



# Metropolitan Development Commission (March 15, 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, March 15, 2023

**Time:** 1:00 PM

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

## Business:

### Adoption of Meeting Minutes:

**Bid Openings:** RFP- Union Station Property Management

## Policy Resolutions:

### REAL ESTATE:

#### 1. 2023-R-005 (For Public Hearing)

Transfer 3950 Meadows to HHC for the purpose of a government use.

### ECONOMIC DEVELOPMENT / INCENTIVES:

#### 2. 2023-E-011 (For Public Hearing)

Confirmatory Resolution to create the City Market Redevelopment Area and the City Market North and City Market East Allocation Areas therein, and adopting a redevelopment plan in accordance therewith, Council District #11, Center Township.

#### 3. 2023-E-012

Authorizes a pledge of tax increment from the City Market North Allocation Area and City Market East Allocation Area to the payment of certain economic development revenue bonds for City Market North (Phase I) and City Market East (Phase II) Projects, respectively, Council District #11, Center Township.

#### 4. 2023-A-014 (For Public Hearing)

Approves a Final Economic Revitalization Area Resolution for Gershman Partners, located at 6407, 6411, 6417 (aka 6415) Ferguson Street and 6419 Ferguson Street (aka 853 East 65th Street), Council District #2, Washington Township. (Recommend approval of ten (10) years real property tax abatement).

### PLANNING:

#### 5. 2023-P-008

Authorizes the Department of Metropolitan Development to assess the public water supply systems of Marion County two hundred seventy five thousand dollars (\$275,000) for the purpose of funding the Groundwater Protection Fund for 2023.

## **6. 2023-P-009 (REVISED)**

Establishes and approves a budget of two hundred seventy five thousand dollars (\$275,000) for the Groundwater Protection Fund and authorizes the Department of Metropolitan Development to administer the Fund for the purposes of developing and operating education and voluntary business registration programs through the Marion County Wellfield Education Corporation (MCWEC), and administering the Wellfield Protection Secondary Zoning Districts.

## **Zoning Petitions:**

### **Special Requests**

#### **PETITIONS REQUESTING TO BE CONTINUED:**

**1. 2022-ZON-051 / 2022-VAR-003 (Amended) | 11811 and 11944 Southeastern Avenue and 7000 and 7400 South Carroll Road**

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

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

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

\*Continuance Request by Petitioner to the June 21st, 2023 Hearing.

**2. 2022-CZN-872 / 2022-CVR-872 | 4822 East Edgewood Avenue and 5820 South Emerson Avenue**

Perry Township, Council District #24  
IN Indianapolis Emerson, LLC, by Joseph Calderon

Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet (maximum 45 feet permitted) and a minimum livability ratio of 1.33 (1.80 required).

\*Continuance Request by the Remonstrator's Representative to the May 3, 2023 Hearing.

#### **PETITIONS BEING WITHDRAWN:**

**1. 2022-ZON-110 | 2920 and 2926 Bluff Road**

Center Township, Council District #16  
Ben Singh Bashal

Rezoning of 2.99 acres from the D-A (FF) district to the I-3 (FF) district to provide for truck repair.

#### **PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):**

**1. 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.



**2. 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).

**3. 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.

**4. 2023-ZON-006 | 828 North Oriental Street and 1323 East 9<sup>th</sup> Street**

Center Township, Council District #17  
Janette Dollar & David Sebedra, by Mark and Kim Crouch

Rezoning of 0.09 acre from the I-3 district to the D-8 district.

## Petitions for Public Hearing

### PETITIONS FOR PUBLIC HEARING:

**1. 2023-AO-001**

Amends Indy Rezone, G.O. 24, 2015. Amends portions of the "Revised Code of the Consolidated City and County" including Chapter 740 General Provisions, Chapter 742 Primary Districts, Chapter 743 Uses & Use-Specific Standards, and Chapter 744 Development Standards by adding and making technical corrections to the language, correcting typographical errors and omissions, and correcting internal references, to take effect immediately.

**2. 2022-MOD-009 | 25 McLean Place**

Center Township, Council District #11, Zoned C-S (RC) (TOD) (W-5) Illinois Street Self Storage, LLC, by David Kingen and Emily Duncan

Modification of the Commitments related to 2016-CZN-842 and 2016-CVR-842 to terminate Commitments #1 and #2 on Attachment "D" which required 10,000-square feet of building space to be reserved for office/retail space/artisan food or beverage/artisan manufacturing uses and required the building be subject to elevations, file-dated 3/2/17.

**3. 2022-ZON-112 | 7305 and 7725 Kentucky Avenue (Amended)**

Decatur Township, Council District #20  
Camby Village, LLC, by Brian J. Tuohy

Rezoning of 58.5 acres from the C-4 district to the C-S district to provide for certain uses permitted in the C-3 and all uses permitted in the D-4 and D-5II districts.

**4. 2023-ZON-005 | 1405 Deloss Street**

Center Township, Council District #17  
K&D Epic Holdings, LLC, by Peter Gundy

Rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling.

**5. 2023-CVR-800B | 834 East 64<sup>th</sup> Street**

Washington Township, CD#2, Zoned MU-1 (FF) (TOD)  
834 64<sup>th</sup> 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).

## 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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto: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.

Real Estate Disposition  
Brownfield Redevelopment Program  
3950 Meadows Drive

**METROPOLITAN DEVELOPMENT COMMISSION  
OF  
MARION COUNTY, INDIANA  
Resolution No. 2023-R-005**

WHEREAS, the City of Indianapolis ("City"), 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, DMD currently owns the real property located in Marion County, Indiana at **3950 Meadows Drive**-Parcel # 8059300, Legal Description:

PT SE1/4 SW1/4 S17 T16 R4 BEG APX 500'E & 200'N & 370' NE OF SW COR; NW45' NE335' NE92.58' SE200'SW ALG CURVE 327.39' TO BEG .996AC

which is currently tax exempt ("**Property**"); and

WHEREAS, pursuant to IC 36-7-15.1-2 and 6, the Metropolitan Development Commission ("MDC") is charged with the responsibilities of replanning, redevelopment, and promoting the use of land in the manner that best serves the interest of the City and its inhabitants, both from the standpoint of human needs and economic values, and of cooperating with other governmental entities created by state law in carrying out its responsibilities; and

WHEREAS, the Health and Hospital Corporation of Marion County ("H&H") is a municipal corporation/ governmental entity created by state law ( IC 16-22-8 *et seq*) with the power do all things reasonable or necessary to carry out its functions as the county health department, including the power to acquire real property; and

WHEREAS, H & H and DMD recognize their respective roles in fulfilling public purposes and acknowledge that H & H has a presence near the Property, including its headquarters and a clinic, and would like to incorporate the Property into its existing campus as part of redevelopment of the northeast side/Meadows area; and

WHEREAS, as one of its powers, IC 36-7-15.1-7 (a) (3) authorizes the MDC to grant interests in real property acquired for redevelopment purposes to any other governmental agency for public purposes, on any terms that may be agreed upon; and

WHEREAS, to allow community input and to provide an opportunity to hear from other parties interested in the Property, MDC published notice of and held a public hearing regarding the proposed transfer of the Property and wishes to transfer title of the property to H& H to facilitate redevelopment.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. MDC authorizes the DMD to convey the Property to the Health and Hospital Corporation of Marion County in consideration of and for the purpose of beneficial redevelopment as described above.
2. MDC authorizes the DMD Director or designee to execute all necessary documents related to such conveyance 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

Sheila Kinney, Asst. Corp Counsel

Date: 2/27/2023

Metropolitan Development Commission

John J. Dillon III, President

Date: \_\_\_\_\_

## RESOLUTION NO. 2023-E-011

### CONFIRMATORY RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA (I) DESIGNATING THE CITY MARKET REDEVELOPMENT AREA, AND (II) ESTABLISHING THE CITY MARKET NORTH AND CITY MARKET EAST ALLOCATION AREAS THEREIN

WHEREAS, on November 2, 2022, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), acting pursuant to IC 36-7-15.1 (the “Act”), adopted Declaratory Resolution 2022-E-042 (the “Declaratory Resolution”) (i) identifying an area in need of redevelopment pursuant to the Act, to be known as the City Market Redevelopment Area (the “Redevelopment Area”), (ii) designating certain parcels of real property within the Redevelopment Area as an allocation area to be known as the “City Market North Allocation Area,” pursuant to the Act, (iii) designating certain parcels of real property within the Redevelopment Area as an allocation area to be known as the “City Market East Allocation Area,” pursuant to the Act, and (iii) adopting a plan for the redevelopment of the Redevelopment Area (the “Redevelopment Plan”);

WHEREAS, on February 6, 2023, the City-County Council of the City of Indianapolis and Marion County, Indiana (the “City-County Council”) approved the Declaratory Resolution pursuant to the Act;

WHEREAS, the Commission published notice on or before March 4, 2023, of the adoption and substance of the Declaratory Resolution, in accordance with the Act and Indiana Code 5-3-1, and of a public hearing on March 15, 2023, regarding the Declaratory Resolution, at which public hearing the opportunity to have remonstrance and objections heard by the Commission was provided;

WHEREAS, the public notice described in the preceding paragraph was also filed in the office of the Department of Metropolitan Development and any other departments, bodies or officers having to do with City planning, variances from zoning ordinances, land use or the issuance of building permits;

WHEREAS, no later than ten days prior to the public hearing, copies of the public notice were also filed with the officer authorized to fix budgets, tax rates and tax levies under Indiana Code 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the proposed Redevelopment Area, together with a statement disclosing the impact of the Redevelopment Area and allocation areas, which includes:

- (A) The estimated economic benefits and costs incurred by the Redevelopment Area, as measured by increased employment and anticipated growth of real property assessed values; and
- (B) The anticipated impact on tax revenues of each taxing unit;

WHEREAS, prior to the adoption of the resolution hereinafter set forth, the Commission conducted a duly noticed public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrance and objections that were filed;

WHEREAS, after being fully advised in the matter,

**NOW, THEREFORE, BE IT RESOLVED** by the Commission, as follows:

1. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with confirmation of the Declaratory Resolution: i) designating the Redevelopment Area; ii) designating the “City Market North Allocation Area” as an allocation area pursuant to the Act; iii) designating the “City Market East Allocation Area” as an allocation area pursuant to the Act; and iv) adopting the “Redevelopment Plan.”

2. The Commission finds that the Redevelopment Area is a menace to the social and economic interest of the City and its inhabitants, and that it will be of public utility and benefit to redevelop the Redevelopment Area pursuant to the Act due to: i) a lack of local public improvements necessary to achieve the level of quality of development described in the Redevelopment Plan; ii) the existence of improvements or conditions that lower the value of the land below that of nearby land; and iii) multiple ownership of land, and other similar conditions, specifically including challenged resulting from existing private party easements and other land conditions.

3. The Commission hereby finds that the Declaratory Resolution is necessary and that the adoption of the allocation provision in the Declaratory Resolution will result in new property taxes in the Redevelopment Area and allocation areas that would not have been generated but for the adoption of the allocation provision and is supported by the finding of fact, evidence, testimony, and other information provided to the Commission as part of its determination to establish the Redevelopment Area and allocation areas pursuant to the Declaratory Resolution and the Act.

4. The Declaratory Resolution and the Plan approved by the Commission on November 2, 2022, copies of which are on file with the Secretary of the Commission and Clerk of the City, and are incorporated herein, are hereby confirmed as described herein pursuant to the Act, subject to the clarification that references to Section 39 of the Act in the Declaratory Resolution should be corrected to refer to Section 26 of the Act.

5. The Secretary of the Commission is hereby directed to record this Confirmatory Resolution with the Marion County Recorder, notify the Indiana Department of Local Government Finance of the designation of the City Market North Allocation Area and City Market East Allocation Area within the Redevelopment Area, and to file this Confirmatory Resolution with the Marion County Auditor.

6. This Confirmatory Resolution shall be effective upon passage.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on March 15, 2023, at the City-County Building, 2<sup>nd</sup> floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

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

---

John J. Dillon, III, President

---

Bruce Schumacher, Vice Secretary

As to form and legality:

Office of Corporation Counsel

/s/Toae Kim  
Toae Kim, Deputy Chief Counsel

This instrument prepared by: Cameron G. Starnes, Taft Stettinius & Hollister LLP, One Indiana Square, Suite 3500, Indianapolis, Indiana 46204

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

**METROPOLITAN DEVELOPMENT COMMISSION**

**OF**

**MARION COUNTY, INDIANA**

**RESOLUTION NO. 2023-E-012**

**A RESOLUTION OF THE REDEVELOPMENT DISTRICT OF THE  
CITY OF INDIANAPOLIS, INDIANA PLEDGING TAX INCREMENT FROM THE  
CITY MARKET NORTH ALLOCATION AREA AND CITY MARKET EAST  
ALLOCATION AREA TO THE PAYMENT OF CERTAIN  
ECONOMIC DEVELOPMENT REVENUE BONDS**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the “District”), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the “Act”); and

WHEREAS, the Commission, on behalf of the District, has previously adopted and confirmed resolutions (collectively, the “Declaratory Resolution”) which (i) declared and confirmed designation of an area of the City of Indianapolis, Indiana (the “City”), known as the City Market Redevelopment Area (the “Redevelopment Area”), a “redevelopment area” within the meaning of Indiana Code 36-7-15.1, as amended, (ii) designated the City Market North Allocation Area (the “North Allocation Area”) as an “allocation area” for purposes of the Indiana Code 36-7-15.1-26, (iii) created the City Market North Allocation Fund (the “North Allocation Fund”), pursuant to Indiana Code 36-7-15.1-26, into which taxes on real property located in the North Allocation Area are to be deposited in accordance with, and for the purposes stated in, the Act and the Declaratory Resolution, (iv) designated the City Market East Allocation Area (the “East Allocation Area”) as an “allocation area” for purposes of the Indiana Code 36-7-15.1-26, (v) created the City Market East Allocation Fund (the “East Allocation Fund”), pursuant to Indiana Code 36-7-15.1-26, into which taxes on real property located in the East Allocation Area are to be deposited in accordance with, and for the purposes stated in, the Act and the Declaratory Resolution, and (vi) adopted a redevelopment plan for the Redevelopment Area (the “Plan”); and

WHEREAS, Gershman Partners/Citimark, and/or one or more subsidiaries, affiliates, designees and/or joint ventures thereof (collectively, the “Developer”), desires to finance certain projects, additions or improvements within the Allocation Area, including all or any portion of the Project (as defined herein); and

WHEREAS, the City intends to enter into the Financing Agreement with the Developer (the “Financing Agreement”) and a Project Agreement (the “Project Agreement”) with the Developer in connection with the Developer’s development and construction of the Project, including Phase I and Phase II thereof; and

WHEREAS, the Developer desires to finance costs in connection with a mixed-use project, including a multi-family development consisting of the acquisition, rehabilitation, renovation, construction, development, improvement, and equipping of 222 East Market Street (“City Market”), 151 North Delaware Street (“Gold Building”), 251 East Ohio Street (“Brick Building”), and an adjacent parking structure, including conversion of the Gold Building from office use to 350 luxury multi-family units, including affordable units, upgrades/updates to the parking structure and Brick Building, construction of a pedestrian corridor along Wabash Alley between the Gold Building, Brick Building, and City Market, and renovations to the west wing/plaza of the City Market in partnership with the City of Indianapolis and the City Market (collectively, the “Phase I Project”); and

WHEREAS, the Commission has been advised that the City intends to authorize and issue certain economic development revenue bonds of the City, in one or more series, all or any portion of which may be taxable or tax-exempt for federal income tax purposes, designated as the “City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2023 (Federally Taxable – City Market North Project)” (with such additional or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued), in an aggregate principal amount not to exceed Twelve Million Three Hundred Thousand Dollars (\$12,300,000) (the “Phase I Bonds”), for the purposes of providing funds to pay for the financing of a portion of the Phase I Project, in accordance with the terms of the Financing Agreement, the Project Agreement, and other such documents as deemed necessary; and (b) costs and expenses incurred in connection with or on account of the issuance of the Bonds authorized herein, and the proceeds of the Bonds will be deposited with a financial institution serving as trustee pursuant to a trust indenture (the “Indenture”) between the City and such trustee and disbursed to the Developer during construction of the Project, as provided for in the Indenture, the Financing Agreement and the Project Agreement; and

WHEREAS, the Phase I Bonds will be payable from the lesser of eighty percent (80%) of the tax increment revenues received from the newly created City Market North Allocation Area (the “City Market North TIF Revenues”) or the amortization amount of the Bonds and considering any prior year shortfalls, if applicable, except for the ability to fund a debt service reserve up to the maximum annual debt service on the Phase I Bonds, if deemed necessary or desired and approved by the City, held as a reserve for the payment of the Phase I Bonds and other matters in furtherance of the Project and that the pledge of TIF Revenues will not exceed the debt service on the Phase I Bonds and considering any prior year shortfalls, except for the ability to fund a debt service reserve within the eighty percent (80%) of the City Market North TIF Revenues and up to the maximum annual debt service on the Phase I Bonds; and

WHEREAS, pursuant to Indiana Code 36-7-15.1-26(b)(3)(D), the Commission now desires to pledge eighty percent (80%) of the City Market North TIF Revenues to the payment of the principal of, premium (if any), and interest on the Phase I Bonds as the same becomes due.

WHEREAS, the Developer desires to finance costs in connection with a mixed-use project consisting of the acquisition, rehabilitation, renovation, construction, development, improvement, and equipping of the current east wing structure of the City Market and development of a new



residential tower, new retail space, and new public amenity space (collectively, “Phase II”, and together with Phase I, the “Project”); and

WHEREAS, the Commission has been advised that the City intends to authorize and issue certain economic development revenue bonds of the City, in one or more series, all or any portion of which may be taxable or tax-exempt for federal income tax purposes, designated as the “City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2023 (Federally Taxable – City Market East Project)” (with such additional or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued), in an aggregate principal amount not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000.00) (the “Phase II Bonds”), for the purposes of providing funds to pay for the financing of a portion of the Phase II Project, in accordance with the terms of the Financing Agreement, the Project Agreement, and other such documents as deemed necessary; and (b) costs and expenses incurred in connection with or on account of the issuance of the Bonds authorized herein, and the proceeds of the Bonds will be deposited with a financial institution serving as trustee pursuant to a trust indenture (the “Indenture”) between the City and such trustee and disbursed to the Developer during construction of the Project, as provided for in the Indenture, the Financing Agreement and the Project Agreement; and

WHEREAS, the Phase II Bonds will be payable from the lesser of eighty percent (80%) of the tax increment revenues received from the newly created City Market East Allocation Area (the “City Market East TIF Revenues”) or the amortization amount of the Phase II Bonds and considering any prior year shortfalls, if applicable, except for the ability to fund a debt service reserve up to the maximum annual debt service on the Phase II Bonds, if deemed necessary or desired and approved by the City, held as a reserve for the payment of the Phase II Bonds and other matters in furtherance of the Phase II Project and that the pledge of City Market East TIF Revenues will not exceed the debt service on the Phase II Bonds and considering any prior year shortfalls, except for the ability to fund a debt service reserve within the eighty percent (80%) of the City Market East TIF Revenues and up to the maximum annual debt service on the Phase II Bonds; and

WHEREAS, pursuant to Indiana Code 36-7-15.1-26(b)(3)(D), the Commission now desires to pledge eighty percent (80%) of the City Market East TIF Revenues to the payment of the principal of, premium (if any), and interest on the Phase II Bonds as the same becomes due.

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

1. The Commission hereby finds that the pledge of the City Market North TIF Revenues and the City Market East TIF Revenues to the payment of principal of and interest on the Phase I Bonds and Phase II Bonds, respectively, to finance the Project, and the funding of a reserve fund, if necessary, will help accomplish the Plan for the Redevelopment Area and will promote the economic development of the City and the Redevelopment Area.

2. The Commission hereby irrevocably pledges the lesser of eighty percent (80%) of the City Market North TIF Revenues or the amortization amount of the Phase I Bonds and considering any prior year shortfalls to the payment of principal of and interest on the Phase I Bonds and the funding of a primary reserve fund for not more than the maximum annual debt service on the Phase I Bonds, if necessary, on parity basis with all other bonds or obligations payable from the City Market North TIF Revenues on a senior basis, currently outstanding or to be issued in the future, in accordance with and subject to the terms and conditions of the Financing Agreement, the Project Agreement and the Indenture.

3. The Commission hereby irrevocably pledges the lesser of eighty percent (80%) of the City Market East TIF Revenues or the amortization amount of the Phase II Bonds and considering any prior year shortfalls to the payment of principal of and interest on the Phase II Bonds and the funding of a primary reserve fund for not more than the maximum annual debt service on the Phase II Bonds, if necessary, on parity basis with all other bonds or obligations payable from the City Market East TIF Revenues on a senior basis, currently outstanding or to be issued in the future, in accordance with and subject to the terms and conditions of the Financing Agreement, the Project Agreement and the Indenture.

4. The Commission and the District hereby covenant that on or before one (1) business day prior to each Interest Payment Date (as defined in the Indenture), the trustee shall deposit all TIF Revenues (as received from the Controller, acting on behalf of the Redevelopment Commission) into the appropriate Bond Fund (as the same shall be defined in the Indenture), but no more than shall be necessary for (i) the payment of the principal of and interest on the Bonds on the immediately succeeding Interest Payment Date (taking into consideration any amounts currently deposited therein), together with Annual Fees (as defined in the Indenture) coming due within the next six (6) months, and (ii) the funding of the reserve fund, if necessary.

4. The Commission and the District reserve the right to authorize and issue additional senior and parity bonds payable from the City Market North TIF Revenues of the City Market North Allocation Area and the City Market East TIF Revenues of the City Market East Allocation Area, respectively.

5. In connection with the Project, the Commission hereby authorizes any officer of the Commission or the Department of Metropolitan Development (“DMD”) to enter into a one or more project and financing agreements with the Developer and/or such other entities as may be necessary, desirable or appropriate, in form and substance and on terms and conditions acceptable to such officer of the Commission or DMD, together with any and all changes as may be necessary, desirable or appropriate, which shall be evidence by such officer’s execution thereof.

6. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

7. All resolutions and orders, or parts thereof, in conflict with the provision of this Resolution, are, to the extent of such conflict, hereby repealed or amended.

8. This Resolution shall be in full force and effect immediately upon its passage and signing. The Secretary of the Commission is hereby directed to deliver a certified copy of this Resolution to the Controller of the City.

9. The Mayor, the Controller and any other officer of the City and the Commission are hereby authorized and directed, in the name and on behalf of the City, acting for and on behalf of the District, to execute and deliver such further documents and to take such further actions as such person deems necessary, desirable or appropriate to effect the purposes of this Resolution, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 15<sup>th</sup> day of March, 2023.

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

---

John J. Dillon III, President

---

Bruce Schumacher, Vice-Secretary

Approved for Legal Adequacy:

Office of Corporation Counsel

By: \_\_\_\_\_

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Cameron G. Starnes, Taft Stettinius & Hollister LLP.

This Resolution prepared by Cameron G. Starnes, Taft Stettinius & Hollister LLP, One Indiana Square, Suite 3500, Indianapolis, Indiana 46204.

**METROPOLITAN DEVELOPMENT COMMISSION OF****MARION COUNTY, INDIANA****FINAL AMENDED ECONOMIC REVITALIZATION AREA RESOLUTION****RESOLUTION NO. 2023-A-014****REAL PROPERTY TAX ABATEMENT****Gershman Partners – Madera Office Project**

6407, 6411, 6417 (aka 6415) Ferguson Street and 6419 Ferguson Street (aka 853 East 65th Street)

**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, annual abatement schedule and deduction limit during the term of the abatement for such property by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

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

**WHEREAS, I.C. 6-1.1-12.1** empowers the Commission, at the time an Economic Revitalization Area is designated, to limit the dollar amount of the deduction that will be allowed with respect to a project; 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,** the Applicant has requested the Subject Real Estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the Project set forth in the attachment to this Resolution and occurring on the Subject Real Estate; and

**WHEREAS,** during a preliminary hearing at 1:00 p.m. on Wednesday, May 4, 2022, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and recommended the appropriate length of the abatement period for such Area, and the Commission adopted **Preliminary Resolution No. 2022-A-007**, preliminarily designating the Subject Real Estate as an Economic Revitalization Area for an abatement period of ten (10) years ("Preliminary Resolution"); and

**WHEREAS**, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "City-County Council") adopts a resolution approving the Statement of Benefits; and

**WHEREAS**, the City-County Council, on June 6, 2022, adopted a resolution approving the Applicant's Statement of Benefits; and

**WHEREAS**, during a final public hearing at 1:00 p.m. on Wednesday, June 15, 2022, the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and recommended the appropriate length of the abatement period for such Area, and the Commission adopted **Final Resolution No. 2022-A-022**, designating the Subject Real Estate as an Economic Revitalization Area for an abatement period of ten (10) years ("Final Resolution"); and

**WHEREAS**, the Applicant has requested that the City-County Council and the Commission approve amendments to the Statement of Benefits and Final Resolution, respectively, as set forth in this Resolution; and

**WHEREAS**, the City-County Council, on March 6, 2022, adopted a resolution approving the Applicant's amended Statement of Benefits; and

**WHEREAS**, pursuant to Commission Resolution No. 01-A-041, 2001, the Applicant and the City have entered into an amended Memorandum of Agreement which shall be utilized to measure compliance with the proposed Project described in the attachment to this Amended Final Resolution; and

**WHEREAS**, proper legal notices were published indicating the Commission's intent to hold a public hearing to consider adoption of this Amended Final Resolution and stating when and where such final public hearing would be held.

**NOW, THEREFORE, IT IS RESOLVED:**

1. The Commission now amends, confirms, adopts and approves such Preliminary and Final Resolutions and thereby finds and establishes the area as an Economic Revitalization Area subject to the conditions that designation as an Economic Revitalization Area allows the abatement of property taxes only relative to the Project and the effectiveness of the designation can be terminated by action of the Commission if:
  - A. The Applicant is unable to secure approval of the necessary variance or rezoning petition to provide for the proposed development.
  - B. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in the final resolutions as supplemented by information in the application, site plan and elevations; or
  - C. 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.

2. The Economic Revitalization Area (ERA) designation terminates three (3) years after the date a final resolution is adopted; however, relative to redevelopment or rehabilitation completed before the end of the ERA period, this termination does not limit the period of time the Applicant or successor owner is entitled to receive a partial abatement of property taxes to a period of not less than ten (10) years.
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. This Economic Revitalization Area designation is limited to allowing the partial abatement of property taxes attributable to redevelopment or rehabilitation activities: **This designation does not allow abatement of property taxes for installation of new manufacturing equipment under 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 new office building of approximately 62,000 square feet in total area, inclusive of approximately 55,000 square feet of leasable area.
5. The Commission has determined that the Project can be reasonably expected to yield the benefits identified in the attached "statement of benefits" and the "statement of benefits" is sufficient to justify the partial abatement of property taxes requested, based on the following findings:
  - A. The estimate of the value of the proposed Project is reasonable for projects of that nature.
  - B. The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.
  - C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.
  - D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed Project.
  - E. The "Totality of Benefits" is sufficient to justify the deduction.
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, Workforce Support Commitments and investment figures contained in the applicant's approved Final Economic Revitalization Area Resolution, the Memorandum of Agreement executed by and between the applicant and the City, and/or the statement of benefits form. The Commission may reduce the dollar amount, or rescind the deduction in its entirety, and/or require repayment of all or a portion of the deductions received by the applicant for failure to achieve the benefits identified in the

Memorandum of Agreement and/or "statement of benefits", or for failure to respond to the mandatory survey.

7. The Commission directs the Department of Metropolitan Development to survey the Project described in the attachment to this Resolution annually for at least fourteen (14) years. The dates of the initial fourteen (14) surveys shall be on or about the following dates: 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.
8. The Subject Real Estate and Project area are approved for an abatement period of **ten (10) years**.
9. The real property tax abatement shall utilize the following abatement schedule:

**GERSHMAN PARTNERS – MADERA OFFICE PROJECT  
REAL PROPERTY TAX ABATEMENT**

YEAR OF DEDUCTION	PERCENTAGE
1 <sup>st</sup>	70%
2 <sup>nd</sup>	70%
3 <sup>rd</sup>	70%
4 <sup>th</sup>	70%
5 <sup>th</sup>	70%
6 <sup>th</sup>	70%
7 <sup>th</sup>	70%
8 <sup>th</sup>	70%
9 <sup>th</sup>	70%
10 <sup>th</sup>	70%

10. A copy of this Resolution shall be filed with the Marion County Auditor.



METROPOLITAN DEVELOPMENT COMMISSION

\_\_\_\_\_  
John J. Dillon III, President

\_\_\_\_\_  
Bruce Schumacher, Vice-Secretary

\_\_\_\_\_  
Date

Approved as to Legal Form  
and Adequacy this 7<sup>th</sup> day  
of March 2023.

\_\_\_\_\_/s/Toae Kim\_\_\_\_\_  
Toae Kim,  
Deputy Chief Counsel

**STAFF ANALYSIS**  
**REAL PROPERTY TAX ABATEMENT**

Area Surrounding Subject Real Estate: The site is located in Broad Ripple, north of the Indianapolis Central Canal.

Current Zoning:.....MU-1

New Jobs Created: .....62

Jobs Retained: .....None.

Estimated Cost of proposed project: \$23,523,594.00

**STAFF ANALYSIS**

In 2022, Gershman Partners had proposed the redevelopment of 0.68 acres of property at the southeast corner of East 65th Street and Ferguson Avenue. The proposed “Madera” project would replace the existing buildings on site with a new construction, four-story, approximately 56,000-square foot office building with first floor covered and surface parking. The project plans indicated the improvement of both Ferguson and 65th Streets, with the addition of missing public sidewalks, removal of existing encroachments and creation of 12 total on-street parking spaces. The Madera project was approved for 10 years’ Real Property Tax Abatement, by the City-County Council and the Commission.

In response to market conditions, Gershman Partners, has proposed to revise the Madera project to include an additional story of leasable office space. In staff’s opinion, the proposal expansion of the Madera project, including an increase in committed real estate investment, new jobs, and average hourly wages, all represent enhancements to the project. However, it is also necessary for the City-County Council and the Commission to consider and approve of these changes in order of the project to remain in compliance with City agreements.

The project’s Inclusivity Plan will still require a donation to the Broad Ripple Village Association (BRVA) to support infrastructure improvement projects in the Broad Ripple area, however the donation amount will increase to \$85,930 as a result of the increase scope and resulting taxes of the amended Madera project.

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 ten (10) years real property tax abatement.

**TOTALITY OF BENEFITS (AMENDED PROJECT)****PETITIONER:****Gershman Partners****INVESTMENT:**

Staff estimates that the proposed investment of \$23,523,594.00 should result in an increase to the tax base of approximately \$8,401,395.00 of assessed value. Staff estimates that over the ten (10) year real property tax abatement period the petitioner will realize savings of approximately \$1,718,597.76 (a 70.5% savings). During the abatement period, the petitioner is expected to pay an estimated \$719,369.51 in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the properties in the amount of \$23,107.52 annually (pay 2022 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated \$258,562.04 in real property taxes annually on the new improvements, in addition to the annual taxes attributable to the value of the land and existing improvements.

**EMPLOYMENT:**

The petitioner estimates that this project will create a minimum of sixty-two (62) positions at a minimum wage of not less than \$27.00/hr. Staff finds these figures to be reasonable for a project of this nature.

**OTHER BENEFITS:**

Staff believes this project is significant for Washington 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.

## AMENDED PROJECT SUMMARY

Applicant: Gershman Partners

Subject Real Estate: 6407, 6411, 6417 (aka 6415) Ferguson Street and 6419 Ferguson Street (aka 853 East 65th Street)

Washington Township Parcel Numbers: 8015988, 8012293, 8011459 and 8020961

### Project Description

Gershman Partners, headquartered in the city, is a full-service commercial real estate development and management firm. In 2022, Gershman proposed an investment of \$16.9MM to redevelop 0.68 acres of property at the southeast corner of East 65th Street and Ferguson Avenue as the “Madera” office building project. The Subject Real Estate is currently improved with four structures that would be demolished to allow for the construction of Madera. The original concept was a four-story, approximately 56,000-square foot office building with covered and surface parking. After Madera was approved for abatement, the concept was expanded to a \$23MM, five-story structure, approximately 62,000 in area. The site plan and building footprint have not changed significantly from the 2022 concept.

The building will be a Class A, facility, with an exterior wrapped with glass, steel, zinc and other materials, presenting a highly designed office in an area of the city with a limited supply of new and Class A offices for lease. The proposal includes lobby & common area amenities, indoor bike storage, and 4th and 5th floor balconies. Based on the size of the amended building and the nature of the intended end user(s), the Gershman has committed that the property will be occupied by tenants which would collectively create at least 62 new jobs at an average hourly wage of not less than \$27.00, by 2027.

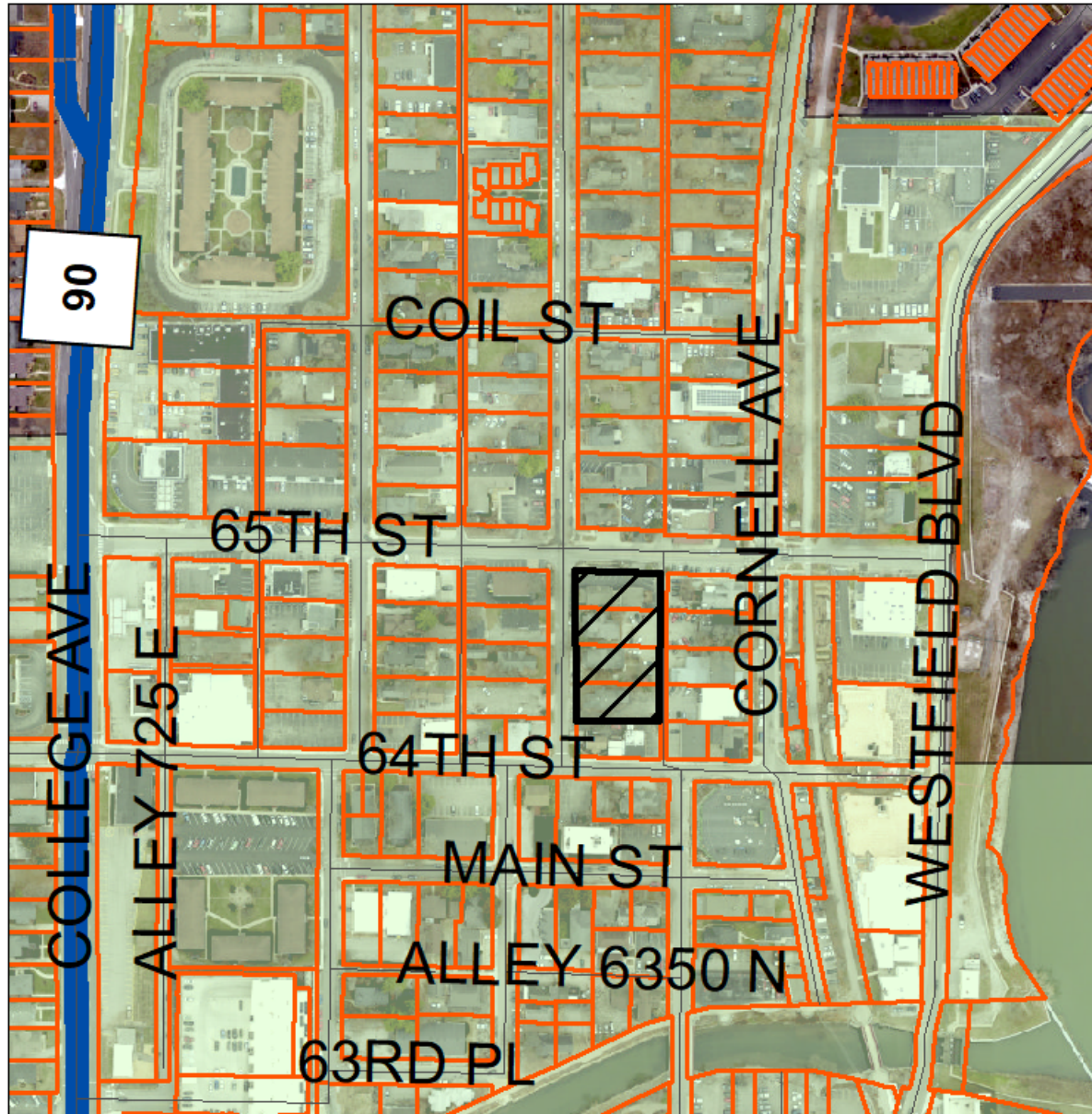
New Jobs Created: 62 at \$27.00/hr.

Jobs Retained: None.

Estimated Cost of Amended Project: \$23,523,594.00

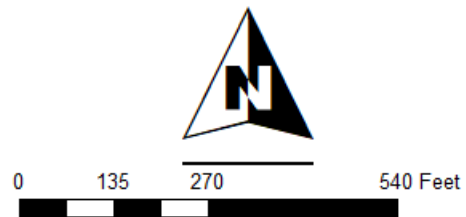
**RECOMMENDATION:** Staff recommends approval of ten (10) years real property tax abatement.

