, in order to carry out the duties described in I.C. 36-7-15.1, and as allowed by I.C. 5-22-6, DMD requires timely access to services, including financial services, to foster such redevelopment in areas needing redevelopment because of social changes and contracts to address all such needs; and

WHEREAS, in order to promote economic development and to increase access to loans and other support for growth of businesses owned by disproportionately impacted classes and in qualified census tracts (“Services”), the Consolidated City of Indianapolis and Marion County entered in to contract #19611 (“Contract”) to create a non-profit Community Development Financial Institution (CDFI) that will provide such Services, and;

WHEREAS, DMD, as a City agency, is a party to the Contract, which has Services aligned with the policies and purposes of DMD; and

WHEREAS, Contract Services may be paid for from all available sources of funding, and DMD desires to allocate up to \$1,000,000 of its available budget to support such Services.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. DMD is hereby authorized by the MDC to pay for Services in accordance with Contract terms as described above in an amount up to \$1,000,000 for such Services from all available sources of funding.
2. The Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof and hereby ratified, confirmed and approved.

Approved as to Adequacy & Legal Form

Metropolitan Development Commission

Sheila Kinney *sek*

John J. Dillon III, President

Sheila Kinney, Asst. Corp Counsel

Date: _____

Date: 1/11/2024

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2024-E-003**

WHEREAS, the Metropolitan Development Commission of Marion County (the "Commission") is authorized to approve the employment of all persons engaged by contract to render professional or consulting services for the Department of Metropolitan Development ("DMD"); and

WHEREAS, in Resolution No. 2021-E-022, the Commission authorized DMD to enter into an agreement with Cat Consulting, LLC, for the development and implementation of a retail strategy; and

WHEREAS, on December 17, 2021, DMD entered into a Services Agreement ("Agreement") (Contract #18870) with Cat Consulting, LLC, and

WHEREAS, the Agreement was amended on December 2, 2022, and again on June 28, 2023; and

WHEREAS, DMD wishes to assign its agreement with Cat Consulting, LLC, to the Circle Area Community Development Corporation "CAC"; and

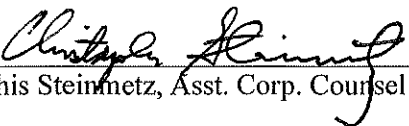
WHEREAS, the CAC wishes to enter into a services agreement with Cat Consulting, LLC, for the development and implementation of a retail strategy;

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County as follows:

1. The Commission hereby authorizes DMD to assign the services agreement with Cat Consulting, LLC, (Contract #18870) and transfer the 2024 service agreement compensation balance of sixty thousand dollars (\$60,000) to the CAC for development and implementation of retail strategy.
2. The Director of the Department of Metropolitan Development is hereby authorized and directed to take such further actions and execute such documents as they deem necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved to Legality and Form

Metropolitan Development Commission


Chis Steinmetz, Asst. Corp. Counsel

John J. Dillon, President

Date: January 10, 2024

Date:

RESOLUTION NO. 2024-E-004
RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA, AMENDING THE DECLARING RESOLUTION AND
REDEVELOPMENT PLAN FOR A REDEVELOPMENT AREA IN THE CITY OF
INDIANAPOLIS, INDIANA

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), has previously adopted and confirmed resolutions (as amended from time to time, collectively, the “Declaratory Resolution”) which (i) declared an area of the City, known as the “Consolidated Redevelopment Area” (the “Consolidated Area”), to be a “redevelopment project area” within the meaning of IC 36-7-15.1, as amended (the “Act”), (ii) designated various portions of the Consolidated Area, as “allocation areas” for purposes of Section 26 of the Act (the “Consolidated Allocation Area), and (iii) approved the “Consolidated Redevelopment Area Plan” for the Consolidated Area (the “Consolidated Redevelopment Plan”); and

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Consolidated Redevelopment Plan to (i) expand the Consolidated Area by adding the parcels described in Exhibit A attached hereto (the “Extended Area”), (ii) establish and create the Extended Area as the Housing Hub Allocation Area (the “Housing Hub Allocation Area”) and (iii) adopt a supplement to the Consolidated Redevelopment Plan set forth in Exhibit B attached hereto (the “Plan Supplement”) (clauses (i), (ii) and (iii), collectively, the “2024 Amendments”); and

WHEREAS, the 2024 Amendments and supporting data were reviewed and considered at this meeting.

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

1. The Commission finds that the Extended Area is part of an area needing redevelopment pursuant to IC 36-7-1-3, because there has been a lack of development, a cessation of growth and other factors that impair values or prevent a normal use or development of property.
2. The Extended Area is a detriment to the social and economic interests of the City and its inhabitants.
3. The conditions described in IC 36-7-1-3 cannot be corrected in the Extended Area by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under the Act.
4. The public health and welfare will be benefited by the redevelopment of the Extended Area under the Act as a redevelopment project area.

5. It will be of public utility and benefit to amend the Declaratory Resolution and the Consolidated Redevelopment Plan for the Consolidated Redevelopment Area as provided in the 2024 Amendments and to redevelop the Housing Hub Allocation Area under the Act.

6. The 2024 Amendments are reasonable and appropriate when considered in relation to the original Declaratory Resolution and Consolidated Redevelopment Plan and the purposes of the Act.

7. The Declaratory Resolution and the Consolidated Redevelopment Plan, as amended by this Resolution and the Plan Supplement, conform to the comprehensive plan of development for the City.

8. In support of the findings and determinations set forth in Sections 1 through 7 above, the Commission hereby adopts the specific findings set forth in the Plan Supplement and reaffirms the findings set forth in the Declaratory Resolution and Consolidated Redevelopment Plan.

9. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Housing Hub Allocation Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Consolidated Redevelopment Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

10. The Commission finds that no residents of the Consolidated Redevelopment Area, as amended by the inclusion of the Housing Hub Allocation Area, will be displaced by any project resulting from the Consolidated Redevelopment Plan, as amended by the Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

11. The 2024 Amendments are hereby in all respects approved.

12. The Housing Hub Allocation Area is hereby designated as an “allocation area” within the Consolidated Redevelopment Area pursuant to Section 26 of the Act for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under IC 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 26, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 26, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into the allocation fund for the Housing Hub Allocation Area, and may be used by the redevelopment district to do

one or more of the things specified in Section 26(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of this Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 26(b)(4) of the Act.

13. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and the allocation provisions herein relating to the Housing Hub Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Housing Hub Allocation Area. The base assessment date for the Housing Hub Allocation Area shall be January 1, 2024.

14. The Commission hereby finds that the adoption of the foregoing allocation provisions will result in new property taxes in the Housing Hub Allocation Area that would not have been generated but for the adoption of the allocation provisions, as set forth in the Plan Supplement.

15. This Resolution, together with any supporting data and together with the Plan Supplement, shall be submitted to City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council") as provided in the Act, and if approved by the City-County Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on January 17, 2024, 1:00 p.m. at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

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

John J. Dillon III, President

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

/s/ Scott A. Krapf

Scott A. Krapf
Frost Brown Todd LLP

This Resolution prepared by Scott A. Krapf, Frost Brown Todd LLP, 111 Monument Circle, Suite 4500, Indianapolis, Indiana 46244-0961.

EXHIBIT A

Description of the Housing Hub Allocation Area

The Housing Hub Allocation Area is comprised of the following parcels:

<u>Address</u>	<u>Local Parcel #</u>	<u>State Parcel #</u>
1010 E Georgia St	1051348	49-11-12-156-063.000-101
1008 E Georgia St	1041352	49-11-12-156-074.000-101
1027 E Georgia St	1080778	49-11-12-156-043.000-101
1027 E Georgia St	1075271	49-11-12-156-044.000-101
1015 E Georgia St	1056733	49-11-12-156-045.000-101
1011 E Georgia St	1071441	49-11-12-156-046.000-101
1007 E Georgia St	1036148	49-11-12-156-047.000-101
1030 Bates St	1007704	49-11-12-156-056.000-101
1022 Bates St	1031677	49-11-12-156-055.000-101
1018 Bates St	1015659	49-11-12-156-054.000-101

EXHIBIT B**Consolidated Redevelopment Plan Supplement**

The Consolidated Redevelopment Plan is hereby supplemented by adding the following project to the plan:

The “Housing Hub Project” includes public infrastructure, which may include street, curb, sidewalk, trail, bridge, public transportation, and utility construction or reconstruction within the public rights-of-way or within or necessary to serve the development, its residents and users. Potential projects include the development of a public Housing Hub that serves as a 24/7 low-barrier shelter as well as a location those in need can access basic services and health care that help prepare for a transition to permanent housing and any costs related thereto. The contemplated Housing Hub Allocation Area would be established to include the Housing Hub Project in order to capture tax increment to fund a portion of the cost of the Housing Hub Project. The total non-land cost of the Housing Hub Project is estimated at approximately \$20,000,000.

