



Metropolitan Development Commission Hearing Examiner (February 15, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, February 15, 2024 **Time:** 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-APP-001 | 1621, 1625 and 1631 West 86th Street

Washington Township, Council District #2
HD-2

Dinneen – Ward – Shelley, LLC, by Aaron Reynolds

Hospital District-Two Approval to provide for an office building and associated parking.

****Automatic Continuance to March 14, 2024, filed by Registered Neighborhood Organization**

2. 2023-ZON-109 | 5136 Michigan Road

Washington Township, Council District #8

Paramount Schools of Excellence, Inc., by Brian J. Tuohy

Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

****Registered Neighborhood Organization request for continuance for cause to February 29, 2024**

3. 2023-ZON-118 | 5181 North High School Road

Pike Township, Council District #10 (#5 Beginning 2024)

Abdulateef O. Aregbe

Rezoning of 1.98 acres from the D-A (FW) (FF) and D-6 districts to the D-6 (FW) (FF) district to provide for a residential triplex.

****Automatic Continuance to March 14, 2024, filed by a Registered Neighborhood Organization**

4. 2023-ZON-119 | 7725 Kentucky Avenue

Decatur Township, Council District #20 (#21 Beginning 2024)

Lennar Homes of Indiana, LLC, by Brian J. Tuohy

Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development.

****Petitioner, Registered Neighborhood Organization, and Staff request for continuance for cause to February 29, 2024**

- 5. 2023-ZON-125 | 4027 West 10th Street**
Wayne Township, Council District #15 (#16 Beginning 2024)
Insight Engineering, by Don Fisher

Rezoning of 1.75 acres from the I-3 and I-4 districts to the C-4 district to provide for community commercial uses.

****Staff request for continuance for cause to March 14, 2024**

- 6. 2023-ZON-129 | 3050 North Illinois Street**
Center Township, Council District #8
The Children's Museum of Indianapolis, by Jamilah Mintze

Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building.

Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building.

****Automatic Continuance request to March 14, 2024 filed by the Petitioner**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 7. 2024-CVR-800 / 2024-CPL-800 | 429 North Post Road**
Warren Township, Council District #14
D-3 (FW) (FF)
In and Out Unlimited, LLC, by Jamilah Mintze

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a new single-family residential lot with a 60-foot lot width (70 feet required).

Approval of a Subdivision Plat, to be known as Donn's Pass, a replat of Part of Lots 6 & 7 in Easton Addition, dividing 0.93 acre into two lots.

****Petitioner withdrawal of the variance request**

- 8. 2024-CZN-801 / 2024-CVR-801 | 526 Blue Ridge Road**
Washington Township, Council District #7
Butler University, by Brian J. Tuohy

Rezoning of 0.32 acres from the D-5 District to the UQ-2 District to provide for a residence for the university president.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot north rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required).

- 9. 2023-CAP-866 / 2023-CVR-866 | 3502 North Shadeland Avenue**
Warren Township, Council District #13 (#9 Beginning 2024)
C-S
3500 Shadeland, LLC, by Russell L. Brown

Modification of Site Plan, Plan of Operation and Commitments related to 2021-ZON-010 / 2021-VAR-002, 2007-ZON-841 / 2007-VAR-841 and 2014-MOD-008 to provide for a revised site plan for a home repair/improvement contractor consisting of two phases with Phase I to include an approximately 16,500 square foot building with approximately 20 Parking Spaces and Phase II to include a second building of approximately 22,000 additional square feet of space, approximately 37 parking spaces as well as a gravel fleet parking and outdoor storage area located on the north portion of the property with three sided structures, and a modification of Commitment #3 to allow for compliance with the site plan submitted with this petition in two development phases.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15,000-square foot building with a five-foot north side setback (minimum 10-foot setback required).

10. 2023-CZN-868 / 2023-CPL-868 | 9024 West Mooresville Road

Decatur Township, Council District #20 (#21 Beginning 2024)
Dean Ehr Gott & Greg Gass, by David Gilman

Rezoning of 2.88 acres from the D-A district to the D-1 district to provide for two residential lots.

Approval of a Subdivision Plat to be known as Camby Hosta Estates, dividing 2.88 acres into two lots.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2023-ZON-102 | 117 (119) North Sherman Drive

Center Township, Council District #12
Verma Properties, Inc., by Sharmin Frye

Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

12. 2023-ZON-111 / 2024-VAR-001 (Amended) | 9950 East 42nd Street

Lawrence Township, Council District #15
Jugaad, LLC, by David Retherford

Rezoning of 0.92 acre from the C-3 district to the C-4 district to provide for the renovation/replacement of a gas station and convenience store.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-foot south setback for a proposed canopy (ten-foot setback required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

13. 2024-ZON-001 | 7110 and 7120 US 31

Perry Township, Council District #22
J & A Homes, Inc. and Jiries Ishak, by David Gilman

Rezoning of 3.04 acres from the D-A and C-1 districts to the C-3 district to provide for neighborhood commercial uses.

14. 2024-ZON-003 | 4338 and 4339 Cartwright Drive and 4324 South State Avenue

Perry Township, Council District #23
Jason West, by Mark and Kim Crouch

Rezoning of 1.07 acres from the D-3 district to the D-8 district to provide for residential uses.

