



Metropolitan Development Commission (April 5, 2023) Meeting Notice

Meeting Details

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

Date: Wednesday, April 05, 2023

Time: 1:00 PM

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

Business:

Adoption of Meeting Minutes:

Policy Resolutions:

REAL ESTATE:

1. 2023-R-010

Metropolitan Development Commission authorizes DMD to pay an amount not to exceed eleven thousand seven hundred dollars (\$11,700) to fund engineering assessment services for the former John Marshall High School and to secure such services under an existing City on-call contract.

2. 2023-R-009

Authorizes DMD to transfer the property at 2434 Winthrop Ave. with a plan to develop new owner-occupied majority affordable residential housing on the property.

ECONOMIC DEVELOPMENT / INCENTIVES:

3. 2023-A-015

Preliminary Economic Revitalization Area Resolution for The Meritex Company and Meritex Decatur, LLC located at 4925 Decatur Boulevard a/k/a 7000 West Thompson Road, Council District #22, Decatur Township. (Recommend approval of up to seven (7) years real property tax abatement.)

COMMUNITY INVESTMENTS:

4. 2023-C-002 Mt. Carmel Amendment

Metropolitan Development Commission authorizes DMD to amend the contract for community engagement in conjunction with the Towne & Terrace project.

Zoning Petitions:

Special Requests

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

5. 2022-MOD-021 | 3125 North German Church Road

Warren Township, Council District #14, Zoned D-5II
Davis Building Group, LLC, by Elizabeth Bentz Williams

Modification of Commitments related to 2021-ZON-046 to modify Commitment #15 to allow the HOA governing documents to permit rented or leased dwellings (previous commitment required dwellings to be owner-occupied for a period of one year before they could be rented or leased) and to remove the requirement for trash receptacle enclosure provisions in the HOA governing documents.

6. 2023-MOD-002 | 2060 Yandes Street

Center Township, Council District #17, Zoned D-P
Onyx + East, LLC, by Michael Rabinowitch

Modification of the Development Statement related to 2021-ZON-104, to allow for residential housing with a property management firm responsible for exterior maintenance (previous Development Statement required home ownership with maintenance provided by a Home Owner's Association).

7. 2023-MOD-004 | 10447 Leeward Boulevard

Lawrence Township, Council District #4, Zoned D-P
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).

8. 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.

9. 2023-ZON-003 | 758 North Concord Street

Wayne Township, Council District #11
Jackson Hauersperger, by Epifanio Carbajal

Rezoning of 0.21 acre from the I-2 district to the D-5 district to provide for residential uses.

10. 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.

11. 2022-CZN-871 | 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.

12. 2023-CZN-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.

13. 2023-CZN-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.

PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):

14. 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

PETITIONS FOR PUBLIC HEARING:

15. 2023-MOD-001 | 6340 Rockville Road

Wayne Township, Council District #15, Zoned C-4

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.

16. 2023-CVR-800B | 834 East 64th Street

Washington Township, CD#2, Zoned MU-1 (FF) (TOD)

834 64th Street, LLC, by Joseph D. Calderon

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish parking located zero feet from Ferguson Street (25-foot setback required), in front of the front building line (not permitted); a 32-foot-wide driveway along Ferguson Street (maximum 24 feet permitted), and with parking in the right-of-way of Ferguson Street (not permitted).

17. 2023-DV2-001 (Amended) | 801 Shelby Street

Center Township, Council District #17

RCA Properties LLC, by Paul J. Lambie

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure with eight parking spaces (29 parking spaces required with reductions; required number of parking spaces required after change of use), and zero ADA parking spaces (two required).

Additional Business:

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

Redevelopment-10101 E. 38th Street
 John Marshall- engineering assessment
 Wiss, Janney, Elstner Associates, Inc. (WJE)

**METROPOLITAN DEVELOPMENT COMMISSION
 OF
 MARION COUNTY, INDIANA
 Resolution No. 2023-R-010**

WHEREAS, the Department of Metropolitan Development, ("DMD"), by authority of and pursuant to I.C. 36-7-15.1, is engaging in redevelopment activities within Marion County("Project Area");

WHEREAS, to inform redevelopment of the Project Area, the DMD requires engineering services for property condition assessment of the former John Marshall High School ("Services"); and

WHEREAS, the Department of Business and Neighborhood Services ("BNS") has an on-call contract in place for such Services (#19553- Wiss, Janney, Elstner Associates, Inc. (WJE)) which is available to other City agencies; and

WHEREAS, the DMD seeks authorization to utilize this existing on-call contract to secure necessary Services for an amount not-to-exceed **\$11,700**.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission hereby authorizes the DMD to contract for Services under BNS's available on-call contract for an amount not to exceed **\$11,700**.
2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the Commission so as 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.

Approved as to Adequacy & Legal Form

Sheila Kinney sek

Sheila Kinney, Asst. Corp Counsel

Date: March 16, 2023

Metropolitan Development Commission

John J. Dillon III, President

Date: _____

Real Estate-Colonial Bakery Project
2434 Winthrop Ave.
Brownfield Redevelopment Program

**METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2023-R-009**

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

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

WHEREAS, DMD acquired nine (9) parcels of real property in Marion County, Indiana, located at and near **2434 Winthrop Ave**, now consolidated into a single parcel at that address as **parcel #1058732** and commonly known the former Colonial Bakery site ("Property"); and

WHEREAS, in accordance with IC 36-7-15.1-15, the Commission publicly offered the Property for sale for redevelopment by a Request for Proposals-**RFP-13DMD-2022-3**, dated 1/20/2022 ("RFP") with bidder responses due on 2/17/2022 and offers to be opened on 3/2/2022 and one offer was received from the Indianapolis Neighborhood Housing Partnership, Inc. for development by Indianapolis Neighborhood Housing Partnership, Inc. or one of its affiliates (collectively, "**INHP**"); and

WHEREAS, subsequent to the RFP, the MDC approved a loan to INHP (Resolution No. 2022-R-042) in support of design work for the INHP's proposed development; and

WHEREAS, following consideration by the RFP review committee, the DMD desires to accept the proposal from INHP in partnership with the Martindale-Brightwood Community Development Corporation ("**MBCDC**") to acquire the Property with a development plan to construct new majority affordable owner-occupied residential housing on the Property, ("**Project**") with a minimum Eight Million Dollar (\$8,000,000.00) investment in the development; and

WHEREAS, in accordance with IC 36-7-15.1-15.1, MDC may sell or grant title to real property at no cost to a nonprofit or neighborhood development corporation that agrees to cause development that will serve or benefit low or moderate income families on the property within a specified period and meets certain additional criteria set forth therein (a "Qualifying Corporation"); and

WHEREAS, the MBCDC is such a Qualifying Corporation; and

WHEREAS, DMD desires to convey title to the Property to MBCDC at no cost and for the purpose of redevelopment in partnership with INHP subject to compliance with the terms of a project development agreement to be made between DMD and MBCDC for the purpose of providing development on the Property that will benefit or serve low or moderate income families.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. MDC authorizes DMD to convey the Property at no cost to MBCDC to facilitate funding for the affordable housing Project, as described above, and to enter into a related project development agreement and to carry out all real estate processes and transactions necessary to accomplish the Project in accordance with all laws for the purpose of providing beneficial redevelopment.
2. The DMD Director or designee is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate, including without limitation, commitments to be made by MBCDC and any approved assignee consistent with Indiana Code 36-7-15.1-15.1 and the Revised Code of the Consolidated City and County, 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: March 21, 2023

Metropolitan Development Commission

John J. Dillon III, President

Date: _____

**METROPOLITAN DEVELOPMENT COMMISSION OF
MARION COUNTY, INDIANA
PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION**

Resolution No. 2023-A-015

REAL PROPERTY TAX ABATEMENT

**The Meritex Company and Meritex Decatur, LLC
4925 Decatur Boulevard a/k/a 7000 West Thompson Road**

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

1. The Subject Real Estate is preliminarily designated as an Economic Revitalization Area for an abatement period of up to seven (7) years with a proposed abatement schedule as shown on the attachment to this Preliminary Resolution. Final designation as an Economic Revitalization Area does not occur unless a resolution confirming this Preliminary Resolution is adopted in accordance with the governing statute.
2. Designation as an Economic Revitalization Area allows abatement of property taxes, for the period indicated, only relative to the Project and **the effectiveness of the designation can be terminated by action of the Commission if:**
 - A. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in a final resolution as supplemented by information in the application, site plans, and elevations; or
 - B. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.
3. In the event the investment period, as identified on the Statement of Benefits form, covers more than one assessment cycle, it is the intention of the Commission that Marion County Auditor shall treat each year of partial assessment as the first year of the abatement deduction schedule outlined in this abatement resolution. Each new increment of assessment that occurs during the approved investment period will trigger its own deduction schedule, ensuring that the Applicant is eligible to receive the full, intended abatement savings associated with its forecasted investment, provided that the Applicant timely files with Marion County a separate deduction application (State Forms CF-1 and 322/RE) for each new increment of assessment for which it seeks an abatement deduction.
4. The Economic Revitalization Area designation terminates two (2) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the two (2) year period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive an abatement of property taxes to a period of not less than five (5) and up to seven (7) years.
5. This Economic Revitalization Area designation is limited to allowing the abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5.** Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment in the ERA, to those respective tax savings attributable to the development of a building of up to approximately 81,000 square feet in total area.
6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment

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

7. The Commission fixes 1:00 p.m. on Wednesday, May 17, 2023, in the Public Assembly Room of the City-County Building for the public hearing of remonstrances and objections from persons interested in the Project and directs the publication of notice of public hearing in accordance with the governing statute. At this hearing, the Commission will take action relative to this Preliminary Resolution and determine whether the Subject Real Estate should be designated as an Economic Revitalization Area, fix the length of the abatement period at up to seven (7) years and establish an abatement schedule.
8. A copy of this Resolution shall be filed with the Marion County Assessor.

METROPOLITAN DEVELOPMENT COMMISSION

John J. Dillon III, President

Bruce Schumacher, Vice Secretary

Date

Approved as to Legal Form
and Adequacy this 29th day
of March, 2023

_____/s/Toae Kim_____
Toae Kim,
Deputy Chief Counsel

ATTACHMENT TO
METROPOLITAN DEVELOPMENT COMMISSION RESOLUTION
REAL PROPERTY TAX ABATEMENT

FACTUAL INFORMATION

Applicant: Meritex Decatur, LLC

Subject Real Estate: 4925 Decatur Boulevard

Decatur Township Parcel Number: 2013233

PROJECT DESCRIPTION

The Meritix Company, founded in 1916 in Minneapolis, Minnesota, is a private, family-owned light industrial real estate development and investment company, with investments in 10 major metropolitan areas across the United States. Meritex Decatur, LLC is a single-purpose entity created by Meritex to construct, own and manage a proposed 80,219-square foot light industrial/flex facility at 4925 Decatur Boulevard, an undeveloped, 6.88-acre parcel in the Ameriplex industrial park. Meritex has committed to invest \$9,642,706 to construct the proposed industrial building.

As part of the development agreement, Meritex has committed to create not less than 16 new full-time positions at a minimum wage of \$18.00 per hour. Meritex has also agreed to target identified Opportunity Industries as tenants for the project. Opportunity Industries are defined as those business sector that provide opportunities for worker advancement without requiring a bachelor's degree. For each building, if the effort to attract an Opportunity Industry tenant is success, two additional years of real property tax abatement would be authorized.

FACTUAL ASSERTIONS

1. The Subject Real Estate:
 - A. ☐ Is in a planned area which has a tax abatement policy as a part of its plan, or
 - B. ☐ is in a planned area which has a tax abatement policy as part of its plan, but such plan does not contain a recommendation for Economic Revitalization Area designation and the recommended length of abatement, or
 - C. ☒ is not located in a planned area with a tax abatement policy.
2. ☒ The Subject Real Estate and the surrounding area are undesirable for normal development.

3. The project is allowed by zoning restrictions applicable to the subject real estate, or the necessary variance, rezoning or approval petitions are on file at the time of this application, and have final approval prior to a final hearing on this resolution.
 - A. ☒ Current zoning allows project.
 - B. ☐ Appropriate petition is on file.
 - C. ☐ Final approval for variance, rezoning or approval petition has been granted.
4. A. ☒ The application for Economic Revitalization Area designation was filed before a building permit was obtained or construction work was initiated on the property, or
 - B. ☐ substantial evidence has been provided supporting that work was started under the following appropriate exception:
5. A. ☒ The subject real estate is governed by Metropolitan Development Commission Resolution No. 01-A-041, 2001 Real Property Tax Abatement Policy for Commercial Projects, which allows up to ten years of abatement for qualifying development, or
 - B. ☐ The project is eligible to receive ten (10) years tax abatement due to the following recognized exceptional circumstances which justify the longer deduction period:
6. The Subject Real Estate is:
 - A. ☐ Located outside of a previously established allocation area as defined in I.C. 36-7-15.1-26, or
 - B. ☒ Located in an allocation area, but has been determined by the Commission to be acceptable for real property tax abatement.

**PROPOSED ABATEMENT SCHEDULE
MERITEX DECATUR, LLC
REAL PROPERTY TAX ABATEMENT**

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

**PROPOSED ABATEMENT SCHEDULE
MERITEX DECATUR, LLC
REAL PROPERTY OPPORTUNITY BUSINESS EXTENDED TAX ABATEMENT
*(Must be invoked by third year of deduction)***

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

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is located within the Ameriplex industrial park, just south of I-70 and the Indianapolis International Airport.