LR02314.0776870 4862-0860-8665v5

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2024-E-007**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana ("MDC") serves as the governing body of the City of Indianapolis - Department of Metropolitan Development ("DMD"); and

WHEREAS, the City Market Corporation is responsible for the operation of the Indianapolis City Market which is available and open to the public; and

WHEREAS, the Revised Code of the Consolidated City and County Section 181-702 allows DMD to make a public purpose grant upon the adoption of a resolution by the MDC, which the MDC previously authorized as Grant Agreement #15660 for assistance to the Indianapolis City Market Corporation as Grantee, with the grant amount/ subsidy to be determined annually within the budgeting process; and

WHEREAS, DMD wishes to make a grant of \$300,000 to the City Market Corporation for the year 2024 to assist in funding the maintenance and operation of the City Market.

NOW, THEREFORE, BE IT RESOLVED by the MDC acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The Director is hereby authorized to make a public grant to the City Market Corporation, with such terms and conditions as s/he/they deem necessary or advisable, to assist in funding the maintenance and operation of the City Market in an amount not to exceed \$300,000 for the year 2024.
2. The Director is hereby authorized and directed to take such further actions and execute such documents as s/he/they deem necessary or advisable to effectuate the authorizations set forth in this Resolution.
3. This Resolution shall take effect immediately upon adoption by the MDC.

Approved as to Legal Form and Adequacy:

Sheila Kinney *sek*

Sheila Kinney, Asst. Corp Counsel

Date: 1/9/2024

Metropolitan Development Commission:

John J. Dillon III, President

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2024-P-001**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “Commission”), serves as the Plan Commission of the Consolidated City of Indianapolis and Marion County, Indiana, under Indiana Code § 36-7-4-202; and

WHEREAS, under Indiana Code § 36-7-4-402, the Commission is empowered to designate Hearing Examiners to conduct any public hearing required to be held by the Commission or make any decision required to be made by the Commission, or both; and

WHEREAS, under Indiana Code § 36-7-4-701, the Commission is empowered to appoint a Plat Committee to hold hearings on and approve plats and replats on behalf of the Commission.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby designates Anne-Marie Taylor as back-up Hearing Examiner for the period from January 1, 2024, through December 31, 2024.
2. The Commission hereby appoints Destiny LeJohn to the Plat Committee for the period from January 1, 2024, through December 31, 2024.
3. This Resolution shall take effect immediately upon adoption by the Commission.

Approved as to legal form and adequacy:

Metropolitan Development Commission:

By: _____
Ethan Hudson, Asst. Corp. Counsel

By: _____
John Dillon III, President

Date: 01/17/2024

Date:

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-856 / 2023-CVR-856
Address: 6333 and 6345 West Thompson Road (approximate address)
Location: Decatur Township, Council District #20
Zoning: C-1
Petitioner: Derrick S. Emmons & Sue Ann Emmons and Kentucky Avenue Holdings, LLC, by William T. Niemier
Request: Modification of Commitments, related to 2003-ZON-119, to modify Commitments #1, #2 and #6 to allow for a painting business and truck rental business (previous commitments prohibited trucks heavier than a one-ton truck, limited the number of trucks parking overnight to one, and limited the permitted uses to C-1 uses).

Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a painting business and a truck rental business (not permitted).

ADDENDUM FOR JANUARY 17, 2024, METROPOLITAN DEVELOPMENT COMMISSION

This petition was continued from the December 6, 2023 hearing to the January 17, 2024 hearing by the petitioner to allow additional time to amend the request and provide an updated plan of operation.

The petitioner submitted a revised Plan of Operation on January 10, 2024 that removed the truck rental business and would only propose the office use for a painting business. It also notes that a total of four business vehicles will be on site, which will weigh less than one ton each. Therefore, the variance of use, 2023-CVR-856, to legally establish a painting business and a truck rental business will need to be withdrawn since the office use would be permitted in the C-1 district and the truck rental business is no longer proposed.

Per the January 10, 2024 file-dated Plan of Operation and confirmation from the petitioner that only one vehicle will be left overnight at 6345 West Thompson Road to not violate the existing limit of one truck parked overnight, there will not be any modifications to the existing commitments as previously proposed. Therefore, the entire petition can be **withdrawn**.

ADDENDUM FOR DECEMBER 6, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on November 9, 2023. After a full hearing, the Hearing Examiner recommended denial of the modification and variance of use requests. Subsequently, the petitioner filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

November 9, 2023

This petition was automatically continued from the October 12, 2023 hearing, to the November 9, 2023 hearing at the request of a registered neighborhood organization.

(Continued)

RECOMMENDATIONS

Staff **recommends denial** of the modification request.

Staff **recommends denial** of the variance of use request.

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site consists of two parcels, zoned C-1, that are developed with single-family dwellings and detached accessory structures. The single-family dwelling at 6345 West Thompson Road was converted into an office. The single-family dwelling at 6333 West Thompson Road appeared to be vacant when staff visited the site, but numerous vehicles were present.
- ◇ The property is bordered to the west by an automobile machine shop to the west, zoned C-1, a single-family dwelling to the east, zoned D-3, a fast-food restaurant to the north, zoned C-4, and single-family dwelling and a vacant parcel, zoned D-3 and D-A, to the south.
- ◇ The property at 6333 West Thompson Road was rezoned from the D-3 district to the C-1 district in 1980. The property at 6345 West Thompson Road was granted a variance of use for a floral shop in 1995. The property was then rezoned from the D-3 District to the C-1 District in 2003. Variance of use requests for a heating and cooling contractors office and construction of a 2,800-square foot pole barn were denied in 2003 and 2006. A variance of use to legally establish a truck rental business was withdrawn due to the commitments that were in place, which needed to be modified based on the request.

MODIFICATION

- ◇ The request would modify Commitments #1, #2 and #6 to allow for a painting business and truck rental business related to rezone petition 2003-ZON-119 at 6345 Thompson Road. The previous commitments prohibited trucks heavier than a one-ton truck, limited the number of trucks parking overnight to one, and limited the permitted uses to C-1 uses.
- ◇ Instead, the plan of operation notes that 6345 and 6333 West Thompson Road would operate a commercial and residential painting business in addition to a truck rental business which were not permitted by the commitment limitation for C-1 uses.
- ◇ The maximum number of trucks to be on site would be eight where only one truck was allowed to be parked overnight.
- ◇ Lastly, the trucks on site would likely weigh more than the one-ton truck weight limitation.

VARIANCE OF USE

- ◇ The grant of the request would allow for the operation of a painting business and a truck rental business in the C-1 district.

(Continued)

- ◇ The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.
- ◇ The operation of a painting business is categorized as a Commercial and Building Contractors use which is only permitted by right in the C-5 and C-7 district and by Special Exception in the C-4 district. The truck rental business is categorized as a Truck or Heavy Vehicle Sales, Rental, or Repair use, which is only permitted in the C-7 district. Neither use is permitted in the existing C-1 district because they are more intense, and typically require outside display of vehicles or materials.
- ◇ The Comprehensive Plan recommends community commercial development along the northern half of the property and recommends suburban neighborhood development along the southern half.
- ◇ The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- ◇ The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Staff Analysis

- ◇ Based on the split Comprehensive Plan recommendations and the existing residential uses east and south of the site, staff determined that the use limitations of the C-1 district are in line with the Comprehensive Plan.
- ◇ More intense commercial uses would be inappropriate and should not be proposed where the addition of said uses could cause the use or value of the area adjacent to the property to be affected in a substantially adverse manner because the proposed use could decrease the desirability of the area for potential residents, largely due to the location of a heavy commercial use next door.

(Continued)

- ◇ The variance request does not arise from a condition peculiar to the property involved because the parcels could be used for any of the permitted C-1 uses without the need for a variance or modification of commitments.
- ◇ The strict application of the terms of the zoning ordinance would not constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought because the site is appropriately zoned to be in line with the Comprehensive Plan and could be used as such.
- ◇ Staff would not support the request for the modification of the commitments or variance of use.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1	Metro	Truck Rental Business / Painting Business
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SURROUNDING ZONING AND LAND USE

North	C-4	Commercial (Fast Food Restaurant)
South	D-3 / D-A	Residential (Single-Family Dwelling) / Undeveloped.
East	D-3	Residential (Single-Family Dwelling)
West	C-1	Commercial (Automobile Machine Shop)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial development for the northern portion and suburban neighborhood development for the southern portion.