Gershman Partners – Madera Office Project  
6407, 6411, 6417 (aka 6415) Ferguson Street and  
6419 Ferguson Street (aka 853 East 65th Street)



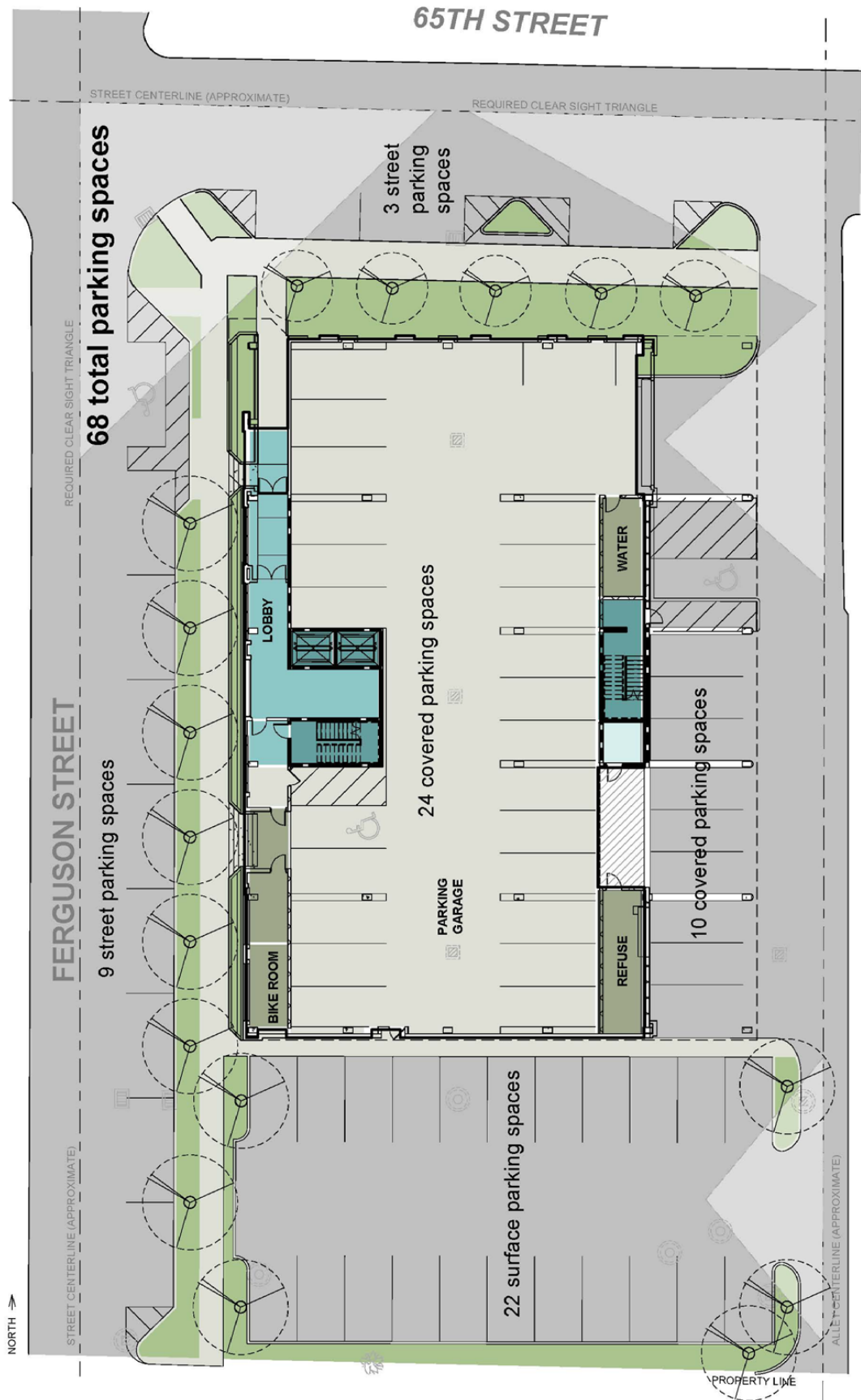
**Legend**

-  IndyGo Transit Routes
-  Parcels
-  TIF Districts
-  Project Site



Produced by: DMD REED February 22, 2022

2022 Approved Development Plan





## 2023 Amended Elevations



65TH + FERGUSON: REVISED IMAGERY  
PREPARED FOR GERSHMAN PARTNERS  
12 JULY 2023

DKG



65TH + FERGUSON: REVISED IMAGERY  
PREPARED FOR GERSHMAN PARTNERS  
12 JULY 2023

DKG

**METROPOLITAN DEVELOPMENT COMMISSION  
OF  
MARION COUNTY, INDIANA**

**RESOLUTION NO. 2023-P-008**

Resolution 2023-P-008 determines that the 2023 annual fee to be paid by the public water supply systems of Marion County for the purpose of funding the Groundwater Protection Fund shall be an aggregate amount of \$275,000 and determines that the individual public water utility systems shall pay the following respective amounts: Citizens Energy Group \$259,310, Lawrence Water Company \$12,265, and Speedway Water Works \$3425.

WHEREAS, the Wellfield Protection Secondary Zoning Districts Ordinance of Marion County establishes a Groundwater Protection Fund to be used to fund certain matters related to Wellfield Protection; and

WHEREAS, the Wellfield Protection Secondary Zoning Districts Ordinance further provides that each public water supply system that pumps groundwater from one or more wells located within a W-1 or W-5 Wellfield Protection Secondary Zoning District shall pay an annual fee into the Groundwater Protection Fund; and

WHEREAS, the Wellfield Protection Secondary Zoning Districts Ordinance further provides that the annual fee to be paid by each public water supply system shall be determined by the Metropolitan Development Commission based on the approved groundwater protection fund budget (Exhibit A, attached) and a percentage determined by dividing the number of customers served by the individual public water supply system at the end of the calendar year by the total number of customers served at the end of the calendar year by all public water supply systems that pump from one or more wells within a W-1 or W-5 District; and

WHEREAS, the Department of Metropolitan Development has calculated the annual fee for 2023 for each of the water supply systems as shown on Exhibit A attached hereto;

NOW THEREFORE BE IT RESOLVED that the Metropolitan Development Commission hereby determines that the 2023 annual groundwater protection fee for each affected water utility is as follows:

<b>Public Water Utility System</b>	<b>2023 Groundwater Protection Fee</b>
Citizens Energy Group	\$259,310
Lawrence Water Company	\$12,265
Speedway Water Works	\$3425
<b>TOTAL</b>	<b>\$275,000</b>

Dated: \_\_\_\_\_

\_\_\_\_\_  
John J. Dillon III, President  
Metropolitan Development Commission

Approved as to Legal Form this \_\_\_\_\_ day of March 2023.

\_\_\_\_\_  
Christopher Steinmetz  
Assistant Corporation Counsel



**EXHIBIT A**  
**Resolution 2023-P-008**

**2023 GROUNDWATER PROTECTION FEE**

Section 742-204, the Wellfield Protection Secondary Zoning Districts Ordinance, states that *“Each public water supply system that pumps groundwater from one or more wells located within a W-1 or W-5 Wellfield Protection district shall pay into the groundwater protection fund a percentage of the annual fee assessed by the Commission, such percentage to be determined by dividing the number of customers served by the water supply system at the end of the calendar year by the total number of customers served at the end of the calendar year by all public water supply systems that pump from one or more wells within a W-1 or W-5 Wellfield Protection district.”*

The following table breaks down the Groundwater Protection Fee due from each supplier based on the number of customers each supplier served on December 31, 2022.

<b>Public Water Utility System</b>	<b>Number of Customers (as of 12-31-22)</b>	<b>Percent of Total Customers</b>	<b>2023 Groundwater Protection Fee</b>
Citizens Energy Group	322,913	94.29%	\$259,310
Lawrence Water Company	15,274	4.46%	\$12,265
Speedway Water Works	4,265	1.24%	\$3425
<b>TOTAL</b>	<b>342,452</b>	<b>100.00%</b>	<b>\$275,000</b>

METROPOLITAN DEVELOPMENT COMMISSION  
OF  
MARION COUNTY, INDIANA

RESOLUTION NO. 2023-P-009

RESOLUTION 2023-P-009 establishes and approves a budget of \$275,000 for the Groundwater Protection Fund and authorizes the Department of Metropolitan Development to continue administrating the Fund for the purposes of education and voluntary business registration efforts through the Marion County Wellfield Education Corporation (MCWEC) and implementation of the Wellfield Protection Secondary Zoning District section of the Indianapolis Consolidated Zoning and Subdivision Ordinance.

WHEREAS, the Indianapolis Consolidated Zoning and Subdivision Ordinance of Marion County establishes a Groundwater Protection Fund to cover the costs incurred in establishing and maintaining a Wellfield Protection program; and

WHEREAS, the Marion County Wellfield Education Corporation has been authorized by the City-County Council to develop and implement a Wellfield Education and Registration program for Marion County; and

WHEREAS, a Technically Qualified Person is required to review petitions within the wellfield protection areas of Marion County; and

NOW THEREFORE BE IT RESOLVED that the Metropolitan Development Commission hereby approves the 2023 budget of \$275,000 for the Groundwater Protection Fund in Marion County.

Dated: \_\_\_\_\_

\_\_\_\_\_  
John J. Dillon III, President  
Metropolitan Development Commission

Approved as to Legal Form this \_\_\_\_\_ day of March, 2023.

\_\_\_\_\_  
Christopher Steinmetz  
Assistant Corporation Counsel

## STAFF REPORT

Item 1.

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

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

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

#### **ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The petitioner's representative has notified staff that the petitioner will be requesting a **continuance from the March 15, 2023 hearing to the June 21, 2023 hearing** to allow additional time to modify the petition.

#### **ADDENDUM FOR JANUARY 18, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The petitioner's representative requested a continuance from the January 18, 2023 to the March 15, 2023 hearing to allow additional time to work with the remonstrators to modify the petition.

#### **ADDENDUM FOR NOVEMBER 2, 2022, METROPOLITAN DEVELOPMENT COMMISSION**

The remonstrators' representative has notified staff that the remonstrators and petitioners have agreed to request a continuance from the November 2, 2022 hearing to the January 18, 2023 hearing to allow time for more discussion. The petitioners' representative has confirmed this request.

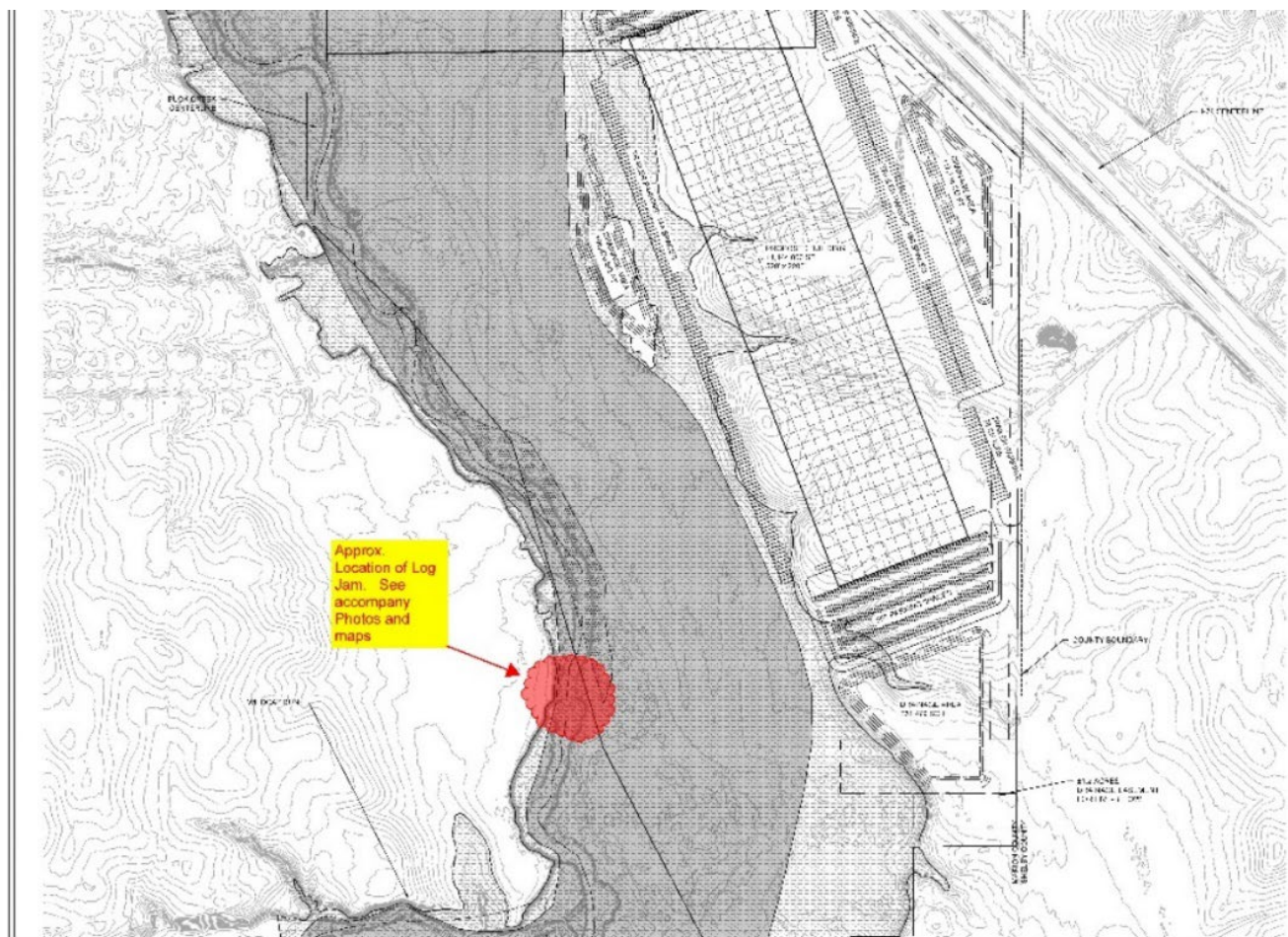
The petitioner requested and was granted a continuance for cause from the September 21, 2022 hearing to the November 2, 2022 hearing to allow for further communication with City-County Councillors and neighbors.

#### **ADDENDUM FOR SEPTEMBER 21, 2022, METROPOLITAN DEVELOPMENT COMMISSION**

After a full public hearing on August 25, 2022, this petition was recommended for approval by the Hearing Examiner. A memorandum of the Hearing Examiner's decision is included below. The Hearing Examiner's decision was subsequently appealed to the Metropolitan Development Commission by a remonstrator.

Flooding of Buck Creek was an issue raised in testimony before the Hearing Examiner. The petitioner has supplied evidence that flooding is likely occurring due to a log jam that has developed in Buck Creek. The following images show the location of the log jam in relation to the subject site and an aerial view of the jam.

(Continued)



(Continued)



**ADDENDUM FOR AUGUST 25, 2022, HEARING EXAMINER**

This petition was continued from the July 28, 2022 hearing to the August 25, 2022 hearing at the request of the City-County Councillor to provide time for further negotiations between the petitioner and the neighbors.

**ADDENDUM FOR JULY 28, 2022, HEARING EXAMINER**

This petition was continued from the June 23, 2022 hearing to the July 28, 2022 hearing at the request of the remonstrators.

Staff continues to **recommend approval** of this request, subject to the petitioner's proposed commitments included below in the addendum for June 23, 2022.

**ADDENDUM FOR JUNE 23, 2022, HEARING EXAMINER**

This petition was continued from the June 9, 2002 hearing to the June 23, 2022 hearing to provide time for the submission of finalized commitments.

Staff continues to **recommend approval** of this request, subject to the petitioner's proposed commitments included below.

1. Carroll Road shall be completely rebuilt (including new road bed) to "local street" standards per City of Indianapolis Department of Public Works Indianapolis Section Standards Manual along the frontage of the Subject Property within the right-of-way of Carroll Road following the ROW Dedication (as hereinafter defined), or as close to local street standards as is acceptable to DPW (as hereinafter defined) given the available right-of-way of Carroll Road. Owner shall dedicate so much of the Subject Property's existing frontage on Carroll Road so as to create a twenty-five foot (25') one-half right-of-way dedication (the "ROW Dedication"), measured from the existing centerline. The ROW Dedication shall be granted by the owner of the Subject Property within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council and in no event later than application for an Improvement Location Permit. Except for an easement in favor of Citizens Energy Group for installation of a sanitary sewer line and water line to be located in the right-of-way contemplated to be granted, no additional easements shall be granted to third parties prior to the acceptance of grant of right-of-way by the City of Indianapolis Department of Public Works ("DPW"). The rebuild of Carroll Road shall be completed no later than six (6) months following completion of any proposed industrial building on the Subject Property.
2. All healthy, non-invasive trees located in the floodway on the Subject property shall be preserved, except for those needed to be removed for utility infrastructure, and those removed by DPW, following dedication as described in Commitment #4 below.
3. Owner will dedicate a fifty-foot (50') right-of-way along the top of bank of Buck Creek to DPW, and where the top of bank is not located within the boundaries of the Subject Property, then the right-of-way shall be measured along the west property line. The grant of right-of-way may limit the use of the right-of-way to a multi-use trail for pedestrians and bicycle use, and prohibit motorized vehicles except for DPW maintenance vehicles and emergency vehicles. No additional easement shall be granted to third parties prior to acceptance of the grant of right-of-way by DPW, except for stormwater drainage outlets from the Subject Property into Buck

Creek. Owner will grant the right-of-way within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council and in no event later than application for an Improvement Location Permit. Nothing contained in this Commitment shall preclude Owner from granting a conservation easement for portions of the Subject Property located in the floodway/floodplain and outside of the right -of-way.

4. The following I-2 primary uses, as set forth in Ch. 743, Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, shall not be permitted on the Subject Property;
  - a. Auctioneering and Liquidating Services
  - b. Automobile and Vehicle Storage Auction
  - c. Automobile Fueling Station
  - d. Heliport/Helistop
  - e. Transit Center
  - f. Truck Stop
  - g. Waste or Recycling Transfer Facility
  - h. Heavy Outdoor Storage (accessory outdoor storage shall be permitted)
5. To the extent that truck docks/loading areas are located in front of the front building line of any building facing I-74 and/or Carroll Road, then a suitable landscaped area providing suitable screening, and located between the truck docks/loading area and the adjoining roadways shall be provided. The plan for the landscaped screen shall be submitted for Administrator's Approval prior to obtaining an Improvement Location Permit.

### **June 9, 2022 Staff Report**

This petition was continued from the May 12, 2022 hearing to the June 9, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

### **RECOMMENDATION**

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

1. A 25-foot half right-of-way shall be dedicated along the frontage of Carroll Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 50-foot right-of-way shall be dedicated along the top of the east bank of Buck Creek and, where the creek is not within the subject site, along the west property line of the site, as per the request of the Department of Public Works (DPW), Greenway Manager. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

3. Carroll Road shall be reconstructed to meet DPW's Local Street standards from the northern limit of the Five Below Driveway to the northern limit of the proposed site driveway. North of the proposed site driveway, Carroll Road shall be reconstructed to taper down to match the existing roadway.
4. Substantial landscaping shall be installed on a six- to eight-foot high berm along the north and east edges of the site. Landscaping shall be mostly evergreen.
5. A tree preservation plan shall be submitted for Administrator's Approval prior to the issuance of an ILP for the site. The preservation plan shall include a tree inventory and show significant tree preservation on the southern portion of the site.

## **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

### **LAND USE**

- ◇ The subject site is a mix of agricultural land and woodlands. It is located on the Marion/Shelby County line immediately south of I-74. The western edge of the site roughly follows Buck Creek and a significant portion of the site is within the Buck Creek floodway and floodway fringe. Please see the map below. A floodway is the area where floodwaters flow during a one-hundred-year flood event and is unbuildable. The floodway fringe is the area where floodwaters pool during a one-hundred-year flood event and is buildable under certain conditions.
- ◇ Access to the site is primarily from the east via Shelby County roads and the I-74 Pleasant View Road interchange. The area between the interchange and the subject site is in transition from agriculture and single-family dwellings to industrial uses such as warehousing.
- ◇ Various portions of the site have their own recommendations in the 2018 Comprehensive Land Use Plan. Please see the map below. The portion of the site in the floodway is designated in the Plan as Floodway. A linear park is proposed along Buck Creek. A portion of the south part of the site is recommended for Rural or Estate Neighborhood. This typology is intended for estate-style dwellings on large lots. The remainder of the site is recommended for Light Industrial uses. This typology is intended for production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations.
- ◇ This site is accessed from Carroll Road. As it abuts the southeast corner of the site, Carroll Road is paved and roughly twelve feet in width. It dwindles in width and level of surfacing as it goes north until it is a six-foot wide set of tracks. The intersection of Carroll Road and McGregor Road is currently being upgraded to meet the needs of industrial traffic. To provide adequate access to the subject site, these upgrades need to be continued north to the proposed site access point.
- ◇ In response to the linear park recommendation of the Comprehensive Land Use Plan, the Department of Public Works has requested a 50-foot wide right-of way along the east bank of Buck Creek. Where the creek leaves the subject property, 50-foot right-of-way is requested along the west property line of the subject site.

(Continued)

- ◇ Woodlands can be found along Buck Creek and in the southernmost part of the site. To preserve these trees to the extent possible, a tree preservation plan should be submitted for Administrator's Approval.

## **ZONING**

- ◇ This petition would rezone the subject site to the I-2 district. This district is a light industrial district intended for uses that typically don't create noise, glare, heat or odor that would disturb the neighbors. Outdoor operations are limited and must be screened.
- ◇ The site plan submitted with this petition shows a single industrial/distribution building of approximately 1,144,000 square feet or roughly 26.26 acres. It would be oriented northwest to southeast to maximize the size of the building on the buildable portion of the site. It would have loading docks along each of the long sides. The docks on the northeast side of the building would be visible from I-74 and Carroll Road. The siting keeps the building out of the floodplain, but it would encroach on the floodway fringe in several locations.

## **Traffic Impact Study**

- ◇ The petitioner has conducted a traffic impact study for this site. The TIS has been reviewed by the Department of Public Works. The purpose of the study is to determine the impact that the traffic generated by the proposed development would have on the existing roadway system. The study concentrated on four nearby intersections, plus the intersection between the proposed driveway and Carroll Road. The four existing intersections studied were Carroll Road and McGregor Road, McGregor Road and Walnut Street, Walnut Street and the I-74 eastbound ramps, and Walnut Street and the I-74 westbound ramps.
- ◇ The TIS estimates that the proposed development would add 161 vehicles to the road system during the morning peak hour and 164 vehicles during the evening peak hour. Of the morning peak hour vehicles, 21 would be trucks. Of the evening peak hour vehicles, 25 would be trucks.
- ◇ The TIS looks at how the traffic to and from the site would be distributed through the street network. It is estimated that 75% of the auto traffic leaving the site will go east on McGregor Road and 25% will go south on Carroll Road from the Carroll Road/McGregor Street intersection. It is also estimated that 85% of the truck traffic leaving the site will go east on McGregor Road and 15% will go south on Carroll Road.
- ◇ Among the findings of the study is that the addition of site's traffic to the roadway system would not substantially affect the functioning of the intersection of Walnut Street and the eastbound I-74 lanes. The functioning of the other three intersections would see some degradation, but would still operate at an acceptable level. The additional traffic will obviously be noticeable, but would not hamper the functionality of the intersections.
- ◇ The study also looked to see if provisions should be made for safe turning maneuvers at the site's access drives. The study finds that additional turn lanes are not warranted.

(Continued)



**VARIANCE**

- ◇ This petition includes a variance to provide for loading docks/area located between the front building line and the front lot line along Carroll Road. The Ordinance bans loading areas in the fronts of buildings in an effort to maintain the aesthetic quality of the City's streets.
- ◇ Carroll Road deadends at I-74 on the northeast corner of the subject property. As such, it sees little traffic that is not going directly to either the subject site or the sites on the east side of Carroll Road, which are a single-family dwelling/outdoor furniture contractor and a warehouse. However, the loading docks are also oriented to I-74 and would be one of the first sights visitors would see upon entering Marion County and Indianapolis.
- ◇ To screen the loading docks, substantial evergreen landscaping should be installed along I-74 and Carroll Road. Where the roadbed is elevated above the surface of the subject site, a berm of six to eight feet should be installed as part of the landscaping.

**GENERAL INFORMATION**

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

D-A	Metro	Agricultural land, woodlands
-----	-------	------------------------------

**SURROUNDING ZONING AND LAND USE**

North	D-A	Interstate 74, single-family dwellings, winery, bed and breakfast
South	D-A	Single-family dwellings,
East	Shelby County	Agricultural land, single-family dwelling, outdoor furniture contractor, warehouse.
West	D-A	Single-family dwellings, agricultural land

COMPREHENSIVE LAND USE PLAN	The Franklin Township Comprehensive Plan (2018) recommends Light Industrial, Linear Park, Floodway, and Rural or Estate Neighborhood.
-----------------------------	---

THOROUGHFARE PLAN	Carroll Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 30-foot existing right-of-way and a 50-foot proposed right-of-way.
	Interstate 74 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Freeway. The Thoroughfare Plan does not propose a right-of-way for interstate highways.

FLOODWAY / FLOODWAY FRINGE	Portions of the site are located within a floodway and floodway fringe of Buck Creek.
----------------------------	---

STREAM PROTECTION CORRIDOR	Portions of this site are located within the stream protection corridor of Buck Creek.
----------------------------	--

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

(Continued)

**ZONING HISTORY – SITE**

**2021-ZON-082; 11811 Southeastern Avenue**, requested the rezoning of four acres from the D-A district to the SU-41 district to provide for a wastewater treatment plant, **withdrawn**.

**2005-ZON-050; 11812 Southeastern Avenue**, requested the rezoning of 196 acres from the D-A district to the D-3 district, **denied**.

**94-Z-60; 6950 South County Line Road**, requested the rezoning of 23 acres from the D-A district to the D-A (GSB) district, **withdrawn**.

**93-Z-65; 6950 South County Line Road**, requested the rezoning of 23 acres from the D-A district to the D-A (GSB) district, **withdrawn**.

**ZONING HISTORY – VICINITY**

**2017-DV3-018; 6715 Mimosa Lane (west of site)**, requested a variance of development standards to provide for an accessory structure taller and larger than the primary structure and in the front yard of the primary structure and with deficient frontage, **approved**.

**2009-UV1-018; 11747 Indian Creek Road South (north of site)**, requested a variance of use to provide for a winery and retail sales of wine in a D-A district, **approved**.

**2009-UV3-001; 11944 Southeastern Avenue (north of site)**, requested a variance of use to provide for two dwellings on one parcel, one dwelling with deficient living area, a gift shop, animal grooming services and boarding of horses in a D-A district, **approved**.

**2008-UV1-009; 11812 Southeastern Avenue (north of site)**, requested a variance of use to provide for the outdoor storage of two commercial vehicles in a D-A district, **approved**.

**2006-DV2-018; 11747 Indian Creek Road South (north of site)**, requested a variance of development standards to provide for a six-foot tall, two-sided pylon sign and a 16-foot tall, 128 square-foot, two-sided pole sign, **approved**.

**99-UV3-76; 7548 South Carroll Road (south of site)**, requested a variance of use to provide for two dwellings on one parcel, **approved**.

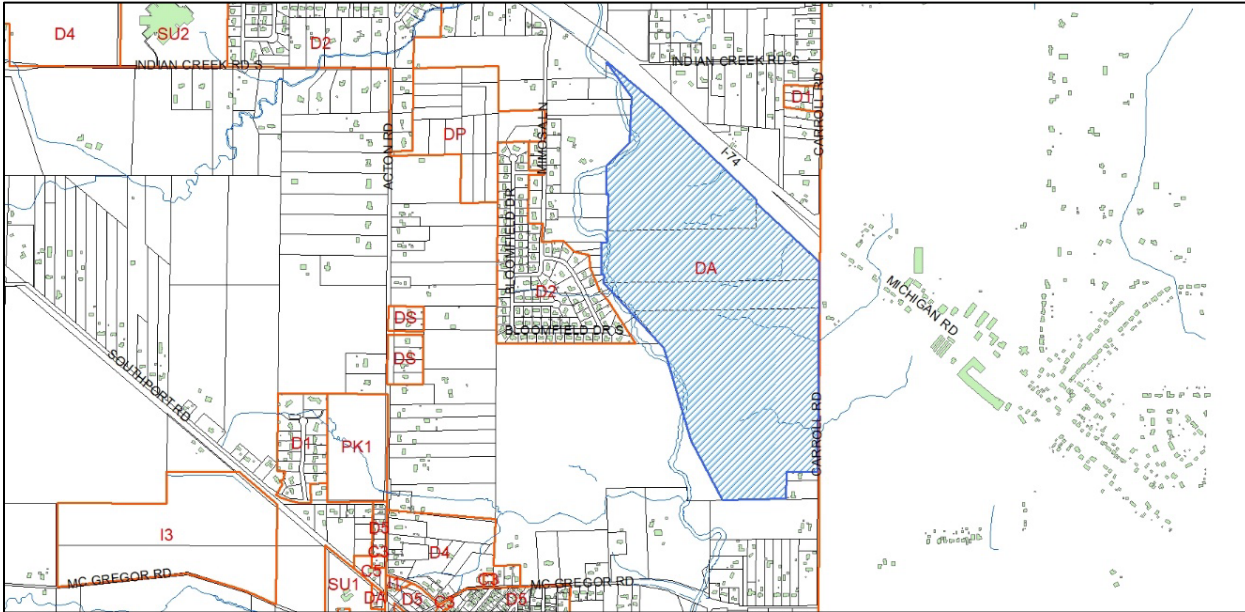
**75-V3-117; 6867 Bloomfield Drive (west of site)**, requested a variance of development standards to provide for deficient street frontage, **approved**.

klh

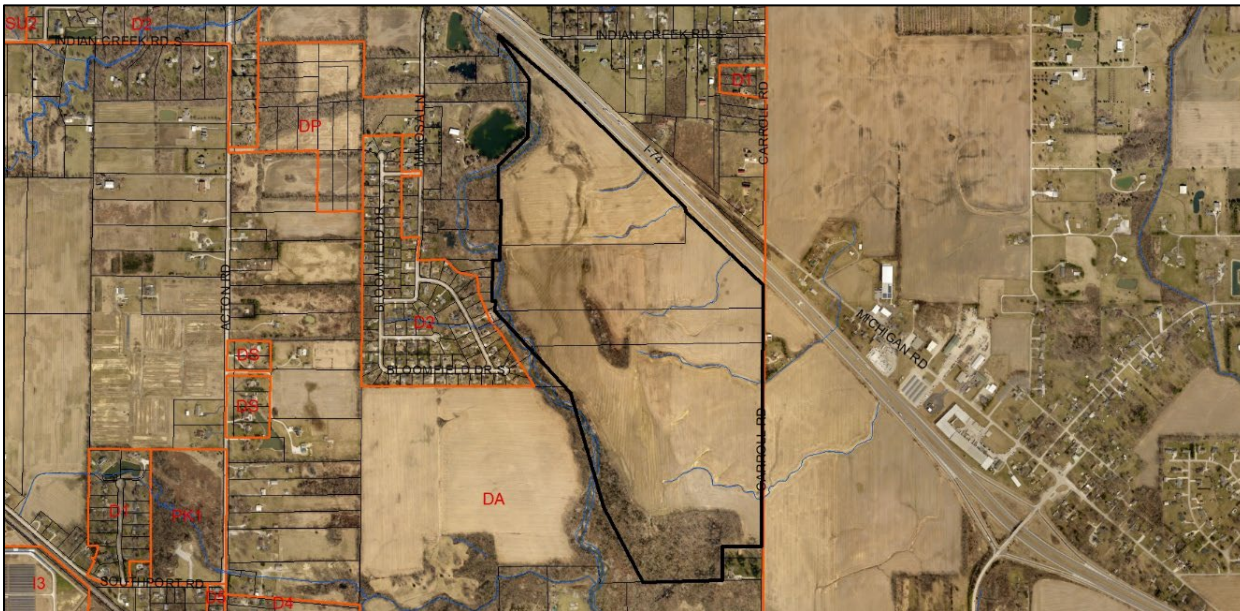
\*\*\*\*\*

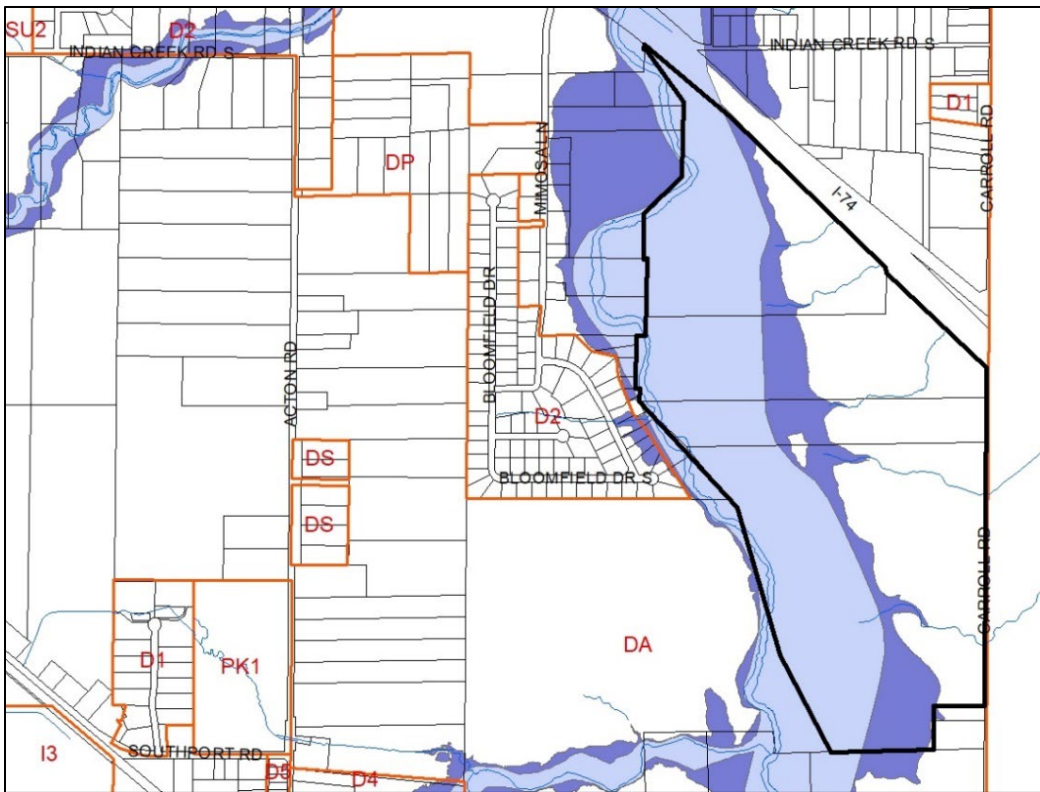
**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Location**

Item 1.



**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Aerial photograph (2021)**





The floodway is shown in light blue and the floodway fringe in medium blue.

**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Comprehensive Land Use Plan**





**STAFF REPORT 2022-ZON-051 and 2022-VAR-003 (Amended), Hearing Examiner's Memorandum**

Item 1.

Memorandum of Examiner's Decision

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

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

**Summary**

This was a very close case. Staff recommended approval. Remonstrators flooded the MDC with +/- 100 letters and emails in opposition based on environmental concerns with Buck Creek watershed – flooding and habitat destruction – and traffic. At the hearing, Petitioner presented revised comprehensive commitments (referred to below), which, in my opinion, sufficiently addressed Remonstrators' concerns. Remonstrators' counsel had only received the revised commitments early on the morning of the hearing but the parties had previously discussed the bulk of the commitments. The commitments also addressed issues other than mentioned above, and are attached.

**Public Officials stating a position**

In favor

Franklin Township Community School Corporation

It should be noted that the support was based on the anticipation of increased property taxes, estimated by Petitioner as \$2,052,145.20. However, in answer to my question, Petitioner did state it may seek abatement in the future.

Opposed

Hon. John Barth, City County Councilor, District 7  
Hon. Aaron Freeman, State Senator, District 32  
Hon. Kristen Jones, City County Councilor, District 16

Unclear

Hon. Brian Mowery, City County Councilor, District 25 and Minority Leader originally opposed the project. On the day of the hearing, he emailed staff stating: "I would like to pull my opposition letter or this proposal. What do I need to do to get that done? Thank you!"

He did not testify at the hearing so it is unclear whether he supports the project or is neutral.

**Environment – flooding**

Remonstrators contended that the FEMA flood maps in general are inaccurate; however, did not prove the maps in issue were inaccurate. Remonstrators showed pictures of Buck Creek flooding but there was evidence the flooding was exacerbated by a downstream log jam.

Petitioner's civil engineer testified that site development would include extensive detention/retention areas. The development of course would require a drainage permit which would mandate the project not increase the runoff rate. Petitioner committed:

7. A master drainage plan shall be designed for the development, in accordance with the Marion County Stormwater Management Ordinance, and submitted for the review and approval of the drainage division of DPW. Following submittal of the drainage plan and review and comments by DPW, a copy of said plan shall be provided to the Franklin Township Civic League Land Use Committee for their review. Upon the request of the Franklin Township Civic League Land Use Committee, the Developer and its engineer shall appear at a monthly meeting of the Franklin Township Civic League Land Use Committee to explain and discuss the drainage plan to nearby property owners who choose to attend the Land Use Committee meeting. Developer will not obtain a drainage permit for at least 14 days following submittal of the drainage plan to the Land Use Committee.
12. Petitioner, Becknell Industrial LLC, if it acquires the Subject Property and develops it for industrial use, shall match funds raised by others for the purpose of satisfying the Department of Natural Resources requirement of twenty percent (20%) of total funds required for removal of an obstruction in a jurisdictional waterway, in this case a logjam in Buck Creek located downstream from the Subject Property.

## Environment – Habitat

Much of the remonstrance was based, especially from those not directly affected by the development, on fear of loss or damage to the old growth forest and wildlife. However, none of the proposed development would encroach on that area. Staff determined that the development complied with the comprehensive plan in general and greenway plan in particular. Petitioner will be required to mitigate less than ½ acre of wetland. Petitioner committed:

3. All healthy, non-invasive trees located in the floodway on the Subject Property shall be preserved, except for those needed to be removed for utility infrastructure, and those removed by DPW, following dedication as described in Commitment #4 below.
4. Owner will dedicate a fifty foot (50') right-of-way along the top of bank of Grassy Creek to DPW, and where the top of the creek is not located within the boundaries of the Subject Property, then the right-of-way shall be measured along the west property line. The grant of right-of-way may limit the use of the right-of-way to a multi-use trail for pedestrians and bicycle use, and prohibit motorized vehicles except for DPW maintenance vehicles and emergency vehicles. No additional easements shall be granted to third parties prior to acceptance of the grant of right-of-way by DPW, except for stormwater drainage outlets from the Subject Property into Grassy Creek. Owner will grant the right-of-way within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council, and in no event later than application for an Improvement Location Permit. Nothing contained in this Commitment shall preclude Owner from granting a conservation easement for portions of the Subject Property located in the floodway/floodplain and outside of the right-of-way, conveying said portions of the Subject Property to the Central Indiana Land Trust or similar organization, or creating a wetland mitigation bank.

The Indiana Department of Natural Resources conducted a Natural Resources Assessment of the property including review of endangered, threatened, and rare species and high quality Natural communities (ETR). Some ETR was identified in the eastern side of the property and the current plan will avoid the area.