Current Zoning: C-S

New Jobs Created: 16

Jobs Retained: None.

Estimated Cost of proposed project: \$9,642,706.00

STAFF ANALYSIS

The Meritex Company, through its single-purpose entity, Meritex Decatur, LLC, has proposed to invest \$9,642,706 to develop an approximately 80,219-square foot building for lease to industrial users. Based on the proposed building configuration and size, Meritex anticipates that the building will be occupied by up to four industrial tenants. The addition of such a facility will provide opportunities for smaller regional firms to relocate to, and expand within, Marion County.

Meritex has committed to a minimum of 16 net new jobs in the industrial building, at a minimum wage of \$18.00/hr. Petitioner has agreed to target “Opportunity Industries” as tenants for the project. Opportunity Industries are defined as those business sectors that provide for worker advancement without requiring a bachelor’s degree. If an Opportunity Industry tenant or tenants are secured, two additional years of real property tax abatement would be authorized.

The petitioner’s Inclusivity Plan will dedicate five percent of the estimated abatement value toward eliminating barriers to job access. The Plan includes infrastructure improvements to the general area of the Project Site, which will primarily consist of new public sidewalks on Decatur Boulevard, southwest of the Subject Site. These new sidewalks will facilitate transit use within the industrial park by completing missing sidewalk segments enroute to IndyGo transit service.

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

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

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

TOTALITY OF BENEFITS

PETITIONER:

Meritex Decatur, LLC

INVESTMENT:

Staff estimates that the proposed investment of \$9,642,706.00 should result in an increase to the tax base of approximately \$7,232,029.50 of assessed value. Staff estimates that over the initial five (5) year real property tax abatement period the petitioner will realize savings of approximately \$672,127.92 (a 56.5% savings). During the abatement period, the petitioner is expected to pay an estimated \$517,179.33 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the undeveloped property in the amount of \$20,996.98 annually (pay 2022 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$258,858.43 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the current value of the land.

**OPPORTUNITY
INDUSTRY
INCENTIVE:**

The petitioner has agreed to target Opportunity Industries in their marketing effort to lease or sell the developed property. If petitioner successful in leasing at least 51% of the gross leasable area of the proposed building to such an industry, then the petitioner will be entitled to an alternate deduction schedule, including two (2) more years of deduction. Staff estimates that if the proposed building qualifies for the enhanced real property tax abatement, the petitioner will realize an additional tax savings of approximately \$217,882.72, in addition to the tax savings realized during the initial abatement term. The petition would also pay an additional \$257,840.18 in real property taxes during the enhanced abatement term.

EMPLOYMENT:

The petitioner estimates that this project will create a minimum of sixteen (16) positions at a minimum wage of not less than \$18.00/hr. Staff finds these figures to be reasonable for a project of this nature.

OTHER BENEFITS:

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

STAFF COMMENT:

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

The Meritex Company and Meritex Decatur, LLC
4925 Decatur Boulevard a/k/a 7000 West Thompson Road



Legend

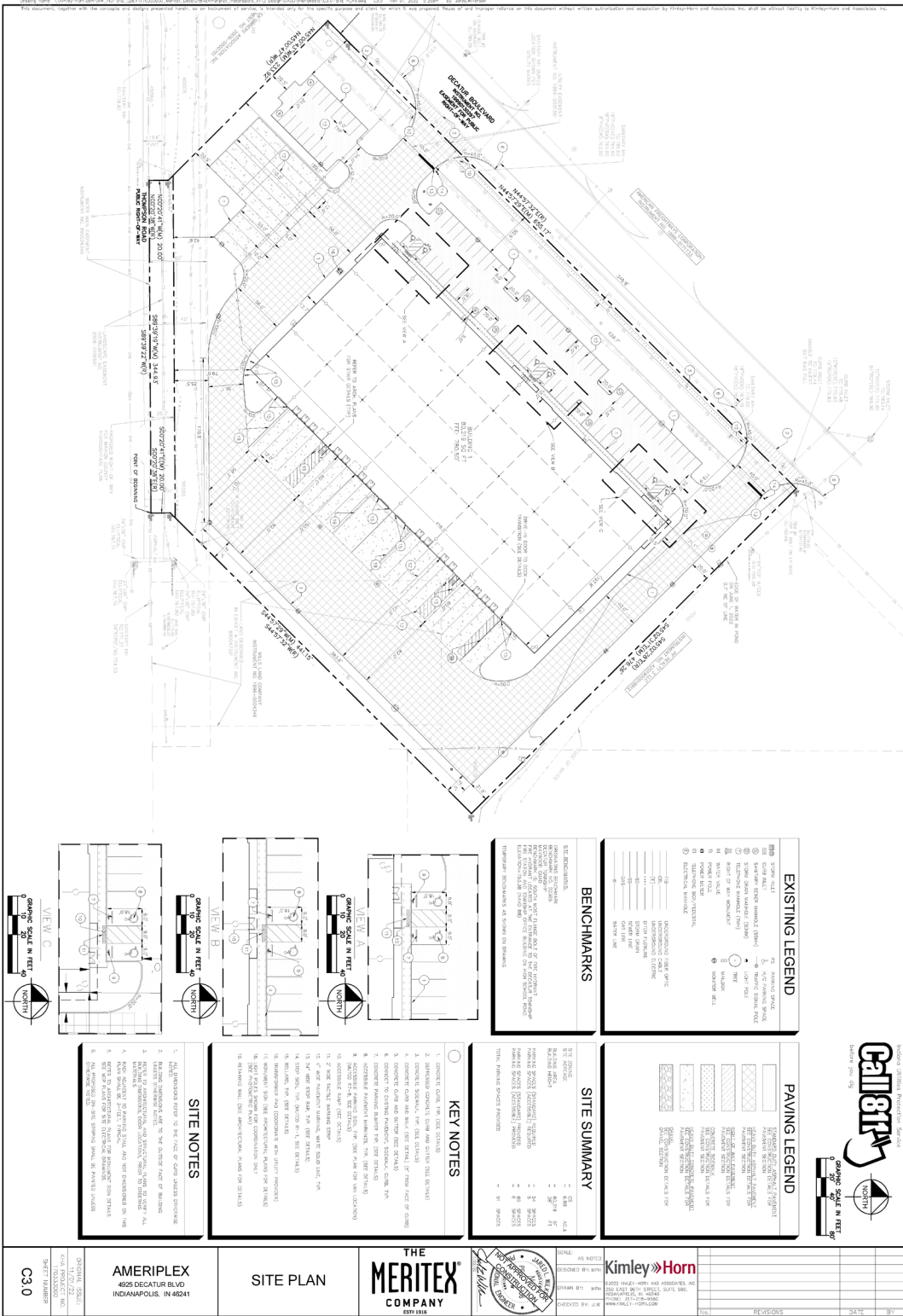
-  Parcels
-  Project Site



0 462.5 925 1,850 Feet

Produced by: DMD REED March 16, 2023

Site Plan



Conceptual Elevations



Meritex Decatur, LLC – Up to 7 Year Real Property Tax Abatement

Community Economic Development
 Towne & Terrace
 Community Cooperation & Use Agreement

**METROPOLITAN DEVELOPMENT COMMISSION
 OF
 MARION COUNTY, INDIANA
 Resolution No. 2023-C-002**

WHEREAS, the Department of Metropolitan Development, ("DMD"), by authority of and pursuant to I.C. 36-7-15.1, is engaging in redevelopment activities in the Marion County Redevelopment District ("Project Area"); and

WHEREAS, pursuant to IC 36-7-15.1-6, 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

WHEREAS, in furtherance of its redevelopment activities within the Project Area, DMD contracted with Mt. Carmel Baptist Church, Inc., ("Mt. Carmel") to accommodate community engagement related to the Towne & Terrace complex ("Contract" # 19613, MDC RES 2022-C-010); and

WHEREAS, the DMD seeks authorization to add services and \$14,200.00 in funding to the Contract and to extend the Contract term through 2024. The new not-to-exceed amount for the contract will be \$25,000.00. All other Contract terms shall remain the same.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission does hereby authorize the DMD to amend the Contract as described above to add services and \$14,200.00 in funding and to extend the term through December 31, 2024, to facilitate community engagement, using all sources of funding available for that purpose.
2. The DMD Director or designee is hereby authorized to execute all necessary documents related thereto in accordance with this Resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the MDC 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.

Approved as to Adequacy & Legal Form

Sheila Kinney *sek*

Sheila Kinney, Asst. Corp Counsel

Date: 3/24/2023

Metropolitan Development Commission

John J. Dillon III, President

Date: _____

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.

ADDENDUM FOR APRIL 5, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on March 9, 2023. After a full hearing, the Hearing Examiner recommended approval of the petition. The Hearing Examiner's decision was appealed by a remonstrator and set for hearing by the Metropolitan Development Commission on April 5, 2023. The Hearing Examiner's memorandum can be found below.

MDC Hearing Examiner Memo
Hearing Examiner Hearing date: March 9, 2023
MDC Hearing date : April 5, 2023

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. \

The original 2004 request was for:

Case Number:	2004-ZON-844/2004-VAR-844
Address:	6340 Rockville Road (Approximate Addresses)
Location:	Wayne Township, Councilmanic District # 13
Lot Size:	1.26 acres
Petitioner:	Celia Lazaro
Rezoning	Rezone 1.26 acres, being in 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.
Request:	
Variance	Variance of Development Standards of the Commercial Zoning Ordinance to provide for a ten-foot north transitional yard (minimum fifteen-foot transitional yard required.)
Request:	

The original 2004 request covered Lots 5, 6 and 9. See attached Exhibit A. Initially, Staff recommended denial, but after Petitioner and neighbors negotiated a list of commitments, attached, and Petitioner agreed to larger yard setback for the building, staff recommended approval and the petition was approved for construction of a one story building on Lot 9 subject to the commitments. The building was never built and the lots are vacant.

Staff had no recommendation on this Petition because it was not involved in negotiating the 2004 commitments.

Issue: Petitioner contends the commitments only covered Lot 9. Remonstrators, some of which were personally involved in negotiating the commitments, contend the commitments covered all three lots.

Neighborhood organization opposed via letter. Councilors Jared Evans (District 22) and Jessica McCormick (District 15) opposed via letter.

Petitioner's position: It does not make sense that the commitments would bind Lots 5 and 6. Commitments 1 – 11 only apply to the proposed building on Lot 9. Note petitioner glosses over commitment 5 (hours of operation) that could equally apply to Lots 5 and 6. As to Commitment 12 (prohibit drive through), Petitioner contends that is not relevant because in 2004 there was an oil change facility on Lot 6. Note commitment 13 (restricting outdoor seating) could also apply to Lots 5 and 6. Petitioner also points to a recent zoning map (attached) that still shows Lots 5 and 6 still zoned C-4

Remonstrators position: The Commitments were meant to apply to the entire site and negotiated in good faith. They point to the fact that the subject 1.26 acreage includes all three lots. They also note that the development plan (attached) shows that Lots 5 and 6 include some parking for the proposed building and Lot 5 would provide ingress and egress to the proposed building. The only specific objection to termination voiced at the hearing was if the covenants were terminated there could possibly be a drive through on Lot 5 or 6 aggravating traffic.

Recommendation: I recommended the petition be granted and the commitments terminated as to Lots 5 and 6, the main reason being that if the commitments were applied to Lots 5 and 6, noting else could be built there, the commitments being for a *single* building. Also,

leaving the commitments on Lot 9 would serve the basic purpose of mitigating the effect of the commercial building on the residential neighbors.

Lots 5 and 6 front Rockville Road in a C-4 commercial area. Note that in 2004 while this was under discussion, there was an oil change facility operating on Lot 6, but the building is no longer there.

Whether or not Lots 5 and 6 are C-S or C-4 was not an issue at the hearing. It appears all three lots were rezoned to C-S and would remain so if the commitments were terminated.