THOROUGHFARE PLAN

Thompson Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 33-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.

SITE PLAN

File-dated September 5, 2023.

PLAN OF OPERATION

File-dated September 5, 2023.

REVISED PLAN OF OPERATION

File-dated January 10, 2024.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

1. VIO22-000949; 6345 West Thompson Road

- a. *The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle rental is not a permitted accessory use for a C-1 zoning district).*
- b. *The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-903. G.1. - Signs in the public Right-of-Way are prohibited).*
- c. *Failure to comply with use-specific standards and zoning district development standards for the C-1 district; (744-404. D.7.a. - The parking spaces lack 4-inch durable painted lines, curbs or signage).*
- d. *Failure to comply with use-specific standards and zoning district development standards for the C-1 district; (Table 744-402-1: - Failure to provide the required off-street parking spaces for a painting contractor...5 off-street parking spaces are required).*
- e. *Failure to comply with use-specific standards and zoning district development standards for the C-1 district; (Table 744-402-2: - Failure to provide the required ADA parking...1 handicap parking space required).*
- f. *The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Recreational vehicle storage is not a permitted primary use in a C-1 zoning district).*

PREVIOUS CASES

2022-UV2-014; 6333 and 6345 West Thompson Road (subject site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a truck rental business (not permitted), **withdrawn**.

2006-UV1-008; 6345 West Thompson Road (subject site), Variance of Use of the Commercial Zoning Ordinance to legally establish a heating and cooling contractor business in an existing building and to provide for the construction of a one-story, 2,800 square-foot storage building (not permitted), **denied**.

2003-AP1-002, 6345 West Thompson Road (subject site), Waiver of the refiling rule to allow filing of a rezoning request within twelve months of a variance denial, **granted**.

2003-UV1-025, 6345 West Thompson Road (subject site), Variance of use and variance of development standards of the Dwelling Districts Zoning Ordinance and the Sign Regulations to provide for a heating and cooling contractors office (not permitted) with a 24 square foot illuminated wall sign and a 2,800 square foot pole barn with a five-foot side yard setback (commercial uses not permitted in a dwelling district, minimum 6-foot, 16-foot aggregate side yard setback required), and legally establish a 511.56 square foot garage with a 3.5 foot side yard setback (minimum 6-foot, 16-foot aggregate side yard setback required) resulting in 3312.30 square feet of accessory structure area or 243.98% of the main floor area of the primary building (accessory structure area may not exceed 75 percent of the total main floor area of the primary dwelling) and 3669.62 square feet of accessory use area or 270.30% of the total floor area of the primary building (accessory use area may not exceed 99.99 percent of the total floor area of the primary dwelling); **denied**.

2003-ZON-119; 6345 West Thompson Road (subject site), Rezoning of 0.50 acre, being in the D-3 District, to the C-1 classification, **approved**.

2002-HOV-022; (subject site), Variance of development standards of the sign regulations to provide for the placement of a five-foot tall sign; **approved**.

95-UV1-52; 6345 West Thompson Road (subject site), variance of use of the Dwelling Districts Zoning Ordinance to provide for a floral shop in an existing structure and one free standing sign, **granted**.

80-Z-195; 6333 West Thompson Road (subject site), Rezoning of 0.85 acre, being in the D-3 district, to the C-1 classification, to provide for a dental office, **approved**.

ZONING HISTORY – VICINITY

2019-UV1-008; 4905 Kentucky Avenue (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an outdoor freezer (outdoor storage not permitted), and to legally establish a trash container in the front yard of Mooresville Road (not permitted), **granted**.

2014-ZON-083; 6322 West Thompson Road (northeast of site), Rezoning of 0.517 acre from the D-3 and C-4 classifications to the C-4 classification to provide for commercial development, **approved**.

2008-ZON-047; 4919 Kentucky Avenue (west of site), Rezoning of 0.65 acre, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial development, **approved**.

2002-UV1-014; 6403 West Thompson Road (west of site), Variance of use to provide for a welding facility in a 6,000-square foot commercial building, **granted**.

96-UV2-85; 4902 High School Road (east of site), Variance of use to legalize an asbestos business with the construction of a 24 by 24-foot detached storage building, **denied**.

88-Z-273; 5021 Kentucky Avenue (southwest of site), Rezoning of 1.22 acres from SU-18 to C-3, **approved**.

87-Z-51, 87-Z-50, 87-Z-44; 6316, 6310, 6312 West Thompson Road 87-Z-50, 87-Z-44; 6316, 6310, 6312 West Thompson Road (northeast of site), Rezoning from the D-3 district to the C-1 district to provide for office uses, **approved**.

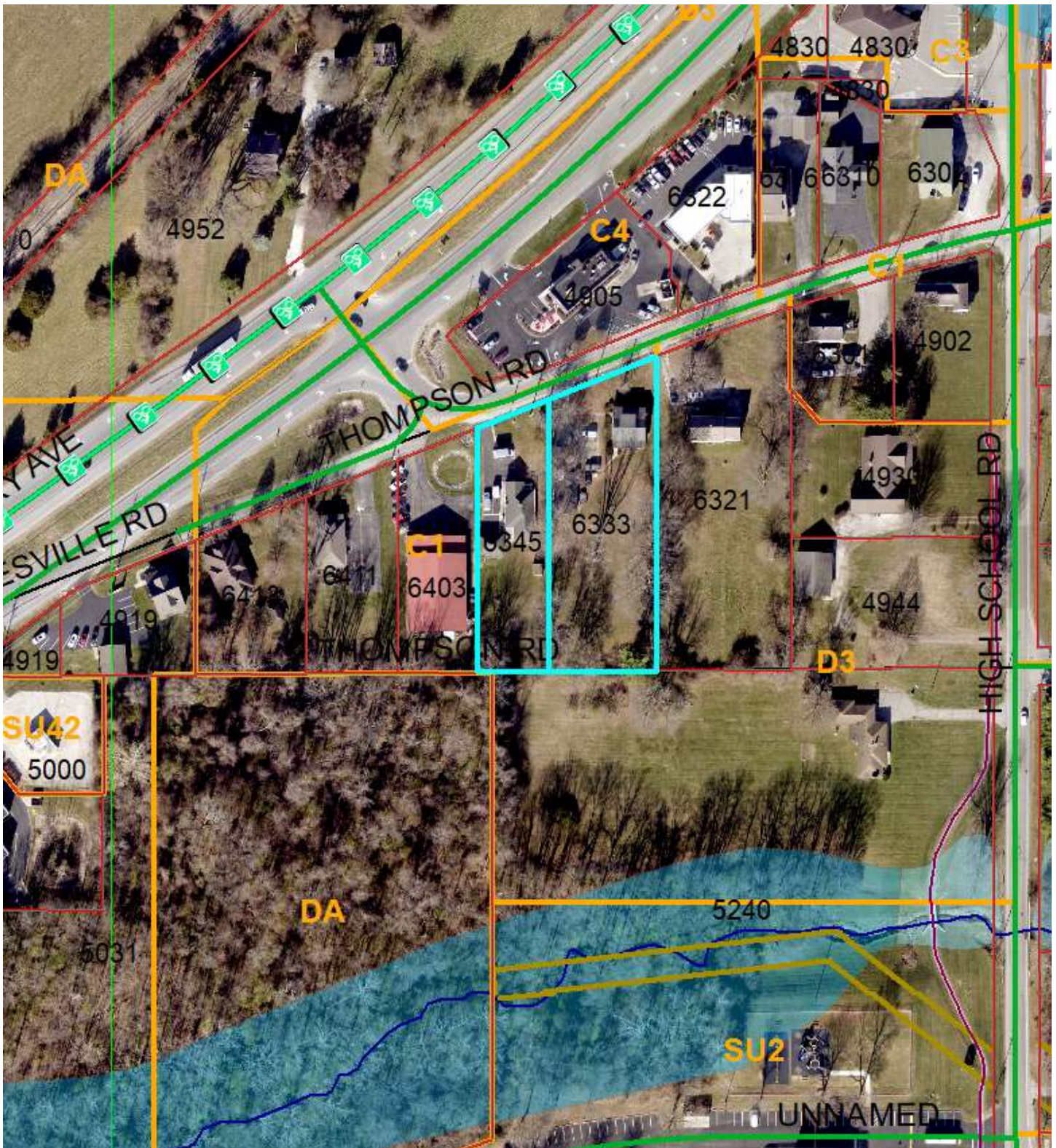
79-Z-100; 5011 Kentucky Avenue (southwest of site), Rezoning of 0.38 acre from SU-18 to SU-42 to provide for a natural gas regulating station, **approved**.