## Environment – General

Petitioner provide the following list of governmental agencies that will have review and approval of various components of the development:

U.S. Army Corp of Engineers  
 FEMA (Federal Emergency Management Agency)  
 United States EPA (Environmental Protection Agency)  
 State of Indiana (DHS) Department of Homeland Security  
 State of Indiana DNR (Department of Natural Resources)  
 State of IDEM (Indiana Department of Environmental Management)  
 City of Indianapolis DMD (Department of Metropolitan Developmen  
 City of Indianapolis DNS (Department of Neighborhood Services)  
 City of Indianapolis DPW (Department of Public Works)  
 City of Indianapolis FD (Fire Department)  
 Marion County Soil and Water Conservation District

## Traffic

Remonstrators voiced concerns about increased traffic. Petitioners commissioned a traffic study, which included study of these four existing intersections: Carroll Road and McGregor Road, McGregor Road and Walnut Street, Walnut Street and the 1-74 eastbound ramps, and Walnut Street and the 1-74 westbound ramps.

- ◊ Among the findings of the study is that the addition of site's traffic to the roadway system would not substantially affect the functioning of the intersection of Walnut Street and the eastbound I-74 lanes. The functioning of the other three intersections would see some degradation, but would still operate at an acceptable level. The additional traffic will obviously be noticeable, but would not hamper the functionality of the intersections.

IDOT has granted Shelby County \$1.6 million to establish a roundabout at McGregor Road, Walnut Street and the Frontage Road.

Petitioner stated the traffic study did take into account the impact of the recently opened Five Below facility, a similar operation to the subject, immediate across Carroll road to the east in Shelby County.

Petitioner has also comitted to rebuild a portion Carroll Road:

2. Carroll Road shall be completely rebuilt (including new road bed) to "local street" standards per City of Indianapolis Department of Public Works Indianapolis Transportation Section Standards Manual along the frontage of the Subject Property, within the right-of-way of Carroll Road following the ROW Dedication (as hereinafter defied), or as close to local street standards as is acceptable to DPW (as hereinafter defined) given the available right-of-way of Carroll Road. Owner shall dedicate so much of the Subject Property's existing frontage on Carroll Road so as to create a twenty-five foot (25') one-half right-of-way dedication (the "ROW Dedication"), measured from the existing centerline. The ROW Dedication shall be granted by the owner of the Subject Property within sixty (60) days following the adoption of 2022-ZON-051 by the Indianapolis/Marion County City-County Council and in no event later than application for an Improvement Location Permit. Except for an easement in favor of Citizens Energy Group for installation of a sanitary sewer line and water line to be located in the right-of-way contemplated to be granted, no additional easements shall be granted to third parties prior to the acceptance of grant of right-of-way by the City of Indianapolis Department of Public Works ("DPW"). The rebuild of Carroll Road shall be completed no later than six (6) months following completion of any proposed industrial building on the Subject Property.

## Conclusion

Public comments, including Franklin Township Civic League, Inc and an environmental consulting firm, overwhelmingly oppose the project. At the hearing, +/- 50 people appeared in person to object. Hopefully, the parties can continue to discuss the project and reach an accommodation.

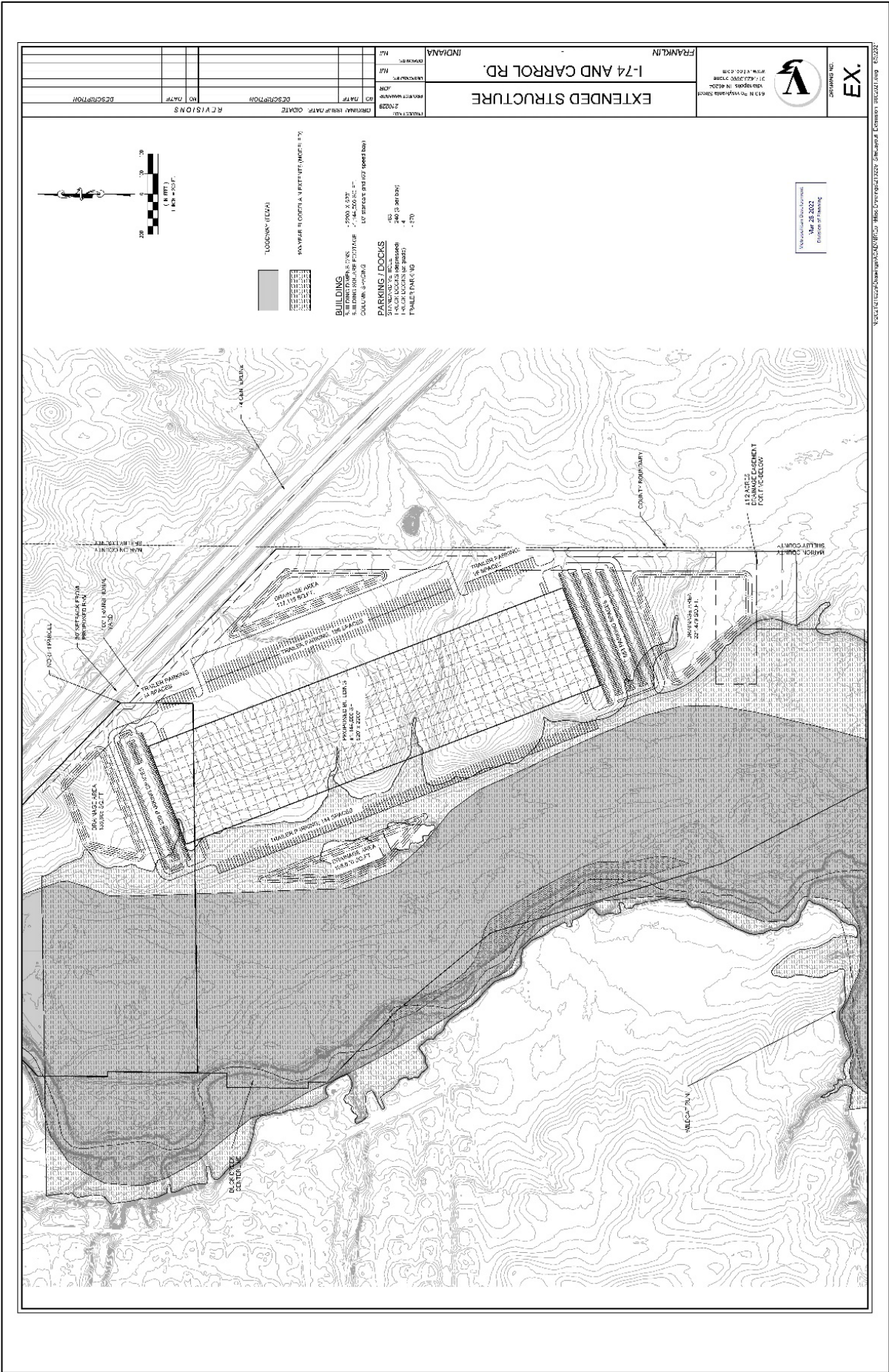
As mentioned above, this is a very close case. I remain troubled by uncertainty of whether or not Franklin Township will at least benefit from property taxes. Take away the Franklin Township Schools support, and the only support from a public official *may* be from Mr. Mowery.



---

James G. Holland, Alternate Hearing Examiner





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 fact that there are proposed truck docks in maneuvering areas in front of the established building line will not result in any negative impact to traffic on Carroll Road, as it is a dead end street.

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

there is adequate separation between the proposed building and other structures along Carroll Road, and the docks will be angled away from Carroll Road and towards I-74, near where one residence exists on the east side of Carroll Road.

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

the shape of the property and presence of flood plain dictate the placement of the building, resulting in the length of the building largely being in a east/west direction, although angled slightly north/south, which triggers the variance requested.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





Looking northwest across the northern portion of the subject site. I-74 is in the background.



Looking southwest across the subject site from the northeast corner of the site.



Looking north on Carroll Road. The site is to the left.



Looking south on Carroll Road. The site is to the right.





Looking west across the southern edge of the site.



Neighbor to the south.

## STAFF REPORT

Item 2.

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

**Case Number:** 2022-CZN-872 / 2022-CVR-872  
**Address:** 4822 East Edgewood Avenue and 5820 South Emerson Avenue  
(Approximate Addresses)  
**Location:** Perry Township, Council District #24  
**Petitioner:** IN Indianapolis Emerson, LLC, by Joseph Calderon  
**Request:** Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet (maximum 45 feet permitted) and a minimum livability ratio of 1.33 (1.80 required).

#### **ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on February 23, 2023. After a full hearing, the Hearing Examiner recommended approval of the rezoning. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The remonstrator's representative has requested a **continuance from the March 15, 2023 hearing, to the May 3, 2023 hearing**, because she is unavailable. Petitioner's representative opposes a continuance. Staff would have no objection to the continuance.

#### **ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER**

The Hearing Examiner continued these petitions from the January 26, 2023 hearing, to the February 23, 2023 hearing, at the request of the remonstrator's representative.

At the request from the neighborhood organization, the petitioner's representative submitted a memorandum, file-dated January 25, 2023, that updated the traffic count included in the previously Traffic Impact Study (TIS), file-dated January 10, 2022. The counts were taken at the intersection of East Edgewood Avenue and South Arlington Avenue on January 20, 2023, during the morning and afternoon peak hours.

When a comparison was made between the two traffic counts, it has been determined that the difference in the traffic counts was negligible and had minimal impact on the previous collected data. Consequently, the results and recommendations of the original TIS remains valid. The Department of Public Works staff has concluded this memorandum is acceptable.

(Continued)

**January 26, 2023**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the December 15, 2022 hearing, to the January 12, 2023 hearing. At the request of the petitioner's representative, the Hearing Examiner granted a continuance request from the January 12, 2023, hearing to the January 26, 2023 hearing.

Staff has been advised that an update on the Traffic Impact Study (TIS) is underway but has not been submitted for review. Additionally, the remonstrators have engaged the services of an attorney who has requested a **continuance from the January 26, 2023 hearing, to the February 23, 2023 hearing**. Staff would have no objection of this continuance request.

**RECOMMENDATIONS**

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

1. Final site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit.
2. A minimum 43-foot half right-of-way shall be dedicated along the frontage of East Edgewood Avenue, including abutting the parcel to the west of the site, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
4. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
5. Additional DPW commitments installed prior to occupation of any of the dwelling units:
  - A. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
  - B. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing.

(Continued)

- C. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
- D. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
- E. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved and eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
- F. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
- G. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
- H. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

## **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE ISSUES**

- ◇ This 21.232-acre site, zoned D-A, C-1 and C-3, is comprised of four parcels. It is undeveloped and surrounded by single-family dwellings, a retention pond and undeveloped land to the north, zoned D-3, D-A and C-1, respectively; single-family dwellings, to the south, across East Edgewood Avenue, zoned D-A; undeveloped land to the east, zoned C-3; and a single-family dwelling to the west, zoned D-A.
- ◇ Petitions 2021-ZON-125 / 2022-VAR-001 requested rezoning of 19.82 acres from the D-A, C-1 and C-3 districts to the D-6 classification to provide for multi-family residential development and variance of the development standards to provide for multi-family development with a building height of 56 feet and a minimum livability ratio of 0.51. These petitions were withdrawn.
- ◇ Petitions 2006-ZON-133 and 2006-ZON-134 rezoned the central portion of the site to the C-1 District and the frontages along South Emerson Avenue and East Edgewood Avenue to the C-3 District.

(Continued)



**REZONING**

- ◇ This request would rezone the site to the D-6 classification to provide for multi-family development, consisting of 62 townhomes and 270 apartments at a density of 15.6 units per acre. “The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood for a majority of the site. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Comprehensive Plan recommends Office Commercial for southeast corner of the site. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Continued)

*Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

*Conditions for All Housing*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than five dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

*Attached Housing*

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Duplexes should be architecturally harmonious with adjacent housing.
- Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

*Multifamily Housing*

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

**Traffic Impact Study (TIS)**

- ◇ A Traffic Impact Study, file-dated January 10, 2022, was conducted for the previous petitions and remains valid for these petitions because the overall number of units are the same.

(Continued)

- ◇ The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.
- ◇ Capacity analysis occurs for four different scenarios. Scenario One is based on existing conditions. Scenario Two is based on 2023 forecasted (full build-out). Scenario Three is based on 2033 no-build conditions, reflecting additional background growth. Scenario Four is based on the 2033 build conditions, with the proposed development.
- ◇ The study analyzed the portion of the site proposed for residential development and the four commercial out parcels (zoned C-3), which would generate a total of approximately 433 and 520 trips during the weekday morning and afternoon peak hours, respectively.
- ◇ Below are the recommended improvements surrounding the Edgewood Avenue and Emerson Avenue intersection related to the proposed development.
  - Install a southbound right-turn lane on Emerson Avenue
  - Add left-turn arrows and implement protected-plus-permitted phasing for the eastbound and westbound approaches
  - Adjust signal timings to account for the new phasing
- ◇ It was also recommended that the City plan for a future northbound right-turn lane on Emerson Avenue, perhaps in conjunction with the development of the southeast quadrant of the intersection.
- ◇ The study noted failing conditions during the P.M. peak period at the Edgewood Avenue and Shelbyville Road intersection located to the east of this site. It was recommended that the City consider the installation of traffic signals or a round-about, independent of the proposed development.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 43-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ Staff would note that the right-of-way along this portion East Edgewood Avenue varies from 37 feet to 140 feet. Consequently, only those portions of the frontage where a 43-foot right-of-way does not exist would be required to be dedicated. Additionally, the right-of-way dedication should continue along the abutting property to the west for approximately 150 feet.

(Continued)

- ◇ The DPW has requested the additional following traffic and pedestrian infrastructure improvements:
1. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
  2. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing. The sidewalk along the East Edgewood Avenue frontage shall connect to the sidewalk to the west of this site
  3. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
  4. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
  5. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
  6. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
  7. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
  8. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

### **Tree Preservation / Heritage Tree Conservation**

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

(Continued)

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

### **Environmental Public Nuisances**

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

(Continued)

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

### **Site Plan (Conceptual)**

- ◇ The site plan, file-dated November 16, 2022, provides for eight townhome buildings located on the north, south and west perimeter of the site for a total of 62 units, with five three-story multi-family buildings and three four-story multi-family buildings for a total of 270 multi-family dwelling units located along South Emerson Avenue and interior to the site.
- ◇ There would be 427 surface parking spaces for the multi-family development and 186 parking spaces (surface and garage) for the townhomes.
- ◇ There would be two access drives along South Emerson Avenue and one access along the eastern portion of East Edgewood Avenue.
- ◇ Amenity spaces would include a dog park along the East Edgewood Avenue frontage and firepit / outdoor games area, interior to the site and between the townhomes and the multi-family structures. A clubhouse and swimming pool area would be centrally located. Walking trails and indoor / outdoor fitness facilities would also be available.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a multi-family development building height of 49.5 feet when the Ordinance limits the building height to 45 feet in the D-6 District. Because the 49.5-foot-tall four-story structures would be located along South Emerson Avenue, staff believes the impact would be minimal on the surrounding residential uses. Furthermore, the two-story townhomes would be adjacent to the single-family dwellings and provide an appropriate buffer from the taller structures.
- ◇ This request would also allow for a minimum livability ratio of 1.33 when the Ordinance requires a ratio of 1.80. The basic intent of the land use intensity ratios for multi-family development is to establish the intensity that would be consistent with the characteristics of the site and the location within the community.
- ◇ Staff believes the reduction in the livability ratio is supportable because of the variety of amenities that are being proposed. Staff, however, would request that the final site plan be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit that would provide more details, including, but not limited to, specific types and locations of amenities.

### **Planning Analysis**

- ◇ As proposed this request would generally be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The density would be 15.6 units per acre.

(Continued)

- ◇ Staff would note that this rezoning is part of a larger site that includes a C-3 district along the South Emerson Avenue frontage that would remain commercial and be developed at some future date.
- ◇ This density exceeds the recommended density for the suburban neighborhood typology, but the Pattern Book recommends a higher density if the development is within a quarter mile of a frequent transit line, greenway, or park. IndyGo Route 16 serves this site and the DPW is requesting a bus boarding pad along the South Emerson Avenue frontage. Consequently, staff believes the increased density would be acceptable, with the infrastructure improvements requested by the Department of Public Works.
- ◇ Due to the visibility and the need to comply with the Green Factor, staff is requesting that a landscape plan and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location.

**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

D-A / C-1 / C-3

Undeveloped

**SURROUNDING ZONING AND LAND USE**

North - D-3 / D-A / C-1

Single-family dwellings / retention pond / undeveloped

South - D-A

Single-family dwellings

East - C-3

Undeveloped

West - D-A

Single-family dwelling

**COMPREHENSIVE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

This portion of East Edgewood Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing right-of-way ranging from 37 feet to 140 feet and a proposed 80-foot right-of-way.

This portion of South Emerson Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 140-foot right-of-way and a proposed 86-foot right-of-way.

**CONTEXT AREA**

This site is located within the metro context area.

**OVERLAY**

There is no overlay for this site

**CONCEPTUAL SITE PLAN**

File-dated November 16, 2022

(Continued)

CONCEPTUAL LANDSCAPE PLAN	File-dated November 16, 2022
ELEVATIONS – MULTI-FAMILY	File-dated November 16, 2022
ELEVATIONS - TOWNHOMES	File-dated November 23, 2022
FINDINGS OF FACT	File-dated November 16, 2022
TRAFFIC ANALYSIS STUDY (TIS)	File-dated January 10, 2022
TIS UPDATE MEMORANDUM	Filed-dated January 25, 2023

### **ZONING HISTORY**

**2021-ZON-125 / 2022-VAR-001; 4822 East Edgewood Avenue and 5820 South Emerson Avenue**, requested rezoning of 19.92 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development and a variance of development standards to provide for a building height of 56 feet and a minimum livability ratio of 0.51, **withdrawn**.

**2006-ZON-133; 5820 South Emerson Avenue**; requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved**.

**2006-ZON-134; 5820 South Emerson Avenue**, rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved**.

### **VICINITY**

**2004-ZON-049; 5800 South Emerson Avenue (north of site)**, rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

**2002-UV1-004; 5800 South Emerson Avenue (north of site)**, variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted**.

**2002-ZON-012; 5935 South Emerson Avenue (east of site)**, rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved**.

**2005-APP-002; 5905-5935 South Emerson Avenue (east of site)**, modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved**.

**2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site)**, rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved**.

(Continued)



**2005-ZON-215; 5640 South Emerson Avenue (north of site)**, rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved**.

**2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site)**, rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved**.

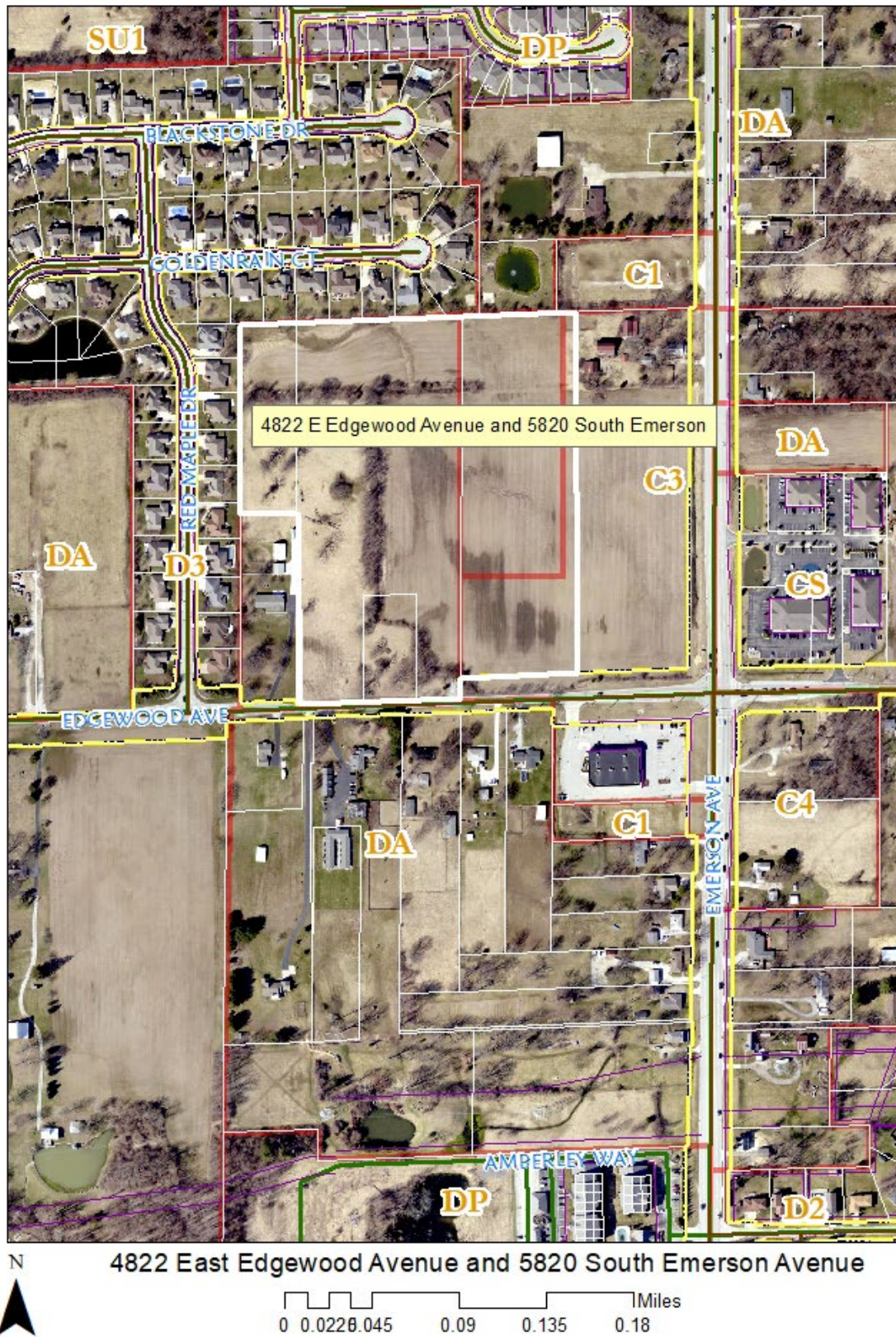
**95-Z-183; 5728 South Emerson Avenue (west of site)**, rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved**.

**95-Z-73; 4684 East Edgewood Avenue (west of site)**, rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved**.

**95-Z-35; 4784 East Edgewood Avenue (west of site)**, rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved**.

kb

\*\*\*\*\*



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 buildings exceeding the maximum height requirement are located to the far east of the Subject Property, in between commercial outlots,  
3-story multi-family buildings, and townhomes providing for an appropriate transition, and the overall development will feature meaningful  
open / recreation space for the multi-family and townhome components of the development.

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

there will be a transition in both intensity and building height as it relates to the single family development to the north and  
adequate setbacks and buffer yard space will also be provided.

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

the livability space ratio is used on certain assumptions regarding density and open space, which should not be a one-size-fits-all approach  
given the property being located along a highly traveled corridor served by public transportation, which is contemplated to have higher  
density pursuant to the Comprehensive Plan. The maximum height in the Ordinance is too limiting given the changes to multi-family construction  
which have resulted in higher floor to ceiling heights.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUEST FOR APPEAL  
OF THE HEARING EXAMINER'S OR PLAT COMMITTEE'S RECOMMENDATION TO THE  
METROPOLITAN DEVELOPMENT COMMISSION**

PETITION CASE  
NUMBER(S):

2022 CZN 872 / 2022 CVR 872

ADDRESS: 4622 East Edgewood Ave. and 5820 South Emerson Ave.

The undersigned, pursuant to the Rules of Procedure of the Metropolitan Development Commission, hereby requests an appeal of the hearing on the petition(s) referenced above.

The petition will be scheduled to be heard by the Metropolitan Development Commission:

March 15, 2023

(MDC Hearing Date)

This request is being made by or on behalf of the (check one):

☒ petitioner(s)  
☒ remonstrator(s)  
☐ Administrator of the Division of Planning

This request is being made by:

Woods & Meadows HOA  
(print name)

The undersigned certifies that:

- 1) This Appeal has been filed with the Administrator of the Division of Planning relating to a:
  - ☒ Rezoning, plat, vacation, variance, special exception, modification or approval petition no later than 5:00 p.m., five (5) business days following Hearing Examiner's or Committee's decision.
- 2) Notice of this Appeal has been mailed to all persons entitled to receive notice under the applicable Rules of Procedure and attorneys, agents or other individuals who have entered their appearance or are known to be representing:
  - a) The petitioner(s), who shall serve all remonstrators' attorneys who appeared at the hearing, or if no attorneys were present, shall serve the first two people who spoke on behalf of all remonstrators, or
  - b) The remonstrator(s), who shall serve the petitioner's attorney, or if none were present, the petitioner as named and at the address stated in the petition.
  - c) The Administrator of the Division of Planning, who shall serve both petitioner and remonstrators as described above.
- 3) Upon the same day the request for Appeal is filed in the offices of the Commission, notice shall be served by mailing a copy of this Appeal Request to such persons by First Class Mail, postage prepaid. *A list of all persons, with names and addresses, to whom notice has been given is attached hereto and incorporated herein by reference.*

Date 02/28/2023

Signature

Tami Etherton on behalf of Woods & Meadows HOA

Printed Name

Tami Etherton

Address

7915 S. Emerson Ave.

Suite 119

City, State, Zip

Indianapolis, IN 46237

Phone/Fax

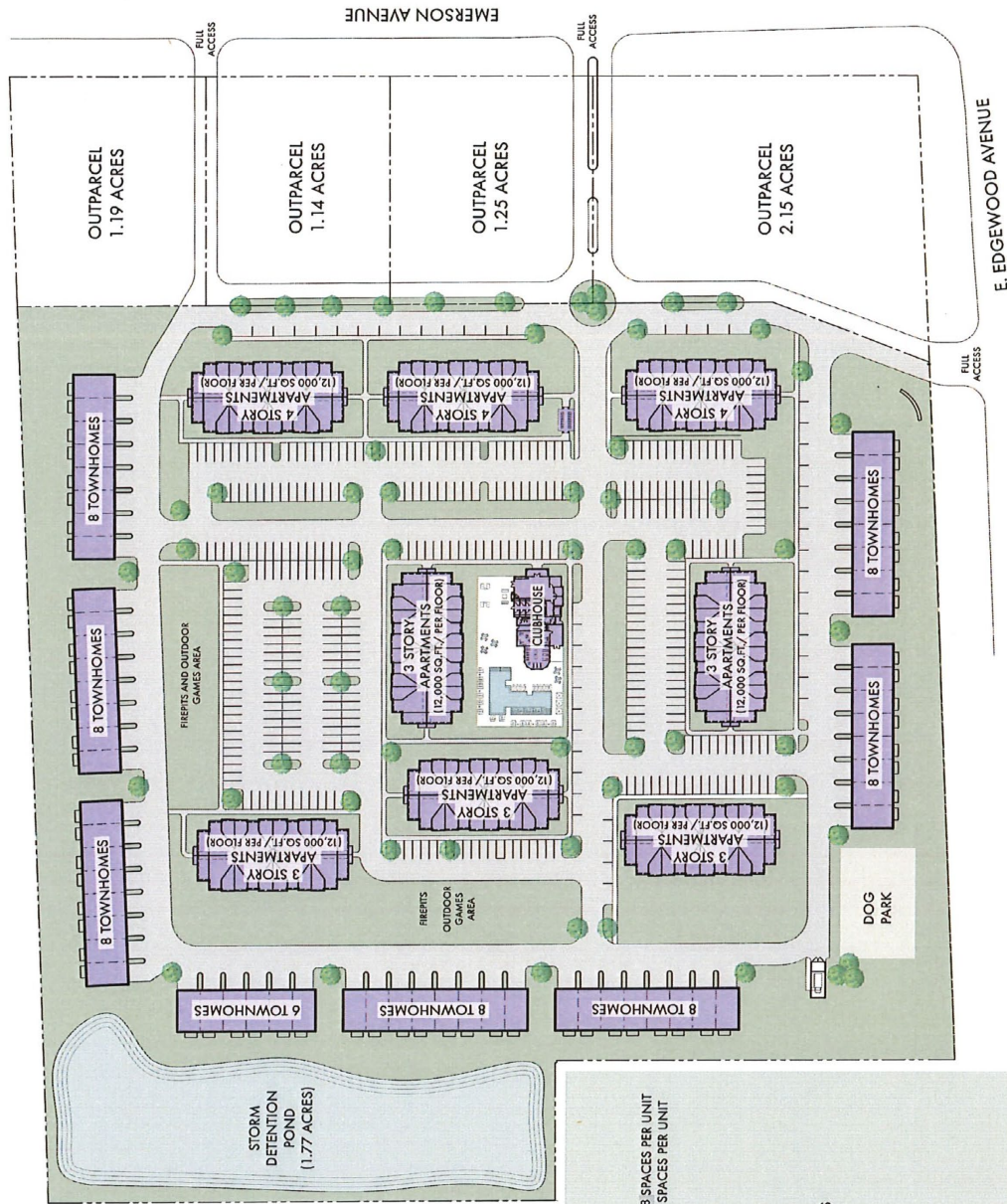
317-222-1080

Email

tami@indycrossroads.com

cc: Joe Calderon





#### CSP-13 PROJECT OVERVIEW

- 270 APARTMENT UNITS
  - 62 TOWNHOME UNITS
  - 427 SURFACE PARKING (APARTMENTS) 1.58 SPACES PER UNIT
  - 184 PARKING SPACES (TOWNHOMES) 3.0 SPACES PER UNIT
- SITE AREA = 921,249 SQ.FT.  
 BUILDING AREA = 170,745 SQ.FT.  
 TOTAL BUILDING AREA = 433,614 SQ.FT.  
 VEHICULAR AREA = 260,811 SQ.FT.  
 LIVABILITY SPACE = 226,824 SQ.FT.  
 LIVABILITY RATIO = 1.33
- POOL W/ OUTDOOR SEATING AND AMENITIES  
 FIRE PITS  
 OUTDOOR RECREATION  
 WALKING TRAILS  
 DOG PARK  
 CENTRAL MAIL AND PACKAGE  
 VALLET TRASH  
 INDOOR AND OUTDOOR FITNESS  
 PLENTY OF GREEN SPACE

SCHEMATIC SITE PLAN FOR  
IN-INDIANAPOLIS-EMERSON

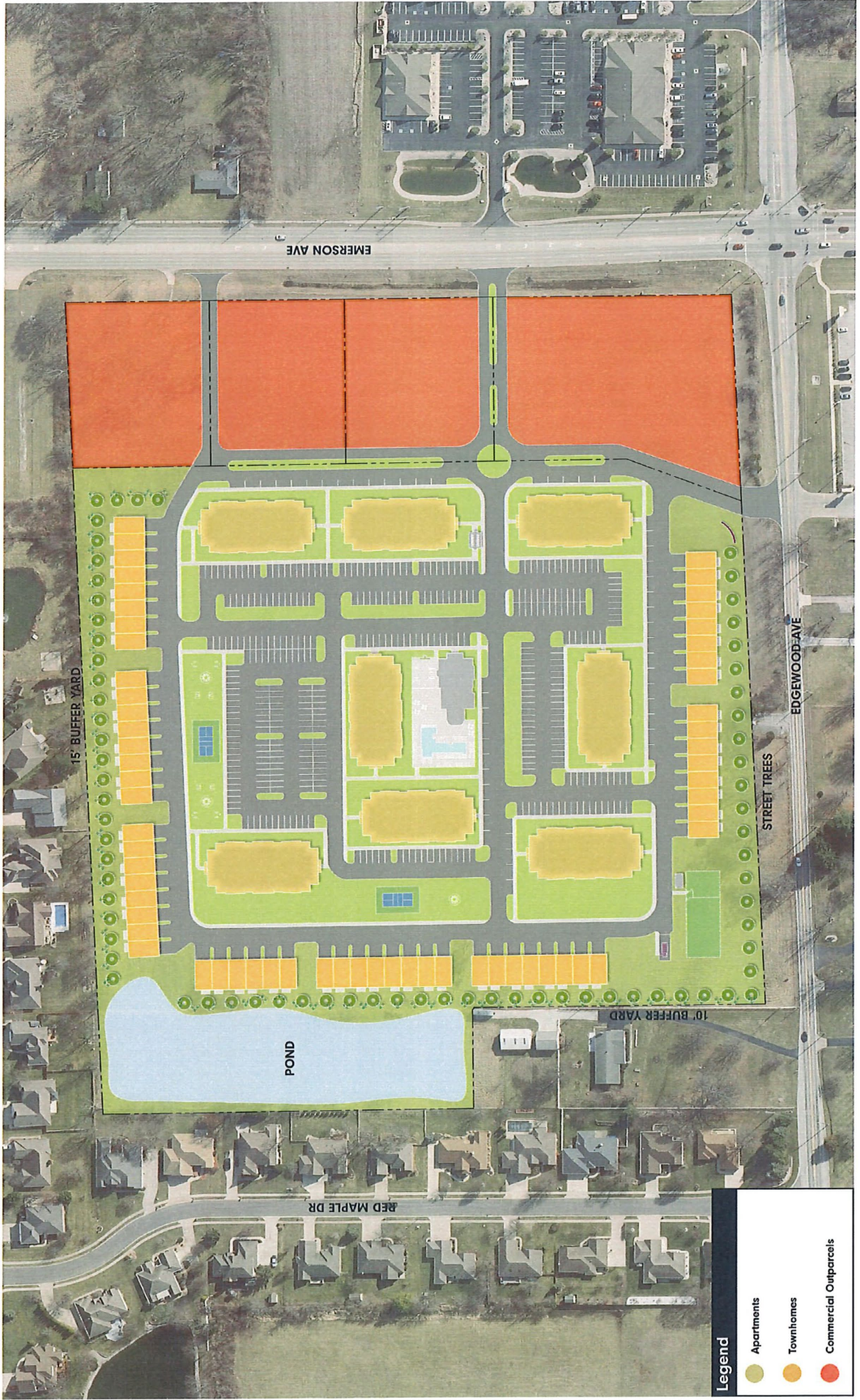
CSP-13

SEPTEMBER 21, 2022

FOR PRELIMINARY REVIEW ONLY. THIS DOCUMENT IS NOT INTENDED TO BE USED FOR CONSTRUCTION. THE DESIGN OF THIS PROJECT SHALL BE BASED ON THE PRELIMINARY DESIGN AND REQUIREMENTS.







EMERSON & EDGEWOOD NEW DEVELOPMENT

**PRELIMINARY LANDSCAPE PLAN**

REALTYLINK

HWC  
ENGINEERING  
INC.

Nov 23 2022  
Division of Planning

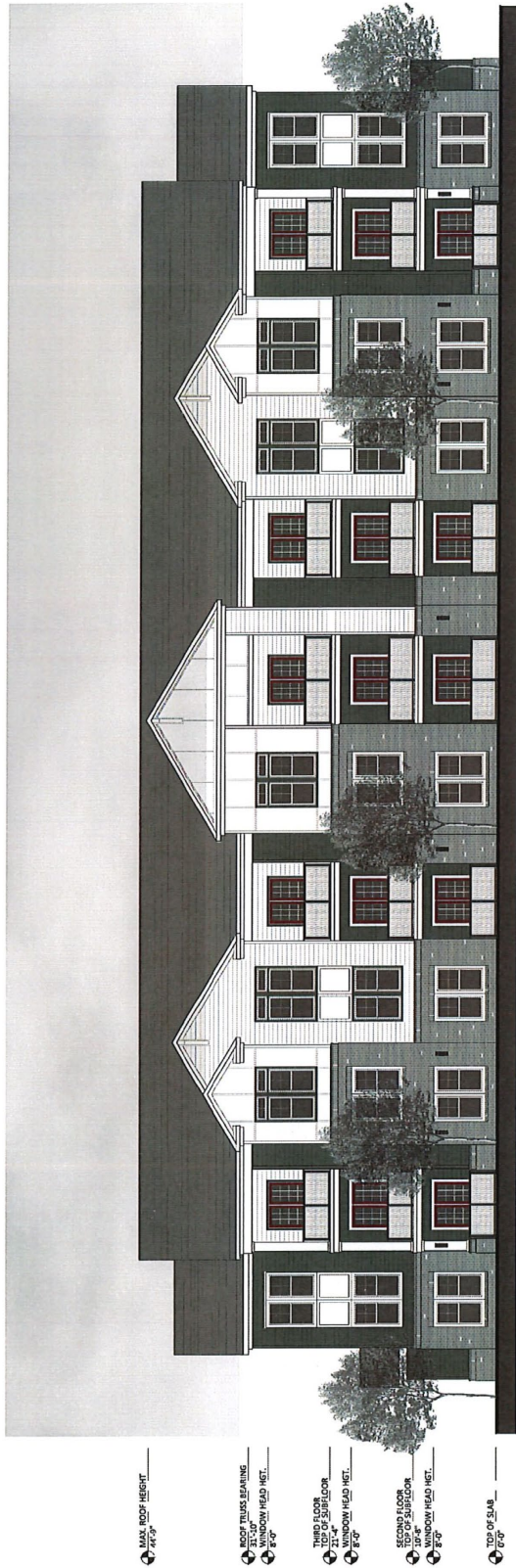
SCALE: 1" = 40'

OCTOBER 28, 2022









IN-INDIANAPOLIS-EMERSON  
SCHEMATIC ELEVATIONS  
THREE AND FOUR STORY APARTMENT BUILDINGS  
NOVEMBER 8, 2022



## Exhibit A

### Heritage Tree Conservation

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

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

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



View looking east along East Edgewood Avenue



View looking north at intersection of South Emerson Avenue and East Edgewood Avenue





View of site looking north across East Edgewood Avenue



View of site looking northwest across East Edgewood Avenue





View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking west across South Emerson Avenue



View of site looking northwest across South Emerson Avenue

## STAFF REPORT

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

**Case Number:** 2022-ZON-110  
**Address:** 2920 and 2926 Bluff Road (*Approximate Address*)  
**Location:** Center Township, Council District #16  
**Petitioner:** Ben Singh Bashal  
**Request:** Rezoning of 2.99 acres from the D-A (FF) district to the I-3 (FF) district to provide for truck repair.

#### **ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The petitioner's representation has notified staff that he will be **withdrawing the petition**.