March 16, 2023

Respectfully submitted,

/s/ James G. Holland

James G. Holland, Alternate Hearing Examiner

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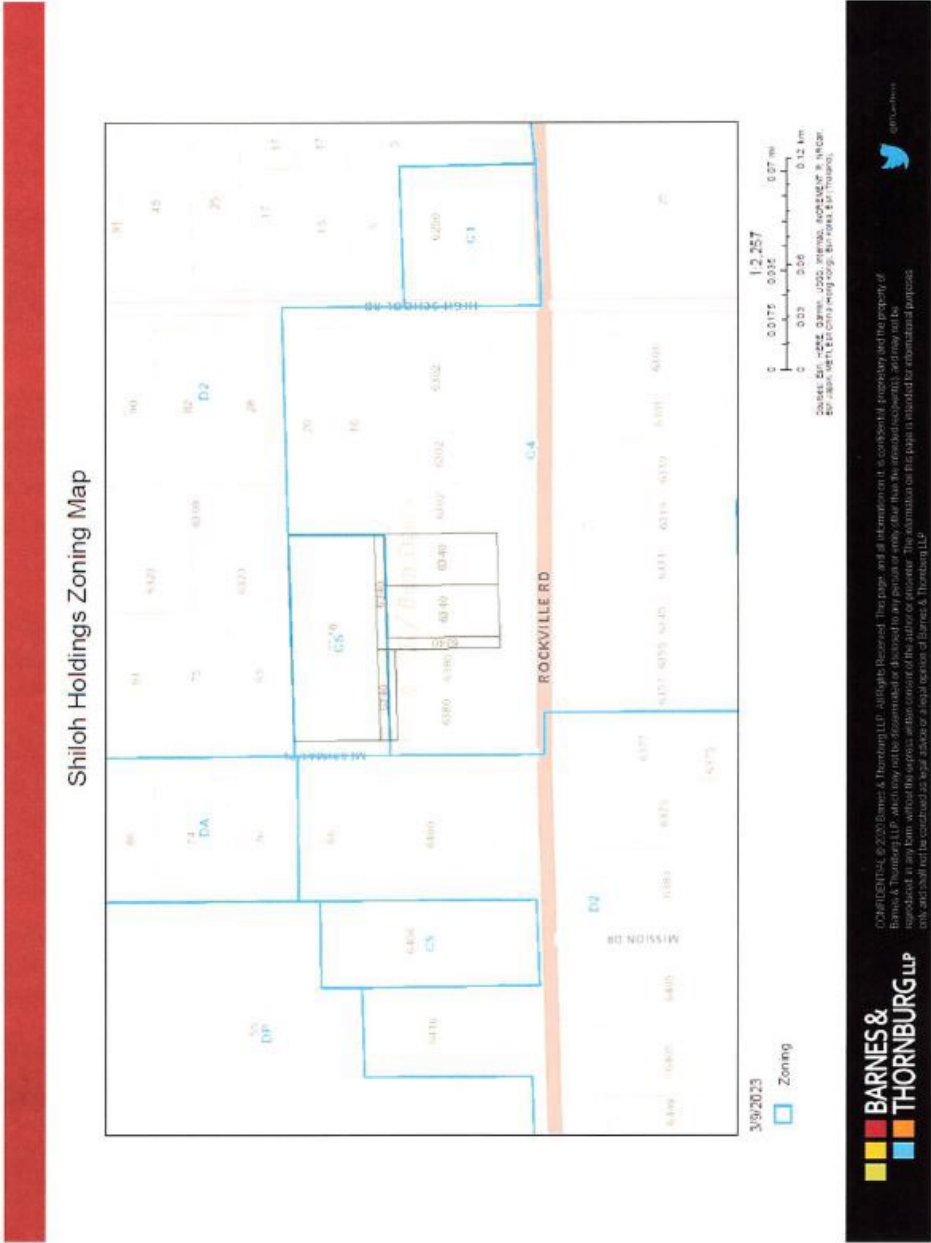
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ATTACHMENT "C"**METROPOLITAN DEVELOPMENT**

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



At the Hearing Examiner hearing, the text of the 2003-ZON / VAR-844 staff report was a point of consideration. That staff report can be found starting on the next page.

(Continued)

STAFF REPORT 2023-MOD-001 (Continued)**STAFF REPORT****Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2004-ZON-844/2004-VAR-844
Address: 6340 Rockville Road (Approximate Addresses)
Location: Wayne Township, Councilmanic District # 13
Lot Size: 1.26 acres
Petitioner: Celia Lazaro
Rezoning Request: Rezone 1.26 acres, being in 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.

Variance Request: Variance of Development Standards of the Commercial Zoning Ordinance to provide for a ten-foot north transitional yard (minimum fifteen-foot transitional yard required.)

ADDENDUM FOR NOVEMBER 9, 2004

This petition was continued, at the request of the petitioner, from the **October 14, 2004** hearing to the **November 9, 2004** hearing. The petitioner has submitted a number of commitments, file-dated October 14, 2004, limiting the proposed use, and has removed the C-2 zoning district from the rezoning request. The resulting rezoning request is both less intense than the previous request, as well as the current C-4 district. Staff is therefore **recommending approval** of the rezoning request. However, the variance request has not been modified, and staff continues to **recommend denial** of the variance request.

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This petition would, if approved, rezone 1.26 acres from the C-4, or Community-Regional District, to the C-S classification to provide for a variety of uses. Currently, the site is improved on its southern section with an existing auto repair store. The site is roughly L-shaped, with frontage on both Rockville Road and Merrimac Place. The portion of the site fronting on Merrimac Place is unimproved.

(Continued)

(Continued)

STAFF REPORT 2023-MOD-001 (Continued)

STAFF REPORT 2004-ZON-844/2004-ZON-844 (Continued)

- ◇ The Comprehensive Plan recommends very low density residential development, or zero to two dwelling units per acre, on the northern section of the subject site. The Plan recommends office buffer uses on the southern section of the site, which has been developed with a retail commercial use.

REZONING REQUEST

- ◇ The C-S zoning classification provides for a variety of uses that typically are not permitted in a single zoning classification. This classification provides for and encourages more creative use of site design and proposed uses, and ensures compatibility with surrounding land uses. Some examples of uses within the C-S classification are mixed-use developments, which provide for both residential uses and retail/commercial/office uses; office/industrial research parks; and complexes which house multifamily, hotel, retail, and/or office uses.
- ◇ The proposed uses at the subject site are indicated as a combination of C-1, C-2, and some C-3 uses. Currently, the subject site could accommodate a wide variety of commercial uses, however, given a portion of the site's proximity to residential uses, it is unlikely that it would develop in a commercially intense manner. The portion of the site fronting Rockville Road has already been developed with a use that is permitted within the C-3 and C-4 zoning districts.
- ◇ C-1 uses are typically office-based uses, with some office-related retail. C-3 uses also include a range of retail uses, restaurants, and some renting and repair uses. Certain uses that are permitted within C-3 districts must also apply for a Special Exception. Such uses include tattoo and massage parlors. These uses are also restricted with respect to location; they may not locate within five hundred feet of protected districts, including dwelling districts. Taverns and similar establishments may not locate within 100 feet of a protected district. The northern section of the subject site is immediately adjacent to a protected district. Therefore, the uses are limited by their location.
- ◇ In addition, the request for C-2 uses is inappropriate at this location. The C-2 zoning classification is typically used in older, established, urban neighborhoods that are characterized by a long-standing mix of uses, such as apartments over stores. The classification also provides for high-rise office and apartment buildings. It is a highly specialized zoning classification intended for application in certain areas that are not characterized by suburban development.

VARIANCE REQUEST

- ◇ The site plan submitted with the variance petition, file-dated September 9, 2004, indicates that a building, measuring 11,907 square feet, would be built on the subject site. The use of that building is not indicated.

(Continued)

(Continued)

STAFF REPORT 2023-MOD-001 (Continued)**STAFF REPORT 2004-ZON-844/2004-ZON-844 (Continued)**

- ◇ Because the subject site is immediately adjacent to a dwelling district to the north, a transitional yard, at least fifteen feet wide, is required. A reduction to a ten-foot transitional yard has been requested. Transitional yards are required to buffer less-intense uses from more-intense uses. A ten-foot transitional yard would not be adequate to shield commercial or office uses from the dwelling immediately adjacent to the north.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE C-4 Commercial/undeveloped

SURROUNDING ZONING AND LAND USE

North-	D-2	Residential
South-	C-4	Commercial
East-	C-4/D-2	Commercial/Residential/I-465
West-	D-2/C-5	Commercial/Residential

**COMPREHENSIVE GENERAL
LAND USE PLAN**

Recommends very low density residential development, or zero to two dwelling units per acre, in the northern section, and office commercial in the southern section.

THOROUGHFARE PLAN

The Official Thoroughfare Plan identifies this portion of Rockville Road as having a 140-foot right of way existing and proposed.

SITE PLAN

File-dated September 9, 2004

FINDINGS OF FACT

File-dated September 9, 2004

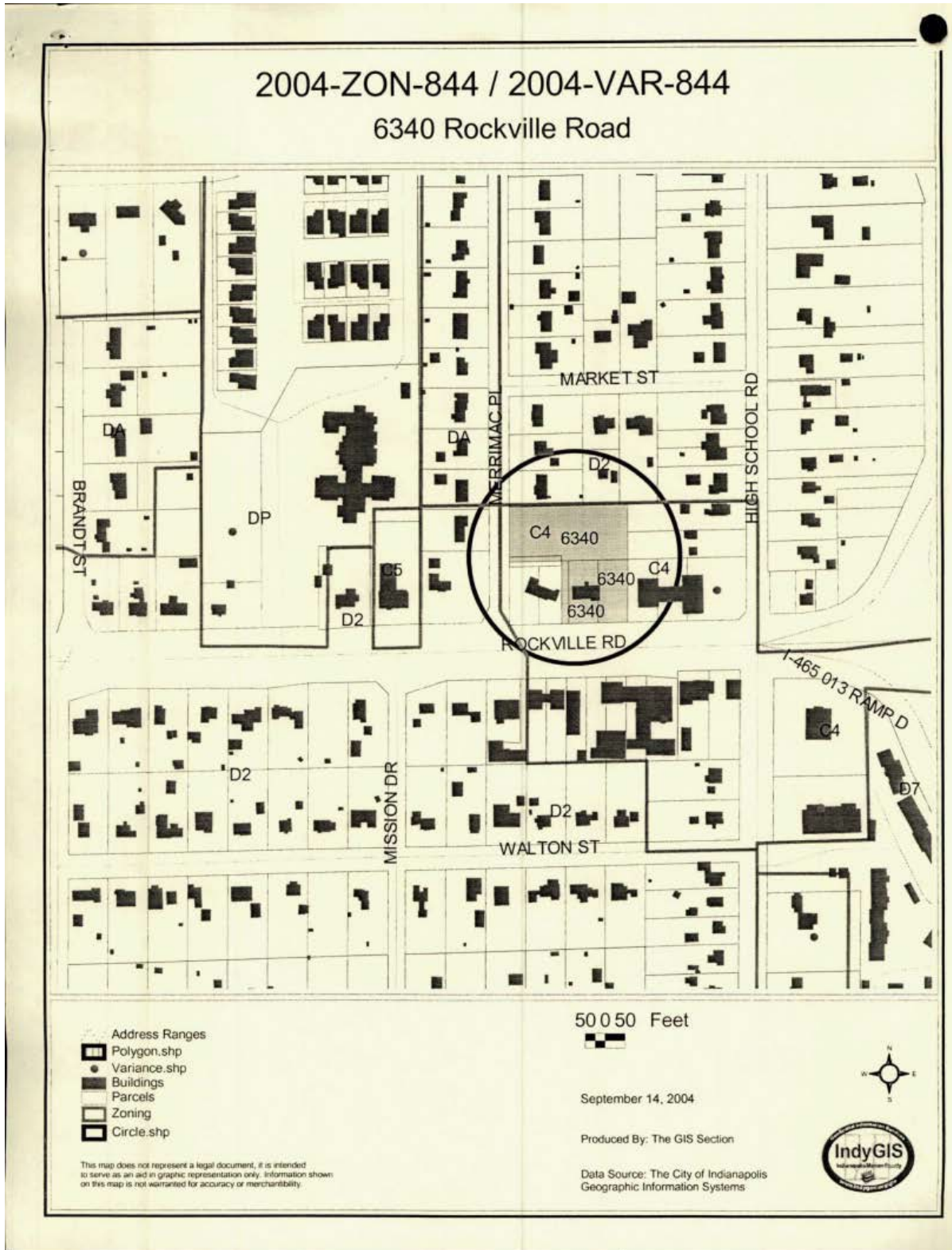
ZONING HISTORY

None

CBH

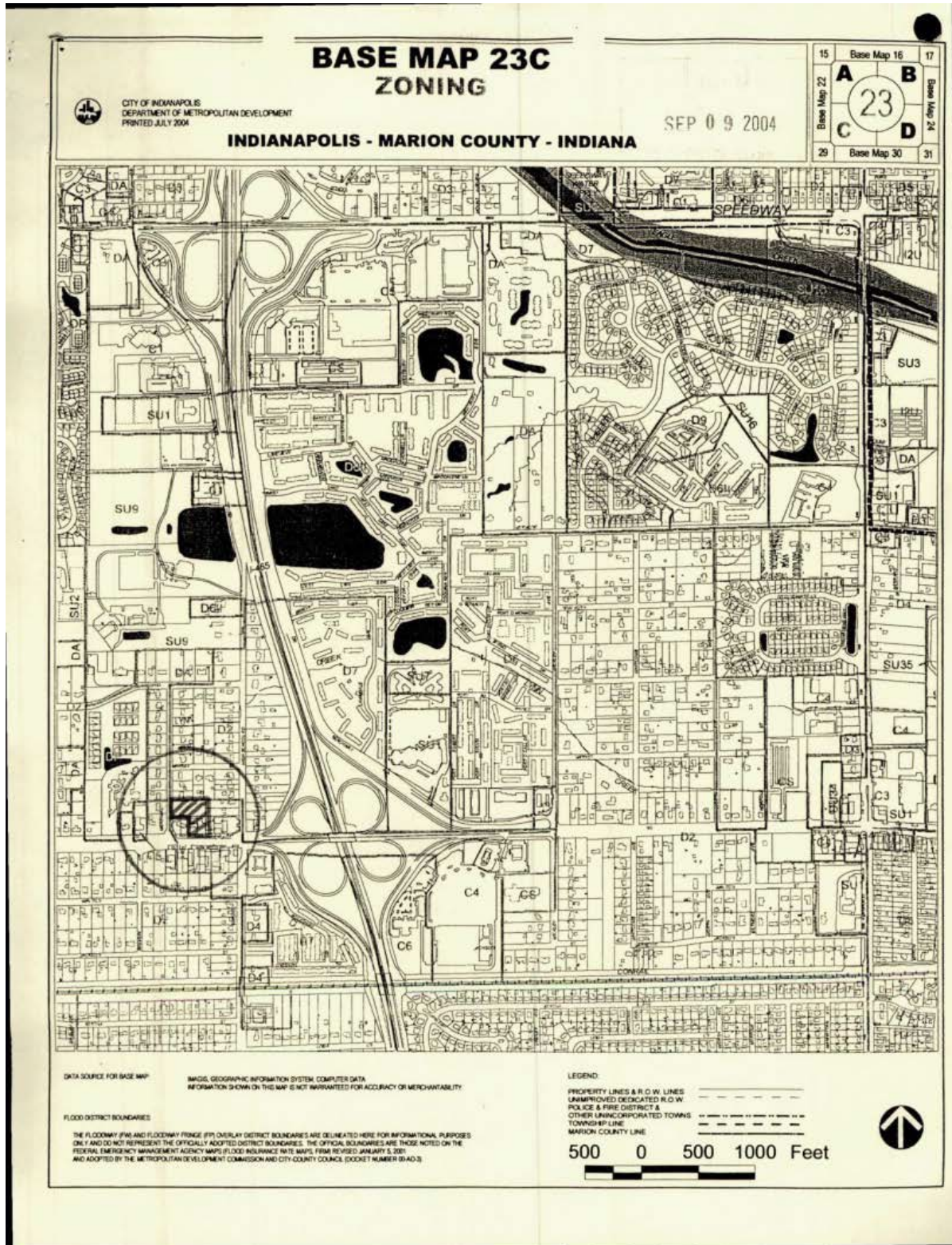
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STAFF REPORT 2023-MOD-001 (Continued)