79-Z-105; 4904 South High School Road and 6301 West Thompson Road (east of site), Rezoning of 1.30 acres, being in the D-3 district, to C-4 classification, to permit office use, **approved**.

79-Z-114; 6405, 6411, and 6415 West Thompson Road (west of site), Rezoning of 1.5 acres, being in the D-3 district, to C-1 classification, to provide for buffer between residential and commercial areas, **approved**.

77-UV1-42; 6322 West Thompson Road (northeast of site), requests a variance of use to provide for a medical office, **granted**.

MI



MEMORANDUM OF EXAMINER'S DECISION

2023-CAP/CVR-856

6333 and 6345 W. Thompson Road

The petitions request a modification of commitments for 2003-ZON-119 to allow for a painting business and a truck rental business (uses currently restricted to C-1 uses with no trucks heavier than one ton and no more than one truck permitted to park overnight) and a variance of use to legally establish a painting business and truck rental business.

Your Hearing Examiner visited the site prior to the hearing and noted multiple rental trucks located on the western portion of it. While a machine shop is west of the site, most of the commercial uses in the area are neighborhood commercial uses, and residential uses are south and east of the site.

The petitioner's representative described the requests as being only for office use and parking, as has been done since 2020. According to the revised plan of operation, there are four employees, and no more than eight trucks and/or trailers would be stored on the site. The representative characterized the area as transitioning from residential to commercial. The City-County Councillor submitted a letter of support.

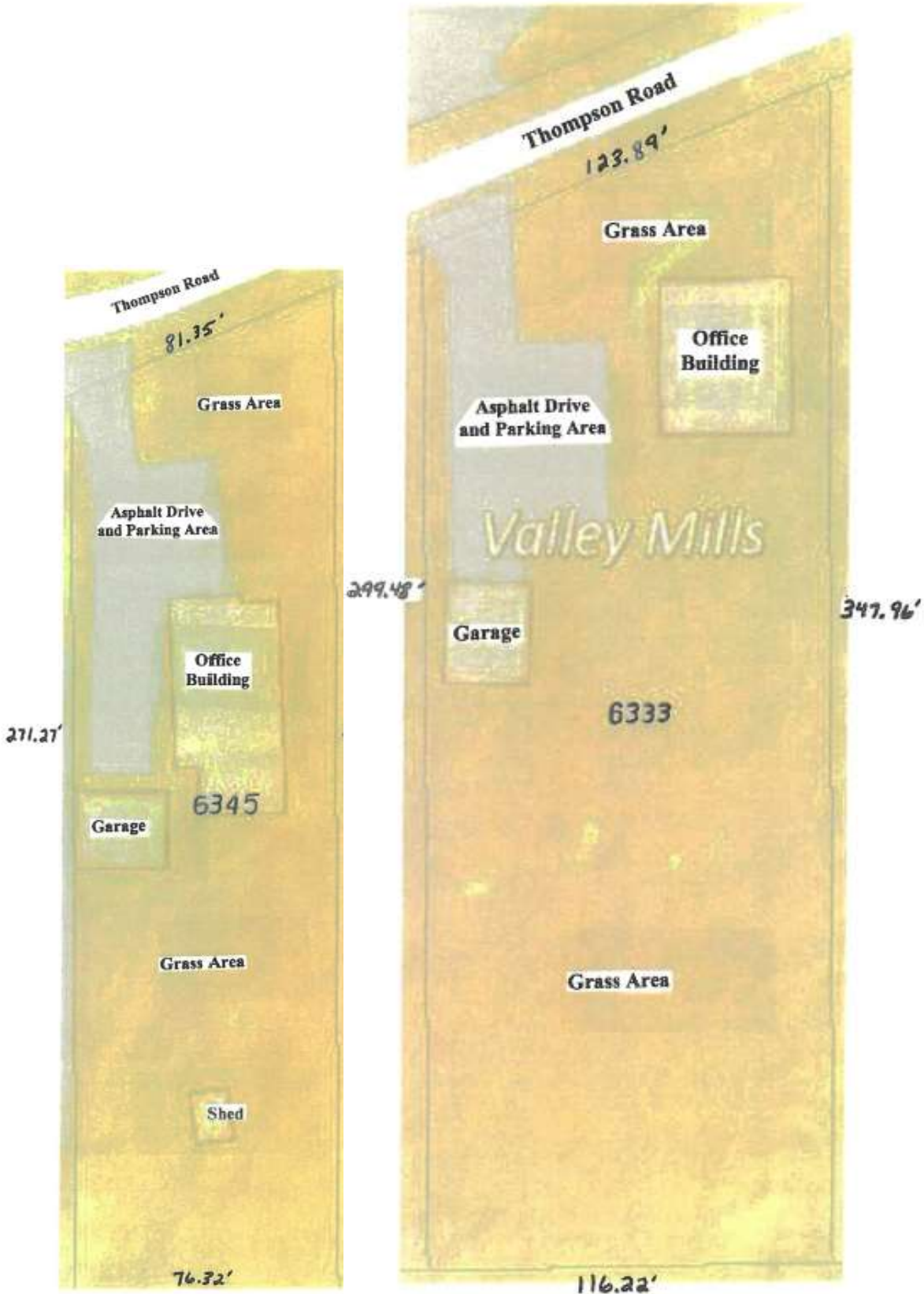
The Decatur Township Civic Council (DTCC) remonstrated. Numerous zoning violations were cited over the last several years, along with action by City Legal. DTCC opined that heavy commercial uses should have direct access to Kentucky Avenue rather than Thompson Road, and discussed the negative impact of these uses on residents in the area.

Staff stated that the current C-1 zoning district allows office use, which is an appropriate buffer between commercial uses to the west and residential uses to the east and south. Staff also stated that truck rental is considered a C-5 or C-7 use.

In your Hearing Examiner's opinion, uses permitted in the current C-1 district would be an appropriate buffer. Truck rental on the site is not compatible with residences in the area, and the proposed modification of commitments would have a negative impact on the residences. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on December 6, 2023

SITE PLAN



Scale
1 = 30

PLAN OF OPERATION

6345 West Thompson Road and 6333 West Thompson Road

The primary use of the property at 6345 West Thompson Road is, and will continue to be, the operation of a commercial and residential painting business. We currently have ten (10) employees. In order to allow for additional office space and area for both painting related vehicles and equipment and U-Haul trucks and trailers, we have leased the adjoining property at 6333 W. Thompson Road. We offer and provide painting services throughout the greater Indianapolis area. We are seeking approval to offer U-Haul trucks and trailers in order to generate additional business income to supplement our painting business. Our target customer base for U-Haul trucks and trailers is the immediate surrounding neighborhood. We are requesting approval to offer U-Haul trucks and trailers at both of these properties (6345 West Thompson Road and 6333 West Thompson Road). We will have no more than a total of eight (8) trucks and/or trailers at both of these properties.

We anticipate that no additional employees will be needed due to also being able to offer U-Haul trucks and trailers for rent at these two properties because the U-Haul truck and trailer business is only being offered on a low level that is an auxiliary use of these properties to the main use, which is our painting business. Our normal business hours are from 10:00 AM to 4:00 PM, Monday through Friday. We are closed on Saturdays and Sundays.

This is primarily a service type operation and is not a product driven business, therefore no regular shipping and receiving occurs at these properties. We obtain materials from off-site vendors on an as needed basis. Waste produced by our business is no greater than that generated by typical office operations and standard weekly trash removal is adequate to avoid the accumulation of any trash or debris at these properties. We maintain general business liability insurance on our equipment and real estate.

REVISED PLAN OF OPERATION

2023-CAP-856 and 2023-CVR-856

6345 West Thompson Road and 6333 West Thompson Road

The primary use of the property at 6345 West Thompson Road is, and will continue to be, the operation of a commercial and residential painting business. We currently have four (4) employees. In order to allow for additional office space we have leased the adjoining property at 6333 W. Thompson Road. We intend to continue to use both properties for office space related to our painting business. We offer and provide painting services throughout the greater Indianapolis area. We have agreed to discontinue offering U-Haul trucks and trailers at these properties. We will have no more than a total of four (4) business vehicles at both of these properties. These four business vehicles consist of standard pickup trucks and do not include box trucks or any type of vehicle in excess of one ton. There are seven stiped parking spaces at each of these two properties, for a total of fourteen parking spaces. We anticipate that no additional employees will be needed at this time. Our normal business hours are from 10:00 AM to 4:00 PM, Monday through Friday. We are closed on Saturdays and Sundays.