#### **ADDENDUM FOR JANUARY 4, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

After a full public hearing on December 15, 2022, this petition was recommended for denial by the Hearing Examiner. A memorandum of the Hearing Examiner's decision is included below. The Hearing Examiner's decision was subsequently appealed to the Metropolitan Development Commission by the petitioner.

It is staff's understanding that the petitioner's representative would like **a continuance from the January 4, 2023 hearing to the March 15, 2023 hearing** to allow time to become fully informed about the petition and to develop appropriate exhibits such as a site plan.

#### **ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER**

A continuance from the October 27, 2022 hearing to the December 15, 2022 hearing was requested by the petitioner and granted by the Hearing Examiner to accommodate the petitioner's schedule.

#### **ADDENDUM FOR OCTOBER 27, 2022, HEARING EXAMINER**

An Automatic Continuance filed by the Germania Creek Neighborhood Association, a registered neighborhood organization, continued this petition from the September 29, 2022 hearing to the October 27, 2022 hearing.

(Continued)



## **STAFF REPORT 2022-ZON-110 (Continued)**

### **RECOMMENDATION**

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

A 33-foot half right-of-way shall be dedicated along the frontage of Bluff Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that the dwelling in the southeast corner of the site has existed since at least 1935. Subsequently another dwelling, a multi-family residential building and a large greenhouse was constructed on the site. The greenhouse is no longer extant and the apartment building has recently been vacated. The rear portion of the site appears to be in use for vehicle repair.
- ◇ Historic aerial photography also indicates that by 1972, commercial and truck-related uses had been developed to the north, east and west of the subject site.
- ◇ A significant portion of this site is within the floodway fringe. The floodway fringe is the area where water would pool during the 100-year flood, a flood of such intensity that there is a one percent chance of it occurring in any given year. Development may occur in the floodway fringe if it is elevated at least two feet above the base flood elevation.
- ◇ The 2018 Comprehensive Land Use Plan recommends Light Industrial uses for the site. The Light Industrial typology is intended for production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The Land Use Plan recommends the Heavy Industrial typology for the abutting property to the north.

(Continued)

## **STAFF REPORT 2022-ZON-110 (Continued)**

### **ZONING**

- ◇ The requested zoning district is I-3, which is a medium industrial district for industries that present moderate risk to the general public. By rezoning to the I-3 district, uses such as fleet terminals and truck and heavy vehicle sales, rental and repair would be permitted on the site.
- ◇ Staff gives high regard to the recommendations of the Comprehensive Land Use Plan. This petition does not strictly conform to the recommendations of the plan. However, given the truck-oriented uses surrounding the site, staff believes that this rezoning would be an acceptable deviation from the plan. Staff would not find any deviation from the Ordinance acceptable as it relates to screening and buffering of the site from the residential property to the south.

### **GENERAL INFORMATION**

#### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-A	Compact	Vehicle repair, single-family dwelling, multi-family dwelling
-----	---------	---

#### **SURROUNDING ZONING AND LAND USE**

North	I-3	Truck repair
South	D-A	Single-family dwelling
East	C-7, D-A	Department of Public Works, HVAC contractor
West	I-3	Pallet supplier, vehicle repair

<b>COMPREHENSIVE LAND USE PLAN</b>	The Center Township Comprehensive Plan (2018) recommends Light Industrial.
------------------------------------	--

<b>THOROUGHFARE PLAN</b>	Bluff Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing right-of-way and a 66-foot proposed right-of-way.
--------------------------	--

<b>FLOODWAY / FLOODWAY FRINGE</b>	Most of this site is located within a floodway fringe.
-----------------------------------	--

<b>WELLFIELD PROTECTION DISTRICT</b>	This site is not located within a wellfield protection district.
--------------------------------------	--

(Continued)



**STAFF REPORT 2022-ZON-110 (Continued)****ZONING HISTORY – SITE**

**2015-ZON-089; 2926 Bluff Road**, requested the rezoning of 2.3 acres from the D-A district to the I-3 district, **denied**.

**2009-ZON-812 / 2009-VAR-812; 2926 Bluff Road**, requested the rezoning of 2.3 acres from the D-A district to the I-2-U district, a variance of use to legally establish a single-family dwelling in an industrial district, and a variance of development standards to provide for deficient side setbacks, screening and landscaping, and gravel drives and parking spaces, **withdrawn**.

**89-V3-9; 2926 Bluff Road**, requested a variance of development standards to provide for a double-faced ground sign with an interior angle of more than 15 degrees, **approved**.

**ZONING HISTORY – VICINITY**

**2005-ZON-854 / 2005-VAR-854; 244 & 300 West Troy Avenue, 2900 & 2921 Bluff Road, and 2954 South Capitol Avenue (east of site)**, requested the rezoning of 39.6 acres from the D-1 and C-7 districts to the C7 district and variances to provide for outdoor storage with deficient separation from a protected district and deficient screening, **withdrawn**.

**88-UV1-87; 2916 Bluff Road (north of site)**, requested a variance of use to provide for commercial and industrial uses, **approved**.

**87-Z-138; 1916 East Troy Avenue (north of site)**, requested the rezoning of 20.1 acres from the A-1 district to the I-3-U district, **approved**.

**78-Z-1; 606 East Troy Avenue (west of site)**, requested the rezoning of 13.1 acres from the A-2 district to the I-3-U district, **approved**.

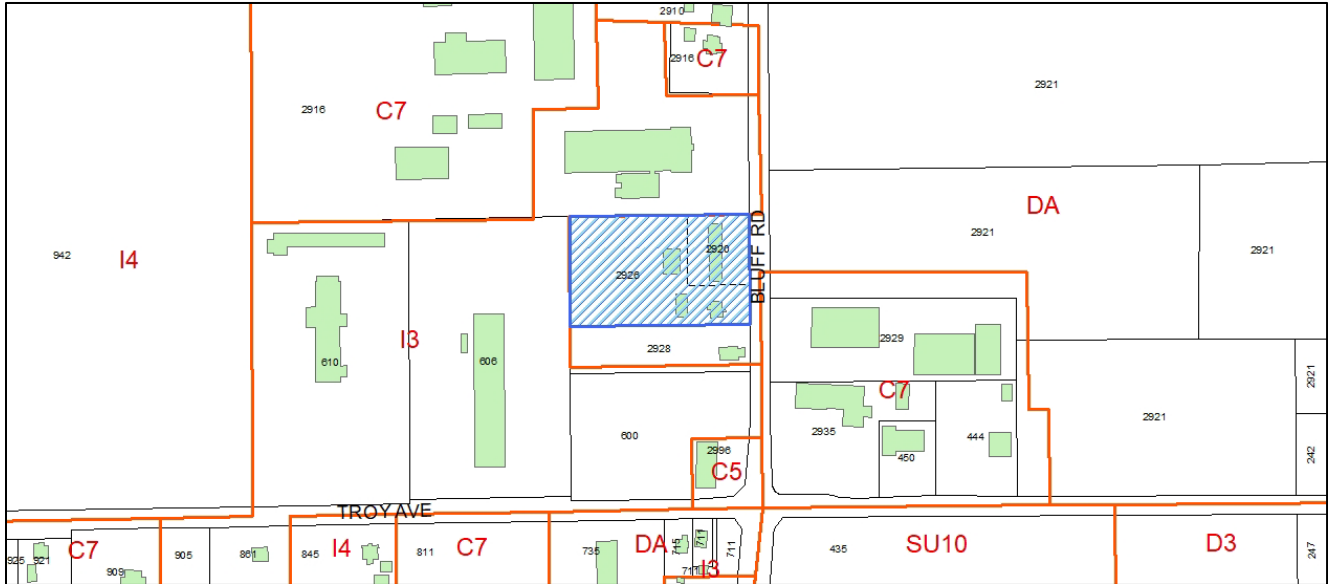
**73-Z-314; 2916 Bluff Road (north of site)**, requested the rezoning of 20.5 acres from the I-3-U and A-2 districts to the C-7 district, **approved**.

**73-Z-26; 602 West Troy Avenue (south of site)**, requested the rezoning of three acres from the A-1 district to the I-3-U district, **approved**.

klh

\*\*\*\*\*

**STAFF REPORT 2022-ZON-110, Location**



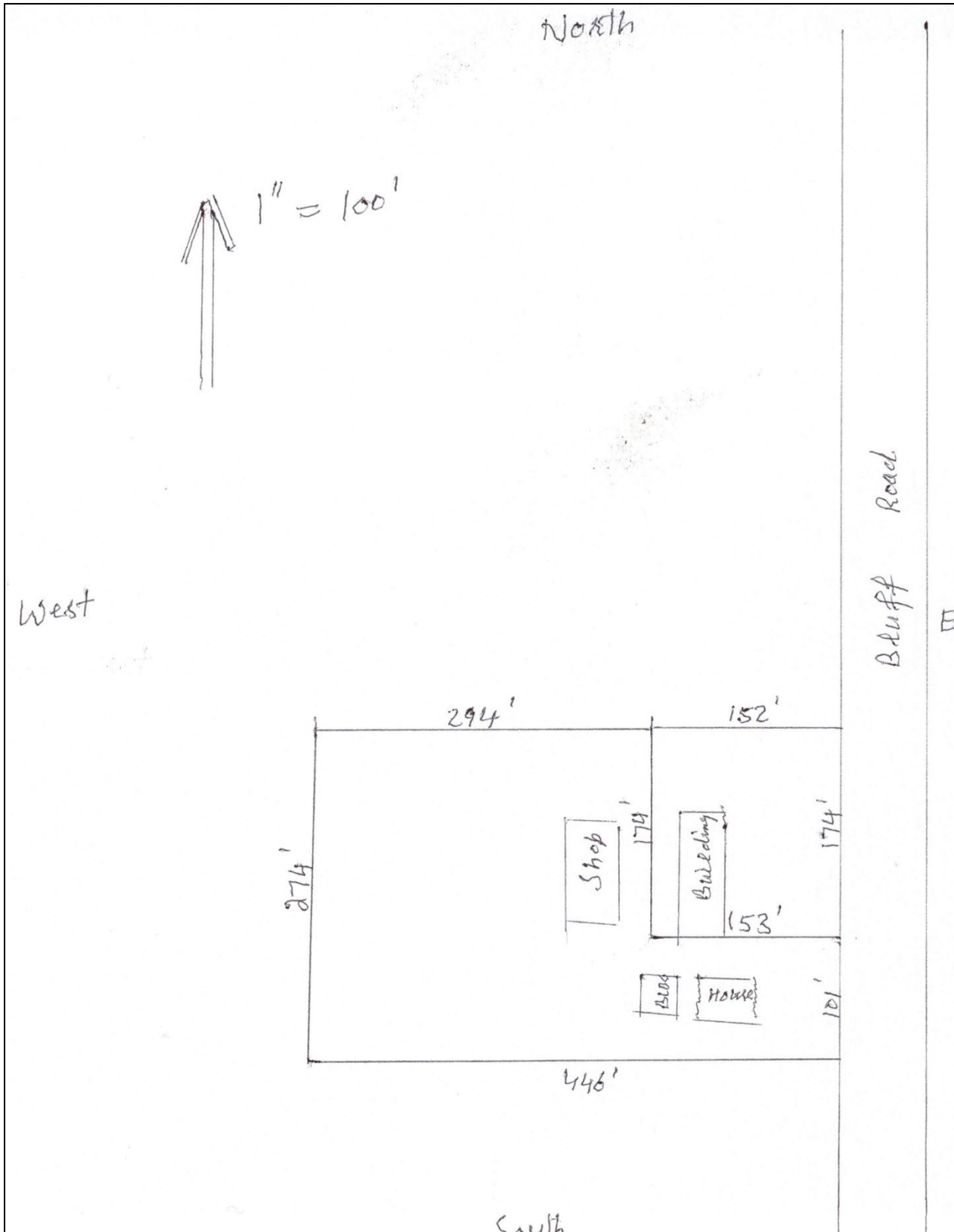
**STAFF REPORT 2022-ZON-110, Aerial photograph (2021)**



**STAFF REPORT 2022-ZON-110, Floodway and Floodway fringe**

Floodway shown in dark blue. Floodway fringe (100-year floodplain) shown in light blue.

**STAFF REPORT 2022-ZON-110, Site Plan**



**STAFF REPORT 2022-ZON-110, Hearing Examiner Memorandum****MEMORANDUM OF EXAMINER'S DECISION****2022-ZON-110****2920 and 2926 Bluff Road**

The petition requests the rezoning of 2.99 acres from the D-A (FF) district to the I-3 (FF) district to provide for truck repair.

Your Hearing Examiner visited the site prior to the hearing and noted that vehicle repair is being done on the site, and there is a residential structure on the site. While there are a mixture of heavy commercial and industrial uses in the area, there is a residence south of the site and residential areas east and northeast of it.

The petitioner described a plan to raze the site and build a truck repair shop. He shared that he bought the site in 2010 and had been trying to clean it up, and that he had resolved recent zoning violations.

Several remonstrators appeared at the hearing, and their concerns with the request included traffic counts and the condition of Bluff Road, air and groundwater pollution, previous poor business practices by the petitioner, and ongoing zoning violations. They also cited a similar request (2015-ZON-089) that was denied.

Staff explained that this request differed from the 2015 petition because a parcel was added, and doesn't find residential use of this site to be practical because of surrounding commercial and industrial uses. Staff also stated that heavy industrial on this site was an acceptable deviation from the Comp Plan recommendation of light industrial because of truck oriented uses around the site.

In your Hearing Examiner's opinion, although the requested I-3 district may make sense "on paper", the disconnect between the petitioner and neighbors needs to be addressed prior to this petition being approved. At the very least, any zoning violation needs to be resolved. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on January 4, 2023



**STAFF REPORT 2022-ZON-110, Photographs**



Looking west across Bluff Road at the site.



Looking west across Bluff Road at the subject site.



Looking west across the Bluff Road along the north property line.



Looking northwest along Bluff Road at the neighbor to the north.





Looking east at one of the neighbors to the east.



Looking east at one of the neighbors to the east.





Looking southwest across Bluff Road at the neighbors to the neighbors to the south.



Looking west along the south property line.

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

**Case Number:** 2023-AO-001

**Request:** Amends Indy Rezone, G.O. 24, 2015. Amends portions of the “Revised Code of the Consolidated City and County” including Chapter 740 General Provisions, Chapter 742 Primary Districts, Chapter 743 Uses & Use-Specific Standards, and Chapter 744 Development Standards by adding and making technical corrections to the language, correcting typographical errors and omissions, and correcting internal references, to take effect immediately.

**RECOMMENDATION**

Staff recommends approval of the proposal.

**Indy Rezone, Section 740-202: Definitions**

<b>Change</b>	<b>Explanation</b>
Bed and Breakfast	CLARIFICATION: Eliminate any perceived restriction on the clientele of the use.
Clear Sight Triangular Area	ADDITION: Addition of term to clarify purpose of the clear sight triangle and clarify that it applies to all structures and obstructions.
Commercial and Building Contractor	CLARIFICATION: Amendment of the definition helps to clarify the scope of the use for easier classification.
Coping	ADDITION: Addition of term intended to eliminate ambiguity when calculating the height of a building with a flat roof.
Park or Playground	ADDITION: Addition of private lands being used for the purpose of a park or playground.
Pergola	ADDITION: Addition of term intended to reduce ambiguity of what is considered a pergola, given their exemption from requiring an Improvement Location Permit.
Yard, Transitional or Yard, Transitional Required	CLARIFICATION: Amendment establishes that no structures may encroach within a transitional yard due to yard encroachment exceptions.

**Indy Rezone, Section 740-303: Building Measurements and Calculations**

<b>Change</b>	<b>Explanation</b>
B. Diagram L	CLARIFICATION: Diagram amended to depict roof line coping more accurately.

**Indy Rezone, Section 740-306: Parking Measurements and Calculations**

<b>Change</b>	<b>Explanation</b>
Section 6	CORRECTION: Deletion of entire section. The contents of this section are relocated to a more appropriate section of the Ordinance by a separate revision in this proposal.

**Indy Rezone, Section 740-308: Separation Measurements and Calculations**

<b>Change</b>	<b>Explanation</b>
Section 8, Title	CORRECTION: properly retitles the section to express that it is for buildings.
A. Measuring the distance between a use and a Protected District	CORRECTION: Establishes that the right-of-way of an intervening street counts in the calculation of the distance from a particular use to a Protected District.

**Indy Rezone, Table 742.103.03: Residential Building Type Standards**

<b>Change</b>	<b>Explanation</b>
Footnote [3]	CORRECTION: Section 744. Article VII. Section 01. "E" should read "D"
Description and applicability of Mixed-Use Districts	ADDITION: footnote that requires Commission approval of a village land use plan prior to rezoning.

**Indy Rezone, Section 743, Article 1: Use Table**

<b>Change</b>	<b>Explanation</b>
Park or Playground	ADDITION: Allows a Park or Playground to be a Permitted Use in any zoning district.
Parking Lot, Commercial	ADDITION: changes the use from permitted by-right to requiring a Special Exception in C-4, C-5, C-7, I-1, I-2, I-3, I-4 and CBD 1
Commercial and Building Contractors	ADDITION: requires a Special Exception in C-4 and permits the use by-right in C-5. Adds Use-Specific Standards.
Formatting	TYPOGRAPHICAL: reformatted Land Use table in its entirety.

**Indy Rezone, Section 743, Article 3: Use Specific Standards**

<b>Change</b>	<b>Explanation</b>
Section 743-305.I Bed and Breakfasts	CORRECTION: Adjustment of maximum consecutive guest stays to consistently align with nature of Bed and Breakfasts. Deletion of standard related to maximum number of events held per year, in which guest attendance exceeds approved capacity of dining area is due to unenforceability. Also provides that a plan of operation and site plan must be approved as part of a Special Exception.
Section 743.305.L Commercial and Building Contractors	ADDITION: provides Use -Specific Standards
Section 743-305.BB, Parking Lot, Commercial	ADDITION: provides an additional use-specific standard for maximum acreage.
Section 743-305.LL, Truck Stop	ADDITION: provides an additional use-specific standard for proximity to a Protected District.
Formatting	TYPOGRAPHICAL: re-letters the remainder of the section.
Section 743-306.K Game Courts	CORRECTION: Deletion of subsection four to clarify that game courts are considered building area. This change eliminates confusion as the calculation for Open Space in Section 740-303.D.1 states that game courts count as building area.

**Indy Rezone, Section 744, Article 2**

<b>Change</b>	<b>Explanation</b>
Table(s) 744-201-1/2 Dimensional Standards (Dwelling Districts)	CORRECTIONS: Reconciling these existing charts with the Walkable Neighborhoods' dimensional table (742.103.03) that was added. ADDITION: Footnote 8 added to clarify the setbacks for Minor Residential Structures.
Section 744-202.A Setback exception for homes built before 1989 on D-A Lots	CLARIFICATION: Deletion of existing language and replacement with language that clarifies that an exception is applicable to all D-A lots previously platted prior to December 20, 1989, regardless of state of development.
Section 744-202.C Lot Area and Width Exceptions for Previously Recorded Lots	ADDITION: Adding D-6II and D-7 Districts to existing exemption to allow for redevelopment of such lots with similar characteristics and histories.

Section 744-204 Table 744-204-1 Encroachments and Exceptions	ADDITION: Adding Wheelchair Ramps and Walkways to existing driveways exception due to similar use related to site accessibility.
Section 744-204(5)(A) Stream Protection Corridor	ADDITION: Insert language clarifying that construction projects exceeding one (1) acre of land disturbance are subject to State and Federal stormwater regulations. <i>*Compliance with IDEM Construction Stormwater General Permit</i>

#### **Indy Rezone, Section 744, Article 4: Parking, Loading, And Drive-Through**

<b>Change</b>	<b>Explanation</b>
Section 744-401 Applicability	ADDITION: Information related to parking measurements and calculations, previously included in Section 740-306, have been relocated as new subsections, lettering G-I, in 744-401.
Section 744-404 Location and Design of Parking Facilities	CORRECTION: Corrected misspelling of ordinance. Updated reference to reflect relocation of information to 744-401.

#### **Indy Rezone, Section 744, Article 5: Landscaping**

<b>Change</b>	<b>Explanation</b>
Section 744-503 (D)(2)(O)(P) General Landscaping Standards	CORRECTION: renaming of DPW's Stormwater Design and Construction. <i>*Compliance with IDEM Construction Stormwater General Permit</i>

#### **Indy Rezone, Section 744, Article 9: Signs**

<b>Change</b>	<b>Explanation</b>
Section 744-904	ADDITION: language pursuant to the Indiana Code for the required relocation or elevation of Outdoor Advertising Signs <i>*Compliance with I.C. 8-23-20-25.6 and 8-23-20.5-3</i>



## INDY REZONE

### Proposed Technical Corrections

#### Indy Rezone, Section 740-202: Definitions

Change	Explanation
Bed and Breakfast	CLARIFICATION: Eliminate any perceived restriction on the clientele of the use.
Clear Sight Triangular Area	ADDITION: Addition of term to clarify purpose of the clear sight triangle and clarify that it applies to all structures and obstructions.
Commercial and Building Contractor	CLARIFICATION: Amendment of the definition helps to clarify the scope of the use for easier classification.
Coping	ADDITION: Addition of term intended to eliminate ambiguity when calculating the height of a building with a flat roof.
Park or Playground	ADDITION: Addition of private lands being used for the purpose of a park or playground.
Pergola	ADDITION: Addition of term intended to reduce ambiguity of what is considered a pergola, given their exemption from requiring an Improvement Location Permit.
Yard, Transitional or Yard, Transitional Required	CLARIFICATION: Amendment establishes that no structures may encroach within a transitional yard due to yard encroachment exceptions.

#### Indy Rezone, Section 740-303: Building Measurements and Calculations

Change	Explanation
B. Diagram L	CLARIFICATION: Diagram amended to depict roof line coping more accurately.

#### Indy Rezone, Section 740-306: Parking Measurements and Calculations

Change	Explanation
Section 6	CORRECTION: Deletion of entire section. The contents of this section are relocated to a more appropriate section of the Ordinance by a separate revision in this proposal.



**Indy Rezone, Section 740-308: Separation Measurements and Calculations**

Change	Explanation
Section 8, Title	CORRECTION: properly retitles the section to express that it is for buildings.
A. Measuring the distance between a use and a Protected District	CORRECTION: Establishes that the right-of-way of an intervening street counts in the calculation of the distance from a particular use to a Protected District.

**Indy Rezone, Table 742.103.03: Residential Building Type Standards**

Change	Explanation
Footnote [3]	CORRECTION: Section 744. Article VII. Section 01. "E" should read "D"
Description and applicability of Mixed-Use Districts	ADDITION: footnote that requires Commission approval of a village land use plan prior to rezoning.

**Indy Rezone, Section 743, Article 1: Use Table**

Change	Explanation
Park or Playground	ADDITION: Allows a Park or Playground to be a Permitted Use in any zoning district.
Parking Lot, Commercial	ADDITION: changes the use from permitted by-right to requiring a Special Exception in C-4, C-5, C-7, I-1, I-2, I-3, I-4 and CBD 1
Commercial and Building Contractors	ADDITION: requires a Special Exception in C-4 and permits the use by-right in C-5. Adds Use-Specific Standards.
Formatting	TYPOGRAPHICAL: reformatted Land Use table in its entirety.

**Indy Rezone, Section 743, Article 3: Use Specific Standards**

Change	Explanation
Section 743-305.I Bed and Breakfasts	CORRECTION: Adjustment of maximum consecutive guest stays to consistently align with nature of Bed and Breakfasts. Deletion of standard related to maximum number of events held per year, in which guest attendance exceeds approved capacity of dining area is due to unenforceability. Also provides that a plan of operation and site plan must be approved as part of a Special Exception.

Section 743.305.L Commercial and Building Contractors	ADDITION: provides Use -Specific Standards
Section 743-305.BB, Parking Lot, Commercial	ADDITION: provides an additional use-specific standard for maximum acreage.
Section 743-305.LL, Truck Stop	ADDITION: provides an additional use-specific standard for proximity to a Protected District.
Formatting	TYPOGRAPHICAL: re-letters the remainder of the section.
Section 743-306.K Game Courts	CORRECTION: Deletion of subsection four to clarify that game courts are considered building area. This change eliminates confusion as the calculation for Open Space in Section 740-303.D.1 states that game courts count as building area.

## Indy Rezone, Section 744, Article 2

Change	Explanation
Table(s) 744-201-1/2 Dimensional Standards (Dwelling Districts)	CORRECTIONS: Reconciling these existing charts with the Walkable Neighborhoods' dimensional table (742.103.03) that was added. ADDITION: Footnote 8 added to clarify the setbacks for Minor Residential Structures.
Section 744-202.A Setback exception for homes built before 1989 on D-A Lots	CLARIFICATION: Deletion of existing language and replacement with language that clarifies that an exception is applicable to all D-A lots previously platted prior to December 20, 1989, regardless of state of development.
Section 744-202.C Lot Area and Width Exceptions for Previously Recorded Lots	ADDITION: Adding D-6II and D-7 Districts to existing exemption to allow for redevelopment of such lots with similar characteristics and histories.
Section 744-204 Table 744-204-1 Encroachments and Exceptions	ADDITION: Adding Wheelchair Ramps and Walkways to existing driveways exception due to similar use related to site accessibility.
Section 744-204(5)(A) Stream Protection Corridor	ADDITION: Insert language clarifying that construction projects exceeding one (1) acre of land disturbance are subject to State and Federal stormwater regulations.

## Indy Rezone, Section 744, Article 4: Parking, Loading, And Drive-Through

Change	Explanation
Section 744-401 Applicability	ADDITION: Information related to parking measurements and calculations, previously included in Section 740-306, have been relocated as new subsections, lettering G-I, in 744-401.
Section 744-404 Location and Design of Parking Facilities	CORRECTION: Corrected misspelling of ordinance. Updated reference to reflect relocation of information to 744-401.

## Indy Rezone, Section 744, Article 5: Landscaping

Change	Explanation
Section 744-503 (D)(2)(O)(P) General Landscaping Standards	CORRECTION: renaming of DPW's Stormwater Design and Construction.

**Indy Rezone, Section 744, Article 9: Signs**

Change	Explanation
Section 744-904	ADDITION: language pursuant to the Indiana Code for the required relocation or elevation of Outdoor Advertising Signs

CITY-COUNTY GENERAL ORDINANCE NO. \_\_\_, 2023  
Proposal No. \_\_\_, 2023

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 2023-AO-\_001

A **GENERAL ORDINANCE** to amend portions of the “Revised Code of the Consolidated City and County” including Chapter 740 General Provisions, Chapter 742 Primary Districts, Chapter 743 Uses & Use-Specific Standards, and Chapter 744 Development Standards by adding and making technical corrections to the language, correcting typographical errors and omissions, and correcting internal references, to take effect immediately.

**WHEREAS** the City of Indianapolis and Marion County enacted a new Consolidated Zoning/Subdivision Ordinance in 2016.

**WHEREAS** the implementation and enforcement of the new Consolidated Zoning/Subdivision Ordinance has revealed the need for revisions to the ordinance.

**WHEREAS**, IC 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

**SECTION 1.** The Zoning Ordinance of Marion County, Indiana, Section 740, Article II of the “Revised Code of the Consolidated City and County”, pertaining to the definitions, hereby is amended pursuant to IC 36-7-4, by the deletion of the language that is stricken-through, by the addition of the language that is underscored, and to be alphabetized as needed, to read as follows:

**Bed and Breakfast:** The commercial rental of up to 6 bedrooms within a private, owner-occupied, single-family detached dwelling unit, and providing temporary accommodations, typically including a morning meal, to overnight guests. This use ~~eaters largely to tourists and the travelling public, and~~ may also include the temporary accommodation of daytime meetings or receptions for guests for a fee.

**Clear Sight Triangular Area:** An area, as prescribed by this Ordinance, in which no buildings, structures, landscaping, or other elements may be located within, unless otherwise exempted by this Ordinance.

**Commercial and Building Contractor:** Establishment or activity that supplies materials and labor to fulfill work at a remote site, ~~and that work is typically a building trade or activity associated with the construction or maintenance of a physical building or structure.~~ This definition may include offices for operation of the contracting business, but does not include retail sales of goods to the public, unless such retail sales are permitted by the district. This



~~definition~~ includes uses such as contractors for awning; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; extermination/disinfection; fence; flooring; home remodeling; masonry/stonework/tile/setting; painting; pest control; plastering/drywall; plumbing; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, lumber yards; swimming pool installation and services; home remodeling companies; heating; air conditioning; landscaping; lawn services; tree services; and water softener services. ~~This definition may include accessory offices for operation of the contracting business, but does not include retail sales of goods to the public.~~

**Coping:** A cap on a wall for protection of the structure from weather elements. Typically made of metal, masonry, or tile.

**Park or Playground:** Public or private ~~L~~land area that is developed and maintained for active or passive recreational use and is open for the general public's use and enjoyment, or for the use of customers, residents, or guests of a related facility. A park may include public playfields, courts, and other recreation facilities, or may include greenways, water features, picnic areas, natural areas, boating facilities, fishing facilities, arboreta, and botanic gardens.

**Pergola:** A minor residential feature with a permanently open framed roof, often latticed, supported by regularly spaced posts or columns.

**Yard, Transitional or Yard, Transitional Required:** That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between 2 or more land uses of different intensity. A transitional yard is a ~~required yard~~, provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts.

**SECTION 2.** The Zoning Ordinance of Marion County, Indiana, Chapter 740, Article III of the "Revised Code of the Consolidated City and County", pertaining to Measurements and Calculations, hereby is amended pursuant to IC 36-7-4, by the deletion of the language that is stricken-through, by the addition of the language that is underscored and to be alphabetized as needed, to read as follows:

### **Section 3. Building Measurements and Calculations**

#### **B. Building Height**

For buildings in which the highest roof is a flat roof, the vertical distance from the grade level abutting the façade measured to the highest point of the coping of the flat roof.

For buildings in which the highest roof is a mansard roof, the vertical distance from the grade level abutting the façade measured to the deck line of a mansard roof.

For buildings in which the highest roof is a pitched or gabled roof, the vertical distance from the grade level abutting the façade measured to the height of the highest gable of a pitched or hipped roof (see Diagram L).

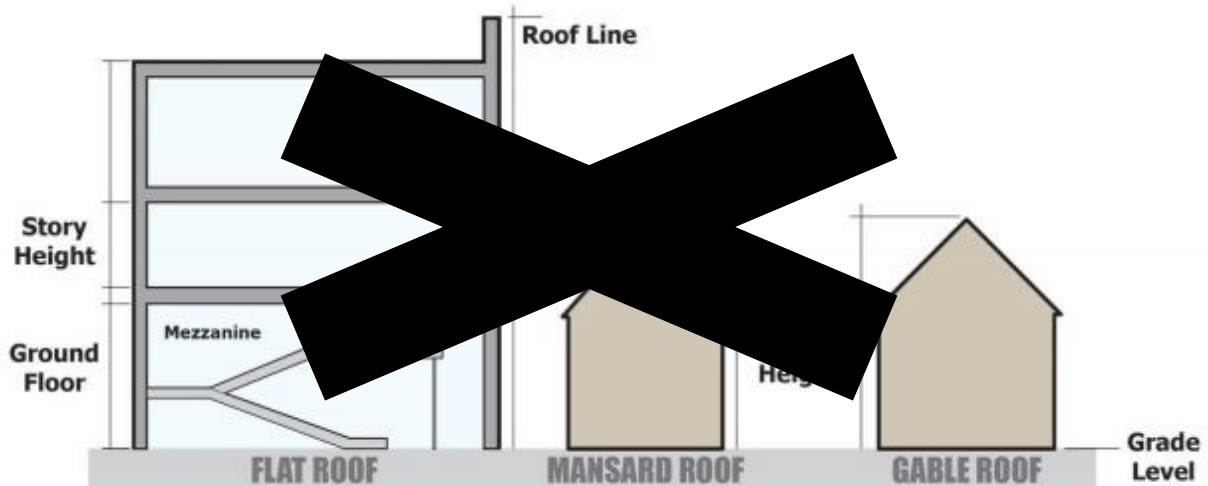


Diagram L Building Height

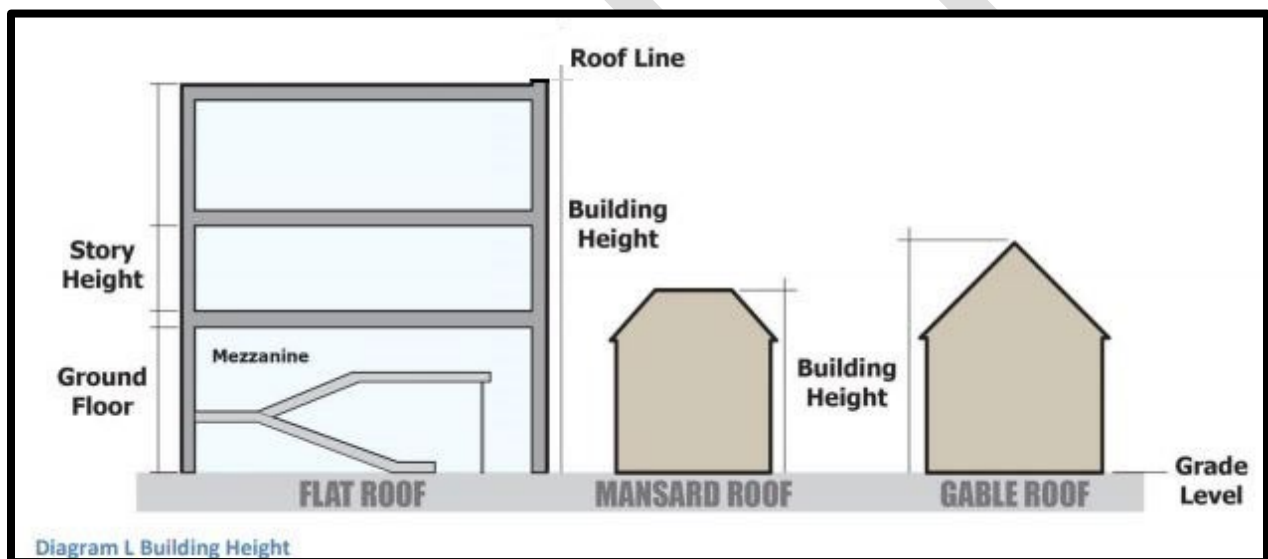


Diagram L Building Height

## **Section 06. Parking Measurements and Calculations**

### **A. Calculating Amount of Required Parking**

When a computation of required parking spaces results in a fraction, the number of required parking spaces shall be rounded down to the next whole number.

### **B. On-street Parking Spaces**

In the Compact Context area, on-street parking spaces, lawful at the time of permit issuance, located on the same side of the street and directly in front of the property containing the use or building being served (as determined by extensions of the property side or rear lot lines, as applicable, into the on-street parking lane) may be counted towards minimum off-street parking requirements.

### C. Measuring and Configuring Parking Areas

All off-street parking areas and facilities, except those for single-family detached dwellings, single-family attached dwellings, two-family dwellings, triplexes, and fourplexes, must comply with the dimensional and configuration standards shown in Table 740-306-1: Parking Space and Lot Design and Dimensions based upon the angle of parking, direction of travel and vehicle size, and depicted in Figure 740-306-A: Parking Lot Layout.

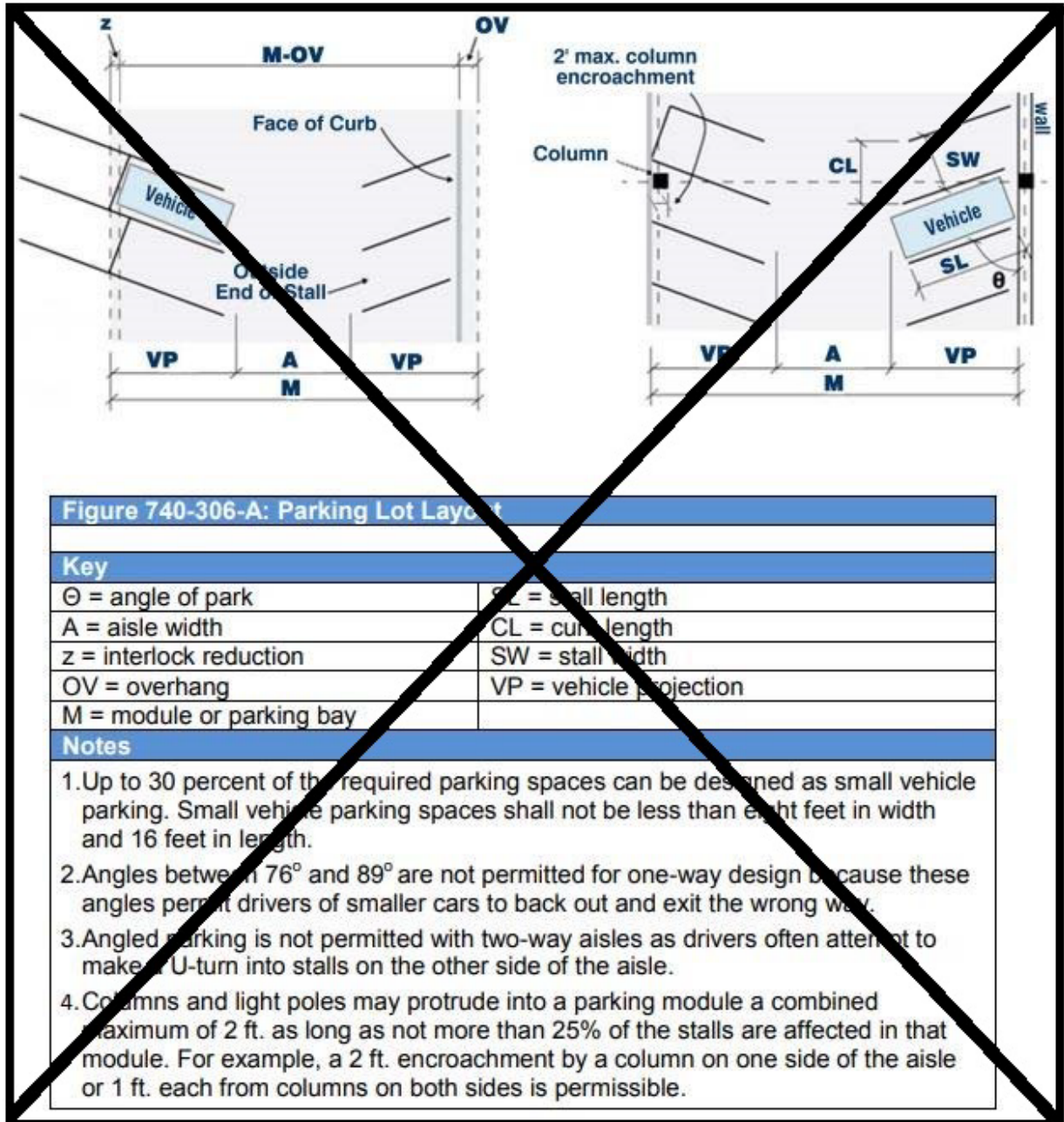


Table 740-306-1: Parking Space and Lot Design and Dimensions						
Parking Angle	Vehicle Size	Curb Length (CL in figure)	Stall Width [1] (SW in figure)	Stall Length [2] (SL in figure)	Aisle Width (A in figure)	Direction of Travel
45°	Small vehicle	10 ft. 6 in.	8 ft.	16 ft.	11 ft.	1-way
	Standard	12 ft. 9 in.	9 ft.	19 ft.	13 ft.	1-way
	Small vehicle	10 ft. 6 in.	8 ft.	16 ft.	13 ft.	2-way
	Standard	12 ft. 9 in.	9 ft.	19 ft.	22 ft.	2-way
60°	Small vehicle	8 ft. 9 in.	8 ft.	16 ft.	14 ft.	1-way
	Standard	9 ft. 9 in.	9 ft.	20 ft. 6 in.	16 ft.	1-way
	Small vehicle	8 ft. 9 in.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft. 9 in.	9 ft.	20 ft. 6 in.	22 ft.	2-way
75°	Small vehicle	8 ft. 4 in.	8 ft.	16 ft.	17 ft. 3 in.	1-way
	Standard	9 ft. 4 in.	9 ft.	21 ft.	18 ft. 6 in.	1-way
	Small vehicle	8 ft. 4 in.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft. 4 in.	9 ft.	21 ft.	22 ft.	2-way
90°	Small vehicle	8 ft.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft.	9 ft.	20 ft.	23 ft.	2-way
<b>Notes</b> [1] Stall width (also known as Parking Space width) measured by a line perpendicularly from the sides of the parking space at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement must be on the inside end of the stall. Depicted as SW in Figure 740-306-A: Parking Lot Layout. [2] Stall length (also known as Parking Space length) measured from the curb, wall or intersecting strip on the inside edge of the stall to the outside end of the stall. Depicted as SL in Figure 740-306-A: Parking Lot Layout.						