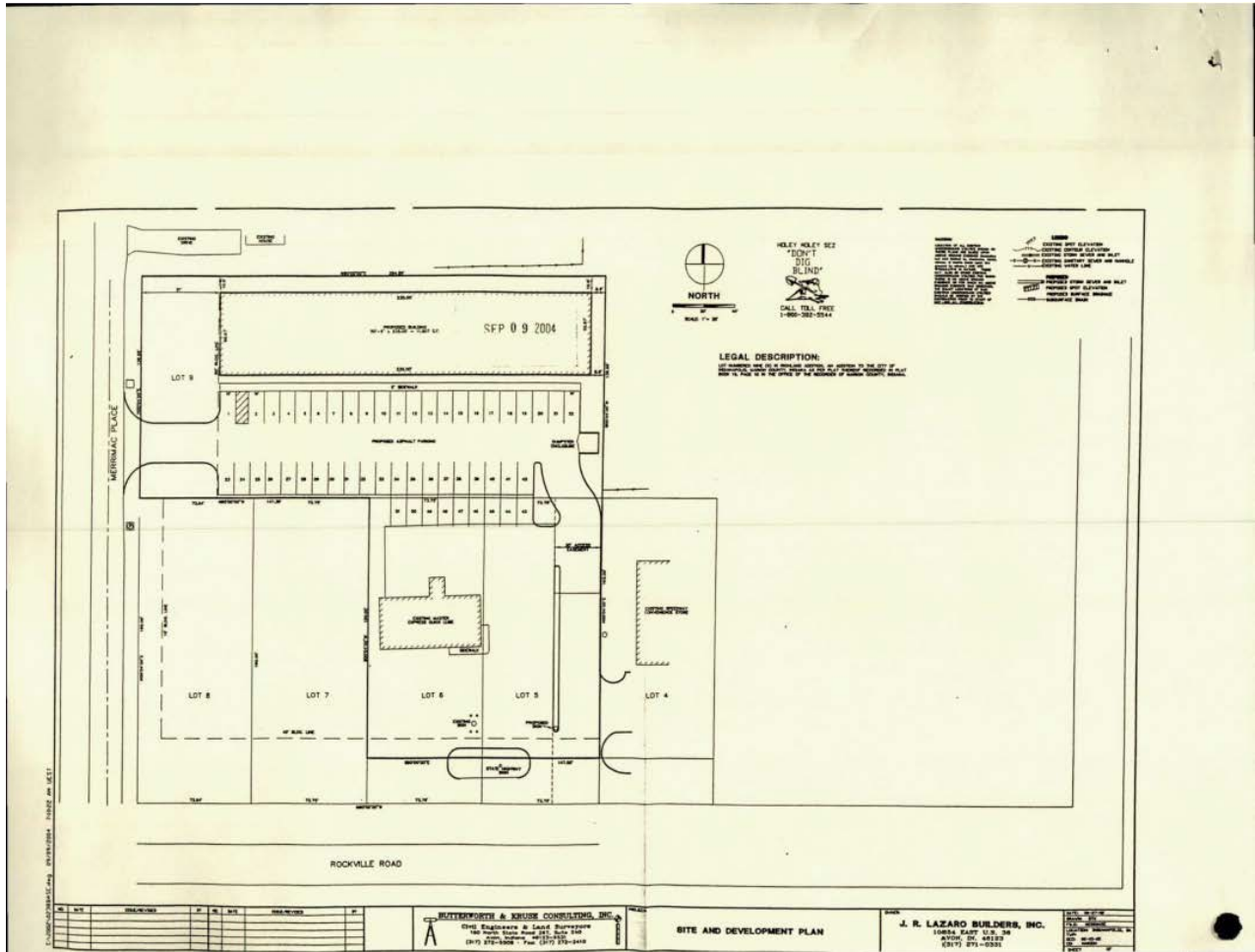
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STAFF REPORT 2023-MOD-001 (Continued)



(Continued)

STAFF REPORT 2023-MOD-001 (Continued)



(Continued)

STAFF REPORT 2023-MOD-001 (Continued)**Staff Report for the March 9, 2023 Hearing Examiner hearing**

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 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.

(Continued)

STAFF REPORT 2023-MOD-001 (Continued)

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

COMPREHENSIVE LAND USE PLAN	The Wayne Township Comprehensive Land Use Plan (2018) recommends Community Commercial.
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(Continued)

STAFF REPORT 2023-MOD-001 (Continued)**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**.

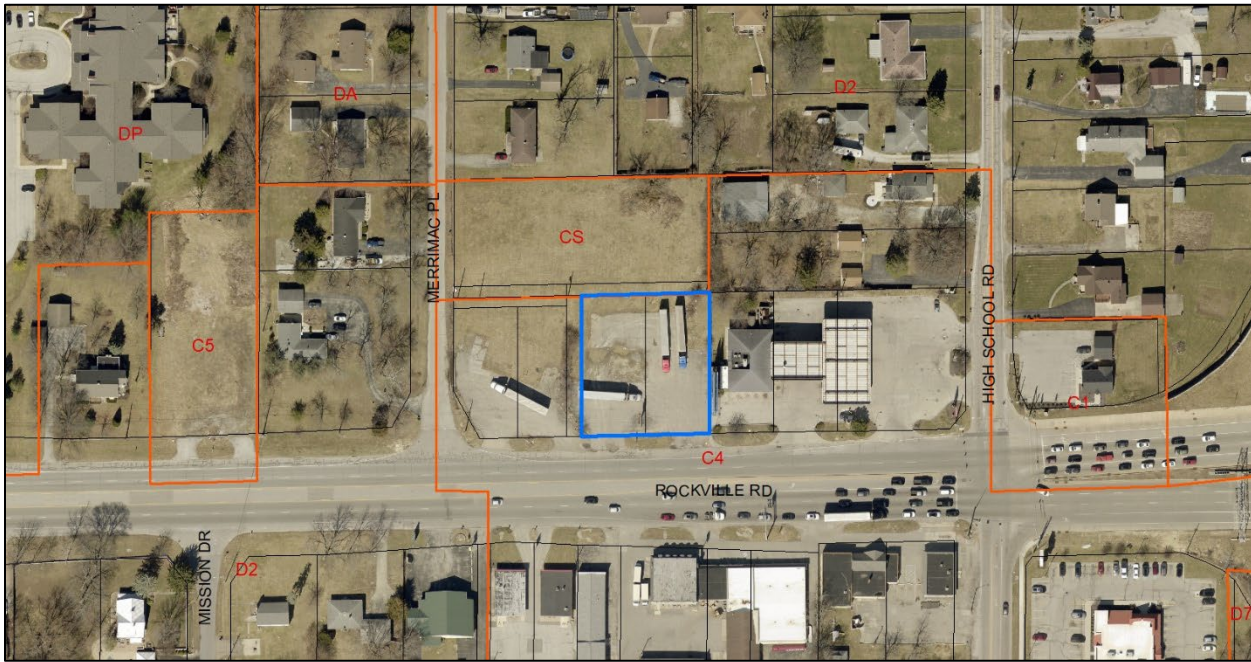
2011-UV3-005; 6345 Rockville Road (south of site), requested a variance of use to provide for a tattoo parlor within 500 feet of a Protected District, **denied**.

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:

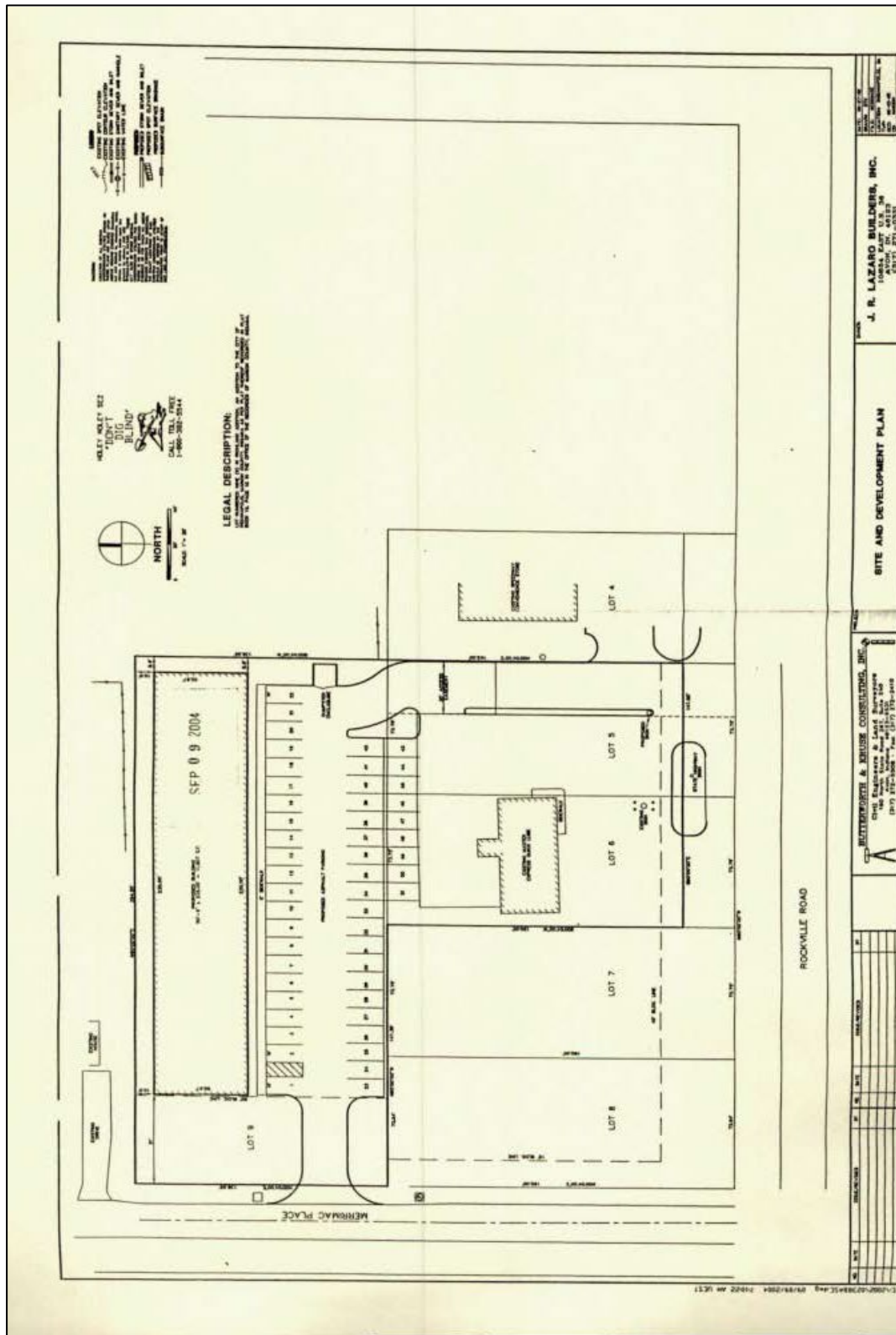
1. To construct a one story commercial building that shall not exceed thirty (30) feet in height.
2. To prepare a Drainage Plan for approval by the City of Indianapolis, Department of Public Works, City of Indianapolis that demonstrates on site retention of water on the site. Such drainage plan shall 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

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-800 / 2023-CPL-800
Address: 834 East 64th Street (*Approximate Address*)
Location: Washington Township, Council District #2
Zoning: MU-1 (FF) (TOD)
Petitioner: 834 64th Street, LLC, by Joseph D. Calderon
Requests: Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.9-foot east side setback for proposed Lot One and a one-foot west side setback for Lot Two (10 feet required), and to legally establish parking located 3.9 feet from 64th Street (50-foot setback required) and zero feet from Ferguson Street, in front of the front building line (25-foot setback required, not permitted), a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64th Street (minimum 80% required), a 47.3% front building line along Ferguson Street for Lot One (60% required), a 32-foot-wide driveway along Ferguson Street (maximum 24 feet permitted), a 16.3-foot setback from Ferguson Street for Lot One (zero to ten foot setback required for the first 25 feet from the corner), a 5.3-foot rear setback for Lot Two (ten feet required), building heights of 21.1 feet for Lot One and 14.2 feet for Lot Two (minimum 25-foot height required), and with parking in the right-of-way of Ferguson Street (not permitted).