This is primarily a service type operation and is not a product driven business, therefore no regular shipping and receiving occurs at these properties. We obtain materials from off-site vendors on an as needed basis. Waste produced by our business is no greater than that generated by typical office operations and standard weekly trash removal is adequate to avoid the accumulation of any trash or debris at these properties. We maintain general business liability insurance on our equipment and real estate.

ATTACHMENT "C"

Petitioner commits to the following:

1. No trucks heavier than a one ton truck will be parked on the premises
2. No more than one truck will be parked overnight on the premises
3. The proposed wall sign will be constructed of wood or wood appearing material and of a size of four (4) feet by six (6) feet mounted on the gable of the structure and will not be internally lighted; yet a timer will permit the sign to be lighted from lights shining onto the sign except between the hours of 11pm and 6 am daily. When Temperature Control Specialists vacates the premises, all future signs will be ground signs similar to others found further east on West Thompson Road
4. The area between the existing parking area and the edge of pavement of West Thompson Road will not be expanded from the existing paved area and will be landscaped with suitable shrubbery.
5. The exterior of the existing building will not be altered and will be maintained to give a more residential appearance.
6. The one man barber shop will cease operation when the present operator (Fred Schmidt) vacates the building, and the owner (Jeff Malone) commits to only have C-1 Uses on the property thereafter

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

commercial uses are already in the area and the requested uses, an office space for a painting business and the auxiliary use of having no more than 8 U-Haul trucks and trailers on this and the adjoining property at 6333 W. Thompson Road are consistent with surrounding commercial uses.

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

any action that increases the business activity in this area will increase, not impair, the value of adjacent properties.

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

the requested uses as a office space for a painting business and the incidental use of renting U-Haul trucks and trailers are not allowed in a C-1 zoning classification without Use Variances.

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

various commercial uses are allowed at this property and this neighborhood is transitioning from residential to commercial and retail uses. The requested two uses are only allowed with Use Variances.

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

the requested uses of office space related to a painting business and rental of U-Haul trucks and trailers is allowed in a C-1 zoning classification upon the granting of Use Variances for these two specific uses.



Photo looking south across Thompson Road at 6345 West Thompson Road.



Photo looking south across Thompson Road at 6333 West Thompson Road.



Photo looking south across Thompson Road to subject site and adjacent single-family dwelling east



Photo of the western office façade.



Photo of the existing garage on site.



Photo of the outdoor storage of commercial vehicles on site.



Photo looking west towards the adjacent property.



Photo of the property at 6345 West Thompson Road looking north.



Photo of the property at 6333 West Thompson Road looking north.



Photo of the commercial property west of the site.



Photo looking north across Thompson Road at the commercial property.



METROPOLITAN DEVELOPMENT COMMISSION **January 17, 2024**

Case Number: 2023-PLT-101

Property Address: 4005 North Franklin Road (Approximate Address)

Location: Lawrence Township, Council District #9

Petitioner: Mt. Paran Baptist Church, by Michael J. Smith

Zoning: D-P

Request: Approval of a Subdivision Plat to be known as Mt. Paran Hope Subdivision, dividing 19.464 acres into two lots.

Waiver Requested: None

Current Land Use: Religious Use

Staff Reviewer: Linda Ahlbrand, Principal Planner II

PETITION HISTORY

This petition was transferred by the Plat Committee to Metropolitan Development Commission due to a lack of quorum available to vote on the petition. Staff continues to recommend approval.

ADDENDUM FOR JANUARY 17, 2024; Metropolitan Development Commission

RECOMMENDED MOTION: The MDC approves and finds that the plat, file-dated December 1, 2023 complies with the standards of the subdivision regulations, subject to the ten conditions outlined in the staff report.

STAFF RECOMMENDATION for Plat Committee on January 10, 2024

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated December 1, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, 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.



Department of Metropolitan Development
Division of Planning
Current Planning

- 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 be met prior to recording the final plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

This site is zoned D-P and developed with a church. The site was rezoned in 2020 (2020-ZON-068) to allow for a church campus with single and multi-family residential uses. The proposed plat would subdivide the property into two lots. Lot One would be 9.464 acres, would be located along Franklin Road, and be the site of the main church buildings. Lot Two would be 10 acres, would be located to the south and east of Lot One, and be the site of the proposed residential buildings. The proposed plat meets the standards of the D-P zoning classification and the subdivision regulations.

STREETS

Lot One would front on Franklin Road. Lot Two would access Franklin Road through Lot One. An existing access easement runs along the north property line. No new streets are proposed as part of this petition.

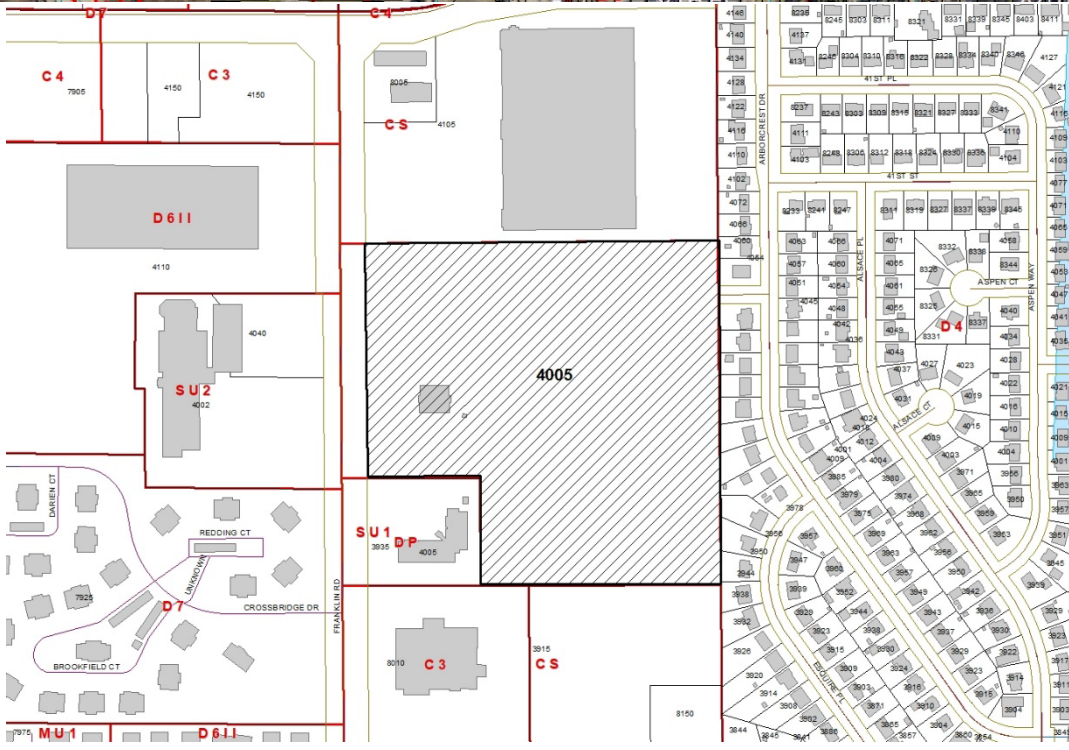
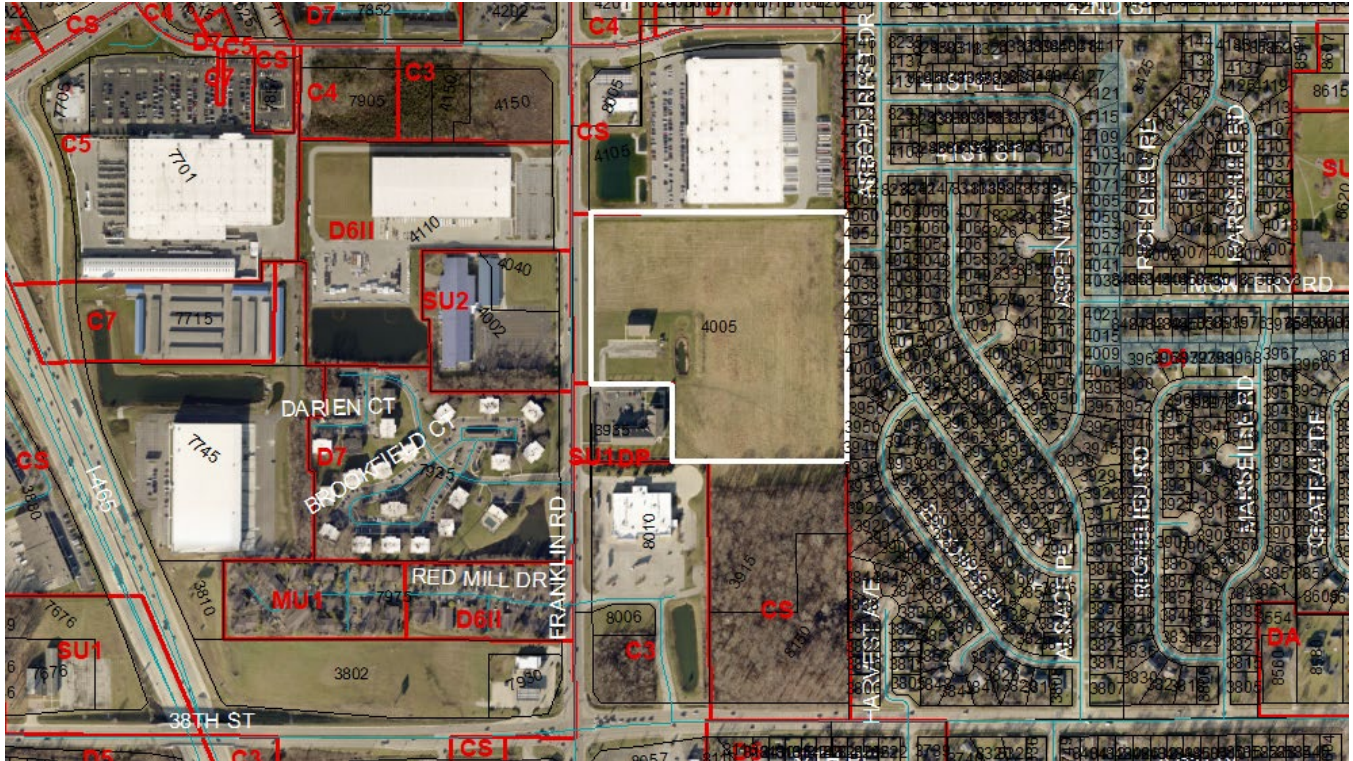
SIDEWALKS