## Section 08. Building Separation Measurements and Calculations

### A. Measuring the distance between a use and a Protected District.

Measured in any direction, the measurement must be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center) to the zoning boundary of the protected district. When there is an intervening street, the entirety of the right-of-way will be included in the calculation. ~~except when such establishment is separated from such protected district by an intervening street (see Diagram T).~~

**SECTION 3.** The Zoning Ordinance of Marion County, Indiana, Table 742.103.03 of the “Revised Code of the Consolidated City and County”, pertaining to Residential Building Type Standards, hereby is amended pursuant to IC 36-7-4, by the deletion and replacement of the language that is boldened and by the addition of the language that is underscored, to read as follows:

[3] See Walkable Neighborhood Design Standards, Section 744. Article VII. Section 01.~~E~~ D. Block & Lot Open Space for eligible open space designs.



**SECTION 4.** The Zoning Ordinance of Marion County, Indiana, Table 742.105.01 of the “Revised Code of the Consolidated City and County”, pertaining to the description and applicability of the Mixed-Use districts hereby is amended pursuant to IC 36-7-4, by the deletion and replacement of the language that is boldened and by the addition of the language that is underscored, to read as follows:

**TABLE 742.105.01 – Walkable Neighborhood District Purposes**

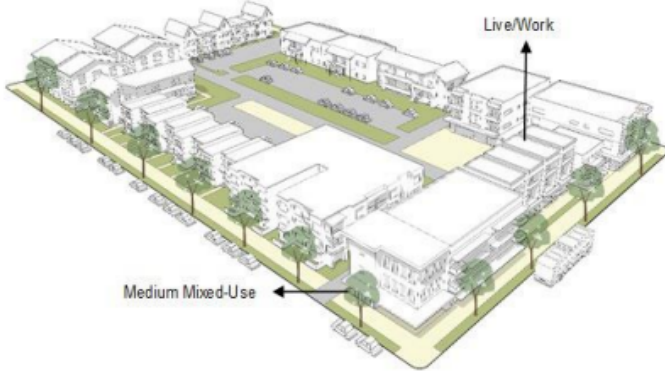
**Mixed Use Two (MU-2)**



The MU-2 District is intended to meet the daily needs for surrounding neighborhoods, and include, small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.


**Mixed Use Three (MU-3)**

[1]



The MU-3 District is intended to serve broader communities and are accessible by transit and include social spaces that serve as civic gathering places. The district includes a wide range of community-serving businesses and institutions, including retail and services, employment, institutional and residential uses that complement the compact, walkable development pattern. District-wide parking strategies allow this district to serve as a community destination yet maintain the pedestrian focus and transit accessibility. The MU-3 District is implemented along major corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use or Urban Mixed-Use Typology. This district should be located ½ mile or more from other similar destinations. The typical size of a district is from 6 to 30 acres (2 to 8 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.



Mixed Use Four (MU-4)	
[1]	 <p>The MU-4 District is intended to create urban centers that serve as regional destinations and are accessible by transit and include social spaces that serve as civic gathering places. The district includes a concentration of retail and services, employment, institutions and residential uses in a compact, walkable development pattern. District-wide parking strategies allow this district to serve as a regional destination yet maintain the pedestrian focus and transit accessibility. The MU-4 District implements the Urban Mixed-Use Typology of the Land Use Pattern Book. This district should be located ½ mile or more from other similar community or regional destinations. The typical size of a district is from 8 to 40 acres (4 to 12 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.</p>

[1] A request for rezoning to the MU-3 or MU-4 district shall first require the adoption of a Village Land Use Plan for the area by the Commission.

**SECTION 5.** The Zoning Ordinance of Marion County, Indiana, Chapter 743-204 and Table 743-1 of the “Revised Code of the Consolidated City and County”, pertaining to the Use Table, hereby is amended pursuant to IC 36-7-4, by the deletion and replacement of the language that is boldened and by the addition of the language that is underscored, to read as follows:

**TABLE 743-1 USE TABLE**

Table 743-1: USE TABLE		P = Permitted use S = Special exception use V= 'P' if Vacant for 5 consecutive years											A = Accessory use T = Temporary use																	
		Zoning District																												
LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-6	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
PUBLIC, INSTITUTIONAL, RELIGIOUS AND CIVIC USES																														
Community, Cultural and Educational Facilities																														
Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Article III, SECTION 03. E
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

**Table 743-1: USE TABLE**

P = Permitted use  
 S = Special exception use  
 V= 'P' if Vacant for 5 consecutive years

A = Accessory use  
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3
<b>LAND USE CATEGORY</b>																															
Vehicle Related Operations																															
Fleet Terminals																											P	P			
Parking Lot, Commercial																A	A	P	P	P	S	S	S	S	A	A	A	A	P	P	P
Truck Stop																				P					P	P	P				

## The Zoning Ordinance - Indianapolis-Marion County - Effective May 9, 2016

**Table 743-1: USE TABLE**

P = Permitted use  
 S = Special exception use  
 V= 'P' if Vacant for 5 consecutive  
 years

A = Accessory use  
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-6I	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
<b>LAND USE CATEGORY</b>																																
<b>COMMERCIAL and INDUSTRIAL USES</b>																																
<b>Business, Home, and Personal Services or Repair</b>																																
Auctioneering and Liquidating Services																			P						P	P	P					
Check Cashing or Validation Service																	P	P	P	P		P	P	P								Article III.Section 05.K
Consumer Services or Repair of Consumer Goods													A	A		A	P	P	P	P	A	P	P	P	P	P	P		P	P	P	Article III.Section 05.M
Crematorium																											S	P				
Dry Cleaning Plant or Industrial Laundry																			P						P	P	P	P				Article III.Section 05.N
Financial and Insurance Services																P	P	P	P	P	P	P	P	P					P	P	P	
Hair and Body Care Salon or Service													A	A		P	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	
Laundromats													A	A			P	P	P	P		P	P	P	V	V						
Mortuary, Funeral Home																P	P	P	P													
Outdoor Advertising Off-Premise Sign																	P	P	P	P		P	P	P	P	P	P	P				Article III.Section 05.BB
Printing Services																	P	P	P	P		P	P	P	P	P	P	P	P	P	P	Article III.Section 05.GG
Tattoo Parlor																	S	P	P	P				S	S							Article III.Section 05.LL

Chapter 743. Uses & Use Specific Standards  
 Article II. Use Table



## The Zoning Ordinance - Indianapolis-Marion County - Effective May 9, 2016

**Table 743-1: USE TABLE**

P = Permitted use  
 S = Special exception use  
 V= 'P' if Vacant for 5 consecutive years

A = Accessory use  
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
LAND USE CATEGORY																																
Food, Beverage, and Indoor Entertainment																																
Adult Entertainment Business																		P	P	P												Article III.Section 05.A
Bar or Tavern																	P	P	P	P	A	P	P	P					P	P	P	Article III.Section 05.H
Eating Establishment or Food Preparation													A	A		A	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	Article III.Section 05.O
Indoor Recreation & Entertainment																A	A	P	P	P	A	A	P	P	V	V			P	P	P	Article III.Section 05.U
Indoor Spectator Venue																		P	P				P	P				P	P	P	Article III.Section 05.V	
Night Club or Cabaret																		P	P	P	A		P	P				P	P	P	Article III.Section 05.AA	
Heavy Services																																
Commercial and Building Contractors																		S	E	P					P	P	P	P				Article III.Section 05.L
Heavy Equipment Sales, Service or Repair																				P					P	P	P	P				
Lodging																																
Bed and Breakfast	S	S	S	S	S	S	S	S	S	S	S	S				P	P	P			A	P	P	P						P	P	Article III.Section 05.I
Hotel, Motel, or Hostel																		P	P		P		P	P					P	P	P	
Manufacturing																																
Artisan Manufacturing																			V	V	V	P	P	P	P	P	P	P		P		Article III.Section 05.C
Manufacturing, Light																						P	P	P	P	P	P	P		P		
Manufacturing, Medium																									S	P	P	P				
Manufacturing, Heavy																											S	P				

Chapter 743. Uses & Use Specific Standards  
 Article II. Use Table



## The Zoning Ordinance - Indianapolis-Marion County - Effective May 9, 2016

**Table 743-1: USE TABLE**

P = Permitted use  
 S = Special exception use  
 V= 'P' if Vacant for 5 consecutive years

A = Accessory use  
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
LAND USE CATEGORY																																
Manufacturing, Hazardous Materials or Objectionable Substances																											S				Article III.Section 05.X	
Processing of Extracted Materials																											S				See Chapter 742.Article II.Section 06	
Offices																																
Office: Business, Professional or Government																P	P	P	P	P	P	P	P	P	V	V	V	V	P	P	P	
Outdoor Recreation and Entertainment																																
Marina																				P						P	P		P	P	P	
Outdoor Recreation and Entertainment, General																			P	P									P			
Sports Stadium																													P	P	P	
Research and Development																																
Agricultural Sciences R&D	P																		P	P					P	P	P	P				
Clean Energy R&D	S																		P	P			P	P	P	P	P					
Information Technology R&D																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Life Sciences R&D																			P	P			P	P	P	P	P	P	P	P	P	
Logistics R&D																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Research and Development, Other																			V	V					P	P	P	P				

Chapter 743. Uses & Use Specific Standards  
 Article II. Use Table





## The Zoning Ordinance - Indianapolis-Marion County - Effective May 9, 2016

**Table 743-1: USE TABLE**

P = Permitted use  
 S = Special exception use  
 V= 'P' if Vacant for 5 consecutive years

A = Accessory use  
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-6II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
<b>LAND USE CATEGORY</b>																																
<b>Retail Sales</b>																																
Adult Entertainment Business: Retail																		P	P	P												Article III.Section 05.B
Department Store																	P	P	P	P			P	P					P	P	P	
Firearm Sales																		P	P	P			P	P					P	P	P	
Fireworks Sales, On-going																		P	P	P												Article III.Section 05.P
Grocery Store													A	A	A	P	P	P	P	P	A	P	P	P					P	P	P	Article III.Section 05.R
Liquor Store																		P	P	P		P	P	P					P	P	P	Article III.Section 05.W
Pawn Shop																	P	P	P	P			S	S								Article III.Section 05.EE
Retail, Light General													A	A	A	P	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	Article III.Section 05.II
Retail, Heavy General																		P	P	P					P				P	P		Article III.Section 05.JJ
<b>Utilities</b>																																
Power Generating Facility, Local																		P	P	P					P	P	P	P				Article III.Section 05.FF
Power Generating Facility, Major																										S	P					
Substations and Utility Distribution Nodes																P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	Article III.Section 05.KK
Wireless Communications Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Article III.Section 05.PP
<b>Vehicle-Related Operations</b>																																
Automobile and Light Vehicle Wash																		P	P	P					V	V			P			Article III.Section 05.D

Chapter 743. Uses & Use Specific Standards  
 Article II. Use Table



## The Zoning Ordinance - Indianapolis-Marion County - Effective May 9, 2016

**Table 743-1: USE TABLE**

P = Permitted use  
 S = Special exception use  
 V= 'P' if Vacant for 5 consecutive years

A = Accessory use  
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-6I	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards		
LAND USE CATEGORY																																		
Automobile and Vehicle Storage or Auction																			P							P	P	P						
Automobile Fueling Station																		P	P	P			S			P	P	P	P		P		Article III. Section 05.E	
Automobile, Motorcycle, and Light Vehicle Sales or Rental																			P	P										P			Article III. Section 05.F	
Automobile, Motorcycle, and Light Vehicle Service or Repair																		P	P	P							P	P		P			Article III. Section 05.G	
Fleet Terminals																												P	P					Article III. Section 05.Q
Heavy Vehicle Wash																				P							P	P						
Heliport or Helistop																										P	P	P	P	A	P	A	Article III. Section 05.T	
Motorsports Industry																				P						P	P	P	P				Article III. Section 05.Z	
Other Vehicle Sales, Rental or Repair																				P							V	P	P					
Parking Lot, Commercial																A	A	P	P	P	S	S	S	S	A	A	A	A	P	P	P	Article III. Section 05.CC		
Parking Garage, Commercial																A	A	P	P	P	S	S	S	S	A	A	A	A	S	P	P	Article III. Section 05.DD		
Transit Center																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Truck or Heavy Vehicle Sales, Rental or Repair																				P							P	P						
Truck Stop																				P							P	P	P				Article III. Section 05.MM	
Waste and Recycling																																		
Recycling Station																		P	P	P						P	P	P	P				Article III. Section 05.HH	
Waste or Recycling Transfer Facility																											S	P	P					Article III. Section 05.OO

Chapter 743. Uses & Use Specific Standards  
 Article II. Use Table



## The Zoning Ordinance - Indianapolis-Marion County - Effective May 9, 2016

**Table 743-1: USE TABLE**

P = Permitted use  
 S = Special exception use  
 V= 'P' if Vacant for 5 consecutive years

A = Accessory use  
 T = Temporary use

Zoning District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-6I	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards	
LAND USE CATEGORY																																	
Wrecking or Salvage Facility																												S				Article III.Section 05.QQ	
Wholesale Distribution or Storage																																	
Bulk Storage of Commercial or Industrial Liquids																												P				Article III.Section 05.J	
Heavy Outdoor Storage																										S	P	P				Article III.Section 05.S	
Mini-Warehouses (Self-Storage Facility)																			V	P					P	P	P	P				Article III.Section 05.Y	
Warehousing, Wholesaling and Distribution																			V	P					P	P	P	P	P	P		Article III.Section 05.NN	
ACCESSORY and TEMPORARY USES																																	
Amateur Radio Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.D
Antenna, Radio or Television Broadcasting																											A	A	A	A	A	Article III.Section 06.E	
Automated Teller Machine (ATM)													A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.F	
Automobile Rental Station													A	A			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.G	
Bicycle Sharing									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Child Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						A	A	A	A						A	A	A	Article III.Section 06.H
Drive-Through																A	A	A	A	A	A	A			A	A	A	A		A		Article III.Section 06.I	
Employee Living Quarters	A	A	A	A	A	A	A	A	A	A	A	A	A	A							A	A	A	A						A	A	A	Article III.Section 06.J
Game Courts	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.K
Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																		Article III.Section 06.L
Minor Mobile Home Structures															A																		Article III.Section 06.M
Minor Residential Structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A								A	A										Article III.Section 06.N

Chapter 743. Uses & Use Specific Standards  
 Article II. Use Table



**SECTION 6.** The Zoning Ordinance of Marion County, Indiana, Chapter 743 Article III of the “Revised Code of the Consolidated City and County”, pertaining to Use-Specific Standards, hereby is amended pursuant to IC 36-7-4, by the deletion of the language that is stricken-through, by the addition of the language that is underscored, and to be alphabetized as needed, to read as follows:

### **Section 743-305 Commercial and Industrial Uses**

#### **I. Bed and Breakfast**

1. The owner of the Bed and Breakfast shall reside on site as their permanent residence.
2. The use shall be located in a primary building with at least 1,500 sq. ft. of gross floor area.
3. The use shall have no more than 6 bedrooms.
4. Guest stays shall be limited to a maximum of ~~24~~ 10 consecutive days.
5. If located in a dwelling district:
  - a. The use shall outwardly appear to be residential in character, giving no appearance of a business use other than allowed signs.
  - b. In addition to resident guests, only guests of resident guests shall be permitted to dine in a bed and breakfast; or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved design capacity of the facility.
  - ~~c. Events on the premises that involve a total number of participants in excess of the approved design capacity of the dining area shall be limited to 6 days per year.~~
6. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use Shall be subject to an approved plan of operation and site plan, and only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:
  - a. The facility will be in harmony with the character of the surrounding neighborhood, in terms of siding and roofing materials that are aesthetically compatible, and building placement, entrance location, vehicle and service areas design that are comparable and compatible with the surrounding neighborhood.

**L. Commercial and Building Contractors**

1. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall be subject to an approved plan of operation and site plan, and only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.

**BB. Parking Lot, Commercial**

1. Access from Monument Circle is prohibited.
2. Notwithstanding Table 743-1: Use Table, off-street parking facilities obtaining access from any street within the CBD-1 District shall only be permitted upon the approval of a Special Exception by the Board of Zoning Appeals in accordance with 740-705 and upon the Board's determination that:
  - a. The parking facility and the location of entrances and exits will not unduly inhibit traffic; and
  - b. The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.
3. This use may be limited by restrictions in the Regional Center and North Meridian Street Corridor district (See Section 742-202) and Chapter 931 of the Revised Code of the Consolidated City and County.
4. Parking lots, commercial shall be limited to a maximum of 2 acres.

**LL. Truck Stop**

**Truck Stop:** The parking of trucks or trailers shall not be defined or construed as outdoor storage in computing permitted outdoor storage and operations.

1. Truck Stops shall not be permitted within 500ft. of a Protected District as defined by this Ordinance.

~~L.~~ M. Consumer Services or Repair of Consumer Goods

~~M.~~ N. Dry Cleaning Plant or Industrial Laundry

~~N.~~ O. Eating Establishment or Food Preparation

~~O.~~ P. Firework Sales, On-Going

~~P.~~ Q. Fleet Terminals

~~Q.~~ R. Grocery Store



~~R.~~ S. Heavy Outdoor Storage  
~~S.~~ T. Heliport or Helistop  
~~T.~~ U. Indoor Recreation & Entertainment  
~~U.~~ V. Indoor Spectator Venue  
~~V.~~ W. Liquor Store  
~~W.~~ X. Manufacturing, Hazardous Materials or Objectionable Substances  
~~X.~~ Y. Mini-Warehouses (Self-Storage Facility)  
~~Y.~~ Z. Motor Sports Industry  
~~Z.~~ AA. Night Club or Cabaret  
~~AA.~~ BB. Outdoor Advertising Off-Premise Sign  
~~BB.~~ CC. Parking Lot, Commercial  
~~CC.~~ DD. Parking Garage, Commercial  
~~DD.~~ EE. Pawn Shop  
~~EE.~~ FF. Power Generating Facility, Local  
~~FF.~~ GG. Printing Services  
~~GG.~~ HH. Recycling Station  
~~HH.~~ II. Retail, Light General  
~~II.~~ JJ. Retail, Heavy General  
~~JJ.~~ KK. Substations and Utility Distribution Nodes  
~~KK.~~ LL. Tattoo Parlor  
~~LL.~~ MM. Truck Stop  
~~MM.~~ NN. Warehousing, Wholesaling, and Distribution  
~~NN.~~ OO. Waste or Recycling Transfer Facility  
~~OO.~~ PP. Wireless Communications Facility  
~~PP.~~ QQ. Wrecking or Salvage Facility

## **Section 743-306 Accessory and Temporary Uses**

### **K. Game Courts**

1. Game Courts may be used by the occupants and guests of the primary use, and shall not be made available for use by the public with or without a fee
2. Game courts shall not be located closer to any front, or side ~~or rear~~ lot line than the required minimum front, or side ~~and rear~~ yard setbacks of the dwelling district, nor shall any part of a game court project into the front yard as established by the existing primary

building, except as stated in subsection 3 below. Game courts shall not be located closer to any rear lot line than 5 feet.

3. Basketball goals may be located along a driveway in any yard area, however, may not encroach onto a public right-of-way.
4. ~~Game courts shall not be considered as building area.~~
5. 4. Game court lighting shall be subject to the exterior lighting standards in Section 744-603 (Required Lighting).
6. 5. Lights for game courts in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 districts shall not be higher than 15 feet above grade level.
7. 6. No loud speakers, public address systems or other noise producing devices shall be permitted in association with a game court.
8. 7. Fences that are a component of a regulation game court shall not be subject to the fence height limitations of Section 744-511.A.2. Fences that are components of game courts shall not exceed 10 feet in height.

**SECTION 7.** The Zoning Ordinance of Marion County, Indiana, Chapter 744 Article II of the "Revised Code of the Consolidated City and County", pertaining to the Lot & Building Dimensions, hereby is amended pursuant to IC 36-7-4, by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

**Table 744-201-1 Dimensional Standards (Dwelling Districts)**

**Table 744-201-1: Dimensional Standards for Districts D-A through D-5II**

Standards apply to Metro and Compact Context Areas unless indicated otherwise. Units are in feet unless indicated otherwise.

Standard	District	D-A	D-S	D-1	D-2	D-3	D-4	D-5 [6] [7]	D-5II [6] [7]	D-8 [3] [6] [7]
<b>Lot [1]</b>										
<b>Minimum Lot Area</b>										
Single-family Detached		3 acres	1 acre	24,000 sf	15,000 sf	10,000 sf	7,200 sf			
Two-family Dwelling		N/A	N/A	N/A	20,000 sf	15,000 sf	10,000 sf			
Single-family Attached		N/A	N/A	N/A	N/A	N/A	N/A	N/A		
<b>Minimum Lot Width</b>										
Single-family Detached		250	150	90	80	70	60			
Two-family Dwelling		N/A	N/A	N/A	120	105	90			
Single-family Attached		N/A	N/A	N/A	N/A	N/A	N/A	N/A		
<b>Minimum Street Frontage</b>										
Single-family Detached		125	75	45	40	35	30	25	25	30
Two-family Dwelling		N/A	N/A	N/A	40	35	30	25	25	30
Single-family Attached		N/A	N/A	N/A	N/A	N/A	N/A	N/A	20	20
<b>Minimum Total Open Space</b>		85%/50% [2]	85%	80%	75%	70%	65%			
<b>Maximum Height</b>										
Primary Building Height		35	35	35	35	35	35			
Primary Building Height may increase 1 ft. per 1 ft. of additional side setback up to:		45	45	45	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Accessory Building Height [5]		24	24	24	24	24	24	24	24	24
Accessory Building Height may increase 1 ft. per 1 ft. of additional side setback up to: [5]		45	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Minimum Floor Area for Primary Dwelling Unit</b>										
Main Floor of a 1-story dwelling		1200 sf	1200 sf	1200 sf	1200 sf	1200 sf	900 sf	900 sf	800 sf	800 sf
Main Floor of a dwelling over 1 story		800 sf	800 sf	800 sf	800 sf	660 sf	660 sf	660 sf	660 sf	660 sf

**Table 744-201-1: Dimensional Standards for Districts D-A through D-5II**

Standards apply to Metro and Compact Context Areas unless indicated otherwise. Units are in feet unless indicated otherwise.

Standard	District	D-A	D-S	D-1	D-2	D-3	D-4	D-5 [6] [7]	D-5II [6] [7]	D-8 [3] [6] [7]
Total Floor Area for primary dwelling units		1200 sf	1200 sf	1200 sf	1200 sf	1200 sf	900 sf	900 sf	800 sf	800 sf
<b>Minimum Setbacks in Metro Context Area [1] [4]</b>										
Fronts Along Expressways and Freeways		50	50	50	50	50	50	50	50	50
Fronts Along Primary and Secondary Thoroughfares		40 from proposed ROW	Greater of 60 from proposed ROW or average setback	Greater of 50 from proposed ROW or average setback	40 from proposed ROW	35 from proposed ROW	35 from proposed ROW			
Fronts Along Collector Streets		35	Greater of 40 from proposed ROW or average setback	Greater of 30 from proposed ROW or average setback	30	30	30			
Fronts Along Local Streets		35	Greater of 40 from proposed ROW or average setback	Greater of 30 from proposed ROW or average setback	25	25	25			
Fronts Along Cul-de-sacs		30	30	25	25	20	20			
Side Yard Each / Combined		30 / 75	15 / 35	8 / 22	7 / 19	6 / 16	5 / 13			
Rear Yard		75 / 50	25 / 50	25 / 50	25 / 50	20 / 50	20 / 50	[6] / 50	[6] / 50	[6] / 50
General / Along Rail Track										
<b>Minimum Setbacks in Compact Context Area [1][4]</b>										
Fronts Along Expressways and Freeways		50	50	50	50	50	50	50	50	50
Fronts Along Primary and Secondary Thoroughfares		40	Greater of 60 or average setback	Greater of 50 or average setback	40	30	30			
Fronts Along Collector and Local Streets and Cul-de-sacs		35	Greater of 40 or average setback	Greater of 30 or average setback	25	20	20			
Each Side Yard		30	15	8	7	4	4			

**Table 744-201-1: Dimensional Standards for Districts D-A through D-5II**

Standards apply to Metro and Compact Context Areas unless indicated otherwise. Units are in feet unless indicated otherwise.

District	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-8
Standard							[6] [7]	[6] [7]	[3] [6] [7]
Rear Yard	75 / 50	25 / 50	25 / 50	25 / 50	20 / 50	20 / 50	[6] / 50	[6] / 50	[6] / 50
General / Along Rail Track									

**Notes:**

[1] See also Section 744-202 - New Construction for Nonconformities.

[2] On lots 3 acres or less, the minimum open space requirement shall be 85%. For lots over 3 acres, the minimum open space requirement shall be 50%.

[3] Standards apply to lots for Single-family detached dwellings, Single-family attached dwellings, or Two-family dwellings.

[4] Front setbacks are always measured from an existing right-of-way line unless otherwise indicated. See also Sections 744-202 through 744-204; in particular note Section 744-202.D – Front Setback Exceptions – Section 744-203.A – Land Within the Town of Meridian Hills – and Section 744-203.C – Side Yard Setback Exception for Zero-Lot Line Option.

[5] However, the height of an accessory building may not exceed the height of the primary building unless excepted in Section 744-204.

[6] See also Table 742.103.03 – Residential Building Type Standards, for Walkable Neighborhood Dwelling District dimensional standards not found in this table.

[7] See also Table 744-701-2: Private Frontage Design Standards for frontage standards not found in this table.

[8] Minor residential structures shall not be located closer to any rear lot line than 5 feet, see also Section 743-306.

**Table 744-201-2: Dimensional Standards for Districts D-6 through D-11**

**Table 744-201-2: Dimensional Standards for Districts D-6 through D-11**

All standards apply to both Metro and Compact Context Areas. Units are in feet unless indicated otherwise.

District	D-6	D-6II	D-7	D-8 [3] [6] [7]	D-9 [6] [7]	D-10 [6] [7]	D-11
<b>Standard</b>							
<b>Lot</b>							
Minimum Project Area	[1]	[1]	N/A	N/A	N/A	N/A	15 acres
Minimum Lot Area for a lot with a:							
Single-family Attached Dwelling	2,400 sf	2,400 sf	2,000 sf				N/A
Two-family Dwelling	4,000 sf	4,000 sf	3,000 sf		N/A	N/A	N/A
Triplex	N/A	N/A	N/A				N/A
Fourplex	N/A	N/A	N/A				N/A
Minimum Street Frontage for a Project	150	150	100	50	150	100	150
Minimum Street Frontage for a lot with a:							
Single-family Attached Dwelling	20	20	18	See Table 744-201-1			N/A
Two-family Dwelling	35	35	30	See Table 744-201-1	N/A	N/A	N/A
Triplex	50	50	35	30			N/A
Fourplex	50	50	40	40			N/A
<b>Minimum Setbacks and Yards [2]</b>							
Front Setback:							
Fronts Along Expressways and Freeways	30	30	30	30	30	30	30
Fronts Along Primary and Secondary Thoroughfares	30 from proposed ROW	30 from proposed ROW	25 from proposed ROW	30 from proposed ROW	30 from proposed ROW	25 from proposed ROW	60 from proposed ROW
Fronts Along Collector Streets	30	25	25	25	25	25	60
Fronts Along Local Streets	30	25	20	20	25	25	60
Perimeter Yard for a Project	30	25	20	N/A	20	20	50
Distance Between Primary Buildings in a Project	25	25	20	20	20	20	25
Side Yard on a lot with a: [4]							
Single-family Attached Dwelling	15	15	10				N/A
Two-family Dwelling	15	15	10		N/A	N/A	N/A



**Table 744-201-2: Dimensional Standards for Districts D-6 through D-11**

All standards apply to both Metro and Compact Context Areas. Units are in feet unless indicated otherwise.

District	D-6	D-6II	D-7	D-8 [3] [6] [7]	D-9 [6] [7]	D-10 [6] [7]	D-11
Standard							
Triplex	15	15	10				N/A
Fourplex	15	15	10				N/A
Rear Yard on a lot with a: [4]							
Single-family Attached Dwelling	15	15	10				N/A
Two-family Dwelling	15	15	10		N/A	N/A	N/A
Triplex	15	15	10				N/A
Fourplex	15	15	10				N/A
Setback from a Railroad Track ROW	50	50	50	50	50	50	50
<b>Maximum Height</b>							
Primary Building Height							
Maximum Height	45	45	56				N/A
If abutting or adjacent to a lot separated by a right-of-way less than 30' that is improved with a single family detached dwelling, maximum height	35	35	40				
Maximum Accessory Building Height [5]	25	25	25	25	25	25	20
<b>Maximum Floor Area Ratio (FAR) for sites with buildings:</b>							
1 to 3 floors	0.40	0.55	0.70	0.60	0.50	0.60	N/A
4 to 5 floors	N/A	N/A	0.70	0.80	0.80	0.80	N/A
6 to 11 floors	N/A	N/A	N/A	N/A	1.50	1.50	N/A
12 to 23 floors	N/A	N/A	N/A	N/A	2.20	3.00	N/A
24 floors or more	N/A	N/A	N/A	N/A	2.20	3.20	N/A
<b>Minimum Livability Space Ratio (LSR)</b>	1.80	1.30	0.95	0.66	0.75	0.66	N/A

**Notes:**

[1] See also Section 744-202.C.2 – Lot Area and Width Exceptions for D-6 and D-6II districts. These exceptions apply to the setbacks as platted.

[2] Front setbacks are always measured from an existing right-of-way line unless otherwise indicated.

**Table 744-201-2: Dimensional Standards for Districts D-6 through D-11**

All standards apply to both Metro and Compact Context Areas. Units are in feet unless indicated otherwise.

District	D-6	D-6II	D-7	D-8 [3] [6] [7]	D-9 [6] [7]	D-10 [6] [7]	D-11
Standard							

[3] These standards apply to D-8 sites not used for Single-family detached dwelling, Single-family attached dwelling, or Two-family dwelling.

[4] Common, unpierced walls that separate two dwellings are not required to meet side or rear yard setbacks.

[5] However, the height of an accessory building may not exceed the height of any primary building.

[6] See also: Table 742.103.03 – Residential Building Type Standards, for Walkable Neighborhood Dwelling District dimensional standards not found in this table.

[7] See also Section 744.701.C – Private Frontage Types, for Private Frontage Standards not found in this table.

[8] Minor residential structures shall not be located closer to any rear lot line than 5 feet, see also Section 743-306.

**Section 744-202 New Construction for Nonconformities****A. Setback exception for homes built before 1989 on D-A Lots**

Any single-family dwelling or accessory structure on a lot in the D-A district, that was constructed prior to December 20, 1989, in conformance with the applicable A-1 or A-2 agricultural district standards of the Marion County Master Plan Permanent Code, may be converted, enlarged, extended, reconstructed or relocated meeting the minimum required side and rear yard setbacks of 15 feet.

**Setback exception for D-A Lots platted prior to December 20, 1989**

Any lot, with deficient minimum lot area or lot width required by the D-A District requirements of this Ordinance, previously platted or recorded prior to December 20, 1989, in conformance with the applicable A-1 or A-2 agricultural district standards of the Marion

County Master Plan Permanent Code, may construct, enlarge, extend, reconstruct, or relocate primary and accessory single-family uses with 15-foot minimum side and rear setbacks.

C. Lot Area and Width Exceptions for Previously Recorded Lots

2. In the D-6 and ~~D-6II~~ districts, D-6II and D-7 districts, a single-family detached dwelling or two-family dwelling, including accessory structures, may be constructed, erected, enlarged, extended, or reconstructed on any platted lot recorded prior to December 20, 1989, that was specifically platted for single-family or two-family dwelling purposes. Such development shall be in accordance with the approved plat, any restrictions thereof, and any commitments resulting from the rezoning of such lot

## Section 744-204 Height Exceptions and Yard Encroachments

**Table 744-204-1: Encroachments and Exceptions**

Table 744-204-1: Encroachments and Exceptions	
Structure or Feature	Conditions or Limits
<b>Encroachments into Required Yard or Setback</b>	
Driveways, Wheelchair Ramps, Walkways	May encroach into and cross through a required front, side, rear, perimeter or transitional yard in the most direct manner possible to connect a right-of-way line and setback line.
Minor Residential Feature that is less than 18 in. above grade level, with the exception of any attached railings	Except as listed for specific accessory structures, Minor Residential Feature may be located in any of the following areas that are not within an easement: (a) not more than 6 ft. into front yard from the facade, or (b) no closer than 5 ft. to any rear lot line, or (c) no closer than 2 ft. to any side lot line

### 744-204(5)(A): Stream Protection Corridors

3. Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

**SECTION 8.** The Zoning Ordinance of Marion County, Indiana, Chapter 744 Article IV of the “Revised Code of the Consolidated City and County”, pertaining to the Parking, Loading, And Drive-Through, hereby is amended pursuant to IC 36-7-4, by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

## Section 744-401 Applicability

### G. Calculating Amount of Required Parking

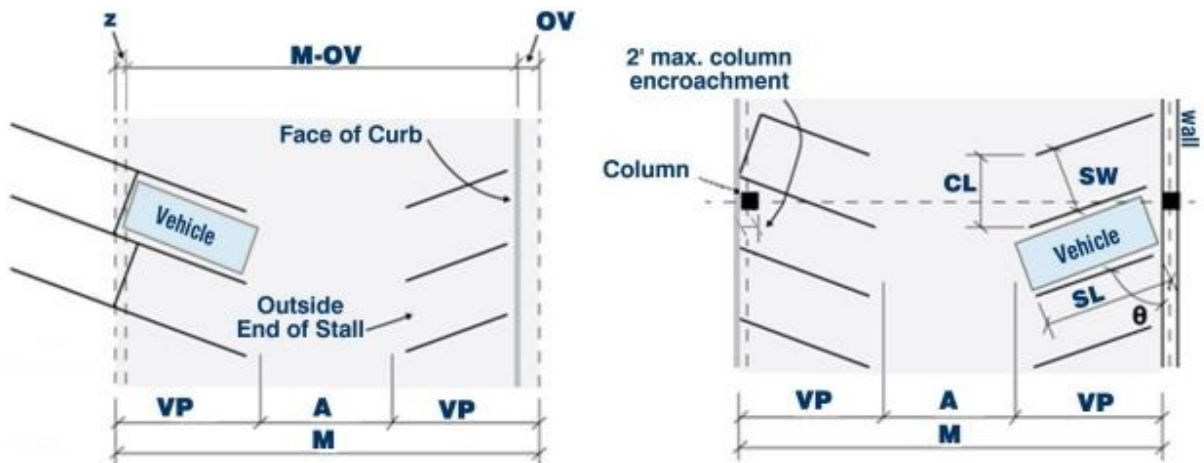
When a computation of required parking spaces results in a fraction, the number of required parking spaces shall be rounded down to the next whole number.

#### **H. On-street Parking Spaces**

In the Compact Context area, on-street parking spaces, lawful at the time of permit issuance, located on the same side of the street and directly in front of the property containing the use or building being served (as determined by extensions of the property side or rear lot lines, as applicable, into the on-street parking lane) may be counted towards minimum off-street parking requirements.

#### **I. Measuring and Configuring Parking Areas**

All off-street parking areas and facilities, except those for single-family detached dwellings, single-family attached dwellings, two-family dwellings, triplexes, and fourplexes, must comply with the dimensional and configuration standards shown in Table 744-401-1: Parking Space and Lot Design and Dimensions based upon the angle of parking, direction of travel and vehicle size, and depicted in Figure 744-401-A: Parking Lot Layout.