Approval of a Subdivision Plat, to be known as Replat of Lot 20 in Lights Broad Ripple Subdivision, dividing 0.17 acre into two lots, with a waiver of sidewalks on Ferguson Street.

Addendum for April 5, 2023

This petition was continued from the **March 15, 2023 hearing** to the **April 5, 2023 hearing** for an amended site plan.

The amended site plan would provide for one parking space in the front yard of Ferguson Street, accessed from the existing paved driveway. Staff is not opposed to having one parking space in the front yard per the amended plan, with the following commitments:

1. The gravel parking and driveway shall be removed,
2. Permits must be obtained for the existing cooler and signs on site,
3. The driveway width shall be reduced to 16 feet,
4. The front yard on Ferguson Street must be sodded and landscaped, and
5. Sidewalks must be installed on Ferguson Street.

Addendum for March 15, 2023

This petition was continued from the **March 1, 2023 hearing** to the **March 15, 2023 hearing** for an amended site plan.

(Continued)

2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)**RECOMMENDATIONS**

Staff **recommends approval of the variance** for the 2.9-foot east side setback for proposed Lot One and a one-foot west side setback for Lot Two, and to legally establish parking located 3.9 feet from 64th Street, a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64th Street, a 47.3% front building line along Ferguson Street for Lot One, a 16.3-foot setback from Ferguson Street for Lot One, a 5.3-foot rear setback for Lot Two, and for building heights of 21.1 feet for Lot One and 14.2 feet for Lot Two, with the following commitments:

1. That the gravel parking and driveway be removed.
2. That permits must be obtained for the cooler and signs.

Staff **recommends denial of the variance** to legally establish the parking located zero feet from Ferguson Street in front of the front building line, the 32-foot-wide driveway along Ferguson Street, and parking in the right-of-way of Ferguson Street.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 5, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned MU-1 and is developed with two buildings, an outdoor dining patio, and surface parking.
- ◇ This petition would subdivide the property into two lots, with a waiver of sidewalks on Ferguson Street, and provide for a 2.9-foot east side setback for Proposed Lot One and a zero-foot west side setback for proposed Lot Two, and legally establish several existing non-compliant development standards.

VARIANCE

- ◇ This petition would provide for a 2.9-foot east side setback for proposed Lot One and a one-foot west side setback for Lot Two. This petition would also legally establish the following:
 - ◇ parking located 3.9 feet from 64th Street and zero feet from Ferguson Street, in front of the front building line,
 - ◇ a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64th Street,
 - ◇ a 47.3% front building line along Ferguson Street for Lot One,
 - ◇ a 32-foot-wide driveway along Ferguson Street,
 - ◇ a 16.3-foot setback from Ferguson Street for Lot One,
 - ◇ a 5.3-foot rear setback for Lot Two,
 - ◇ building heights of 21.1 feet for Lot One and 14.2 feet for Lot Two,
 - ◇ and with parking in the right-of-way of Ferguson Street.
- ◇ The reduced side setbacks are related to the subdivision petition. The existing lot contains two buildings, and the subdivision would permit each building to be under separate ownership. Since the existing structures are to remain, staff is not opposed to reduced setbacks created by a plat.
- ◇ Most items in this request are existing improvements, several of which would typically be considered legally established non-conforming use and structures. This site was developed prior to the adoption of the Transit-Oriented Development Overlay on November 1, 2021. Several variances are related to the TOD overlay standards. However, some of the requests are the result of non-permitted improvements that create a nonconformity.
- ◇ The gravel parking zero-feet from Ferguson Street in front of the front building line, the 32-foot driveway, and parking in the right-of-way on Ferguson Street did not obtain permits. Gravel is not a permitted surface material for non-residential properties, and the existing parking is encroaching into the street. The 32-foot-wide driveway is also the result of the parking encroaching into the street. Staff would suggest the driveway could easily be reduced to a compliant driveway width of no more than 24 feet to allow access to the north side of the property. Staff would also suggest that the parking could be replaced by on-street parallel parking in compliance with the Department of Public Works Standards. Therefore, staff is recommending denial of these petitions and requests a commitment that the gravel parking be removed.

- ◇ The requirement for minimum front building line percentages is a standard of the TOD overlay, which was adopted after construction of these buildings; therefore, staff would not be opposed to legally establishing reduced front building line percentages for existing structures.
- ◇ The parking lot 3.9 feet from 64th Street is existing parking that is accessed from the alley. The 50-foot setback for parking is a requirement of the TOD overlay. Given that the lot depth is less than 60 feet, and this parking area would typically be considered legally established, staff is not opposed to a variance to legally establish the reduced setback.
- ◇ The existing setback for the building on proposed Lot One is 16.3 feet, which exceeds the ten-foot maximum front setback is a standard of the TOD overlay. Staff is not opposed to legally establishing a structure that existed prior to the adoption of this standard.
- ◇ This request would legally establish a 5.3-foot rear setback for Lot Two. The reduced setback is caused by a cooler addition, which was not permitted. However, this site is less than 60 feet wide, and the rear yard would be the most appropriate location for this cooler. Staff is not opposed to the reduced setback for the cooler, with a commitment that permits must be obtained.
- ◇ The MU-1 district has a minimum height of 25 feet. The MU-1 district was created with the adoption of the Indy Rezone Consolidated Zoning and Subdivision Ordinance in 2016. These buildings have existed at least since the 1960's as shown on historic aerial photos; therefore, staff would not be opposed to legally establishing a reduced building height.

PLAT

- ◇ The plat would subdivide the subject site into two lots, Lots One and Two. Lot One would contain the existing two-story converted office. Lot Two would contain the existing one-story commercial building, and covered outdoor seating area, and surface parking. These lots generally meet the standards for the MU-1 district, or would be subject to variance 2023-CVR-800.

TRAFFIC / STREETS

- ◇ Each lot would have frontage East 64th Street. Lot One would be a corner lot and also front on Ferguson Street. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are existing on East 64th Street. Sidewalks will be required on Ferguson Street.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-1	Compact	Commercial
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SURROUNDING ZONING AND LAND USE

North	MU-2	Commercial
South	MU-1	Mixed-use
East	MU-2	Commercial
West	MU-1	Commercial

COMPREHENSIVE LAND USE PLAN Village Mixed Use / Transit-Oriented Development Overlay

2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)

THOROUGHFARE PLAN	East 64 TH Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 33-foot existing and a 48-foot proposed right-of-way. Ferguson Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 44-foot existing and a 48-foot proposed right-of-way.
FINDINGS OF FACT (VARIANCE)	File-dated January 5, 2023
FINDINGS OF FACT (WAIVER)	File-dated January 5, 2023
PRELIMINARY PLAT	File-dated January 5, 2023
SITE PLAN (AMENDED)	File-dated March 24, 2023

ZONING HISTORY – SITE

2008-UV2-018, variance to legally establish a lot with an accessory use area of 2,264.5 square feet, or 141.53 percent of the total living area for the primary dwelling, **approved**.

ZONING HISTORY – VICINITY

2022-DV1-039, 6407 Ferguson Street, variance to provide for an office with 68 parking spaces, **approved**.

2020-VAC-008, 6407 Ferguson Street, Vacation of a portion of 65th Street, being 15.28 feet wide, beginning at a point on the south right-of-way line of 65th Street 3.54 feet east of the northwest corner of Lot 16 in Lights Broad Ripple Addition, an Addition to the City of Indianapolis, as recorded in Plat Book 9, Page 20 in the Office of the Marion County Recorder's Office and extending eastward 110.2 feet to a point; and Vacation of a portion of Ferguson Street, being 12.45 feet wide, beginning at the northwest corner of said Lot 16 and extending southward 229.26 feet along the western lot lines of Lot 16, 17, 18 and 189 of said Lights Broad Ripple Addition, and both with a waiver of the assessment of benefits, **approved**.

2020-DV1-021, 6419 Ferguson Street, to provide for an office building with 74 parking spaces and parking within the right-of-way and front setback of 65th Street, **approved**.

2016-CZN-843, 6367 Guilford Avenue, rezoning of 0.47 acre from the C-4 (FF) district to the MU-2 (FF) district, **approved**.

2016-CVR-843, 6367 Guilford Avenue, variance to provide for a mixed-use building, with a portion of the west front setback being four feet, with the building height exceeding the maximum, with the building within the clear sight triangles of the abutting streets, and with stairs and an enclosed outdoor seating area within the required front setback and right-of-way of Main Street, and with an off-site parking lot with zero-foot setbacks from the front property lines, **denied**.

2015-DV1-026, 6406 Cornell Avenue, variance to provide for a two-story 5,000-square foot retail and office building, with eight parking spaces, with deficient maneuvering area, and with one deficiently sized handicapped space, **approved**.

2005-ZON-046, 6407 Ferguson Street, rezoning of 0.171 acre from the C-2 district to the C-3 district, **approved**.

(Continued)

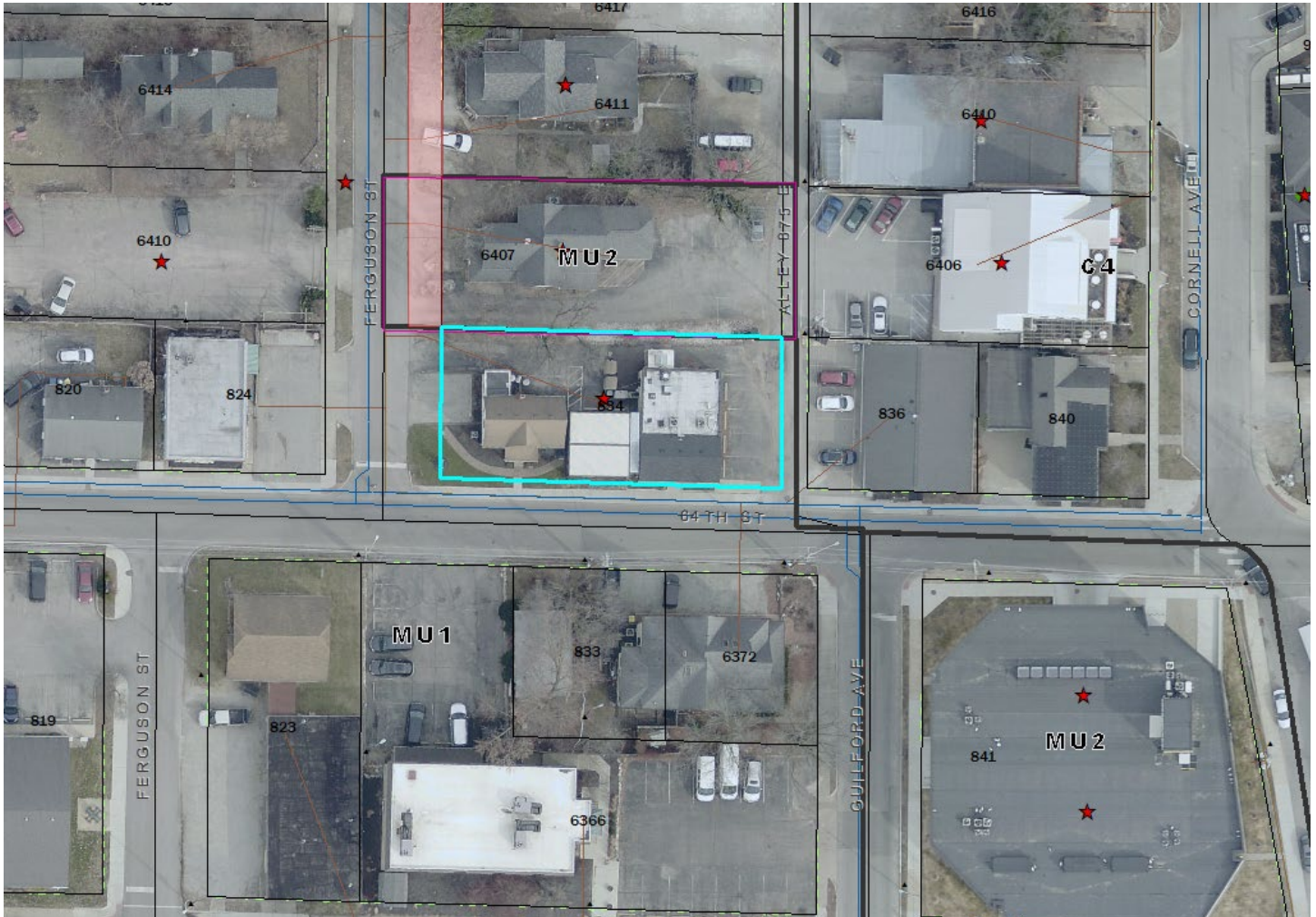
2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)