Sidewalks are existing along Franklin Road.

GENERAL INFORMATION

Existing Zoning	D-P	
Existing Land Use	Church	
Comprehensive Plan	Special Use	
Surrounding Context	Zoning	Land Use
	North:	C-S Industrial
	South:	SU-1 / C-S Church / Undeveloped
	East:	D-4 Single-family residential
West:	SU-2 / D-5II School / Industrial	
Thoroughfare Plan		
Franklin Road	Primary Arterial	112 feet existing and 119 feet proposed
Petition Submittal Date	January 30, 2023	

EXHIBITS



PHOTOS



Figure 1 - Proposed Lot Two looking southeast



Figure 2 - Proposed Lot One Looking south

STAFF REPORT

Item 15.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-121
Address: 1007, 1008, 1010, 1011, 1015 & 1027 East Georgia Street and 1018, 1022 & 1030 Bates Street (*Approximate Address*)
Location: Center Township, Council District #16 (#18 Beginning 2024)
Petitioner: RHC Shelby Street, LLC, by Brian J. Tuohy
Request: Rezoning of 1.16 acres from the I-4 (TOD) District to the C-S (TOD) District to provide for a housing hub for those experiencing homelessness including associated supportive services.

RECOMMENDATIONS

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

1. A 39-foot half right-of-way shall be dedicated along the frontage of Shelby Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. 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.
3. Final site plan, landscape plan, building elevations and lighting plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) that addresses items identified below and includes, but not limited to, clear sight triangles, green space, landscaping, building architecture, connectivity, and signage.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 1.16-acre site, zoned I-4 (TOD), is comprised of 10 parcels, one of which is developed with an industrial building (vacant) and a small associated parking lot. It is surrounded by industrial uses to the north, zoned I-2 (TOD); vacant land and railroad right-of-way to the south across Bates Street, zoned I-4 (TOD); industrial uses to the east, across Shelby Street, zoned I-3 (TOD) and I-4 (TOD); and single-family dwellings to the west, zoned D-8 (TOD).

(Continued)

- ◇ Beginning in 1996 through 2006 petitions requested a variance of use of the Industrial Zoning District to provide for continued lawn mower sales and repair and used carpet sales.

REZONING

- ◇ This request would rezone the site from the I-4 (TOD) District to the C-S (TOD) classification. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends light industrial typology. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Light Industrial Uses

- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed onto an arterial street.
- **Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.**

Heavy Commercial Uses

- **Removed as a recommended land use where they would be adjacent to a living typology.**

(Continued)

Small-Scale Offices, Retailing, and Personal or Professional Services

- Should be subordinate to and serving the primary uses of production, warehousing, and offices.
- Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
- Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

Wind or Solar Farms

- ◇ The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within two Transit-Oriented Development overlays (Red Line TOD and Blue Line TOD).

Modified Uses

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

Light Industrial Uses

- Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.

Removed Uses

- Heavy Commercial Uses
- Wind or Solar Farms

Overlays

- ◇ This site is also located within two overlays, specifically the Industrial Reserve (IR) overlay and 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.”

(Continued)

- ◇ The Industrial Reserve (IR) is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

Added Uses

No uses are added.

Modified Uses

No uses are modified.

Removed Uses

Small-Scale Offices, Retailing, and Personal or Professional Services
Heavy Commercial Uses

- ◇ 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, in fact, lies within two TOD overlays, including the Red Line and the Blue Line, identified with a District Center typology, as well as the Central Business District typology.
- ◇ Red Line - This site is located within a ½ mile walk of the Fletcher Place transit stop located at the intersection of Virginia Street and Merrill Street with a District Center typology.
- ◇ Blue Line – This site is located within a ¼ mile walk of the proposed transit station located at the intersection of U.S. 40 (Washington Street) and Southeastern Avenue / Shelby Street with a Central Business District 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
- ◇ Characteristics of the Central Business Center typology are:
 - The densest core of the city with the tallest buildings
 - Mix of office, entertainment, civic retail, active public place and residential
 - Minimum of 5 stories throughout with no front or side setbacks
 - Structure parking only with active first floor

(Continued)

Environmental Public Nuisances

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

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along Shelby Street (primary arterial). This dedication would also be consistent with the Marion County Thoroughfare Plan.

C-S Statement

- ◇ The C-S Statement, file-dated December 14, 2023, states that the site would be developed as a housing hub with approximately 50 apartment units for those experiencing homelessness, including both individuals and families. The living units would be comprised of efficiencies, one- and two bedrooms.

(Continued)

- ◇ Executive and staff offices would be included in the development. Available services would include case management, food pantry, commercial kitchen / cafeteria, medical clinic / healthcare coordination and shower / restroom facilities.
- ◇ The proposed development would also function as an emergency shelter for individuals and families with no defined length of stay.
- ◇ Pets would be permitted, and outdoor seating / gathering spaces would be available.

Site Plan

- ◇ The site plan, file-dated December 14, 2023, is conceptual that provides for one two-story building on the northern triangular configuration parcel, a larger two- to four-story building on the central portion of the site comprised of five parcels and a parking lot on the southern portion of the site providing approximately 23 parking spaces.
- ◇ Proposed total building area would be approximately 90,000 and approximately 38 total parking spaces.
- ◇ Because of the proposed C-S rezoning, Administrator Approval would be required for the site plan, landscape plan, building elevations, signage, and lighting (photometric) plan.
- ◇ Review of the finalized plans would include, but not limited to, consideration of the following items and / or features: minimum or preferably lack of encroachment of the overall development into the clear sight triangles; architectural design that is compatible and well-integrated with the surrounding land uses; strong pedestrian connectivity throughout the development and public streets; appropriate green / open space to serve all ages of the residents / clients; landscaping that meets or exceeds Ordinance requirements; and project signage that complies with the Sign Regulations.

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of light industrial typology or the industrial reserve overlay, but The Pattern Book guidelines recommend that light industrial uses be removed as a land use adjacent to living typologies.
- ◇ This site also lies within two TOD overlays (Red Line and Blue Line) with District Center and Central Business District typologies, both of which recommend mixed-use, including residential uses, with a minimum building height of three to five stories,
- ◇ For approximately ten years living typologies have been introduced to this area by rezonings to the D-8 district between the railroad right-of-way to the west and Shelby Street to the east. It should also be noted that historically, this area was developed residentially.

(Continued)

◇ For all these reasons, staff supports and believes this request would generally be compatible with the adopted land use plans and the current ongoing redevelopment of this area. The surrounding land uses would not be negatively impacted with the required Administrator Approval that would address those items listed above.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-4 (TOD) Vacant land

SURROUNDING ZONING AND LAND USE

North -	I-4 (TOD)	Industrial uses
South -	I-4 (TOD)	Vacant land / Railroad right-of-way
East -	I-3 (TOD)	Industrial uses
West -	D-8 (TOD)	Single-family dwellings

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends light industrial typology.
Marion County Land Use Pattern Book (2019).
The Blue Line Transit-Oriented Development Strategic Plan (2018).
The Red Line Transit-Oriented Development Strategic Plan (2021).