**Figure 744-401-A: Parking Lot Layout**

**Key**

$\Theta$ = angle of park	SL = stall length
A = aisle width	CL = curb length
z = interlock reduction	SW = stall width
OV = overhang	VP = vehicle projection
M = module or parking bay	

**Notes**

1. Up to 30 percent of the required parking spaces can be designed as small vehicle parking. Small vehicle parking spaces shall not be less than eight feet in width and 16 feet in length.
2. Angles between  $76^\circ$  and  $89^\circ$  are not permitted for one-way design because these angles permit drivers of smaller cars to back out and exit the wrong way.
3. Angled parking is not permitted with two-way aisles as drivers often attempt to make a U-turn into stalls on the other side of the aisle.
4. Columns and light poles may protrude into a parking module a combined maximum of 2 ft. as long as not more than 25% of the stalls are affected in that module. For example, a 2 ft. encroachment by a column on one side of the aisle or 1 ft. each from columns on both sides is permissible.

**Table 744-401-1: Parking Space and Lot Design and Dimensions**

Parking Angle	Vehicle Size	Curb Length	Stall Width [1]	Stall Length [2]	Aisle Width	Direction of Travel
		(CL in figure)	(SW in figure)	(SL in figure)	(A in figure)	
45°	Small vehicle	10 ft. 6 in.	8 ft.	16 ft.	11 ft.	1-way
	Standard	12 ft. 9 in.	9 ft.	19 ft.	13 ft.	1-way
	Small vehicle	10 ft. 6 in.	8 ft.	16 ft.	18 ft.	2-way
	Standard	12 ft. 9 in.	9 ft.	19 ft.	22 ft.	2-way
60°	Small vehicle	8 ft. 9 in.	8 ft.	16 ft.	14 ft.	1-way
	Standard	9 ft. 9 in.	9 ft.	20 ft. 6 in.	16 ft.	1-way
	Small vehicle	8 ft. 9 in.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft. 9 in.	9 ft.	20 ft. 6 in.	22 ft.	2-way
75°	Small vehicle	8 ft. 4 in.	8 ft.	16 ft.	17 ft. 3 in.	1-way
	Standard	9 ft. 4 in.	9 ft.	21 ft.	18 ft. 6 in.	1-way
	Small vehicle	8 ft. 4 in.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft. 4 in.	9 ft.	21 ft.	22 ft.	2-way
90°	Small vehicle	8 ft.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft.	9 ft.	20 ft.	23 ft.	2-way

**Notes**

[1] Stall width (also known as Parking Space width) measured by a line perpendicularly from the sides of the parking space at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement must be on the inside end of the stall. Depicted as SW in Figure 744-401-A: Parking Lot Layout.

[2] Stall length (also known as Parking Space length) measured from the curb, wall or interlocking strip on the inside edge of the stall to the outside end of the stall. Depicted as SL in Figure 744-401-A: Parking Lot Layout.

**Section 744-404 Location and Design of Parking Facilities****D. Design of Parking Areas and Facilities**

1. Regulated as buildings Unless otherwise stated in this zoning ordinance, parking lots and parking garages shall be subject to all use and development standards of the applicable zoning district in addition to the requirements contained this article.

2. Dimensions and specific parking space location Off-street parking areas (including, but not limited to, entrances, exits, aisles, spaces, traffic circulation and maneuverability) shall be designed and constructed at not less than the recommended specifications contained in the Architectural Graphic Standards, Current Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York, and ~~Section 740-306 Parking Measurements and Calculations~~ Section 744-401 Applicability; except that each parking space shall have, regardless of angle of parking, a usable parking space measuring as follows:



- a. Residential uses. Not less than 8.5 feet in width (measured perpendicularly from the sides of the parking space) and at least 150 square feet of usable parking area.
- b. All other uses. Not less than 9 feet in width (measured perpendicularly from the sides of the parking space) and not less than 18 feet in length and at least 180 square feet in total area.
- c. Small vehicle parking. Up to 30% of the required parking spaces can be designed as small vehicle parking. Small vehicle parking spaces shall not be less than 8 feet in width and 16 feet in length.
- d. ADA parking. All parking spaces reserved for the use of disabled persons shall have an access aisle adjacent to the parking space. The width of the access aisle shall be either 60 inches for car-accessible spaces or 96 inches for van-accessible spaces. One of every six required accessible parking spaces, but always at least one space, must be van accessible. Two parking spaces may share an access aisle. The parking space and aisle shall not be less than 20 feet in length. The ADA parking spaces shall be located closest to the entrance of the building.
- e. Shared and motorcycle parking. After the required ADA parking spaces are located closest to the entrance, shared vehicle, carpool, vanpool spaces, and any motorcycle parking spaces shall be located closest to the entrance of the building.
- f. Bicycle parking. Bicycle parking shall be located within 50 feet of a pedestrian entrance.

## **Section 744-503 General Landscaping Standards**

### **D. Soil Condition and Planting Beds**

- 2. Stone mulch is not permitted in required landscape areas or planting beds except as part of a stormwater best management practices in accordance with Section 702 of the 2011 Stormwater Design and Construction Specifications Manual.

**O. Rain gardens, bioswales and stormwater management features.** Areas included in rain gardens or vegetated site features created to meet storm water management requirements of Section 702 of the 2011 Stormwater Design and Construction Specifications Manual shall be counted towards any required interior site or parking lot landscaping, and if vegetated to meet the requirements for any landscaped buffers shall count towards those buffer requirements. Where rain gardens or vegetated site features serving a storm water management purpose are installed, a sign shall be installed indicating that the area the area should not be mowed, but should instead be maintained pursuant to an operations and maintenance manual available from the Department of Public Works.

**P. Retention and detention facilities.** Landscaping must be provided around the perimeter of all retention and detention basins. Such landscaping must consist of trees, shrubs, and emergent plantings in a quantity, species, and arrangement that will maintain an ecologically functional environment. Per Section 702.01 in the 2011 Stormwater Design and Construction Specification Manual, tall plantings in the aquatic bench are desirable as a means

to keep waterfowl from the site. Waterfowl are bacteria sources and are to be discouraged from inhabiting wet ponds. Retention and detention basins should be designed to resemble natural landforms, whenever possible. Such landscaping must be integrated with the littoral zone of emergent vegetation around the pond perimeter with the safety bench of at least 10 feet in width as per Section 302.07 in the 2014 Stormwater Design and Construction Specifications Manual. Trees, shrubs and upland plantings are to be located above the normal water line; emergent or wetland plantings are to be located below the normal water line. Vegetation must be established on all side slopes to prevent erosion. A stormwater management easement and operation and maintenance agreement is required for each facility, clearly marking inlet/outlet structures and easements for inflow/outflow piping. Trees or deep-rooted vegetation must not be planted in any easement with storm drainage pipe. Vegetation must not obstruct inlet/outlet structures and inflow/outflow piping area.

**SECTION 9.** The Zoning Ordinance of Marion County, Indiana, Chapter 744 Article IX, Section 4 of the “Revised Code of the Consolidated City and County”, pertaining to signs, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored, to read as follows:

**C. Required relocations or elevations; Outdoor Advertising Signs:**

1. In accordance with I.C. 8-23-20-25.6 and 8-23-20.5-3, legally-established Outdoor Advertising Signs which are required to be elevated or relocated due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway may be elevated or relocated to the extent allowed by State or Federal law and upon approval of a Special Exception from the Board of Zoning Appeals. The elevated or relocated sign shall comply with all applicable development standards of this Ordinance. An Improvement Location Permit shall be required for signs that are elevated or relocated pursuant to I.C. 8-23-20-25.6.

**THE FOREGOING** amending ordinance, 2023-AO-\_\_1\_\_, to the “Revised Code of the Consolidated City and County” of Indianapolis-Marion County, Indiana, is hereby recommended for approval by the affirmative vote of the undersigned members of said Commission, this \_\_15th\_\_ day of \_\_March\_\_, 2023.

METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA

\_\_\_\_\_  
John J. Dillon III, Commissioner  
and President

\_\_\_\_\_  
Megan Garver, Commissioner and  
Vice-President

\_\_\_\_\_  
Bruce Schumacher, Commissioner  
and Vice-Secretary

\_\_\_\_\_  
Mindy Westrick, Commissioner

\_\_\_\_\_  
Alpha Blackburn, Commissioner

\_\_\_\_\_  
Brigid Robinson, Commissioner

\_\_\_\_\_  
Vincent Ash, Commissioner

ATTEST:

\_\_\_\_\_  
Bruce Schumacher, Vice-Secretary  
Metropolitan Development Commission  
of Marion County, Indiana

APPROVED AS TO LEGAL FORM  
AND ADEQUACY this \_\_15\_\_ day of  
March, 2023.

\_\_\_\_\_  
Toae Kim  
Assistant Corporation Counsel

## STAFF REPORT

Item 2.

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

**Case Number:** 2022-MOD-009  
**Address:** 25 Mc Lean Place (approximate address)  
**Location:** Center Township, Council District #11  
**Zoning:** C-S (RC)  
**Petitioner:** Illinois Street Self Storage, LLC, by David Kingen and Emily Duncan  
**Request:** Modification of Commitments related to 2016-CZN-842 and 2016-CVR-842 to terminate Commitments #1 and #2 on Attachment "D" which required 10,000 square feet of building space to be reserved for office/retail space/artisan food or beverage/artisan manufacturing uses and required the building be subject to elevations, file-dated 3/2/17.

#### **ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was continued by request from the petitioner, from the March 1, 2023, hearing to the March 15, 2023, hearing. As of this writing, no new information has been submitted to the file.

#### **ADDENDUM FOR MARCH 1, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on February 9, 2023. On February 8, 2023, the day before the hearing, the petitioner submitted proposed commitments that would alter the original request to eliminate 10,000 square feet of reserved space for commercial uses to: retain 2,000 square feet of this space for commercial uses. The staff responded with this alternate language: "this petition, 2022-MOD-009, shall sunset, or be void upon 10 years from the date of MDC approval, or 3/1/2033. On 3/1/2033, the original commitment, per 2016-CZN-842, Attachment "D", number 1, shall be in effect". **Staff stated that, if the petitioner agreed with this alternate language, then staff could support the request.** The petitioner indicated that they would not agree with this alternate language. The Hearing Examiner, after a full hearing, recommended denial of the petition. The Hearing Examiner's memorandum is attached.

#### **ADDENDUM FOR FEBRUARY 9, 2023, HEARING EXAMINER**

This petition was continued, by request of the petitioner, from the December 15, 2022, hearing to the February 9, 2023, hearing. As of this writing, no new information has been submitted to the file.

#### **ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER**

This petition was continued, by request of the petitioner, from the September 29, 2022, hearing to the December 15, 2022, hearing. As of this writing, no new information has been submitted to the file.

(Continued)

**ADDENDUM FOR SEPTEMBER 29, 2022, HEARING EXAMINER**

After hearing testimony, this petition was continued to the September 29, 2022, hearing, due to issues with the proposed commitments. As of this writing, no new information has been submitted to the file.

**SEPTEMBER 15, 2022**

**RECOMMENDATIONS**

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

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

- ◇ The 1.1-acre site, rezoned to C-S (RC) by 2016-CZN-842, is improved with a three-story, self-storage building, which fronts Illinois Street and Mc Lean Place, and a separate, one-story self-storage building in the rear of the site. Along with the rezoning of the site, a variance of development standards, through 2016-CVR-842, was granted for zero-foot front setbacks, and building encroachments into the clear-sight triangle. Design approval was granted through 2017-REG-100.
- ◇ The larger, main structure is an indoor climate-controlled storage facility, with most storage units on the second and third floors. 10,000 square feet of space on the ground floor is reserved for commercial use along the Illinois Street and Mc Lean Place frontages, with storefront windows and significant visibility into the first floor. On a site visit, staff noted that the commercial space was not being used for commercial use.

**REQUEST**

- ◇ This request would eliminate the commitment to provide for 10,000 square feet of building space for commercial use, specifically for office, retail space, artisan food or beverage and artisan manufacturing. The rezoning request in 2016-CZN-842 specifically requested MU-1 and MU-2 uses, along with self-storage. Additionally, it would eliminate the commitment that the building elevations be subject to elevations, file-dated March 2, 2017.
- ◇ This area has been transitioning from suburban-type, vehicular-oriented development, toward urban development with less reliance on vehicles. In fact, an existing transit stop is located approximately one block to the northeast, south of the intersection of Meridian Street and 22<sup>nd</sup> Street. This transit stop did not exist when this site was approved for the existing use. Self-storage facilities, as a single use, are inherently suburban in nature, with little to no interaction with the street frontage and pedestrian experience. This petition, if approved, would go against one of the City's goals to increase transit use by substantially increasing residential development and supportive uses near existing transit stops and planned transit stops.

(Continued)



**RECENT URBAN DEVELOPMENT APPROVALS**

- ◇ Recently, a mixed-use development at 2163 and 2179 North Illinois Street was approved, through 2021-REG-069, for 10,000 square feet of commercial space and 80 dwelling units. That site is directly north of Mc Lean Place. Additionally, another mixed-use development was approved, through 2020-REG-006, at 2204 North Meridian Street, which is about two blocks to the northeast of the subject site. Staff has been in recent discussions with the developer of this site. The developer plans to increase the number of units and include a separate site into the development. This would require additional approvals. Additionally, two mixed-use developments approximately 3-½ blocks to the south, at 18<sup>th</sup> Street and Illinois Street, have obtained approvals for over 500 multi-family dwellings and 18,000 square feet of commercial space, through 2020-REG-074 and 2021-REG-083. One site is under construction, at 1741 North Illinois Street and the other site, at 1720-1744 North Illinois Street, received approval in Spring 2022. Finally, a mixed-use development at 1815-1835 North Meridian Street, a site that is approximately three blocks from the subject site, has received preliminary approval for a mixed-use development consisting of 166 dwellings and commercial space, along Meridian Street, through 2022-REG-041.
- ◇ The developments above would replace existing car-centric uses and unused buildings, all within steps of new transit stops. These recently approved examples provide substantial support that the vision to increase the use of transit is being recognized by developers and neighbors. In turn, these examples give reasons to reject suburban development proposals. Details of these requests are below in Zoning History.

**COMPREHENSIVE PLAN / TRANSIT ORIENTED DEVELOPMENT OVERLAY**

- ◇ The Center Township Comprehensive Plan recommends Medium-density mixed-use development for this site. Additionally, the site is within the Transit-Oriented Development Overlay. The medium-density mixed-use recommendation would suggest that a site has at the very least, two uses, such as multi-family dwellings and commercial retail. The commitment for 10,000 square feet would represent meeting the very basic minimum of the Plan's recommendation. In turn, eliminating this commitment, the development would not meet the Plan.
- ◇ Transit-oriented development (TOD) overlay is a new section of the Ordinance, adopted in November 2021, that provides permitted uses and development standards on sites within 1,000 feet from centerline of a Bus Rapid Transit Line. "The intent of the TOD is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments."
- ◇ In addition to the development standards for sites within the TOD overlay, uses are also regulated. Mini-Warehouses (self-storage facilities) are not permitted within 600 feet of a Transit Station, or on Pedestrian Frontages. The subject site is within 400 feet of the existing Transit Station at 22<sup>nd</sup> Street and Meridian Street. Therefore, this request would represent an expansion of a use that is not permitted within the TOD overlay and staff strongly recommends denial.

(Continued)

**REGIONAL CENTER OVERLAY DISTRICT**

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning.

**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

C-S (RC)	Self-storage facility with reserved commercial space along Illinois Street and Mc Lean Place
----------	--

**SURROUNDING ZONING AND LAND USE**

North -	MU-2 (RC)	Vacant Commercial (planned multi-family dwellings)
South -	C-4 (RC)	Residential
East -	C-4 (RC)	Offices
West -	C-4 (RC)	Offices

COMPREHENSIVE PLAN	The 2018 Center Township Comprehensive Plan recommends medium-density mixed-use development.
--------------------	--

THOROUGHFARE PLAN	This portion of Illinois Street is designated as a primary arterial on the Official Thoroughfare Plan, with a 78-foot existing and proposed right-of-way. Mc Lean Place is designated as a local street with a 48-foot existing and proposed right-of-way.
-------------------	--

CONTEXT AREA	This site is located in the Compact Context area
--------------	--

TRANSIT-ORIENTED DEVELOPMENT	This site is located within the Transit-Oriented Development Overlay.
------------------------------	---

URBAN DESIGN GUIDELINES	The site is located within the Urban Mixed-Use District Typology.
-------------------------	---

**ZONING HISTORY - SITE**

**2016-CZN-842 / 2016-CVR-842; 25 Mc Lean Place**, requested a rezoning of 1.1 acres, from the C-4 (RC) (W-5) District to the C-S (RC) classification to provide for a self-storage facility, MU-1 and MU-2 uses, and a variance of development standards to provide for buildings with a zero-foot setback, zero landscaping, and building encroachments into the clear-sight triangles of the abutting streets, **approved**.

**2017-REG-100; 25 Mc Lean Place**; requested Regional Center Approval to provide for demolition of existing buildings and the construction of a three-story commercial building, with associated surface parking area along Illinois Street, **approved**.

(Continued)

**ZONING HISTORY - VICINITY**

**2022-REG-041; 1815, 1819, 1827 and 1835 North Meridian Street**, requested Regional Center Approval for updated plans for a proposed mixed-use development, consisting of approximately 166 multi-family dwellings, commercial and amenity space, and 44 garage parking spaces. Original design approval was granted through 2021-REG-083, **approved**.

**2022-DV3-026; 1815-1835 North Meridian Street**, requested a variance of development standards to provide for a 54.58-foot tall, six-story mixed-use building, with a 76.5-foot-tall parapet and an 86.5-foot-tall stair tower, with a zero-foot east transitional yard, **granted**.

**2022-REG-006; 1720 – 1744 North Illinois Street and 1715 Hall Place**, requested Regional Center Approval to provide for demolition of an existing retail building and construction of a mixed-use development, consisting of an eleven-story structure with approximately 308 units, 13,000 square feet of retail and commercial space, three levels of structured parking, an open-air courtyard, a pocket park and thirteen, three-story townhomes, **approved**.

**2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863; 1715 Hall Place and 1720-1744 North Illinois Street**, requested a rezoning of 1.97 acres from the HD-1 and HD-1 (RC) districts district to the MU-1 and MU-1 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback along 18<sup>th</sup> Street and Illinois Street, within the clear-sight triangle of the abutting streets, and a zero-foot rear transitional yard, and a vacation of a portion of a 15-foot wide north-south alley, beginning at the south right-of-way line of 18<sup>th</sup> Street, to a point 295.25 feet to the south, **approved**.

**2021-REG-083; 1815-1835 North Meridian Street**, requested Regional Center Approval to provide for demolition of existing buildings and construction of a mixed-use development, consisting of approximately 115 multi-family dwellings, commercial and amenity space, and 20 surface parking spaces, **approved**.

**2021-REG-069; 2163-2179 North Illinois Street**, requested Regional Center Approval to provide for a mixed-use development, consisting of approximately 80 multi-family dwellings, 10,000 square feet of commercial and amenity space, and 48 surface parking spaces, **approved**.

**2021-DV1-061; 2163 – 2179 North Illinois Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mixed-use development with building encroachments into the abutting streets and alley rights-of-way and for 20 small vehicle parking spaces, **approved**.

**2020-REG-074; 1627, 1717, 1719 and 1741 North Illinois Street**, requested Regional Center Approval for a multi-family residential development, consisting of one five-story building, with approximately 247 dwelling units, 5,000 square feet of retail space, resident amenities, a small surface parking lot and a parking garage, **approved**.

**2020-DV1-010; 2204 and 2220 North Meridian Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a sixty-foot tall, mixed-use building and a 10-foot north transitional yard, **granted**.

(Continued)

**2020-REG-006; 2204 and 2220 North Meridian Street**, requested Regional Center Approval to provide for demolition of existing buildings and for the construction of a mixed-use development, consisting of 112 multi-family dwellings, approximately 3,100 square feet of commercial retail space, resident amenities, a courtyard, and a parking garage, **approved**.

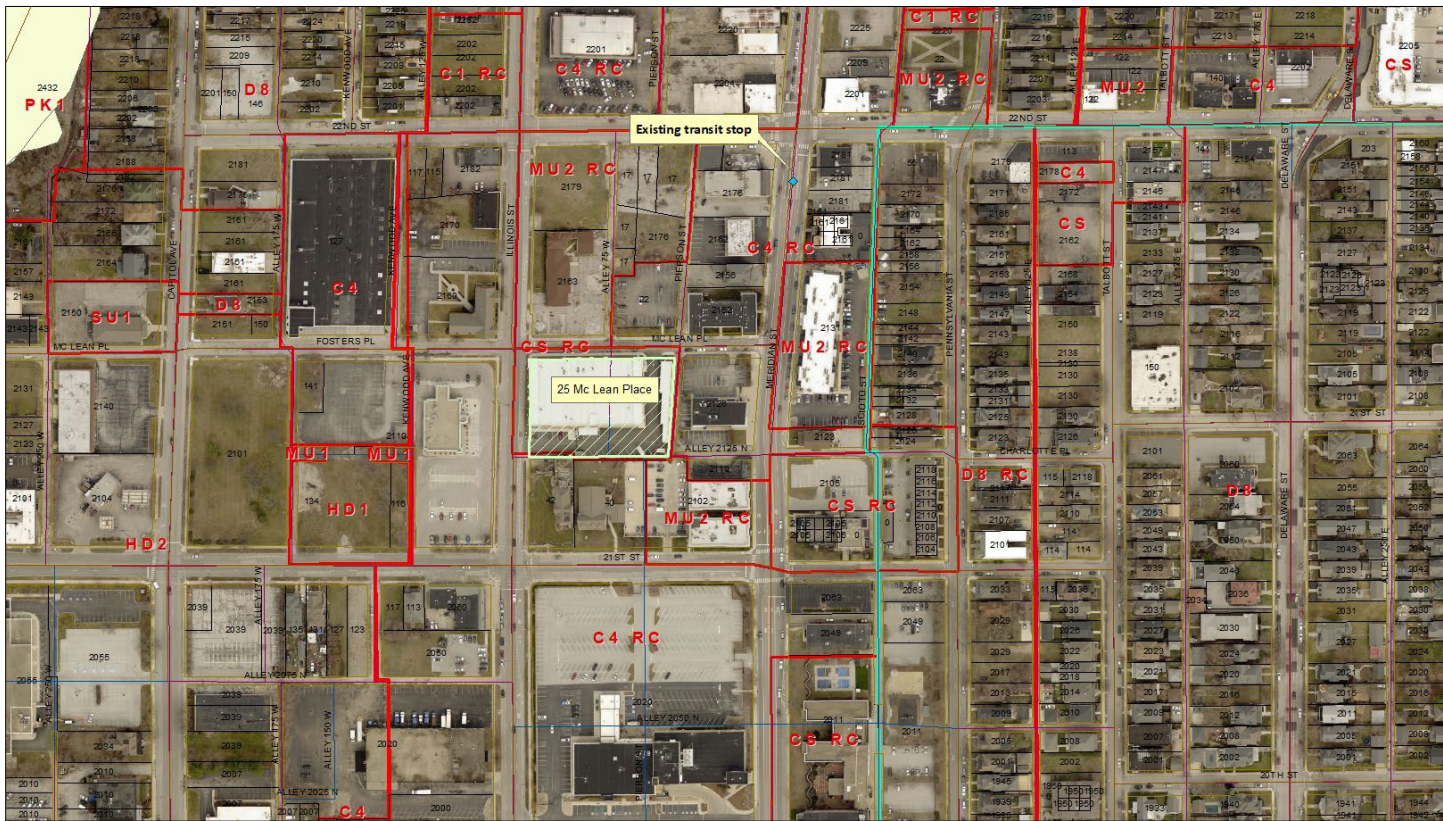
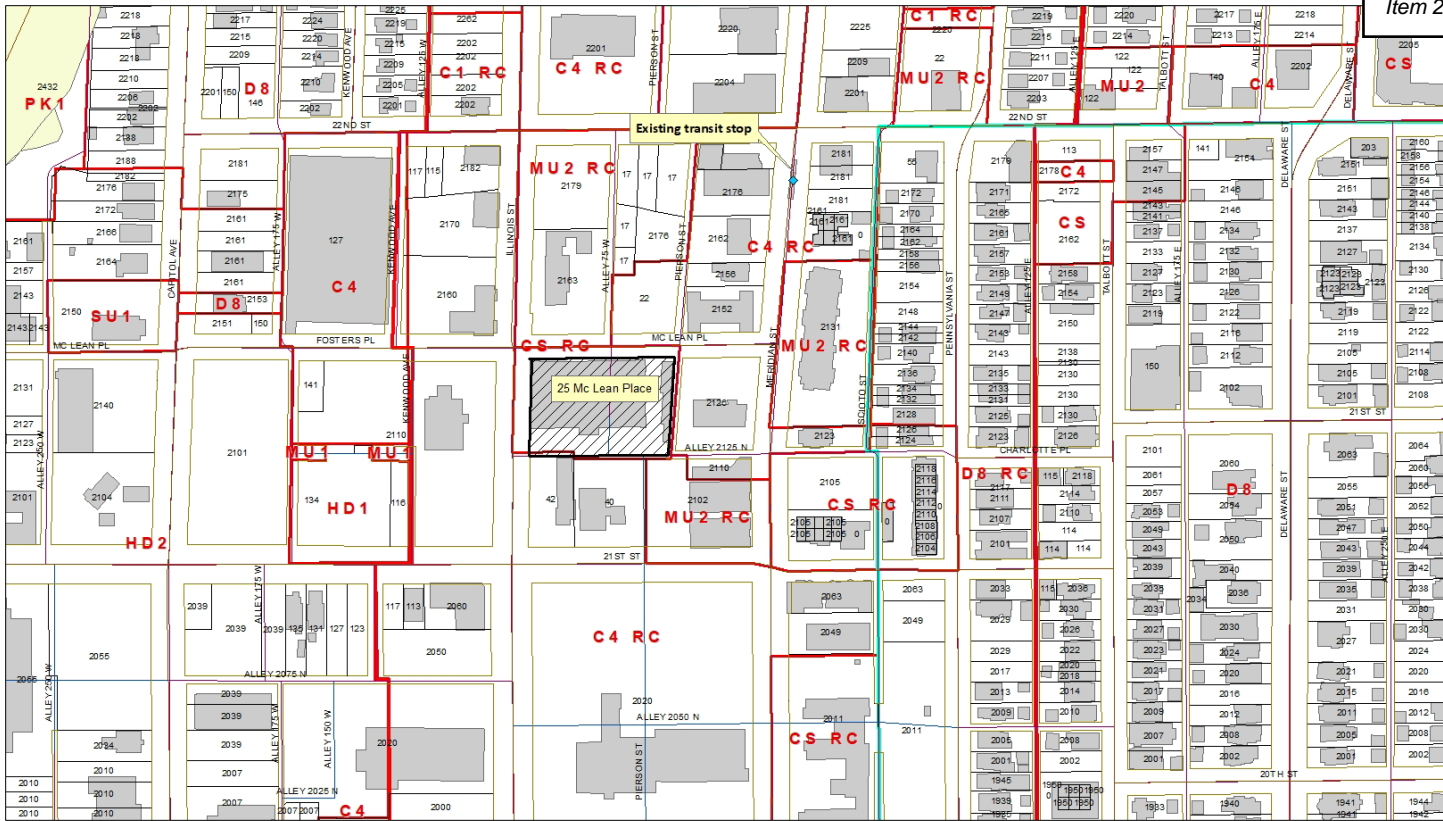
**2020-CZN-839 / 2020-CVR-839; 1627, 1717, 1719 and 1741 North Illinois Street**, requested a rezoning of 2.081 acres from the C-S (RC) and C-4 (RC) district to the MU-2 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 69-foot-tall building with a zero-foot front setback within the clear sight triangle of the abutting streets, **approved**.

**2019-CZN-820 / 2019-CVR-820; 2163 – 2179 North Illinois Street**, requested a rezoning of 1.19 acres, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use development with a building height of 55 feet, without interior landscaping and a zero-foot front yard for a parking area, **approved**.

JY

\*\*\*\*\*

Item 2.





Google Street Views, August 2019



Image capture: Aug 2019 © 2022 Google

Indianapolis, Indiana

Google

Street View - Aug 2019

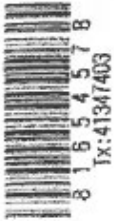


Image capture: Aug 2019 © 2022 Google

Indianapolis, Indiana

Google

Street View - Aug 2019



A201700103358

09/13/2017 9:51 AM  
 KATHERINE SWEENEY BELL  
 MARION COUNTY IN RECORDER  
 FEE: \$ 35.00  
 PAGES: 8  
 By: DW

## STATEMENT OF COMMITMENTS

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

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

**Legal Description:** (See attached) 25 McLean Place

**Statement of COMMITMENTS:**

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

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

COMMITMENTS contained in this instrument shall be effective upon:

*MDC's Exhibit B - - page 1 of 5*

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development  
 Jun 10 2022  
 Division of Planning

8



- (a) the adoption of rezoning petition # 2016-CZN-842/ 2016-CVR-842 by the City-County Council changing the zoning classification of the real estate from a C-4 (RC) (W-5) zoning classification to a C-S (RC) (W-5) zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S (RC) (W-5) zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. \_\_\_\_\_
5. \_\_\_\_\_

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2016-CZN-842/ 2016-CVR-842.

IN WITNESS WHEREOF, owner has executed this instrument this 21 day of AUGUST, 2017.

Signature:

Signature: 

MDC's Exhibit B - - page 2 of 5

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

Division of Planning

Printed: DAVID C. CRICHLAN  
 Title /  
 Organization OWNER  
 Name: \_\_\_\_\_

Printed: \_\_\_\_\_  
 Title /  
 Organization \_\_\_\_\_  
 Name: \_\_\_\_\_

STATE OF INDIANA     )  
   ) SS:  
 COUNTY OF MARION    )

Before me, a Notary Public in and for said County and State, personally appeared  
DAVID C. CRICHLAN, owner owner(s)  
 (title / organization name) of the real estate who acknowledged the execution of the foregoing  
 instrument and who, having been duly sworn, stated that any representations therein contained are  
 true.

Witness my hand and Notarial Seal this

21 day of August, 20 17

Lisa Amis

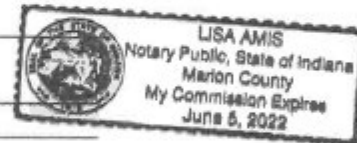
Notary Public

Lisa Amis

Printed Name of Notary Public

My Commission expires: June 5, 2022

My County of residence: Marion



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security  
 number in this document unless required by law. NANCY S. WHITAKER

This instrument was prepared by David Kingen

ATTACHMENT "A"

MDC's Exhibit B -- page 3 of 5

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

Division of Planning

### OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

### EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;

*MDC's Exhibit B - page 4 of 5*

Metropolitan Development  
Jun 10 2022  
Division of Planning

Metropolitan Development  
AUG 29 2017  
Division of Planning



- (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

*MDC's Exhibit B - - page 3 of 5*

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

Division of Planning

## LEGAL DESCRIPTION

*Lots 1-4 & 19-21 and the adjacent vacated alley in Lazarus & Pierce's Meridian Place in Plat Book 8, Page 192 Office of Marion County.*

Metropolitan Development  
Jun 10 2022  
Division of Planning

Metropolitan Development

AUG 29 2017  
Division of Planning

## ATTACHMENT "D"

Petitioner commits to the following

1. Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on No. Illinois Street and McLean Place, for office/ retail space/ artisan food and beverage/ artisan manufacturing uses.
2. Subject to the elevations, file dated 3/2/17

8/8/17

Metropolitan Development  
Jun 10 2022  
Division of Planning

Metropolitan Development  
AUG 29 2017  
Division of Planning

**ATTACHMENT "E";**

Petitioner commits to exclude the following uses from the site:

1. Check cashing facility
2. Night club, private club or lounge
3. Outdoor advertising, off premise sign
4. Manufacturing, Light

5/15/17

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

Division of Planning

**STATEMENT OF MODIFICATION OR TERMINATION  
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS CODIFYING OR TERMINATING EXISTING COVENANTS OR  
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION  
OR SPECIAL EXCEPTION PETITION**

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

**Legal Description:** 25 McLean Place

*Lots 1-4 and 19-21 and the adjacent vacated valley in Lazarus and Pierce's Meridian Place in Plat Book 8, Page 192 in the Office of the Recorder of Marion County, Indiana.*

**Statement of modification or termination of Covenants or Commitments:**

1. Remove Attachment "D"
  - a. Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on North Illinois Street and McLean Place, for office/retail space/artisan food and beverage/artisan manufacturing uses.
  - b. Subject to the elevations, file dated 3/2/17.
2. Retain Attachment "E"
  - a. Petitioner commits to exclude the following uses from the site:
    - i. Check cashing facility
    - ii. Night Club/Private Club/Lounge
    - iii. Outdoor Advertising, off premise Sign
    - iv. Manufacturing, Light

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

*MDC's Exhibit C -- page 1 of 3*

Metropolitan Development  
Jun 10 2022  
Division of Planning



COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition \_\_\_\_\_.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # \_\_\_\_\_ by the Metropolitan Development Commission.

MDC's Exhibit C -- page 2 of 3

Metropolitan Development  
Jun 10 2022  
Division of Planning

IN WITNESS WHEREOF, owner has executed this instrument this 9<sup>th</sup> day of June, 20 22.

Signature: <u>[Signature]</u>	Signature: _____
Printed: <u>Greg O'Herron</u>	Printed: _____
Title / <u>Owner</u>	Title / _____
Organization	Organization
Name: <u>Illinois Street Self Storage LLC</u>	Name: _____
STATE OF INDIANA )	
) SS: _____	
COUNTY OF MARION )	

Before me, a Notary Public in and for said County and State, personally appeared Greg O'Herron, owner Illinois Street Storage LLC (Owner(s) Name AND Title AND Organization Name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this

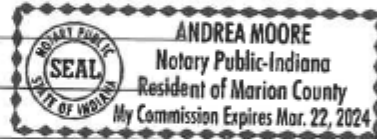
9<sup>th</sup> day of JUNE, 20 22

[Signature]  
Notary Public

Printed Name of Notary Public

My Commission expires: \_\_\_\_\_

My County of residence: \_\_\_\_\_



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. - Emily Duncan  
This instrument was prepared by Emily Duncan

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Secretary, Metropolitan Development Commission

MDC's Exhibit C - page 3 of 3

Metropolitan Development

Jun 10 2022

Division of Planning

**STATEMENT OF MODIFICATION OR TERMINATION  
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS CODIFYING OR TERMINATING EXISTING COVENANTS OR  
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION OR  
SPECIAL EXCEPTION PETITION**

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

**Legal Description: 25 McLean Place**

*Lots 1-4 and 19-21 and the adjacent vacated valley in Lazarus and Pierce's Meridian Place in Plat Book 8, Page 192 in the Office of the Recorder of Marion County, Indiana.*

**Statement of modification or termination of Covenants or Commitments:**

1. Modify Attachment "D"
  - a. From: Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on North Illinois Street and McLean Place, for office/retail space/artisan food and beverage/artisan manufacturing uses.
  - b. To: Petitioner shall reserve and market a minimum of 2,000 square feet, fronting on North Illinois Street for office/retail space/artisan food and beverage/artisan manufacturing uses.
2. Remove Attachment "D"
  - a. Subject to the elevations, file dated 3/2/17.
3. Retain Attachment "E"
  - a. Petitioner commits to exclude the following uses from the site:
    - i. Check Cashing Facility
    - ii. Night Club / Private Club / Lounge
    - iii. Outdoor Advertising, Off Premise Sign
    - iv. Manufacturing, Light

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

*MDC's Exhibit C - - page 1 of 2*

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition #2022-MOD-009.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition #2022-MOD-009 by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this 8<sup>th</sup> day of February, 2023.

Signature: Greg O'Herran Signature: \_\_\_\_\_  
 Printed: Greg O'Herran Printed: \_\_\_\_\_  
 Title: Member Title: \_\_\_\_\_  
 Organization: ILLINOIS STREET SELF STORAGE LLC Organization: \_\_\_\_\_  
 Name: \_\_\_\_\_ Name: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:

COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared

greg o'herran, member Illinois Street Self Storage LLC Owner(s) Name AND  
 Title AND (Organization Name) of the real estate who acknowledged the execution of the foregoing instrument  
 and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this

7th day of February, 20 23



Christina E. Grennes  
 Notary Public

Printed Name of Notary Public: Christina E. Grennes

My Commission expires: 01/14/30

My County of residence: Marion

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. – Emily Duncan

This instrument was prepared by Emily Duncan

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
 Secretary, Metropolitan Development Commission



# MEMORANDUM OF EXAMINER'S DECISION

**2022-MOD-009**

**25 Mc Lean Place**

The petition requests a modification of commitments approved as part of 2016-CZN/CVR-842 to terminate the commitments requiring 10,000 square feet of building space in a self-storage project to be reserved for office/retail/artisan food or beverage/artisan manufacturing uses subject to the building elevations file-dated March 2, 2017.

Your Hearing Examiner visited the site in July of 2022, when the petition was originally filed. It was noted that several mixed-use projects had developed in the area, containing a combination of commercial and residential uses.

The petitioner's representative stated the reason for the termination requested was because there is not a demand for office/retail/artisan space, but there is a demand for additional self-storage space. Despite numerous requests for continuances by the petitioner to try to reach an agreement with staff, revised commitments were submitted to staff after 5 p.m. the day before the hearing. Staff reviewed the revised commitments and offered alternate language, but the petitioner stated there wasn't adequate time for review. The petitioner and several representatives from the area spoke in support of the petition, and there was a letter of support from the City-County Councillor.

A letter of opposition from the Metropolitan Planning Organization(MPO) was referenced on the record. The MPO cited the need for transit oriented uses near transit stops.

Staff described the recent mixed-use developments in the area and the new IU Health complex, which warranted commercial uses rather than self-storage. Staff explained that it was willing to support the reduction of the 10,000 square feet to 2,000 square feet for a period of 10 years, at which point the 2,000 square feet would revert to commercial use.

In your Hearing Examiner's opinion, the petitioner agreed to these commitments in good faith, as part of the approval process in 2017. Staff has proposed a reasonable alternative. Denial of this petition was recommended.

For Metropolitan Development Commission Hearing on March 1, 2023





Views of site along Illinois Street





Views of site along Illinois Street





Views along Illinois Street





Views of north section of site, along McLean Place looking toward Meridian Street



## STAFF REPORT

Item 3.