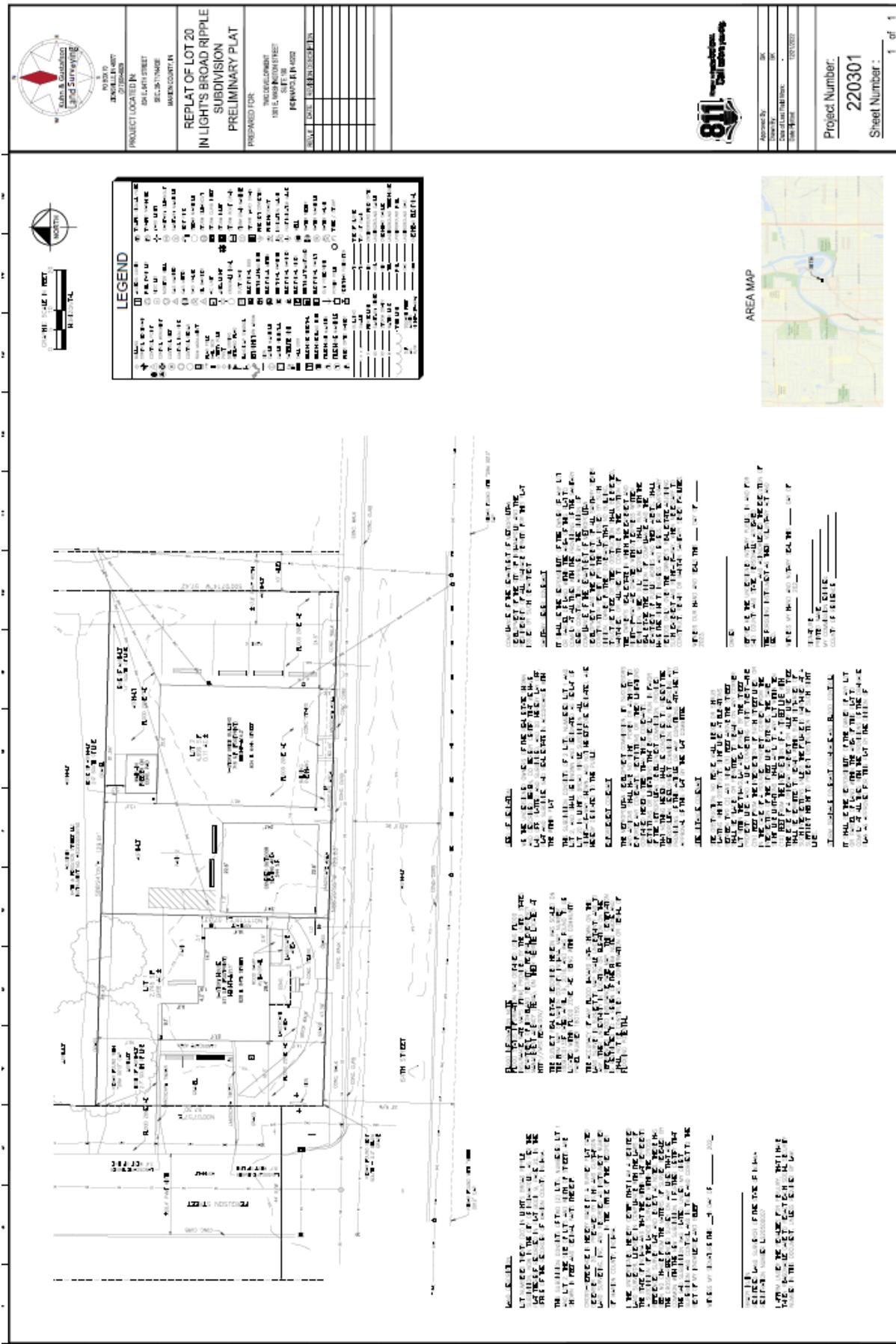
84-UV1-113, 6412 & 6414 Ferguson Street, variance to provide for the use of a portion of an existing building as a commercial party room, **approved**.

75-UV2-116, 6410, 6412, & 6414 Ferguson Street, variance to provide for the use of an existing building for offices and retail sales, with a pole sign and off-street parking, **approved**.

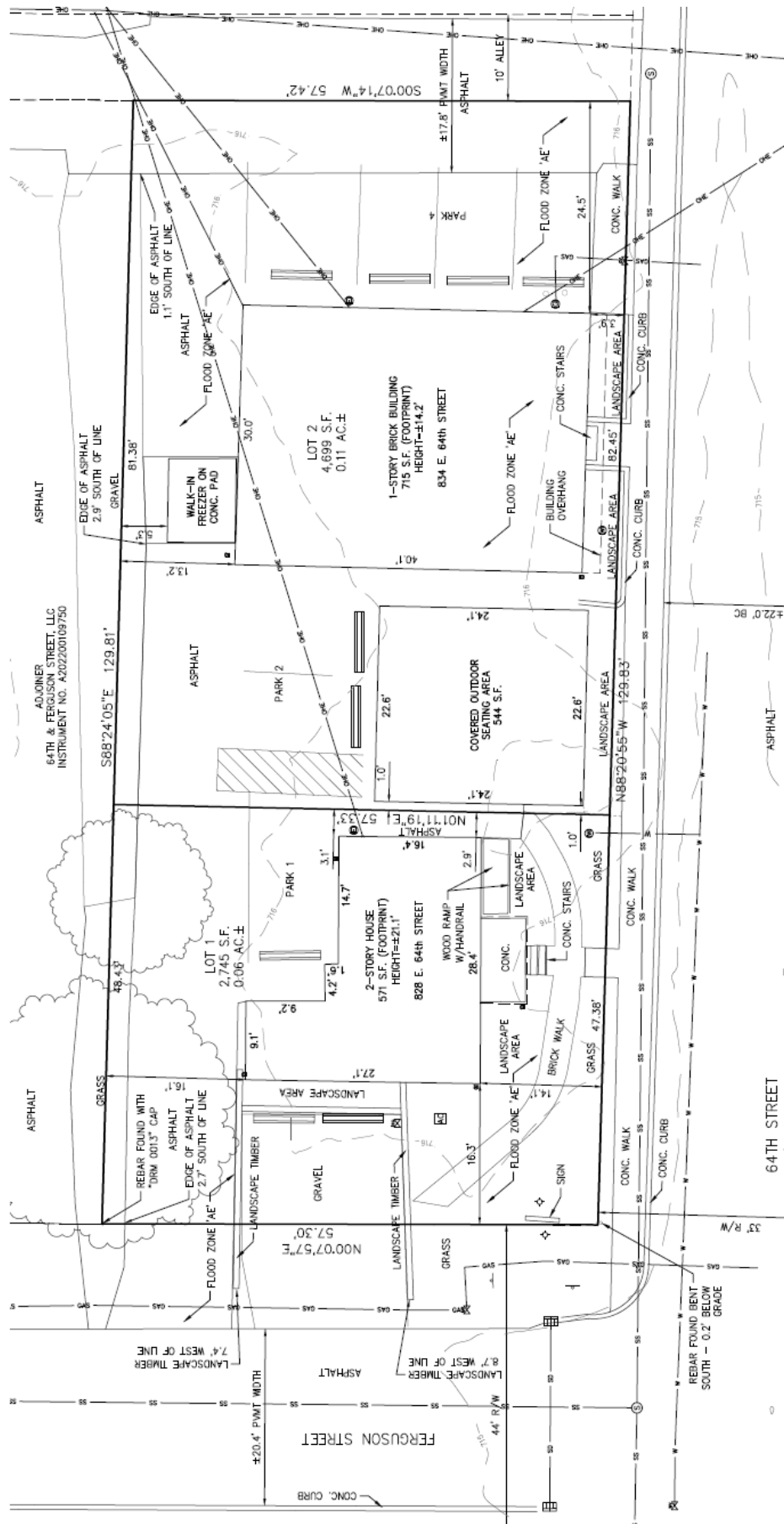
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2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 Area Map



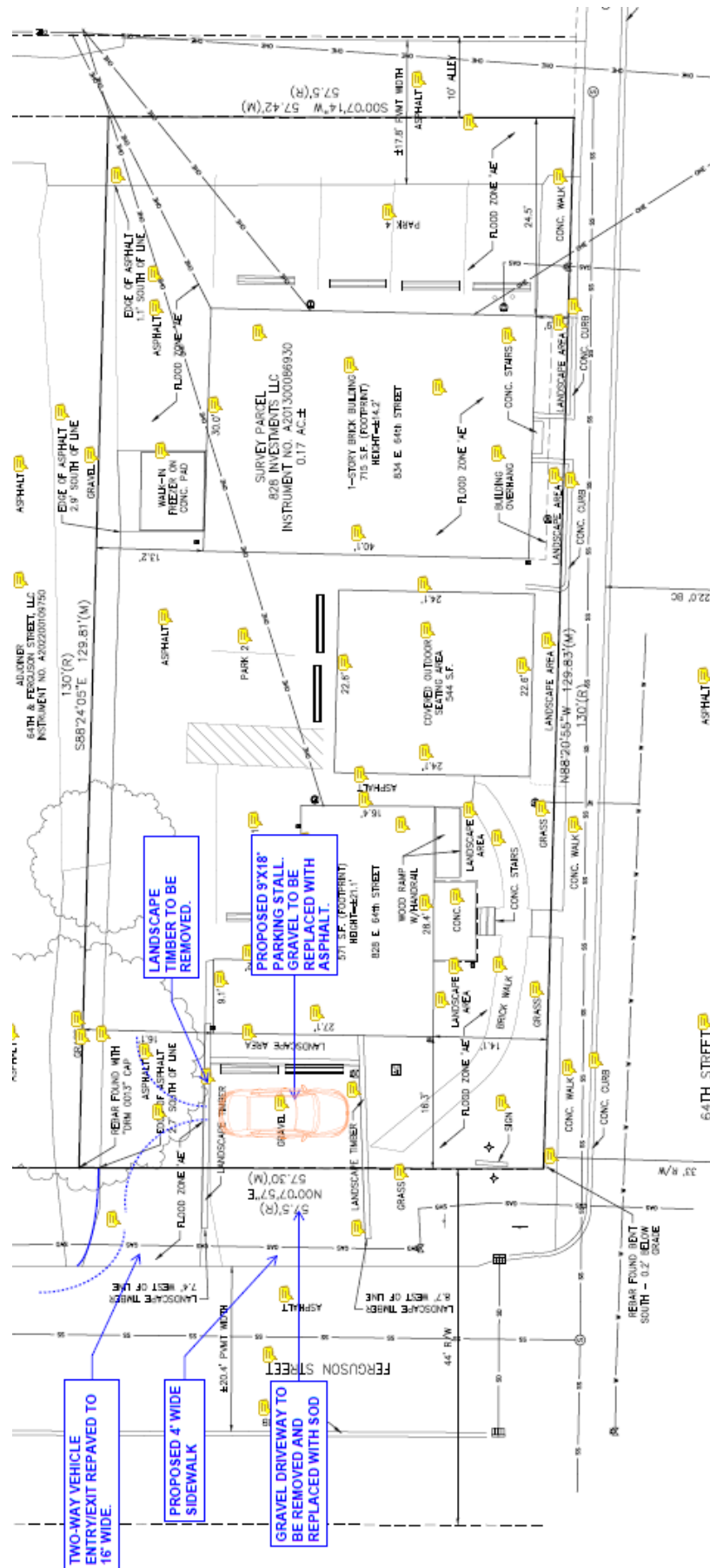


Plan Detail





Plan Detail



2023-CVR-800 / 2023-CPL-800 Variance Findings of Fact

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

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

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

the improvements have been in existence prior to the MU-1 zoning, and there is no encroachment into the clear site triangle, thus resulting in continued safety for vehicular and pedestrian traffic.

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 variances only seek to legally establish existing improvements preserving the status quo as to existing setbacks / separation between the subject property and adjoining properties.

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

there are existing separate buildings / uses on one lot, and the replatting of the lot into two is triggering the need for variances in order to legally establish their existence.

2023-CVR-800 / 2023-CPL-800 Waiver Findings of Fact**REQUESTED WAIVER:**

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

**WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

there is no proposed change in use, and the properties with west frontage on Ferguson Street have functioned without sidewalks for years.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

the subject property has frontage on two streets, and the 64th Street frontage has a sidewalk which provides safe and adequate access to the property.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

the property has two frontages, one of which has an existing sidewalk providing adequate access. There is a gas line running north / south along the Ferguson Street frontage which would appear to interfere with a proposed sidewalk.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

the plat will allow two separate uses to be sold / leased individually, which fulfills the major premise of the subdivision ordinance; to facilitate orderly transfer of properties.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

there is no change of use, or proposed development of the subject property, which would not trigger application of the sidewalk ordinance.

MEMORANDUM OF EXAMINER'S DECISION

2023-CVR-800B

834 East 64th Street

The petition was included in 2023-CVR-800, which included a number of variance requests for building setback, building height, and parking, and a companion plat petition.

Your Hearing Examiner visited the site prior to the hearing and noted the buildings that had been on the site for a number of years, and noted the newer parking spaces off of Ferguson Street. The site is in a portion of Broad Ripple Village where newer development is mixed with existing development.

The petitioner's representative explained that most of the variances requested are either grandfathered or are a result of the plat proposed. It was stated that the Broad Ripple Village Association voted to support the petitions, and a letter was provided. Because staff was recommending approval of the majority of the variance requests, the petitioner's representative requested that the variance requests for the parking off of Ferguson Street and the driveway along Ferguson Street be separated from the other requests, and this became known as 2023-CVR-800B. The request for waiver of sidewalks along Ferguson Street was also withdrawn.

Staff described its support of 2023-CVR-800A and 2023-CPL-800, with the sidewalk waiver removed. Because the parking and driveway off of Ferguson Street did not receive permits and gravel parking isn't permitted, staff suggested that this part of the site could be reconfigured.