THOROUGHFARE PLAN

This portion of East Georgia Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 54-foot right-of-way and a proposed 48-foot right-of-way.
This portion of Shelby Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 68-foot right-of-way and a proposed 78-foot right-of-way.
This portion of Bates Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 60-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 is located within an Industrial Reserve overlay and two Transit Oriented Development (TOD) overlays.

C-S STATEMENT

File-dated December 14, 2023

CONCEPTUAL SITE PLAN

File-dated December 14, 2023

(Continued)

ZONING HISTORY

2006-UV2-018; 1007, 1011, and 1015 East Georgia Street (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for continued lawn mower sales and repair (not permitted), and used carpet sales (not permitted), as permitted temporarily by petition 2001-UV1-016 until May 1, 2006, **granted**.

2001-UV1-016; 1007-1015 East Georgia Street (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, and carpet sales in I-4-U, as previously approved by 96-UV3-43, **granted (temporary for five years, exclusive to petitioner)**.

96-UV3-43; 1007-1015 East Georgia Street (east of site), requested a variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, carpet sales, and light mechanical automobile repair in I-4-U, **granted (temporary for five years, exclusive to petitioner)**.

VICINITY

2019-CZN-839 / 2019CVR-839; 960, 1002, 1006, 1010 and 1014 Bates Street and 1001 East Georgia Street (west of site), requested rezoning of 0.73 acre from the I-4 district to the D-8 district and variances or development standards to legally establish and provide for three single-family dwellings and detached garages with reduced side setbacks and separation between dwellings, **approved and granted**.

2013-CZN-835 / 2013-CVR-835; 939, 943, 947, 954, 958 and 964 East Georgia Street (west of site), requested rezoning of 0.50 acre from the I-4U district to the D-8 classification to provide for single-family development and variances of development standards to legally establish reduced setbacks and open space and provide for detached garages with reduced setbacks, **approved and granted**.

2008-SE2-004; 229 South Shelby Street (east of site), requested a Special Exception of the Industrial Zoning Ordinance to provide for the operation of a motor vehicle salvage operation, in I-4-U, **withdrawn**.

2003-UV2-043; 1127 Bates Street (east of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for the continued operation of a motor vehicle salvage business, with a zero-foot west side setback, in I-4-U, **granted (later dismissed because conditions were not met)**.

99-Z-186; 1133 East Georgia Street (east of site), requested a rezoning of 1.597 acres from SU-9 to I-3-U to provide for medium intensity urban industrial development, **approved**.

99-UV1-48; 1101-1129 East Georgia Street (east of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center with a parking area within the required front yards of Georgia and Shelby Street, with off-street loading utilizing an adjacent alley for vehicle maneuvering and loading, **granted**.

(Continued)

99-UV1-19; 1129-1225 East Georgia Street (east of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center, with parking within the required front yards along Georgia and Leota Streets, **granted**.

97-UV2-36, 1002 Bates Street (west of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for construction of a 22 by 24-foot detached garage for an existing single-family dwelling, with reduced setbacks, **denied**.

95-UV3-78; 1135 East Bates Street (east of site), requested a variance to provide for an auto-salvage business, in I-4-U, **granted for two years**.

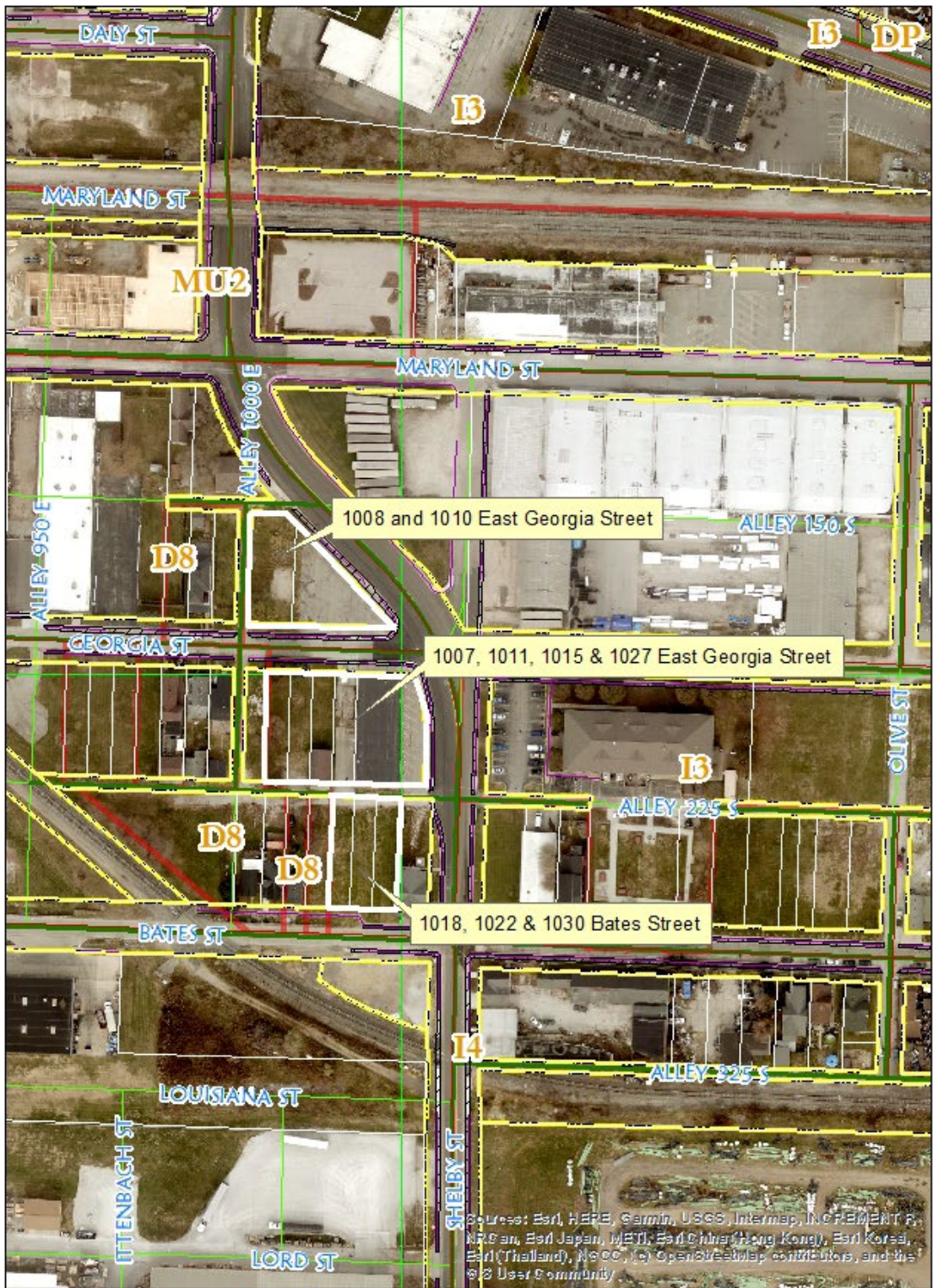
94-Z-116; 1129-1225 East Georgia Street (east of site), requested a rezoning of 2.66 acres, being in the SU-9 District, to the I-3-U classification, **approved**.

94-VAC-25; 1101 East Georgia Street (east of site), requested a vacation of 11.45 feet in width from the south right-of-way line of Georgia Street, from Shelby to Leota Streets, a portion of the alley south of Georgia Street, and a portion of Olive Street, **approved**

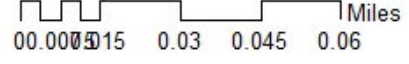
93-UV3-51; 1135 East Bates Street (east of site), requested a variance to provide for an auto-salvage business, in I-4-U, **granted for one year**.