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

**Case Number:** 2022-ZON-112 (Amended)  
**Address:** 7305 Kentucky Avenue (*Approximate Address*)  
**Location:** Decatur Township, Council District #20  
**Petitioner:** Camby Village, LLC, by Brian J. Tuohy  
**Request:** Rezoning of 58.5 acres from the C-4 district to the C-S district to provide for certain uses permitted in the C-3 and all uses permitted in the D-4 and D-5II districts.

#### **ADDENDUM FOR MARCH 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued this petition from the March 1, 2023 hearing, to the March 15, 2023 hearing, at the request of the petitioner's representative.

On February 28, 2023, the petitioner's representative submitted an amended rezoning petition, including an amended C-S Statement, an amended site plan and amended commitments.

The amended petition would reduce the amount of acreage to be rezoned from 123.23 acres to 58.5 acres and eliminate the proposed I-1 uses. I-2 uses and an automobile fueling station (south of Camby Village Boulevard). The remaining acreage (north of Camby Village Boulevard) would be developed residentially with 133 single-family dwellings, 52 paired patio dwellings (duplexes) and approximately two acres at the southwest corner of the site developed commercially with C-3 uses. Approximately 20 acres of open space would be provided.

The amended CS Statement eliminates all references to industrial uses and adds some details related to the residential area. The petitioner has also agreed to eliminate 15 commercial uses.

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

1. An eight- to ten-foot-wide multi-use path shall be installed along the Kentucky Avenue frontage.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

#### **ADDENDUM FOR MARCH 1, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued this petition from the February 15, 2023 hearing, to the March 1, 2023 hearing, at the request of the petitioner's representative.

No new information has been submitted to the file.

(Continued)

**ADDENDUM FOR FEBRUARY 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued this petition from the January 18, 2023 hearing, to the February 23, 2023 hearing, at the request of the petitioner's representative to provide additional time for further discussions with the neighborhood organization and the City-County Councilor.

The petitioner's representative submitted an amended C-S Statement and amended commitments because of negotiations with the interested parties. The petitioner's representative has requested a **continuance from the February 15, 2023 hearing, to the March 1, 2023 hearing**, to provide additional time for continued discussions with the neighborhood organization, City-County Councilor and interested parties, as well as likely amendments to the C-S Statement and commitments.

**ADDENDUM FOR JANUARY 18, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

The Metropolitan Development Commission continued this petition from the December 7, 2022 hearing, to the January 18, 2023 hearing, at the request of the neighborhood organization and the petitioner's representative.

No new information has been submitted to the file. Staff continues to **recommend approval** subject to the four previously listed commitments.

**ADDENDUM FOR DECEMBER 7, 2022, METROPOLITAN DEVELOPMENT COMMISSION**

This petition was heard by the Hearing Examiner on November 10, 2022. After a full hearing, the Hearing Examiner recommended approval of the rezoning. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

**November 10, 2022**

The Hearing Examiner continued this petition from the September 29, 2022 hearing, to the November 10, 2022 hearing, at the joint request of the petitioner's representative and the neighborhood organization.

**RECOMMENDATIONS**

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

1. Industrial building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The berm, as depicted on the site plan, file-dated August 25, 2022, shall be six feet tall and landscaped with a double row of evergreen trees to provide year around screening.
3. An eight- to ten-foot-wide multi-use path shall be installed along the Kentucky Avenue frontage.

(Continued)

4. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

## **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE ISSUES**

- ◇ This 123.23-acre site, zoned C-4 and C-S, is comprised of two parcels bisected by Camby Village Boulevard. It is undeveloped and surrounded by undeveloped land to the north, zoned C-4; religious uses and single-family dwellings to the south, zoned SU-1 and D-4, respectively; multi-family and single-family dwellings to the east, zoned D-7 and D-5 respectively; and single-family dwellings, undeveloped land, and single-family dwellings to the west, zoned D-A, SU 46 (airport) D-3, C-7 and C-5.
- ◇ Petition 2019-ZON-036 provided for commercial and industrial uses, which was denied. Petition 96-Z-76 A-D provided for multi-family dwellings (A), community-regional commercial (B), self-storage (C) and single-family dwellings (D).

### **REZONING**

- ◇ “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends suburban neighborhood. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

(Continued)

- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

*Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

*Conditions for All Housing*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

*Detached Housing*

- The house should extend beyond the front of the garage.
- Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

(Continued)

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
  - Duplexes should be architecturally harmonious with adjacent housing.
  - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- ◇ “The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.”
- ◇ “The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.”
- ◇ “The C-3 District is for the development of an extensive range of retail sales and personal, professional and business service required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

(Continued)



- ◇ “The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”
- ◇ “The D-5II district is intended for small-lot housing formats, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the comprehensive Plan, and the suburban Neighborhood or Traditional Neighborhood typologies of the Land Use Pattern Book.”

### **Environmental Public Nuisances**

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

(Continued)

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

**C-S Statement (See Exhibit A)**

- ◇ The C-S Statement, filed-dated August 25, 2022, states that approximately 62 acres (southern parcel) would be developed with I-1 and I-2 industrial uses and the remaining 61 acres (northern parcel) would be developed with single-family and two-family dwellings. Camby Village Boulevard would provide a clear boundary between the two uses.

***Industrial Development***

- Building height in the industrial developed area would be a maximum of 45 feet, with exceptions related to the parapet walls and roof structures in accordance with the Ordinance.
- As proposed, either three buildings or four buildings would be developed with building sizes ranging from approximately 163,920 square feet to 235,200 square feet, depending upon the number of buildings.
- Sidewalks would be provided throughout the development with connections to public rights-of-way.
- Outdoor amenity areas would be constructed and available for employees, including picnic areas and fitness stations at each building.
- The number of loading docks would be determined by the petitioner and would be oriented to the interior of the site with screening provided by extending the building façade an additional column bay at the building corners.
- Parking for semis, delivery trucks, delivery vans and employee would be provided on site.
- Building exteriors would be in general conformance with the front façade design feature depicted in the C-S Statement.
- Landscaping would comply with the Ordinance requirements with four-foot-tall mounding along a portion of Camby Village Boulevard, the southern boundary and the eastern boundary. Such mounding would be planted with evergreen trees.
- Transitional yard would be a minimum of 100 feet along Camby Village Boulevard and 75 feet along Kentucky Avenue.
- Site access would be from Kentucky Avenue only, with an emergency access along Camby Village Boulevard.

(Continued)

*Commercial Area*

- Commercial uses would be permitted on approximately 1.15 acres at the northwest corner of the southern parcel and would include C-3 uses and an automobile fueling station.

*Residential Uses*

- A total of 133 single-family dwelling units and 52 two-family dwellings are proposed.
- Development standards and architectural standards are identified for each of the types of dwellings.
- General development standards that include street, sidewalks, streetlights, signage, stormwater and phasing of development are described, along with the open space and amenities features and the homeowners' association / covenants.

**Site Plan (See Exhibit B)**

- ◇ The site plans, file-dated August 25, 2022, depict two options related to the layout of the industrial area that includes a three industrial building layout and a four industrial building layout. Staff understands the options provide the flexibility to respond to the future needs of potential users.
- ◇ Truck and employee access associated with the industrial development would be located at the southern end of the site along Kentucky Avenue. Access along Camby Village Boulevard would be limited to emergency access only to the industrial development.
- ◇ Truck and employee parking associated with the industrial development would be located interior to the site, with employee parking located on the perimeter on the buildings primarily along Kentucky Avenue and the eastern boundary abutting the existing multi-family development.
- ◇ Retention / detention ponds would be located throughout the development as determined by drainage requirements.
- ◇ A four-foot-tall landscape berm is depicted along the southern, eastern and a portion of the northern boundary of the industrial development, which abuts and would be adjacent to residential uses.
- ◇ The northern parcel would be developed with single-family and two-family dwellings. Access to the residential development would be along Camby Village Boulevard with a second access connecting to Firecrest Lane and a stub street to the north for a possible future connection.

**Planning Analysis**

- ◇ As proposed, only the northern residential portion of the site complies with the Comprehensive Plan recommendation of suburban neighborhood typology. The southern portion of the site proposed for industrial development does not comply because industrial development is not a recommended land use in this typology.

(Continued)

- ◇ However, the southern parcel is split-zoned with a C-S district and C-4 district. Of the approximately 62.5 acres, approximately 38 acres, zoned as C-S, permits industrial development. Consequently, approximately 24.5 acres, currently zoned as C-4, would also be zoned for industrial development. Staff believes this expansion of I-1 and I-2 industrial uses would be reasonable and acceptable.
- ◇ Staff, therefore, supports the proposed rezoning request, subject to enhanced buffering that would consist of a six-foot tall berm along those portions of the site where a four-foot-tall berm is proposed. Staff also believes that a double row of year around (evergreen) landscaping would be appropriate and provide some mitigation between the two land uses.
- ◇ Staff believes limiting access to the industrial portion of the site to the southernmost point further minimizes the impact of this use on surrounding land uses.
- ◇ Staff understands that no outdoor storage would be permitted, which also minimizes the impact of industrial uses in this area.
- ◇ Staff is also concerned with exterior materials and architectural style of the proposed industrial structures because of their mass, the proximity to residential uses and the visibility along Kentucky Avenue. Staff believes that a variety of materials, including but not limited to brick, stone, pre-cast concrete panels, tile, decorative block, wood lap siding, ceramic and glass should be incorporated into the design of the buildings. Consequently, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to assure
- ◇ Staff also believes that connectivity in the area is critical and should be supported by internal sidewalks that connect to rights-of-way throughout the entire site, along with the installation of an eight- to ten-foot-wide multi-use path along the Kentucky Avenue frontage.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S / C-4 Commercial use

SURROUNDING ZONING AND LAND USE

North -	C-4	Undeveloped land
South -	SU-1 / D-4	Undeveloped land / single-family dwellings
East -	D-7 / D-5	Multi-family dwellings / single-family dwellings
West -	D-A / SU-46 / D-3 / C-7 / C-5	Undeveloped land / single-family dwellings

COMPREHENSIVE LAND USE PLAN

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

(Continued)

THOROUGHFARE PLAN	<p>This portion of Kentucky Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 215-foot right-of-way.</p> <p>This portion of Camby Village Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 70-foot right-of-way.</p>
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There are no overlays for this site.
SITE PLAN	File-dated August 25, 2022
SITE PLAN (AMENDED)	File-dated February 28, 2023
C-S STATEMENT	File-dated August 25, 2022
C-S STATEMENT (AMENDED)	File-dated November 4, 2022
C-S STATEMENT (AMENDED)	File-dated February 2

**ZONING HISTORY**

**2019-ZON-036; 8900 Mooresville Road (includes site)**, requested rezoning of 121.1 acres from the C-4 and C-S Districts to the C-S classification to provide for all Manufacturing, Research and Development, Utilities, Wholesale Distribution uses permitted by the I-1 District; all Group Living, Community, cultural and Educational Facilities, and Office Uses permitted in the C-1 district; Vocational, Technical or Industrial Training School or Training Facility; Hospital; Animal Care, Boarding and Veterinary Services; Farmer's Market; Artisan Food and Beverage; Business, Home and Personal Services or Repair; Bar or Tavern; Eating Establishment or Food Preparation; Indoor Recreation and Entertainment; Indoor Spectator Venue; Hotel or Motel; Department Store; Grocery Store; Liquor Store; Light and Heavy General Retail; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Commercial Parking Lot; Transit Center; and Recycling Station and the following accessory uses: wireless communications facility; game courts; outdoor storage; temporary outdoor display and sales; outdoor seating and patio; recycling collection point; renewable energy facility, solar, geothermal or wind; satellite dish antenna; signs; temporary construction yard, office or equipment storage; temporary outdoor event; and outside vending machines/self-serve kiosk, **denied**.

**96-Z-76 A; 7401 Kentucky Avenue (includes site)**, requested rezoning of 10.99 acres, being in the D-3 and C-4 Districts, to the D-7 classification to provide for multi-family development, **approved**.

**96-Z-76 B; 7401 Kentucky Avenue (includes site)**, requested rezoning of 82.04 acres, being the D-3 and D-7 Districts, to the C-4 classification to provide a community-regional commercial development, **approved**.

(Continued)



**96-Z-76 C; 8201 Camby Road (includes site)**, requested rezoning of 52.62 acres, being in the D-3 and D-7 Districts, to the C-S classification to provide for the construction of a self-storage facility, with ancillary uses, including an office and resident manager; office, commercial, multi-family, industrial research and park uses, **approved**.

**96-Z-76 D; 8302 Trotter Road (includes site)**, requested rezoning of 120 acres, being in the D-A District, to the D-3 classification to provide for the construction of single-family residential development at 2.6 units per acre, **approved**.

kb

\*\*\*\*\*

## MEMORANDUM OF EXAMINER'S DECISION

**2022-ZON-112**

**7305 and 7725 Kentucky Avenue**

The petition requests the rezoning of 123.23 acres from the C-4 and C-S districts to the C-S district to provide for a development with all uses permitted in the I-1, I-2, C-3, D-4, and D-5II districts and an automobile fueling station.

Your Hearing Examiner visited the site prior to the hearing and noted that, while the land east and south of it has been developed with a mixture of single family and multi family residences, the subject site remains undeveloped. Acreage across Kentucky Avenue is largely undeveloped, also.

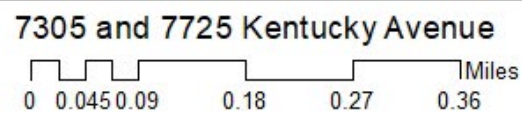
The petitioner's representative described a proposal to develop the acreage north of Camby Village Boulevard residentially and the acreage south of Camby Village Boulevard industrially, with three commercial outlets on Kentucky Avenue. He outlined measures that were taken to minimize the impact of the light industrial uses on residential uses, including no industrial access to Camby Village Boulevard, no truck parking next to residences, no cross dock industrial buildings, and enhanced screening, mounding, and landscaping.

Three remonstrators appeared at the hearing, representing the Decatur Township Civic Council, the Decatur Township Trustee, and the City-County Council. Reasons for opposition included non-conformance with the Comp Plan recommendation of suburban neighborhood, broad range of uses, height, vacant warehouse space in the area, lack of traffic study, and the need for move up homes.

Staff explained the Comp Plan recommendation is being met for the portion of the site north of Camby Village Boulevard, and the balance of the site is currently zoned industrially or commercially. Staff cited the proposed connectivity, the limited truck access, and the commitment for Administrator's approval of industrial building elevations in its recommendation of approval.

In your Hearing Examiner's opinion, the request meets the intentions of the C-S district. The proposed site plan, coupled with the commitments, contemplate a development that is superior to that allowed by the existing zoning. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on December 7, 2022





### **Third Amended C-S Statement**

Petitioner respectfully requests that the approximately 58.5 acre +/- site (the "Site") located at the northeast corner of Kentucky Avenue and Camby Village Boulevard (the "Intersection") be rezoned to the C-S district to provide for residential and commercial uses on the Site.

The development proposed by Petitioner includes a Commercial Area and a Residential Area. Attached as Exhibit A is a proposed preliminary Conceptual Site Plan, which approximately depicts the proposed development ("Conceptual Site Plan").

#### **A. Commercial Area.**

1. **Uses:** All permitted, accessory, temporary and special exception uses permitted in the C-3 zoning district set forth in the Zoning Ordinance shall be permitted on approximately 2 acres at the northeast corner of the Intersection (the "Commercial Area"); provided that the following uses shall not be permitted within the Commercial Area:
  - a. Plasma center
  - b. Substance abuse treatment facility
  - c. Check cashing service
  - d. Tattoo parlor
  - e. Adult entertainment (live and retail)
  - f. Bar; provided that a restaurant that serves alcohol or has a bar area shall be permitted
  - g. Night club
  - h. Extended stay hotel
  - i. Firearm sales
  - j. Fireworks sales (including temporary)
  - k. Liquor store
  - l. Pawn shop
  - m. Gas station
  - n. Vape shop
  - o. Tobacco shop (stand-alone kind)
2. **Site Development:** Development within the Commercial Area shall comply with the development standards for C-3 Zoning District as set forth in the Zoning Ordinance. The Commercial Area shall include a 10' wide multi-purpose asphalt path along Kentucky Avenue as approximately depicted on the Conceptual Site Plan. The multi-purpose asphalt path shall be installed by the Developer of the Commercial Area within six (6) months of the recording of the Final Plat for the Commercial Area.

**B. Residential Area:** A residential neighborhood shall be developed on approximately 56.5 acres near the northeast corner of the Intersection (the "Residential Area"), which shall include approximately 20 acres of open space and two types of residential sections as follows:

1. **Single-Family Detached Section:** The easternmost portion of the Residential Area shall include single-family detached residences, as approximately depicted as Lots 1-133 on the attached Conceptual Site Plan (the “Single-Family Detached Section”).

- a. **Uses:** All permitted, accessory, temporary and special exception uses permitted in the D-4 zoning district set forth in the Zoning Ordinance shall be permitted within the Single-Family Detached Section.
- b. **Development Standards:** The following development standards shall apply to the Single-Family Detached Section:

Maximum Dwelling Units	133
Minimum Lot Area	6,000 sf
Minimum Lot Width	50'
Minimum Lot Frontage	25'
Minimum Open Space	50%
Maximum Height	35' for a primary structure 24' for accessory structure
Minimum Main Floor Area (sq. ft.)	1,200 sq. ft. for one-story 600 sq. ft for two-story
Minimum Front Yard Building Setback	20'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	20'
Minimum Distance Between Homes	10'

- c. **Architectural Standards:** The following development standards shall apply to the Single-Family Detached Section:
- Permitted exterior materials shall include but are not limited to brick, stone, wood, cement fiber board, stucco, shake, board and batten, and E.I.F.S. Vinyl siding and aluminum siding are prohibited.
  - All homes shall contain a minimum of brick or stone wainscot on the front and side façade up to the bottom of the first-floor windows excluding doors and garage doors.
  - Unless adjacent to brick or stone, all front façade windows shall have a minimum nominal one-inch by four-inch wood or fiber surround trim, shutters or decorative trim or headers.
  - All homes shall have a minimum Roof Pitch of five to twelve (5:12) for the primary Roof Pitch. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third car garages with separate roof structures) shall not be considered primary roof for the purposes of the five to twelve (5:12) Roof Pitch requirement.



- v. All homes shall have a minimum of a twelve (12") inch overhang on homes where the sides consist of siding at the eaves, and a minimum of an eight (8") inch gable overhang on homes where the sides consist of brick at the eaves. This measurement does not include the gutter system.
- vi. All homes shall have dimensional or architectural grade roof shingles.
- vii. All homes shall have a minimum two car garage with a minimum size of 380 sq. ft. Third car garages shall have a separate door and shall be recessed a minimum of two (2') feet from the other bays.
- viii. All homes shall have a minimum of two dusk to dawn carriage lights on the front of each garage.
- ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
- x. All homes shall include at least one (1) front yard tree, with corner lots to include an additional two (2) trees in the street side yard, with all being a minimum two-inch (2") caliper at time of planting. In addition, all homes will include a minimum of twelve (12) shrubs or bushes in the front foundation planting bed and all shrubs or bushes will be at least eighteen inches (18") in height at the time of planting.
- xi. Homes shall have individual mailboxes to be installed by the developer for each house and shall be uniform in design. Mailboxes will be installed in accordance with the direction of the local United States Postal Service.
- xii. All homes shall have a street number permanently affixed to the front of the home.
- xiii. All homes shall have hard surfaced driveways with concrete.
- xiv. The same home elevation will not be constructed on an adjacent lot or directly across the street.

2. **Paired-Patio Section:** The western portion of the Residential Area shall include paired patio homes, as approximately depicted as Lots 134-159 (each numbered Lot shall contain one building with two attached units) on the attached Conceptual Site Plan (the "Paired Patio Section").

- a. **Uses:** All permitted, accessory, temporary and special exception uses permitted in the D-5II zoning district set forth in the Zoning Ordinance shall be permitted within the Paired Patio Section.
- b. **Development Standards:** The following development standards shall apply to the Paired Patio Section:

Maximum Dwelling Units	52
Minimum Lot Area, Two Family	11,000 sf
Minimum Lot Width, Two Family	90'
Minimum Lot Frontage, Two Family	60'
Minimum Open Space	40%

Maximum Height	35' for a primary structure 24' for accessory structure
Minimum Main Floor Area (sq. ft.)	1,200 sf for one-story 800 sf for two-story
Minimum Front Yard Building Setback	20'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	20'
Minimum Distance Between Buildings	10'

- c. **Architectural Standards:** The following development standards shall apply to the Paired Patio Section:
- i. Permitted exterior materials shall be brick, stone, wood, fiber cement, stucco, shake, board and batten, and EFIS. Vinyl siding and aluminum siding are prohibited.
  - ii. All homes shall contain a minimum of brick or stone wainscot on the front and side façade up to the bottom of the first-floor windows excluding doors and garage doors.
  - iii. Unless adjacent to brick or stone, all front façade windows shall have a minimum nominal one-inch by four-inch wood or fiber surround trim, shutters and decorative trim or headers.
  - iv. The roof pitch over the primary body of the homes shall be a minimum of 5/12 and each home shall have a minimum of 12-inch overhang on all sides. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, each with separate roof structures) shall not be considered as primary body and may have less than 5/12 pitch.
  - v. All homes shall have dimensional or architectural grade roof shingles.
  - vi. Each home (dwelling) shall have an attached 2-car garage with a minimum size of 380 square feet.
  - vii. The total width of front facing garage doors of the buildings (2 dwellings) shall not exceed 50% of the front façade width.
  - viii. All homes shall have a minimum of two dusk to dawn lights on the front of each garage.
  - ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
  - x. Each home (dwelling unit) shall have a minimum of one (1) shade or ornamental tree and eight (8) shrubs.
  - xi. All homes shall have uniform mailboxes.
  - xii. All homes shall have a street number permanently affixed to the front of the home.
  - xiii. All homes shall have hard surfaced driveways of concrete.
  - xiv. No home with the same front yard facing elevation shall be built next door to a home with the same front yard facing elevation.

3. **General Development Standards:** The following general development standards shall apply to the Residential Area:
- a. **Streets.** The streets within the Residential Area shall be built in accordance to Indianapolis Department of Public Works (“DPW”) current standard of 28’ wide back to back of curb and 24’ wide pavement. On street parking shall be permitted on both sides of the streets within the Development.
  - b. **Sidewalks/Multi-Purpose Asphalt Path.** Sidewalks shall be installed by Developer of the Residential Area on the Residential Area side along the frontage of Camby Village Boulevard. Sidewalks shall be installed on both sides of the new streets in the Residential Area. In lieu of a sidewalk along Kentucky Avenue, Developer of the Residential Area shall install a 10’ wide multi-purpose asphalt path along Kentucky Avenue as approximately depicted on the Conceptual Site Plan. Such multi-purpose asphalt path may be installed in sections and such installation for each section shall occur within six (6) months of the recording of the Final Plat for each portion of the Residential Area which contains the real estate upon which that particular section of the path shall be located.
  - c. **Street Lights.** The Residential Area shall have uniformed street lights at each intersection and no more than 500’ apart between intersections. Street lights shall conform with the standards of the Zoning Ordinance and shall be maintained by the Homeowners’ Association (“HOA”) to be formed by the Developer of the Residential Area.
  - d. **Signage.** Signage within the Residential Area, including neighborhood entrance identification signage, directional or informational signage, and any amenity area signage shall be subject to the approval of the Administrator of the Department of Metropolitan Development.
  - e. **Stormwater.** The Developer of the Residential Area, subject to DPW’s approval, shall install stormwater detention ponds as approximately depicted on the attached Conceptual Site Plan. All detention ponds shall be maintained by the HOA.
  - f. **Phasing of Development.** The Residential Area shall be constructed in multiple phases.
4. **Open Space and Amenities.** The Residential Area shall have a minimum amount of permanent open space of 20 acres or approximately 35% of the total land area. Amenities within the Residential Area shall include but are not limited to the following:
- Playground area
  - Multipurpose trails
  - Landscaped entry area
  - Landscaping in common areas
  - Tree preservation (along property lines)

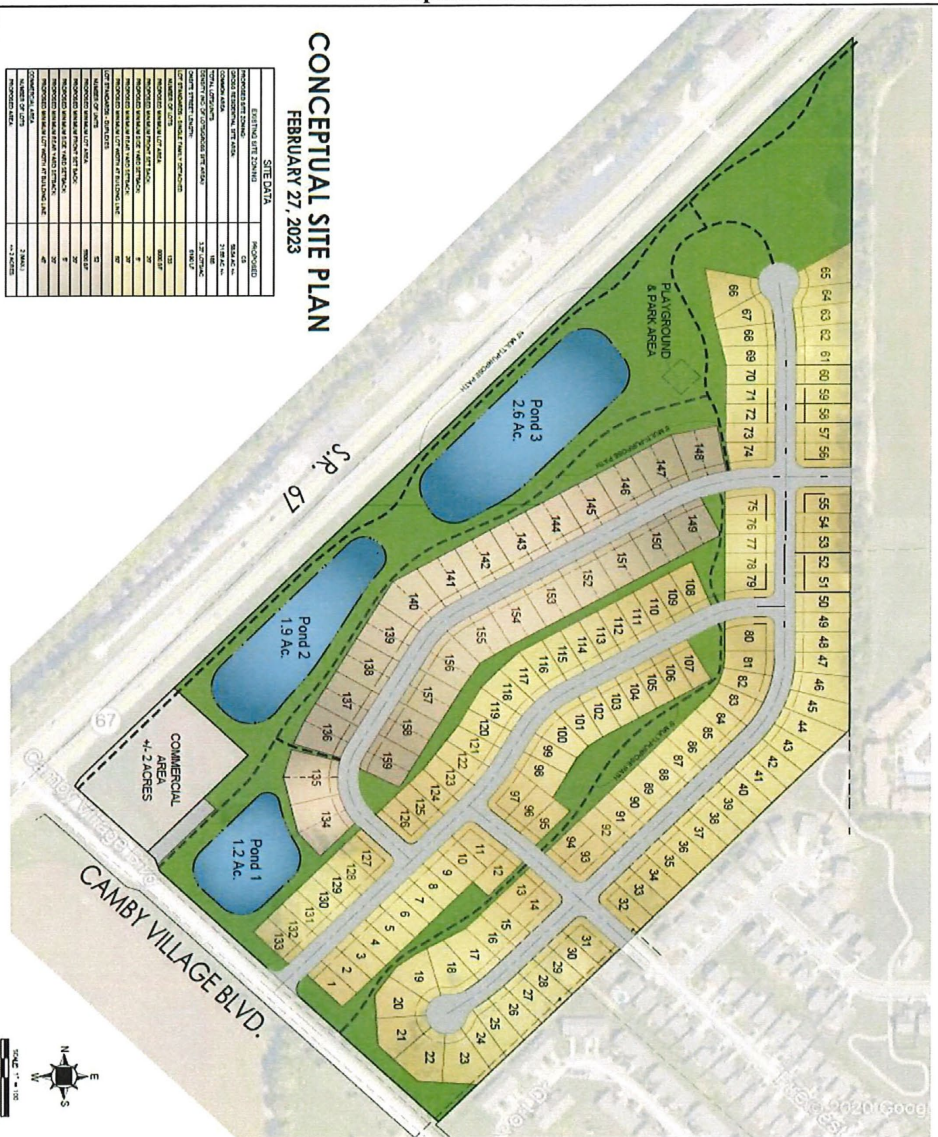
The above amenities shall be installed by the Developer of the Residential Area prior to the completion of the Residential Area and turnover to the HOA.

In addition to the Multi-Purpose Asphalt Path along Kentucky Avenue described in Section B.3.b above, Developer of the Residential Area shall install five-foot (5') wide multi-purpose asphalt paths within the Residential Area, as approximately shown on the Conceptual Site Plan, which will be maintained by the HOA. The 5' wide multi-purpose asphalt paths may be installed in sections and such installation for each section shall occur within six (6) months of the recording of the Final Plat for each portion of the Residential Area which contains the real estate upon which that particular section of the path shall be located.

5. **Homeowners' Association / Covenants.** The following shall apply to the Residential Area and shall be incorporated into the Declaration of Covenants, Conditions and Restrictions ("Covenants") for the Residential Area that shall be recorded prior to or simultaneously with the final plat for the Residential Area. The Homeowners' Association ("HOA") shall be established by the Developer of the Residential Area pursuant to the terms of the Covenants and the HOA shall govern the Residential Area by the Covenants.
  - a. The Covenants shall apply to all the real estate within the Residential Area.
  - b. The maintenance and upkeep of the Open Space within the Residential Area including the detention ponds, common areas and amenities shall be the responsibility of the HOA.
  - c. Within the Paired Patio Section, the HOA shall be responsible for lawn mowing and treatment, snow removal and routine cleaning and maintenance of the following exterior elements of the homes in the Paired Patio Section: siding, shutters, trim and roof, provided that the HOA shall not be responsible for replacement of such exterior elements.
  - d. Upon the sale of 80% of the homes within the Residential Area the Developer of the Residential Area shall work with the homeowners within the Development to establish a Homeowner Board of Directors to be responsible for management of the HOA.
  - e. Mini-barns or outside storage sheds shall be prohibited within the Residential Area.
  - f. Above ground swimming pools shall be prohibited within the Residential Area, excluding small inflatable pools that are no larger than 25 square feet which shall be stored out of sight when not in use.
  - g. Basketball goals shall be prohibited within the Residential Area.
  - h. No campers, motor homes, buses, truck trailers, boats or other recreational vehicle shall be stored on any common area, public street, or Lot in public view, nor shall unlicensed or disabled vehicles be stored outdoors within the Residential Area.

# CONCEPTUAL SITE PLAN

FEBRUARY 27, 2023

[illegible]

**CAMBY VILLAGE**  
Byatt Builders

1000000000	1000000000
------------	------------

**WEIHE**  
ENGINEERS  
Land Surveying | Civil Engineering  
Landscape Architecture

10505 N. College Avenue  
Indianapolis, Indiana 46280  
weibe.net

317 | 846 - 6611  
800 | 452 - 6108  
317 | 843 - 0546/fax



**C-S Statement**

Petitioner respectfully requests that the approximately 120 acre +/- site (the "Site") located at the northeast and southeast corners of Kentucky Avenue and Camby Village Boulevard (the "Intersection") be rezoned to the C-S district to provide for residential, commercial and industrial uses on the Site.

The development proposed by Petitioner includes an Industrial Area, which may be improved with three (3) or four (4) buildings, a Commercial Area and a Residential Area. Attached as Exhibit A are two proposed preliminary Conceptual Site Plans, which approximately depict the proposed development. Conceptual Site Plan A depicts the Industrial Area improved with three (3) buildings and Conceptual Site Plan B depicts the Industrial Area improved with four (4) buildings. Hereinafter, the term "Conceptual Site Plan" shall refer to either Conceptual Site Plan A or Conceptual Site Plan B.

**A. Industrial Area.**

1. **Uses:** All permitted, accessory, temporary and special exception uses permitted in the I-1 and I-2 zoning district set forth in the Zoning Ordinance for Marion County, Indiana in effect at the time this Development is approved by the City-County Council (the "Zoning Ordinance") shall be permitted on approximately 62 acres near the southeast corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan (the "Industrial Area").
2. **Site Development:**
  - a. Site Plan Generally: Maximum Building Heights. The Industrial Area shall be developed as approximately depicted on the Conceptual Site Plan. The maximum buildings sizes and general locations of the buildings within the Industrial Area as approximately depicted on the Conceptual Site Plan shall coincide with those set forth therein. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom. Notwithstanding the foregoing, Petitioner shall have the unilateral right to reduce the size of any buildings set forth on the Conceptual Site Plan (as defined in Paragraph A.2.b. below).

Additionally, the maximum height of the buildings within the Industrial Area as set forth on the Conceptual Site Plan shall be as follows:

Forty-Five feet (45'); provided that per table 744-204-1 of the Zoning Ordinance, parapet walls may extend up to four feet (4') above the maximum 45' building height and roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating fans, skylights or similar equipment to operate and maintain the structure may extend up to twenty-five (25') above the roof line of the building.

b. Size of Buildings.

- i. If the Industrial Area is improved with three (3) buildings, the maximum main floor square footage of Buildings 1, 2 and 3 as approximately shown on the Conceptual Site Plan shall be as follows: building 1 and building 2 shall be a maximum of approximately 235,200 square feet each and building 3 shall be a maximum of approximately 346,663 square feet.
- ii. If the Industrial Area is improved with four (4) buildings, the maximum main floor square footage of Buildings 1, 2, 3 and 4 as approximately shown on the Conceptual Site Plan shall be as follows: building 1 and building 2 shall be a maximum of approximately 235,200 square feet each and building 3 and building 4 shall be a maximum of approximately 163,920 square feet each.

c. Sidewalks. Sidewalks required by the Zoning Ordinance will be installed as set forth therein.

d. Outdoor Amenities. Commensurate with the occupancy of each building constructed within the Industrial Area, outdoor amenities (i.e. picnic areas and fitness stations at each building) for the employees of businesses located within the Industrial Area shall be constructed. The location of such amenities shall be determined by the Petitioner.

e. Loading Docks. The maximum aggregate number of loading docks within the Industrial Area shall be equal to the ratio of 1 per 5000 square feet of the total main floor area of all buildings proposed within the Industrial Area. The number of the docks among the various buildings in the Industrial Area is at the sole discretion of the Petitioner. Additionally, all loading docks shall be situated on only one side of any building and shall face toward the interior of the Industrial Area as approximately shown on the Conceptual Site Plan. Building design within the Industrial Area shall also include screening of the loading dock areas by extending the building facade an additional column bay as approximately depicted on the Conceptual Site Plan.

f. Truck Parking. There shall be a maximum aggregate number of truck parking spaces within the Industrial Area equal to the ratio of 1 per 3,500 square feet of the total main floor area of all buildings proposed within the Industrial Area. These parking spaces shall be for the combined use of semis, delivery trucks and delivery vans. The locations of the truck parking spaces within the Industrial Area are approximately depicted on the Conceptual Site Plan. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.

g. Rendering. The buildings constructed within the Industrial Area shall be in general conformance with the front façade design elements depicted in the illustrative building rendering attached hereto as Exhibit B (the "Industrial Rendering"). Notwithstanding the foregoing, the long side of the buildings opposite the dock side shall have a visual break not more than every 150'. The color scheme may be modified from the Industrial Rendering, but shall be uniform throughout the Industrial Area. The

Metropolitan Development

Aug 25 2022

Division of Planning

Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.

h. Landscaping.

- i. All landscaping and buffering proposed for the Industrial Area shall comply with the Landscaping and Screening requirements of the Zoning Ordinance which are applicable to the I-2 zoning district.
- ii. Mounding. The landscaping for the Industrial Area shall include:
  - (i) a mound of at least four feet (4') at its apex along a portion of Camby Village Blvd. as approximately depicted on the attached Conceptual Site Plan.
  - (ii) a mound of at least four feet (4') at its apex south of the retention ponds within the Industrial area as approximately shown on the Conceptual Site Plan, and
  - (iii) a mound of at least four feet (4') at its apex within the transitional yard along the eastern border of the Industrial Area as approximately shown on the Conceptual Site Plan.
  - (iv) Among other potential plantings, evergreen trees shall be planted along the top of the mounds so that at maturity, they form a reasonable, visual screen.
- iii. Transitional Yards. Within the Industrial Area, there shall be a minimum of a one hundred foot (100') transitional yard along Camby Village Boulevard, and a minimum seventy-five foot (75') transitional yard along Kentucky Avenue.
- iv. Maintenance and Replacement. Petitioner shall maintain and replace as needed landscaping within the Industrial Area. Substantially damaged, irreparably sick or dead plantings shall be replaced by the Petitioner with the same species, or a species with similar characteristics, within three (3) months or if not possible, advisable or practical due to weather or season, as soon as is practical thereafter.
- i. No vehicular traffic will be allowed to enter/exit the Industrial Area from Camby Village Boulevard. Emergency Vehicle access will be provided for fire department and emergency services only as approximately depicted on the Conceptual Site Plan. The Commercial Area defined in Section B below shall have access from Camby Village Boulevard.
- j. Access for all truck and employee vehicles to / from the Industrial Area will come from Kentucky Avenue.

Metropolitan Development  
 Aug 25 2022  
 Division of Planning



B. Commercial Area.

1. **Uses:**

- a. All permitted, accessory, temporary and special exception uses permitted in the C-3 zoning district set forth in the Zoning Ordinance shall be permitted on approximately 1.15 acres at the southeast corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan and on approximately 2 acres at the northeast corner of the Intersection (the "Commercial Area").
- b. In addition to C-3 uses, one (1) Automobile Fueling Station shall be permitted within the Commercial Area.

2. **Site Development:** Development within the Commercial Area shall comply with the development standards for C-3 Zoning District as set forth in the Zoning Ordinance.

C. Residential Area: A residential neighborhood shall be developed on approximately 56.5 acres near the northeast corner of the Intersection (the "Residential Area"), which shall include approximately 20 acres of open space and two types of residential sections as follows:

1. **Single-Family Detached Section:** The easternmost portion of the Residential Area shall include single-family detached residences, as approximately depicted as Lots 1-133 on the attached Conceptual Site Plan (the "Single-Family Detached Section").