In your Hearing Examiner's opinion, the parking off of Ferguson Street should not be allowed, and the petitioner seems willing to explore alternatives. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on March 1, 2023

2023-CVR-800 / 2023-CPL-800 Photographs

Subject site proposed Lots One (left) and Two (right) viewed from 64th Street, looking north



Proposed Lot Two viewed from 64th Street, looking north



Proposed Lot Two parking and alley access viewed from 64th Street, looking northwest



Proposed Lot One viewed from Ferguson Street, looking east



North setback, looking east



Existing driveway and parking on Ferguson Street, looking east



North rear setback for proposed Lot Two, looking south



North rear yard and east parking, alley shown left, looking south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-DV2-001
Address: 801 Shelby Street (approximate address)
Location: Center Township, Council District #17
Zoning: C-5 / D-5 (TOD)
Petitioner: RCA Properties LLC, by Paul J. Lambie
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure with eight parking spaces (29 parking spaces required with reductions; required number of parking spaces required after change of use), and zero ADA parking spaces (two required).

APPEAL BEFORE THE METROPOLITAN DEVELOPMENT COMMISSION, APRIL 5, 2023

On March 14, 2023, this petition was heard by Division II of the Board of Zoning Appeals and approved by a 3-2 vote.

While Staff recommended approval of the request, and continues to do so, the Administrator of the Division of Planning determined that an appeal would be appropriate given that remonstrators were unaware of a parking agreement between the petitioner and the Calvary Tabernacle Church, and that the agreement was submitted to Staff after the publication of the report. This agreement allows users of the subject site to use 20 parking spaces within the Churches surface lot between the hours of 6AM and 6PM, Monday through Saturday.

In addition, Staff misinterpreted information conveyed on a Sanborn Fire Insurance Map. Staff believed that the map in question reflected conditions as of 1915, however, it represented conditions between 1915 and 1950.

Readily available Assessor's Office records, being the property card and parcel detail history form do not indicate the initial year of construction. However, a Church with a similar footprint appears on the 1927 Baist Map (See Exhibit A), and a remonstrator provided an Indianapolis Star Article (See Exhibit B) from October 17th, 1925 that indicates construction would begin the following day. Both dates are after the implantation of zoning in 1922.

Staff reviewed the zoning of the subject site as it was in both 1922 and 1932 (See Exhibit C). These records indicate that the property was zoned U3 – Business, and within Height Area One and lot Area Five. This zoning class permitted the construction of religious use facilities; however, it did not contain a parking requirement. For these reasons, and those outlined below, Staff continues to **recommend approval** of this request.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)**March 14, 2023****RECOMMENDATIONS**

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE**EXISTING ZONING AND LAND USE**

C-5	Compact	Vacant church undergoing remodeling for office uses
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SURROUNDING ZONING AND LAND USE

North	C-5	Auto dealership
South	C-5	Two-family dwelling
East	D-5	Single-family residential
West	C-5 & D-5	Single-family residential

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Traditional Neighborhood development.
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SECONDARY OVERLAY	Transit-Oriented Development (TOD)
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- ◇ This 0.2-acre lot, zoned C-5 and D-5 is currently improved with a three-story former church, which is currently undergoing remodeling for office use. According to Sanborn Maps, the existing structure has been existing since at least 1915; predating the implementation of zoning in Indianapolis in 1922.
- ◇ North of the subject site is an auto dealership, within the C-5 District. South of the subject site is a two-family dwelling, also within the C-5 District. Directly to the east are single-family dwellings, within the D-5 District. To the west are single-family dwellings within the C-5 and D-5 Districts.
- ◇ The C-5 District is intended for general commercial uses which are intended to attract regional consumers whose uses are often characterized by heavy automotive traffic and outdoor display, sales and operations. Uses that begin to be permitted by-right within the C-5 District include: Outdoor Recreation and Entertainment; various research and development uses; and Automobile Sales and Rental.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would allow for the conversion of a 15,000-square foot former church for office uses, with eight required parking spaces where 29 are required.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

- ◇ Per Section 744-401.C, whenever a building undergoes a change of use, the required parking spaces and areas for the new use must be provided, with limited exceptions. Staff has determined that these exceptions are reliant on the presence of an existing on-site parking area, which the subject site does not possess, therefore is ineligible and requiring the filing of a variance.
- ◇ An office building of this size would typically require 42 parking spaces, two of which are required to be ADA compliant parking spaces. However, Section 744-403 allows for reductions, up to 35%, of this requirement based on criteria such as proximity to public transportation and the amount of non-required bicycle parking provided on-site. All parking related calculations are rounded down.
- ◇ Sites located within ¼-mile of a transit stop improved with a shelter are eligible for a 30% reduction of the minimum required parking. An inbound and outbound transit station for the Red Line are located northwest of the intersection of Virginia Avenue and Woodlawn Avenue, within 975 (.185 mile) feet of the subject site. This proximity reduces the amount of required parking to 29 spaces.
- ◇ The petitioner has indicated a willingness to provide ten non-required bicycle parking spaces for an additional reduction of two spaces, which would reach the 35% reduction cap of required parking permitted by the Ordinance. If provided, these spaces must be located within 50 feet of public entryways to the building.
- ◇ Per Section 740-306.B, on-street parking spaces within the Compact Context Area, located parallel to a sites front lot lines, may be counted towards the minimum off-street parking requirement. A total of eight on-street parking spaces along Shelby Street and Lexington Avenue meet these criteria.
- ◇ A portion of the subject site is undeveloped (see Photo Six below). However, Staff believes that promoting development of this part of the site would be inappropriate as it would push commercial activity upon the property directly to the east, require the removal of existing trees, encroach upon HVAC units and utility connections, necessitate additional variances, and result in a substandard parking area with minimal additional spaces provided. In addition, this would require a curb cut in close proximity to the irregular intersection of Lexington Avenue and Shelby Street, characterized by a 45-degree angle change of Lexington Avenue west of Shelby Street.
- ◇ While Staff is generally hesitant to recommend approval of such drastic reductions of parking, Staff would highlight the fact that the original church was built prior to the implementation of zoning in Indianapolis, and therefore was not required to provide parking. In addition, the petitioner is willing to utilize all reductions afforded by the Ordinance. Given these factors and the fact that any change of use for the existing building would require a variance filing of similar deviation, Staff believes there to be a clear practical difficulty associated with the site and subsequently recommends approval of this request.

(Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN

This portion of Shelby Street is classified as a Primary Arterial in the Official Thoroughfare Plan for Marion County, Indiana with an existing and proposed right-of-way of 60 feet.

This portion of Lexington Avenue is classified as a Local Street in the Official Thoroughfare Plan for Marion County, Indiana, with an existing and proposed right-of-way of 60 feet.

SITE PLAN

File-dated January 18, 2023.

FINDINGS OF FACT

File-dated January 18, 2023.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2022-UV2-002; 1035 Elm Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, fourteen unit medium apartment building (not permitted in D-8) with a four-foot front building setback (6.5-foot setback required), a 1.5-foot rear setback (ten-foot setback required), a Floor Area Ratio of 1.31 (maximum of 0.60 permitted) and a Livability Space Ration of 0.17 (minimum 0.66 ratio required); **denied**.

2021-DV2-003; 1012 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory garage with a two-foot east side setback and 52% open space; **granted**.

2021-DV3-010; 1020 Elm Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for additions to an existing single-family dwelling and detached garage, with a one-foot north side dwelling setback, 2.5-foot south side dwelling setback, three-foot side garage setbacks, three-foot and five-foot separation between dwellings, an open space of 40%; granted.

2021-DV1-033; 834 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage accessory to a single-family dwelling with 45% open space (65% open space required); **granted**.

2020-DV3-013; 1031 Elm Street; requests Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a garage attached by a breezeway to an existing single-family dwelling with an eight-foot front setback, 2.75-foot north side setback, 2.75 feet between primary dwellings, a five-foot rear setback and 34% open space; **granted**.

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2020-DV1-075; 1132 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling and detached garage, with eight feet between dwellings; **granted.**

2019-DV1-052; 1131 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating an open space of 50%; **denied.**

2018-HOV-003; 1033 Hosbrook Street; requests a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with an eight-foot front setback and 5.5 feet and 9.5 feet between dwellings; **granted.**

2018-HOV-076; 1005 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage, with a nine-foot front setback, 1.5-foot and two-foot side setbacks, three feet between dwellings, a 3.5-foot rear setback and 40% open space; **granted.**

2018-HOV-013; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with a one-foot front setback, a garage with 1.5-foot side setbacks and with a 34% open space; **granted.**

2018-DV3-050; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling with a five-foot front setback and a 49% open space, with a detached garage; **granted.**

2018-DV2-012; 822 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling, with a 15.75-foot front setback and a detached garage with 48% open space and three feet between dwellings, and with the garage in the clear sight triangle of the abutting alleys; **granted.**

2018-DV1-037; 1007 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling, and detached garage, with a one-foot side setback, two feet between dwellings, an eight-foot front setback, a two-foot rear setback for a detached garage, and 40% open space; **granted.**

2018-DV1-038; 1152 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling with an eight-foot front setback and three feet between dwellings, creating 54% open space; **granted.**

2018-DV1-037; 1007 Lexington Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for additions to an existing dwelling, and detached garage, with a one-foot side setbacks, two feet between primary dwellings, an eight-foot front setback, a two-foot rear setback for a detached garage, and 40% open space; **granted.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2018-DV3-050; 806 Shelby Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story single-family dwelling with a five-foot front setback and a 49% open space, with a detached garage; **granted.**

2018-UV1-001; 828 Shelby Street; requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes; **denied by BZA, appealed to MDC and approved.**

2018-UV3-001; 828 Shelby Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes, within the clear sight triangle of the abutting streets, with a three-foot front setback from Shelby Street, a five-foot front setback from elm Street and a three-foot side setback; **denied by BZA, appealed to the MDC and approved.**

2017-HOV-095; 818 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with a one-foot front setback, a 1.5-foot north side setback, 3.5 feet between buildings, a 17-foot rear setback, 44% open space, and being within the clear sight triangle of the abutting dwellings, with 55% open space, and with zero parking spaces; **granted.**

2017-HOV-032; 830 Olive Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage, creating 53% open space, and to legally establish the separation between primary dwelling, per plans filed; **granted.**

2017-HOV-009; 1151 Hoyt Avenue; requests a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a deck and detached garage, creating an open space of 50%; **granted.**

2017-HOV-008; 1055 Elm Street; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a second-story addition to an existing single-family dwelling, with four feet and seven feet side setbacks; **granted.**

2017-UV2-019; 1108 Lexington Avenue; requests variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential development, with a 35-foot tall, two-family dwelling, and a 24-foot tall detached garage, with both having three-foot side setbacks, and with the garage having a six-foot rear setback; **granted.**

2017-DV1-024; 1143 Hoyt Avenue; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage within the clear sight triangle of the abutting alley, creating 47% open space, and to legally establish a single-family dwelling, with a zero-foot front setback, a 1.5-foot west side setback and a three-foot and five-foot separation between dwellings, and with a fence within the front yard and right-of-way; **granted.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2016-DV2-012; 939 Elm Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing dwelling, with the expansion of the first floor, a cantilevered second story addition, a deck and a porch, with a one-foot front setback, 0.5-foot northwest and southeast side setbacks, and a five-foot separation from an existing dwelling, and to legally establish garage, with a 1.5-foot southeast side and rear setbacks, to legally establish an open space of 28%, and to legally establish structures within the clear sight triangles along Elm Street and the abutting alleys; **granted.**

2016-UV2-006; 968 Lexington Avenue; requests variance of use and development standards of the Dwelling Districts zoning Ordinance to provide for the construction of an approximately, 26-foot tall, two-story garage, with an upstairs dwelling unit; **granted.**

2015-HOV-001; 958 Lexington Avenue; requests a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 352-square foot detached garage, with a two-foot side setback and a four-foot aggregate side setback, creating an open space of 47.8%; **granted.**

2013-DV3-026; 955 Hosbrook Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 975-square foot, two-story single-family dwelling, a) with a main floor area of 625 square feet, b) with a 267-square foot attached one-car garage, c) creating an open space of 43%, d) a zero-foot front setback, a one-foot rear setback and three-foot side yards; **granted.**

2013-UV2-003; 1055 Elm Street; requests variance of use to legally establish a single-family dwelling; **granted.**

2013-HOV-066; 806 Grove Avenue; requests a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the reestablishment of a single-family dwelling, by removing a connection addition to 973 Elm Street, with a 3.8-foot side yard, an 8.9-foot aggregate side yard, a 0.7-foot rear yard, a 12.2-foot front yard and an open space of 39.6%; **granted.**

2012-HOV-053; 970 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a 10-foot front setback from Grove Avenue, located in front of the established building line of the primary dwelling; **granted.**

2011-HOV-016; 1059 Elm Street; requests variance of use to legally establish a single-family dwelling; **granted.**

2011-HOV-010; 1044 Elm Street; requests variance of use and development standards of the Commercial Zoning Ordinance to provide for a 288-square foot garage addition and 48-square foot front porch addition and to legally establish a 15-foot front setback for the existing dwelling; **granted.**