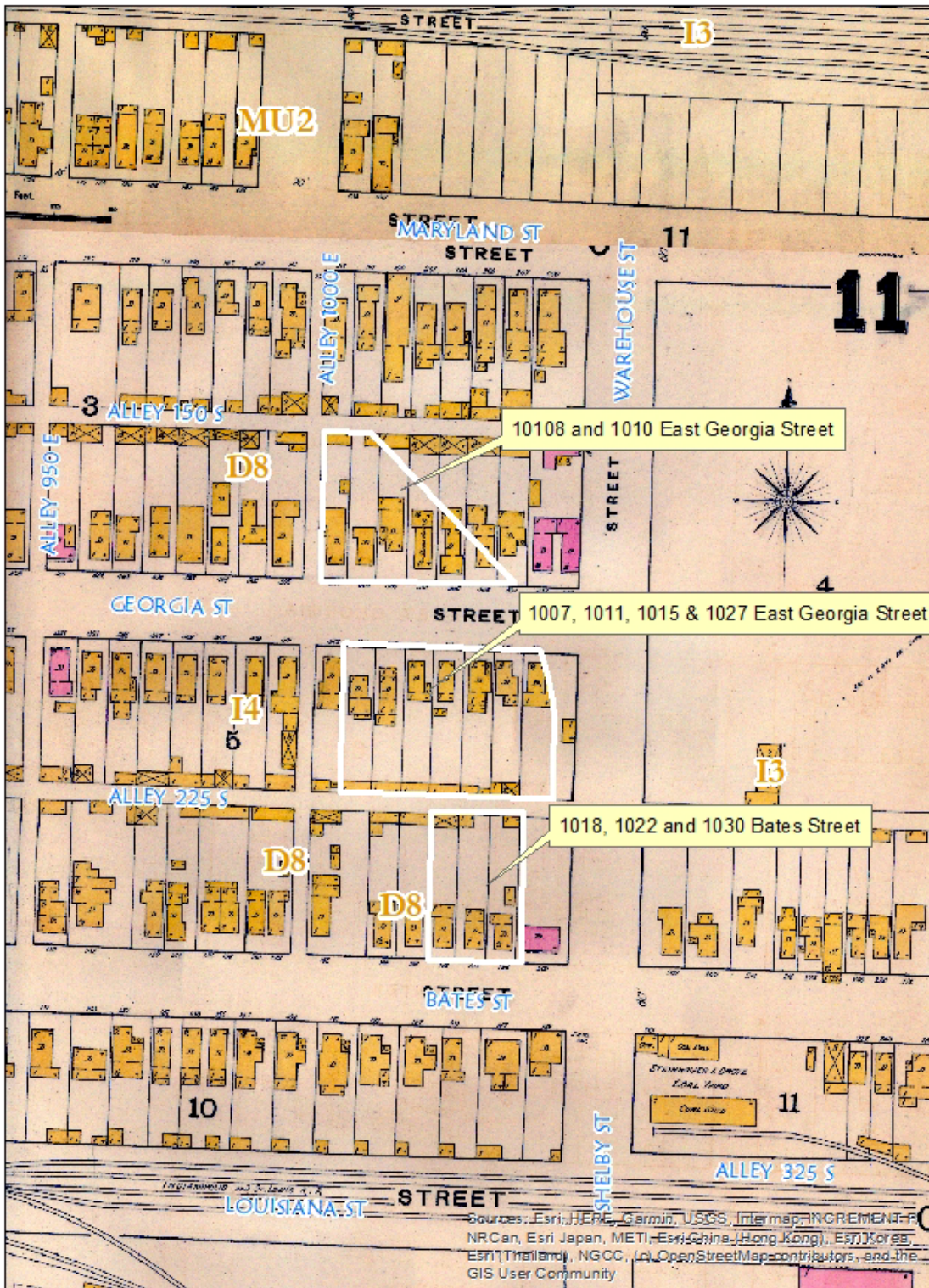
90-Z-197; 1129-1225 East Georgia Street (east of site), requested a rezoning of 2.66 acres, being in the I-4-U District, to the SU-9 classification, **approved**.

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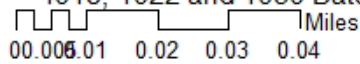


1007, 1008, 1010, 1011, 1015 & 1027 East Georgia Street
1018, 1022 and 1030 Bates Street





1007, 1008, 1010, 1011, 1015 & 1027 East Georgia Street
 1018, 1022 and 1030 Bates Street



C-S Statement

1007, 1008 1010, 1011, 1015, 1019 (aka 1027), 1027 E Georgia St
& 1018, 1022, 1030 (aka 1026) Bates St (the "Site")

Petitioner respectfully requests that the Site be rezoned to the C-S district to develop a housing hub for those experiencing homelessness, which will include but not be limited to the following uses:

Day Services Center

- Executive and Staff Offices
- Case Management and Services
- Access to shower, restroom, mail, cafeteria, vital documents and food pantry
- Commercial kitchen and accompanying cafeteria

Master Leased Apartments

- Approximately 50 interim apartment units
- Efficiencies, 1 and 2 Bedroom
- Some tenants may remain long-term
- May be converted to permanent supportive housing in future

Emergency Shelter

- Individual and family "pods" (private cubicle with a door and bed(s))
- Single occupancy restroom/shower facilities
- No defined length of stay

Health Center

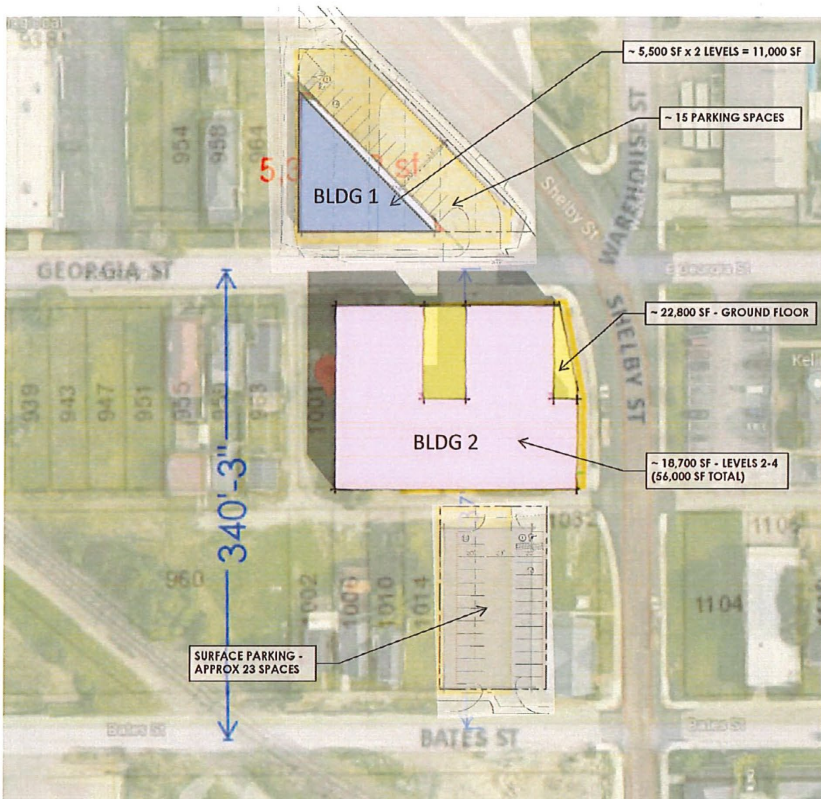
- Medical clinic – may be a Federally Qualified Health Clinic (FQHC)
- Access to wound care, medical respite
- Healthcare coordination

Incidental Uses

- Pets may be allowed
- Some outdoor seating/gathering space may be provided
- Parking
- Loading area for deliveries, maintenance, donations, kitchen

Attached as Exhibit A is a proposed preliminary Conceptual Site Plan, which approximately depicts the improvements on the Site proposed by Petitioner ("Conceptual Site Plan"). Prior to development of the Site, a final site plan depicting the size and location of improvements, landscaping, signage, parking and access to/from the Site shall be submitted for Administrator's approval, which shall not be unreasonably withheld.

Exhibit A



PROPOSED TOTAL BUILDING AREA:
APPROX. 90,000 GSF

PARKING TOTAL: ~38 SPACES



Preliminary Conceptual Site Plan
HOUSING HUB INDIANAPOLIS, IN





View from northern portion of site looking north along Shelby Street



View from northern portion of site looking southeast across intersection of Shelby Street and East Georgia Street



View looking east along East Georgia Street



View looking west along East 19th Street



View of central portion of site (large building) looking south across East Georgia Street



View of central portion of site looking southwest across East Georgia Street



View from site looking west



View looking north along Shelby Street from central portion of site



View from site looking east across Shelby Street



View looking west along Bates Street



View of southern portion of site (proposed parking lot) looking north across Bates Street



View of southern portion of site (proposed parking lot) looking northeast across Bates Street



View of southern portion of site (proposed parking lot) looking northwest across Bates Street



View looking east along Bates Street



View of central portion of site looking west across the intersection of Shelby Street and East Georgia Street



View of central portion of site looking southwest across the intersection of Shelby Street and East Georgia Street