- a. **Uses:** All permitted, accessory, temporary and special exception uses permitted in the D-4 zoning district set forth in the Zoning Ordinance shall be permitted within the Single-Family Detached Section.
- b. **Development Standards:** The following development standards shall apply to the Single-Family Detached Section:

Maximum Dwelling Units	133
Minimum Lot Area	6,000 sf
Minimum Lot Width	50'
Minimum Lot Frontage	25'
Minimum Open Space	50%
Maximum Height	35' for a primary structure 24' for accessory structure
Minimum Main Floor Area (sq. ft.)	1,200 sq. ft. for one-story 600 sq. ft for two-story
Minimum Front Yard Building Setback	20'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	20'
Minimum Distance Between Homes	10'

Metropolitan Development  
Aug 25 2022  
Division of Planning

- c. **Architectural Standards:** The following development standards shall apply to the Single-Family Detached Section:
- i. Permitted exterior materials shall include but are not limited to brick, stone, wood, cement fiber board, stucco, shake, board and batten, and E.I.F.S. Vinyl siding and aluminum siding are prohibited.
  - ii. All homes shall contain a minimum of brick or stone wainscot on the front and side façade up to the bottom of the first-floor windows excluding doors and garage doors.
  - iii. Unless adjacent to brick or stone, all front façade windows shall have a minimum nominal one-inch by four-inch wood or fiber surround trim, shutters or decorative trim or headers.
  - iv. All homes shall have a minimum Roof Pitch of five to twelve (5:12) for the primary Roof Pitch. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third car garages with separate roof structures) shall not be considered primary roof for the purposes of the five to twelve (5:12) Roof Pitch requirement.
  - v. All homes shall have a minimum of a twelve (12") inch overhang on homes where the sides consist of siding at the eaves, and a minimum of an eight (8") inch gable overhang on homes where the sides consist of brick at the eaves. This measurement does not include the gutter system.
  - vi. All homes shall have dimensional or architectural grade roof shingles.
  - vii. All homes shall have a minimum two car garage with a minimum size of 380 sq. ft. Third car garages shall have a separate door and shall be recessed a minimum of two (2') feet from the other bays.
  - viii. All homes shall have a minimum of two dusk to dawn carriage lights on the front of each garage.
  - ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
  - x. All homes shall include at least one (1) front yard tree, with corner lots to include an additional two (2) trees in the street side yard, with all being a minimum two-inch (2") caliper at time of planting. In addition, all homes will include a minimum of twelve (12) shrubs or bushes in the front foundation planting bed and all shrubs or bushes will be at least eighteen inches (18") in height at the time of planting.
  - xi. Homes shall have individual mailboxes to be installed by the developer for each house and shall be uniform in design. Mailboxes will be installed in accordance with the direction of the local United States Postal Service.
  - xii. All homes shall have a street number permanently affixed to the front of the home.
  - xiii. All homes shall have hard surfaced driveways with concrete.

Metropolitan Development  
 Aug 25 2022  
 Division of Planning



- c. **Architectural Standards:** The following development standards shall apply to the Single-Family Detached Section:
- i. Permitted exterior materials shall include but are not limited to brick, stone, wood, cement fiber board, stucco, shake, board and batten, and E.I.F.S. Vinyl siding and aluminum siding are prohibited.
  - ii. All homes shall contain a minimum of brick or stone wainscot on the front and side façade up to the bottom of the first-floor windows excluding doors and garage doors.
  - iii. Unless adjacent to brick or stone, all front façade windows shall have a minimum nominal one-inch by four-inch wood or fiber surround trim, shutters or decorative trim or headers.
  - iv. All homes shall have a minimum Roof Pitch of five to twelve (5:12) for the primary Roof Pitch. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third car garages with separate roof structures) shall not be considered primary roof for the purposes of the five to twelve (5:12) Roof Pitch requirement.
  - v. All homes shall have a minimum of a twelve (12") inch overhang on homes where the sides consist of siding at the eaves, and a minimum of an eight (8") inch gable overhang on homes where the sides consist of brick at the eaves. This measurement does not include the gutter system.
  - vi. All homes shall have dimensional or architectural grade roof shingles.
  - vii. All homes shall have a minimum two car garage with a minimum size of 380 sq. ft. Third car garages shall have a separate door and shall be recessed a minimum of two (2') feet from the other bays.
  - viii. All homes shall have a minimum of two dusk to dawn carriage lights on the front of each garage.
  - ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
  - x. All homes shall include at least one (1) front yard tree, with corner lots to include an additional two (2) trees in the street side yard, with all being a minimum two-inch (2") caliper at time of planting. In addition, all homes will include a minimum of twelve (12) shrubs or bushes in the front foundation planting bed and all shrubs or bushes will be at least eighteen inches (18") in height at the time of planting.
  - xi. Homes shall have individual mailboxes to be installed by the developer for each house and shall be uniform in design. Mailboxes will be installed in accordance with the direction of the local United States Postal Service.
  - xii. All homes shall have a street number permanently affixed to the front of the home.
  - xiii. All homes shall have hard surfaced driveways with concrete.

Metropolitan Development  
 Aug 25 2022  
 Division of Planning

- overhangs, sunrooms, each with separate roof structures) shall not be considered as primary body and may have less than 5/12 pitch.
- v. All homes shall have dimensional or architectural grade roof shingles.
  - vi. Each home (dwelling) shall have an attached 2-car garage with a minimum size of 380 square feet.
  - vii. The total width of front facing garage doors of the buildings (2 dwellings) shall not exceed 50% of the front façade width.
  - viii. All homes shall have a minimum of two dusk to dawn lights on the front of each garage.
  - ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
  - x. Each home (dwelling unit) shall have a minimum of one (1) shade or ornamental tree and eight (8) shrubs.
  - xi. All homes shall have uniform mailboxes.
  - xii. All homes shall have a street number permanently affixed to the front of the home.
  - xiii. All homes shall have hard surfaced driveways of concrete.
  - xiv. No home with the same front yard facing elevation shall be built next door to a home with the same front yard facing elevation.

**3. General Development Standards:** The following general development standards shall apply to the Residential Area:

- a. Streets. The streets within the Residential Area shall be built in accordance to Indianapolis Department of Public Works (“DPW”) current standard of 28’ wide back to back of curb and 24’ wide pavement. On street parking shall be permitted on both sides of the streets within the Development.
- b. Sidewalks. Sidewalks shall be installed by Developer of the Residential Area on the Residential Area side along the frontage of Camby Village Boulevard. Sidewalks shall be installed on both sides of the new streets in the Residential Area. No sidewalks will be installed along the frontage of SR 67.
- c. Street Lights. The Residential Area shall have uniformed street lights at each intersection and no more than 500’ apart between intersections. Street lights shall conform with the standards of the Zoning Ordinance and shall be maintained by the Homeowners’ Association (“HOA”) to be formed by the Developer of the Residential Area.
- d. Signage. Signage within the Residential Area, including neighborhood entrance identification signage, directional or informational signage, and any amenity area signage shall be subject to the approval of the Administrator of the Department of Metropolitan Development.

Metropolitan Development

Aug 25 2022

Division of Planning

- e. Stormwater. The Developer of the Residential Area, subject to DPW's approval, shall install stormwater detention ponds as approximately depicted on the attached Conceptual Site Plan. All detention ponds shall be maintained by the HOA.
  - f. Phasing of Development. The Residential Area shall be constructed in multiple phases.
4. **Open Space and Amenities**. The Residential Area shall have a minimum amount of permanent open space of 20 acres or approximately 35% of the total land area. Amenities within the Residential Area shall include but are not limited to the following:
- Playground area
  - Multipurpose trails
  - Landscaped entry area
  - Landscaping in common areas
  - Tree preservation (along property lines)

The above amenities shall be installed by the Developer of the Residential Area prior to the completion of the Residential Area and turnover to the HOA.

Developer of the Residential Area shall install a six-foot (6') wide asphalt multipurpose trail, as approximately shown on the Conceptual Site Plan, which will be maintained by the HOA. The multipurpose trail shall be installed by the Developer of the Residential Area within six (6) months of the recording of the Final Plat for the Residential Area.

5. **Homeowners' Association / Covenants**. The following shall apply to the Residential Area and shall be incorporated into the Declaration of Covenants, Conditions and Restrictions ("Covenants") for the Residential Area that shall be recorded prior to or simultaneously with the final plat for the Residential Area. The Homeowners' Association ("HOA") shall be established by the Developer of the Residential Area pursuant to the terms of the Covenants and the HOA shall govern the Residential Area by the Covenants.
- a. The Covenants shall apply to all the real estate within the Residential Area.
  - b. The maintenance and upkeep of the Open Space within the Residential Area including the detention ponds, common areas and amenities shall be the responsibility of the HOA.
  - c. Within the Paired Patio Section, the HOA shall be responsible for lawn mowing and treatment, snow removal and routine cleaning and maintenance of the following exterior elements of the homes in the Paired Patio Section: siding, shutters, trim and roof, provided that the HOA shall not be responsible for replacement of such exterior elements.
  - d. Upon the sale of 80% of the homes within the Residential Area the Developer of the Residential Area shall work with the homeowners within the Development to establish a Homeowner Board of Directors to be responsible for management of the HOA.

Metropolitan Development  
Aug 25 2022  
Division of Planning

- e. Mini-barns or outside storage sheds shall be prohibited within the Residential Area.
- f. Above ground swimming pools shall be prohibited within the Residential Area, excluding small inflatable pools that are no larger than 25 square feet which shall be stored out of sight when not in use.
- g. Basketball goals shall be prohibited within the Residential Area.
- h. No campers, motor homes, buses, truck trailers, boats or other recreational vehicle shall be stored on any common area, public street, or Lot in public view, nor shall unlicensed or disabled vehicles be stored outdoors within the Residential Area.

Metropolitan Development  
Aug 25 2022  
Division of Planning



**Exhibit B**  
**Industrial Rendering**

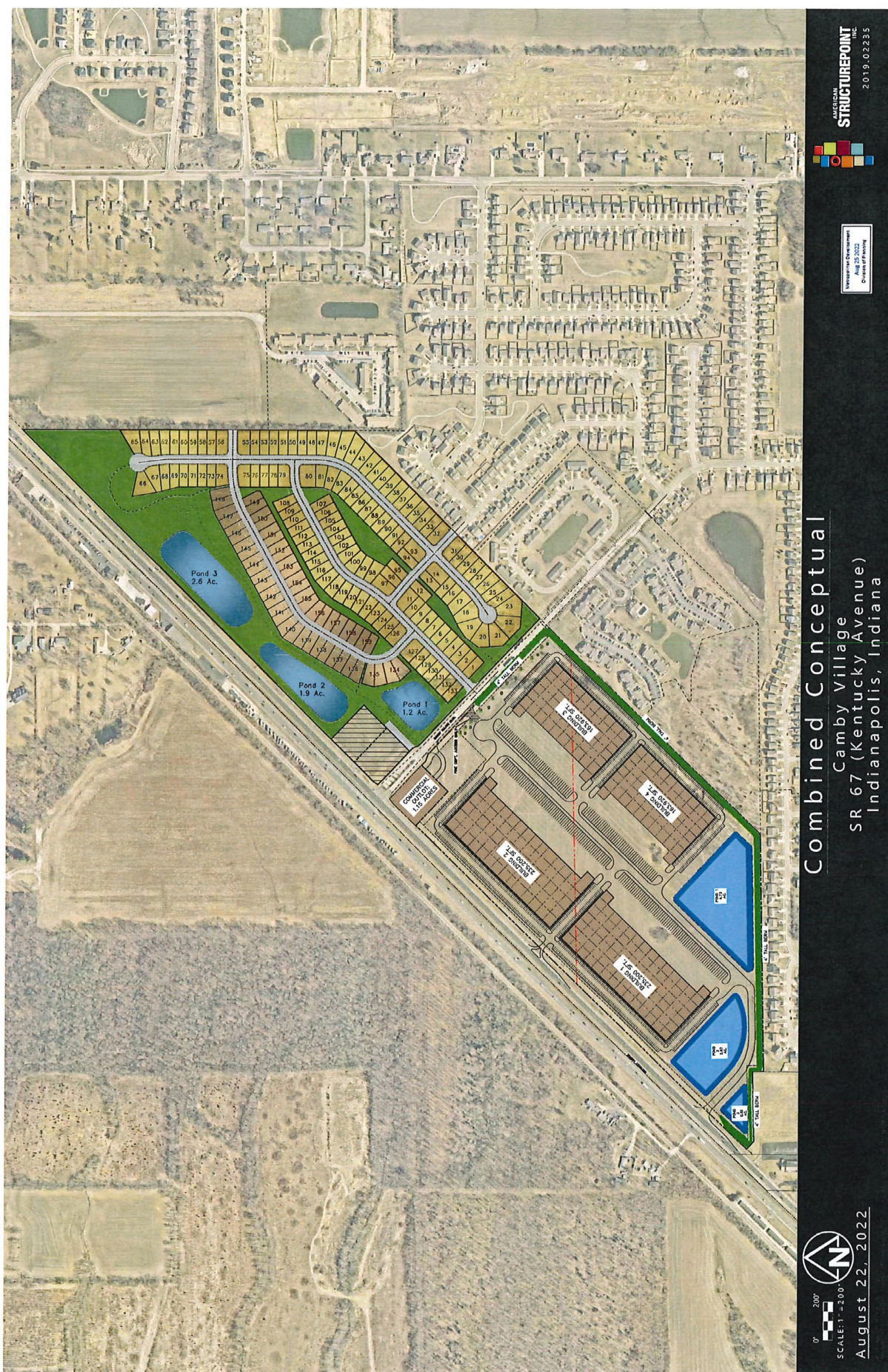


Metropolitan Development  
Aug 25 2022  
Division of Planning













View looking south along Kentucky Avenue



View looking north along Kentucky Avenue





View of site looking north across Camby Village Boulevard



View of site looking north across Camby Village Boulevard





View of site looking north across Camby Village Boulevard



View looking northeast at adjacent residential development to the east





View of site looking north from single-family development to the east



View of site looking northwest from single-family development to the east





View of site looking northwest from multi-family development to the east



View of site looking northwest from multi-family development to the east





View of multi-family dwellings looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard





View of site looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard



View of site looking southwest across Camby Village Boulevard



## STAFF REPORT

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

**Case Number:** 2023-ZON-005 (Amended)  
**Address:** 1405 Deloss Street (*Approximate Address*)  
**Location:** Center Township, Council District #17  
**Petitioner:** K&D Epic Holdings, LLC, by Peter Gundy  
**Request:** Rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling.

This petition was heard by the Hearing Examiner on February 23, 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 March 15, 2023. The Hearing Examiner's memorandum can be found below.

### **RECOMMENDATION**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This site was platted as a lot in 1873 as part of Allen, Root and English's 2<sup>nd</sup> North Woodlawn Addition. Historic mapping indicates that a dwelling was located on the site as early as 1898 and perhaps earlier. The dwelling was demolished in 2000/2001 and the site has remained vacant since that time.
- ◇ The lots immediately to the west were originally developed with dwellings, but the industrial building that now sits on those lots dates back at least to the mid-1960s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.

(Continued)

## **STAFF REPORT 2023-ZON-005 (Continued)**

### **ZONING**

- ◇ This petition requests a rezoning to the D-8 district. The D-8 district is a unique district designed for application in older, developed urban areas. The district allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. A fine-grain of accessibility is provided and must be maintained.
- ◇ The D-8 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan and to the existing pattern of development in the vicinity.

### **GENERAL INFORMATION**

#### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

I-2	Compact	Vacant lot
-----	---------	------------

#### **SURROUNDING ZONING AND LAND USE**

North	I-2	Single-family dwelling
South	D-5	Single-family dwelling
East	D-8	Single-family dwelling
West	I-2	Roofing contractor

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
-----------------------------	--

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

FLOODWAY / FLOODWAY FRINGE	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**

None

(Continued)

**STAFF REPORT 2023-ZON-005 (Continued)****ZONING HISTORY – VICINITY**

**2022-DV1-011; 1422 English Avenue (southwest of site)**, requested variances of development standards to legally establish deficient setbacks and to provide for excessive building height and deficient setbacks and open space, **withdrawn**.

**2021-ZON-014; 1400 English Avenue (southwest of site)**, requested the rezoning of 1.85 acre from the SU-1 district to the D-P district to provide for 31 single-family attached dwellings and six single-family detached dwellings for a density of 20 residential units per acre, **approved**.

**2018-CZN-836 / 2018-CVR-836 / 2018-CPL-836; 1409, 1434 & 1426 - 1448 Deloss Street (east and northeast of site)**, requested the rezoning of 0.25 acre from the I-2 district to the D-8 district, requested variances of development standards to provide for deficient building separation and deficient side setbacks, and requested the platting of 0.58 acre into ten single-family attached lots, **rezoning and plat were approved, the variances were withdrawn**.

**2018-ZON-044; 1426, 1430, 1448, & 1446 Deloss Street (northeast of site)** requested the rezoning of 0.5 acre from the I-2 district to the D-8 district, **approved**.

**97-Z-81; 1402 English Avenue (southwest of site)**, requested the rezoning of 1.8 acre from the C-1 and I-2 districts to the SU-1 district, **approved**.

klh

\*\*\*\*\*

**STAFF REPORT 2023-ZON-005, Location**



**STAFF REPORT 2023-ZON-005, Aerial photograph (2022)**





**STAFF REPORT 2023-ZON-005, Hearing Examiner's memorandum****MEMORANDUM OF EXAMINER'S DECISION****2023-ZON-005 (amended)****1405 Deloss Street**

The petition requests the rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling.

Because this petition was on the expedited portion of the docket, your Hearing Examiner did not visit the site prior to the hearing. A remonstrator appeared at the hearing, and the petition was removed from the expedited portion of the docket.

The petitioner's representative stated a desire to build a residence on this lot, which is consistent with the Comprehensive Plan recommendation of traditional neighborhood and is consistent with recent redevelopment in the area. He emphasized that one residence is proposed for one lot.

The remonstrator owns the roofing company west of the subject site, and purchased his site about nine years ago. He stated concern that the requested rezoning would put his site in non-compliance. He presented a letter of opposition signed by two other business owners, and the letter cited recent redevelopment in the area and its potential impact on these businesses.

Staff explained the history of the site being platted about 150 years ago, and it containing a residence until about 20 years ago. This area has again become attractive for residential redevelopment, because of an interest to live closer to downtown. Staff also clarified that any existing businesses are grandfathered for both use and development.

In your Hearing Examiner's opinion, the requested rezoning of this 0.08 acre is consistent with residential redevelopment in the area and is consistent with the Comp Plan. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on March 15, 2023

**STAFF REPORT 2023-ZON-005, Photographs**



Looking south at the subject site from Deloss Street.



Looking east along Deloss Street from the site.





Looking west along Deloss Street from the subject site.



Looking north across Deloss Street from the subject site.

## STAFF REPORT

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

**Case Number:** 2023-CVR-800 / 2023-CPL-800  
**Address:** 834 East 64<sup>th</sup> Street (*Approximate Address*)  
**Location:** Washington Township, Council District #2  
**Zoning:** MU-1 (FF) (TOD)  
**Petitioner:** 834 64<sup>th</sup> 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 March 15, 2023

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

The petitioner appealed the recommendation for denial of 2023-CVR-800 B, which would provide for parking in front of the front building line on Ferguson Street. The petitioner has provided a revised site plan shown below with one parking space, accessed via the existing paved driveway. Staff continues to recommend denial of the variance. Staff has recommended that the petitioner should instead obtain permits to pave the right-of-way for on-street parallel parking.

(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 64<sup>th</sup> Street, a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64<sup>th</sup> 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 waiver of sidewalks be **denied**, and that the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat

(Continued)

## **2023- 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 64<sup>th</sup> 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 64<sup>th</sup> 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 64<sup>th</sup> Street. Sidewalks will be required on Ferguson Street.

## **GENERAL INFORMATION**

### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

MU-1	Compact	Commercial
------	---------	------------

### **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

(Continued)

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

THOROUGHFARE PLAN	East 64 <sup>TH</sup> 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 February 23, 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)**

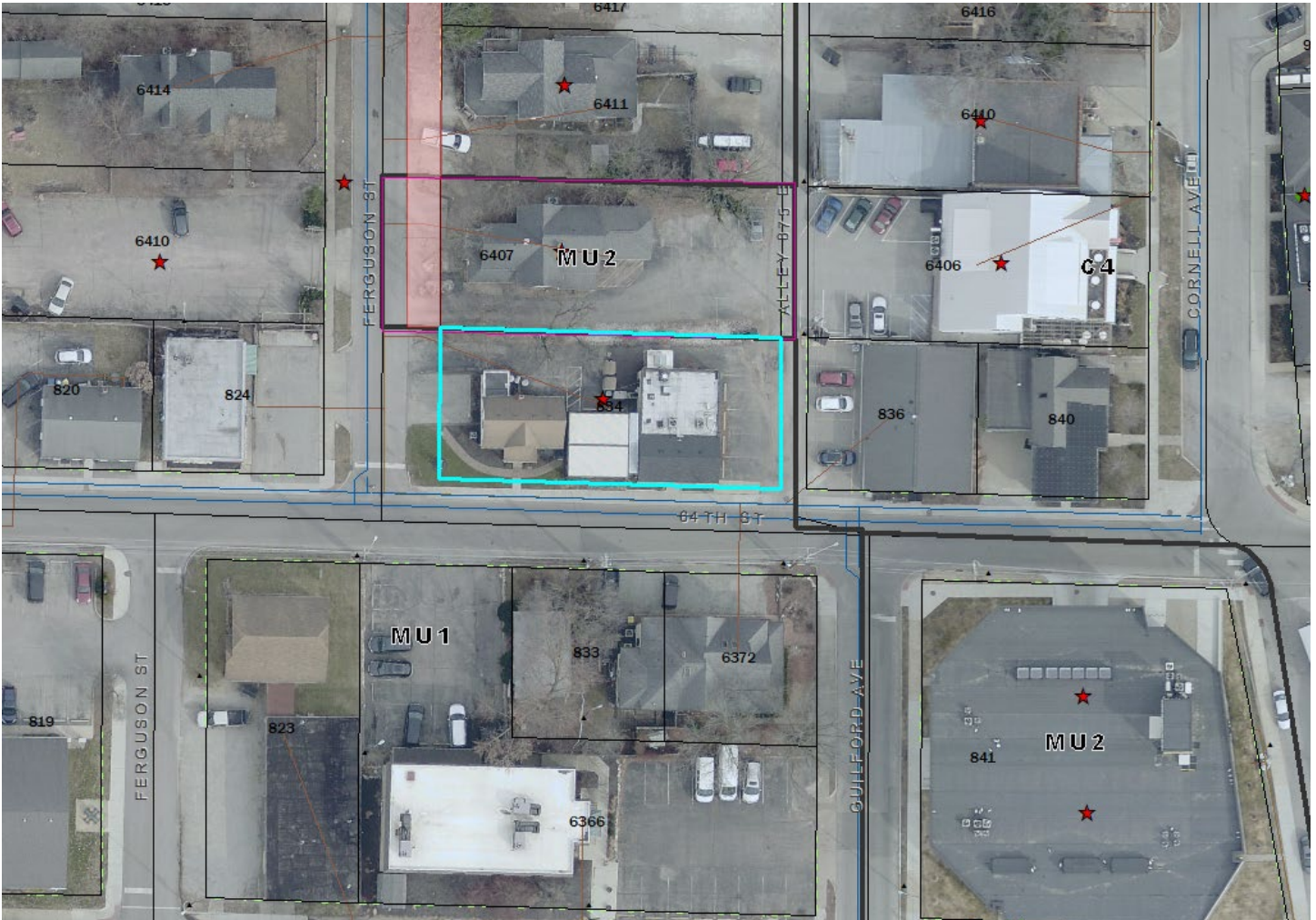
**84-UV1-113, 6412 & 6414 Ferguson Street**, variance to provide for the use of a portion of an existing building as a commercial party room, **approved**.

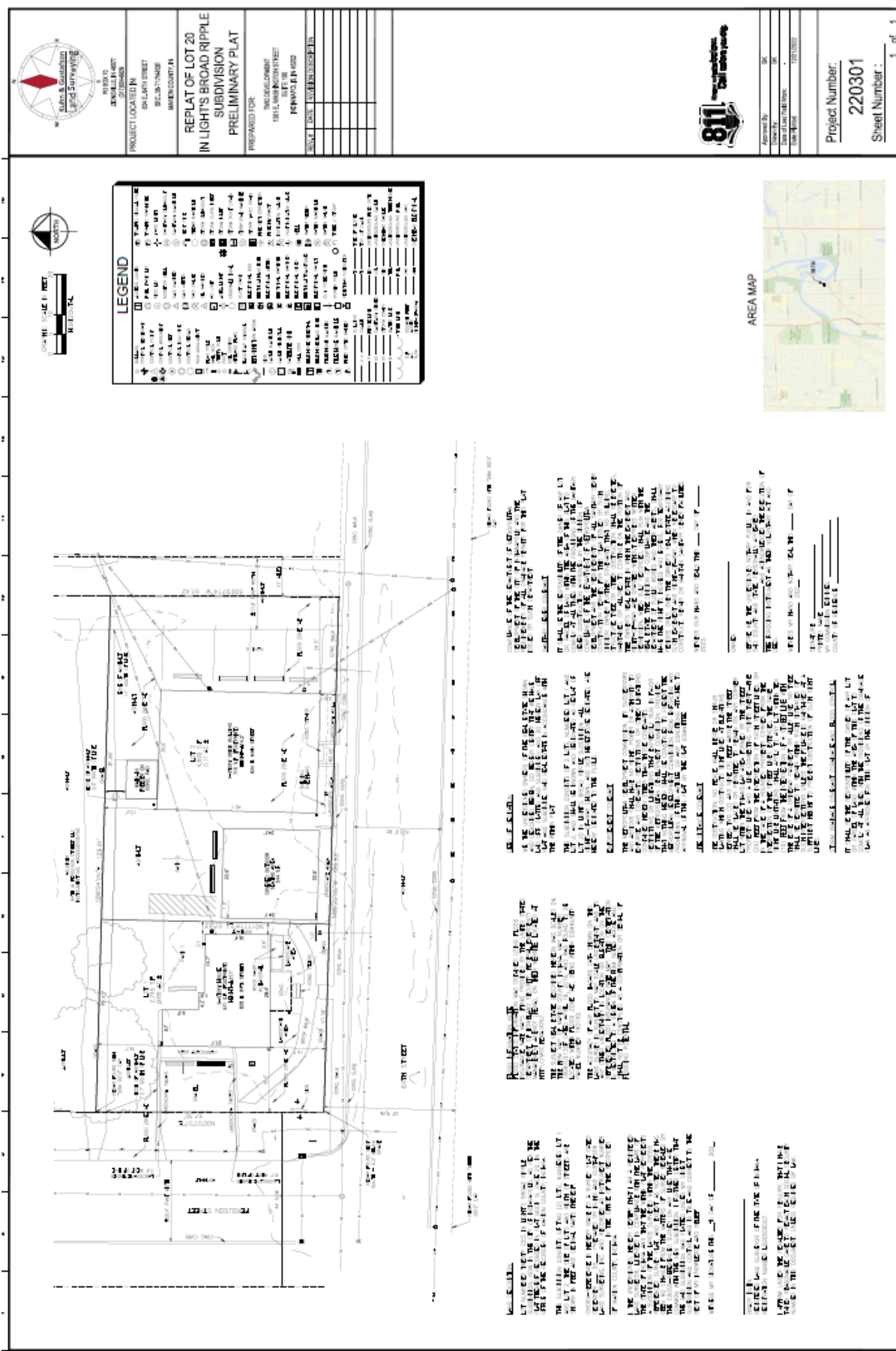
**75-UV2-116, 6410, 6412, & 6414 Ferguson Street**, variance to provide for the use of an existing building for offices and retail sales, with a pole sign and off-street parking, **approved**.

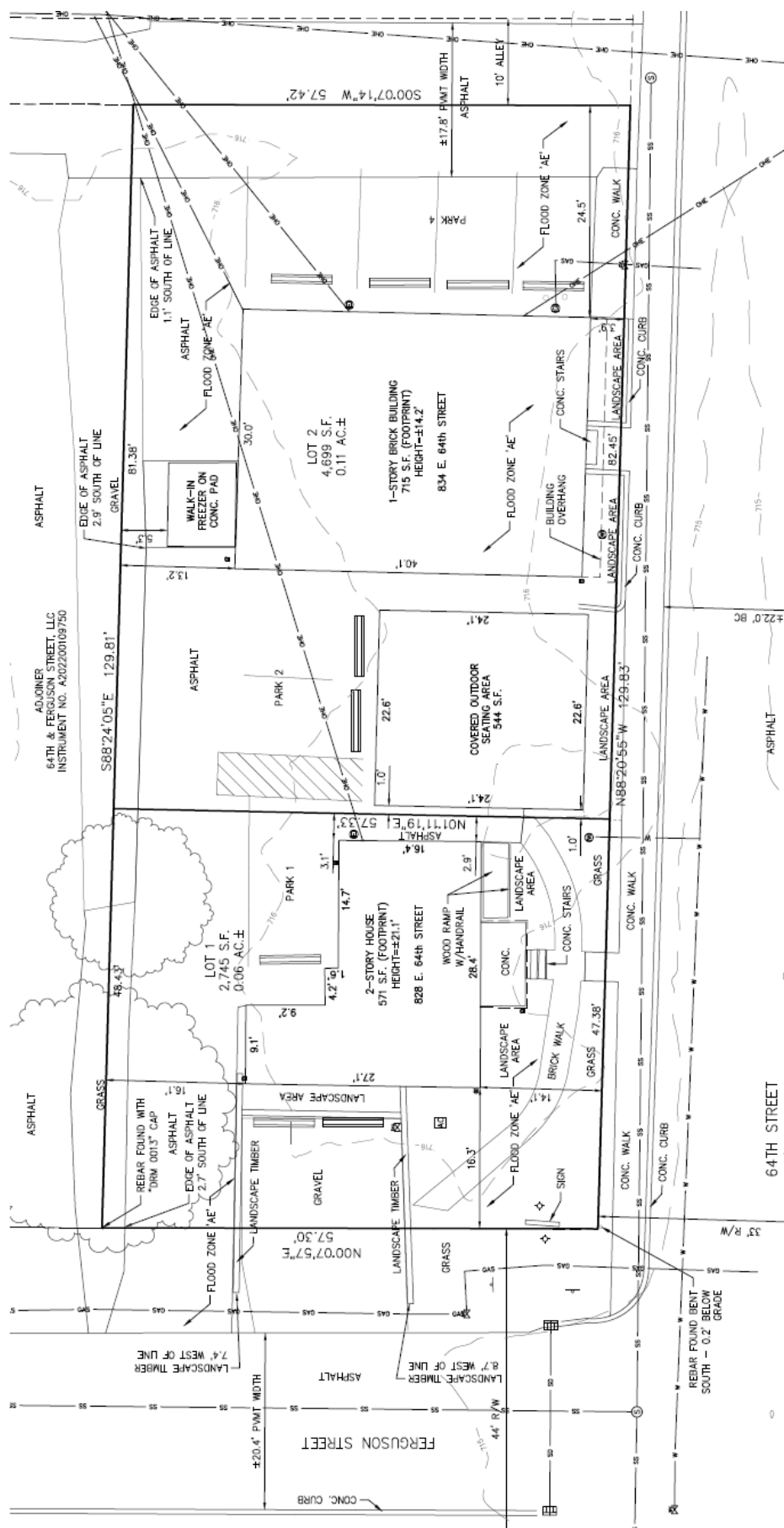
AR

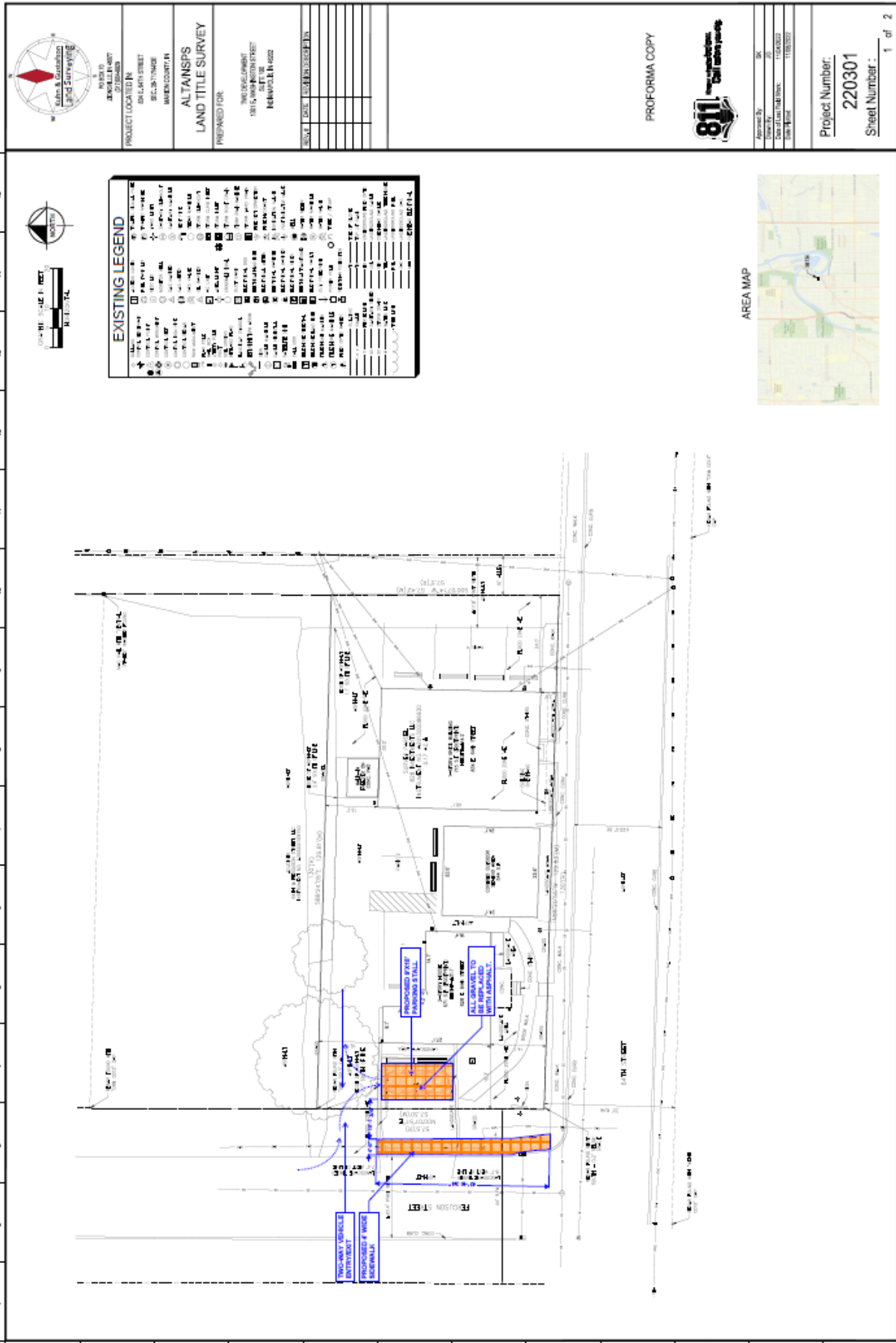
\*\*\*\*

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



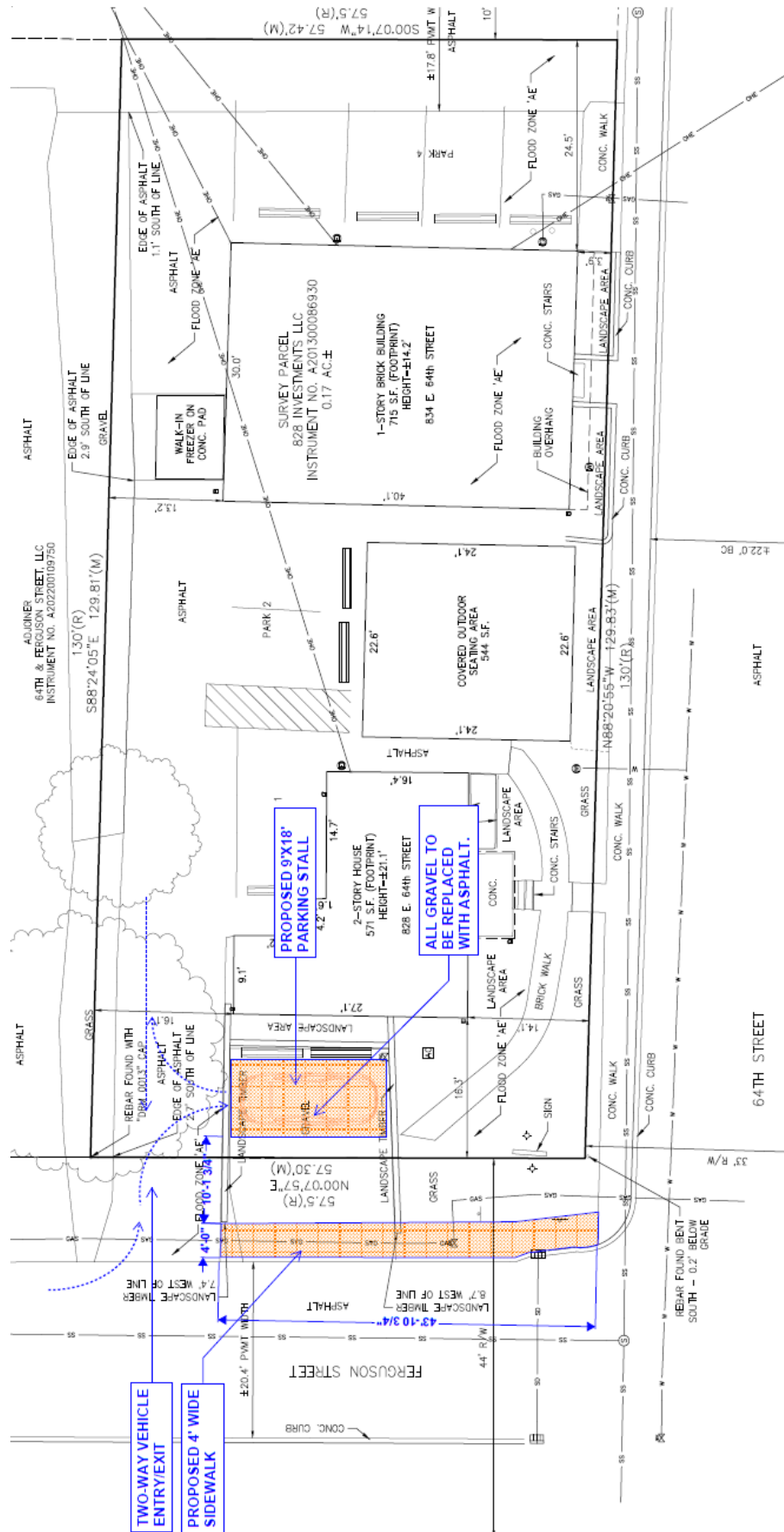








## Plan Detail



**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 64<sup>th</sup> Street, looking north



Proposed Lot Two viewed from 64<sup>th</sup> Street, looking north





Proposed Lot Two parking and alley access viewed from 64<sup>th</sup> 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