2007-ZON-836 / 2007-VAR-863 / 2007-VAC-836; 1029 Fletcher Avenue and 718 Shelby Street; requests a rezoning of 1.073 acres from D-5, C-1, C-3C, and C-5 to C-S to provide for C-1 uses, warehouse/indoor storage associated with an office use, and an outdoor garden/nursery, a variance of development standards to legally establish and provide for deficient setbacks and deficient number of off-street parking spaces, and a vacation of Grove Avenue; **granted and approved.**

(Continued)

STAFF REPORT 2023-DV2-001 (Continued)

2007-DV3-050; 946 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a single-family dwelling with a ten-foot rear setback, resulting in a lot open space ratio of 49%; **withdrawn.**

2005-ZON-115; 944 Elm Street; rezoning of 0.09 acre, being in the PK-1 District, to the D-8 classification to legally establish residential uses; **approved.**

2004-UV1-018A; 1021 Lexington Avenue; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a 2,590-square foot, three-unit, multi-family dwelling; **denied.**

2004-DV2-059; 1049 Elm Street; requests variance of development standards of the Dwelling Districts zoning Ordinance to provide for a 440-square foot garage with a 3.5-foot northwest and southeast side yard setbacks and a seven-foot aggregate side yard setback, resulting in a lot open space of 50.2%; **granted.**

2003-ZON-096; 1049 Elm Street; requests rezoning of 0.45 acre from the C-5 to the D-8 District, to provide for a single-family dwelling; **approved.**

2003-VAR-810 / 2003-VAC-810; 1049 Elm Street; variance of use to legally establish a single-family dwelling and to vacate a portion of an alley; **granted and approved.**

2002-UV1-024; 904 Shelby Street; requests variance of use of the Commercial Ordinance to provide for a three-unit multi-family residential building; **granted.**

2001-ZON-827; 901 Shelby Street, 1109, 1113, 1117, 1121, 1125 and 1132 East Pleasant Street, and 1118 and 1122 Woodlawn Avenue; requests a rezoning of 1.8 acres being in the C-5 and D-5 Districts, to the SU-38 classification to provide for the expansion of a community center into a proposed three story, 30,000 square foot building; **approved.**

98-UV1-111; 1129 and 1131 Pleasant Street; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish four dwelling units within a two-story residential structure, and to provide for two exterior staircases located with a side yard setback of zero feet on both the east and west sides of the building, and to provide for a total of four off-street parking spaces; **granted.**

97-UV2-75; 1129 and 1131 Pleasant Street; requests variance of use and development standards of the Dwelling districts Zoning Ordinance to provide for the conversion of a two-family residence into six dwelling units; **denied.**

95-Z-203; Multiple addresses including 1007 Lexington Avenue; requests rezoning of one acre being in the C-5 District, to the D-5 classification to conform the zoning classification to its use; **approved.**

(Continued)

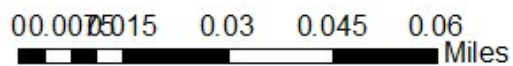
STAFF REPORT 2023-DV2-001 (Continued)

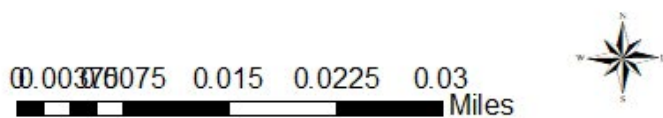
94-V2-67; 1015 Elm Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 572 square foot detached garage, with side yard setbacks of 2 and 3 feet, and an open space of 45%; **granted.**

93-V2-28; 1015 Elm Street; requests variance of development standards to permit the construction of a detached garage with a side yard setback of 2 feet and an aggregate of 5 feet, resulting in an open space of 45%; **denied.**

83-V3-73; 1145 Pleasant Street; requests variance of development standards of the Dwelling Districts Zoning Ordinance to allow an existing detached shed to remain in a front yard at zero feet from the right-of-way line; **granted.**

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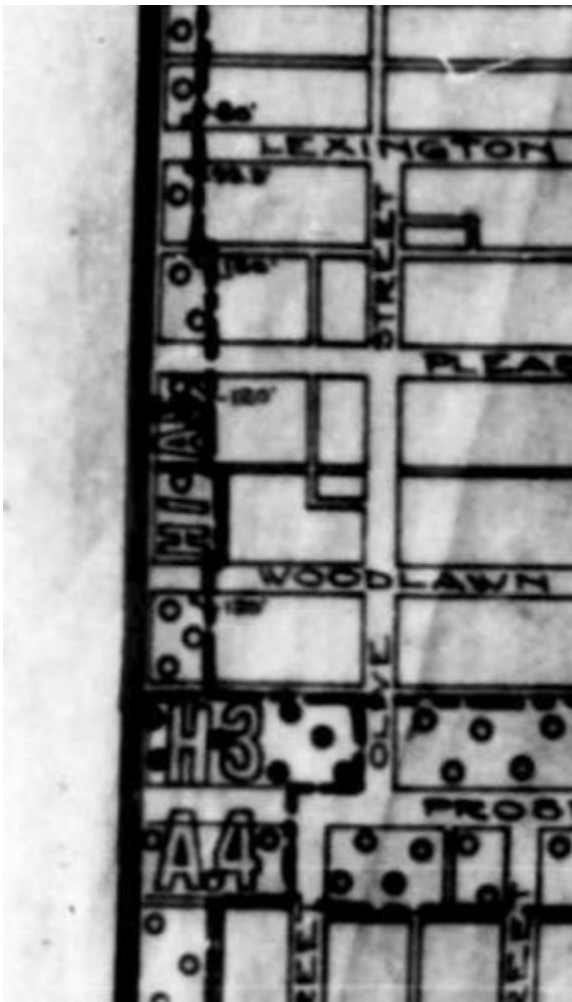




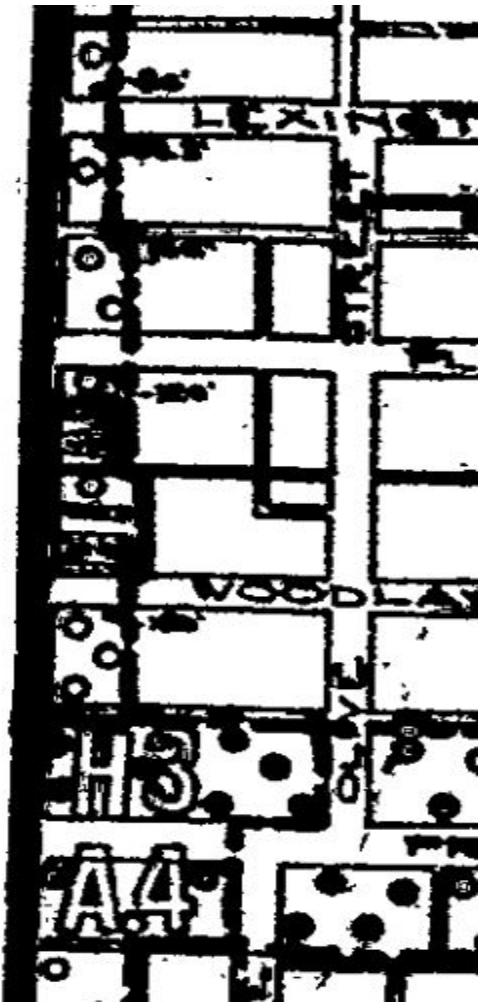
CHURCH WILL LAY STONE TOMORROW

The corner stone of the new **Fountain Square Christian Church**, formerly the South Side Christian Church, which is to be constructed at Shelby street and Lexington avenue, will be laid tomorrow evening, it has been announced by the Rev. U. S. Johnson, pastor, who will be in charge of the service.

The new auditorium, which will be the first unit of the church to be built, will be erected at a cost of approximately \$45,000. The church building will be a two-story structure, ninety-two feet wide and sixty feet deep. It will be built of brick veneer of Gothic architecture. The auditorium will have a seating capacity of 1,000, including a balcony. A Bible schoolroom will be built adjoining the auditorium. According to plans the building will be completed and dedicated shortly after the first of the year.



1922 Zoning Map



1932 Zoning Map

CITY PLAN COMMISSION	
H.B. STEEG; SECRETY.-ENG.	
ZONE MAP DESIGNATIONS	
USE DISTRICTS	
	U1-DWELLING HOUSE
	U2-APARTMENT HOUSE
	U3-BUSINESS
	U4-FIRST INDUSTRIAL
	U5-SECOND INDUSTRIAL
AREA DISTRICTS	
	A1-7500 SQ. FT. PER FAMILY
	A2-4800 SQ. FT. PER FAMILY
	A3-2400 SQ. FT. PER FAMILY
	A4-1200 SQ. FT. PER FAMILY
	A5-600 SQ. FT. PER FAMILY
	A6-UNLIMITED
HEIGHT DISTRICTS	
	H1-50' HEIGHT LIMIT
	H2-80' HEIGHT LIMIT
	H3-108' HEIGHT LIMIT
	H4-180' HEIGHT LIMIT
DISTRICT BOUNDARIES	
CORPORATION LINE	

Legend, Applies for Both Maps

2023-DV2-001; 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 proposed renovation of the existing church building into office space will result in a lower parking requirement than that of the previous religious use.

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 proposed renovation of the existing church building into office space will result in a lower parking requirement than that of the previous religious use.

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

there would be no flexibility to re-use the building that was constructed prior to the adoption of zoning ordinance provisions requiring off-street parking.

DECISION

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

Adopted this _____ day of _____, 20 ____

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2023-DV2-001; Amended Site Plan

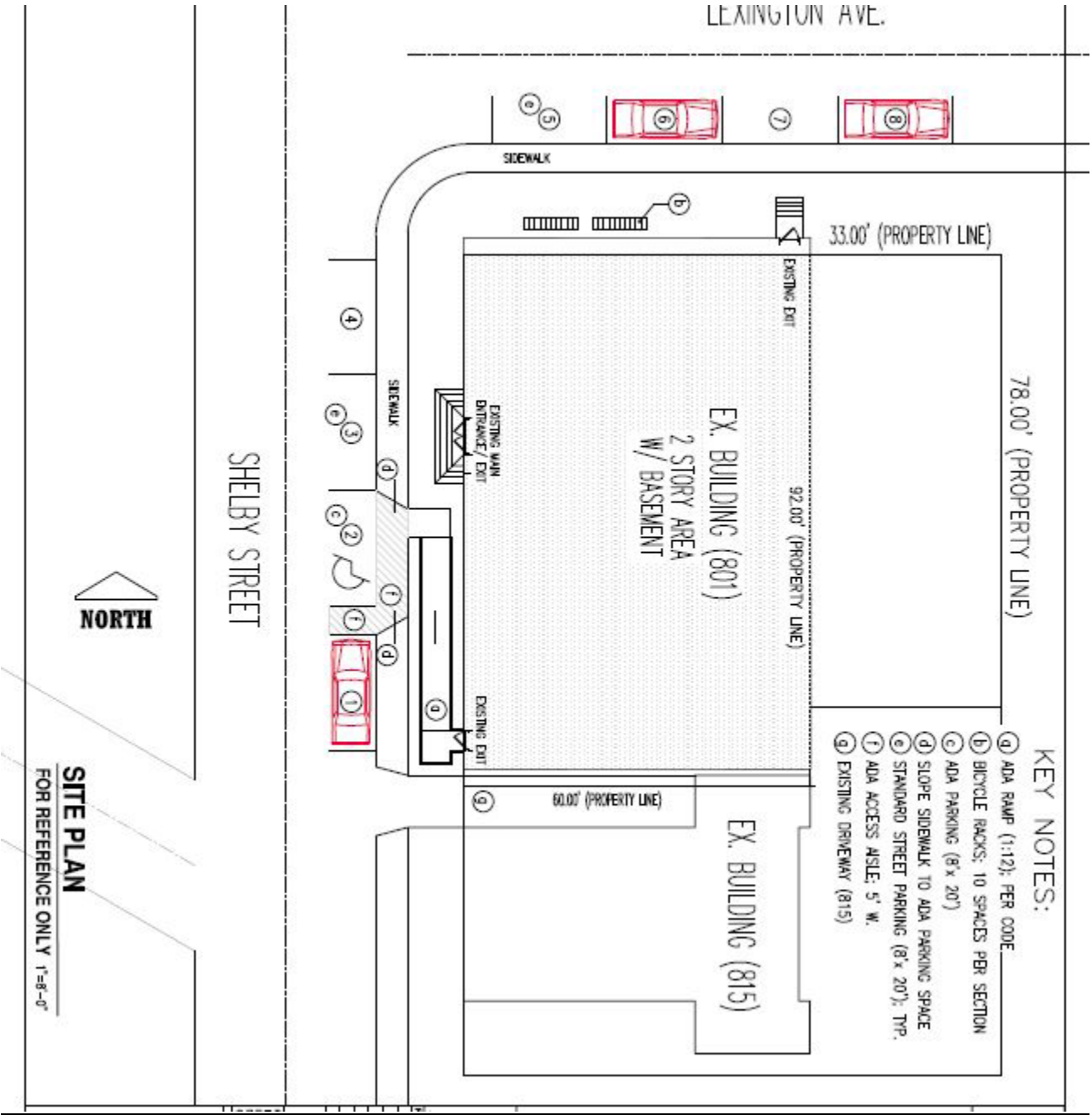




Photo One: Looking South along Shelby Street



Photo Two: Looking North along Shelby Street



Photo Three: Facing East along Lexington Avenue



Photo Four: Facing West Across Shelby Street



Photo Five: Existing Two-Family Dwelling South of Subject Site



Photo Six: Undeveloped Portion of Subject Site and Existing Dwelling to the East