15. 2024-CZN-803 / 2024-CVR-803 | 2051 Columbia Avenue

Center Township, Council District #13
Padbros, LLC (Brian Maire), by Mark and Kim Crouch

Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required).

Additional Business:

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

Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

STAFF REPORT

Item 1.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2024-APP-001
Address: 1621, 1625 and 1631 West 86th Street (approximate address)
Location: Washington Township, Council District #2
Zoning: HD-2
Petitioner: Dinneen – Ward – Shelley, LLC, by Aaron Reynolds
Request: Hospital District-Two Approval to provide for an office building and associated parking.

A registered neighborhood organization filed an automatic that would **continue this petition from the February 15, 2024 hearing, to the March 14, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

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STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-109
Address: 5136 Michigan Road (*Approximate Address*)
Location: Washington Township, Council District #8
Petitioner: Paramount Schools of Excellence, Inc., by Brian J. Tuohy
Request: Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

ADDENDUM FOR FEBRUARY 15, 2024 HEARING EXAMINER

This petition was continued from the January 11, 2024 hearing to the February 15, 2024 hearing at the request of a registered neighborhood organization.

The same registered neighborhood organization submitted a written request for a **continuance for cause from the February 15, 2024 hearing to the February 29, 2024 hearing**. The petitioner has agreed to the proposed continuance date. However, last month's continuance request was stated to be the final continuance request. Unless an additional continuance is granted, staff is prepared to go forward with the hearing.

January 11, 2024

This petition was automatically continued from the December 14, 2023 hearing, to the January 11, 2024 hearing at the request of a registered neighborhood organization.

It is staff's understanding that a registered neighborhood organization will request a continuance for cause from the January 11, 2024 hearing to the February 15, 2024 hearing to allow additional time for discussions to take place. Staff has no objection to this additional continuance request but will be prepared to move forward.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning.

SUMMARY OF ISSUES

LAND USE

- ◇ The 10.13-acre subject site is developed with a large church, associated parking areas, and an accessory structure. It is surrounded by single-family dwellings in each direction, zoned D-2 and D-S, except for a multi-family development to the north, zoned D-6.

REZONING

- ◇ The property has historically been used as a church since 1972, per an historical aerial map depicted in the staff report. The religious use was permitted in 1967 through rezone petition 67-Z-103 that rezoned the property from the D-5 district to the SU-1 district for the construction of a church.
- ◇ The site is zoned SU-1, which is only intended for religious uses where the proposed SU-2 district is only intended for school uses.
- ◇ The Comprehensive Plan recommends rural or estate neighborhood development. The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space

Staff Analysis

- ◇ Staff determined that rezoning the site to the SU-2 district would allow for the adaptive reuse of the existing church building into a school and would allow the construction of an additional building on site for more classrooms.
- ◇ Although the rural or estate neighborhood typology does not specifically call out educational uses, it is common to see schools and places of worship mixed in primarily residential neighborhoods. Thus, staff did not find the proposed school use to be out of line with the context of the surrounding area considering that the previous religious use had limited business hours and days when events, gatherings, and the like would take place.
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

SU-1	Metro	Church
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SURROUNDING ZONING AND LAND USE

North	D-6 / D-S	Residential (Multi-family and Single-family dwellings)
South	D-S	Residential (Single-family dwellings)
East	D-3	Residential (Single-family dwellings)
West	D-2	Residential (Single-family dwellings)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends rural or estate neighborhood development.

(Continued)

THOROUGHFARE PLAN	Michigan Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 100-foot existing right-of-way and a 102-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
SITE PLAN	File-dated November 13, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

67-Z-103; (subject site), Rezoning of approximately 10.126 acres being in D-5 district to Special Use (1) classification to provide for the construction of a church, **approved.**

ZONING HISTORY – VICINITY

2006-SE2-001; 5210 and 5212 Michigan Road (north of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a 10,491 square-foot church building, with 34 off-street parking spaces, and with a four-foot tall, 30-square foot ground sign encroaching into the right-of-way of Michigan Road (minimum fifteen-foot front setback required), **denied.**

93-Z-70; 1836 West 51st Street (west of site), Rezoning of 13.79 acres, being in the D-S district, to the D-2 classification to provide for the development of a single-family residential subdivision, **approved.**

89-SE1-3; 5210 Michigan Road (north of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for religious uses within an existing dwelling structure, with proposed hard surfaced and striped off-street parking areas and a sanitary sewer connection; **granted.**

88-Z-245; 5210 Michigan Road (north of site), Rezoning of approximately 0.5 acre from SU-1 to D-S to comply with a commitment that the zoning of the property would revert to the D-S classification five years after the adoption of rezoning petition 74-Z-150; **approved.**

86-Z-237; 5105 Grandview Drive (southeast of site), Rezoning of 4.62 acres, being in the D-S district, to the D-P classification, to provide for the construction of seven residential structures containing two living units each, **dismissed.**

85-UV1-78; 5210 Michigan Road (north of site), Variance of use to provide for the continued use of a day care center within an existing building; **granted.**

STAFF REPORT 2023-ZON-109 (Continued)

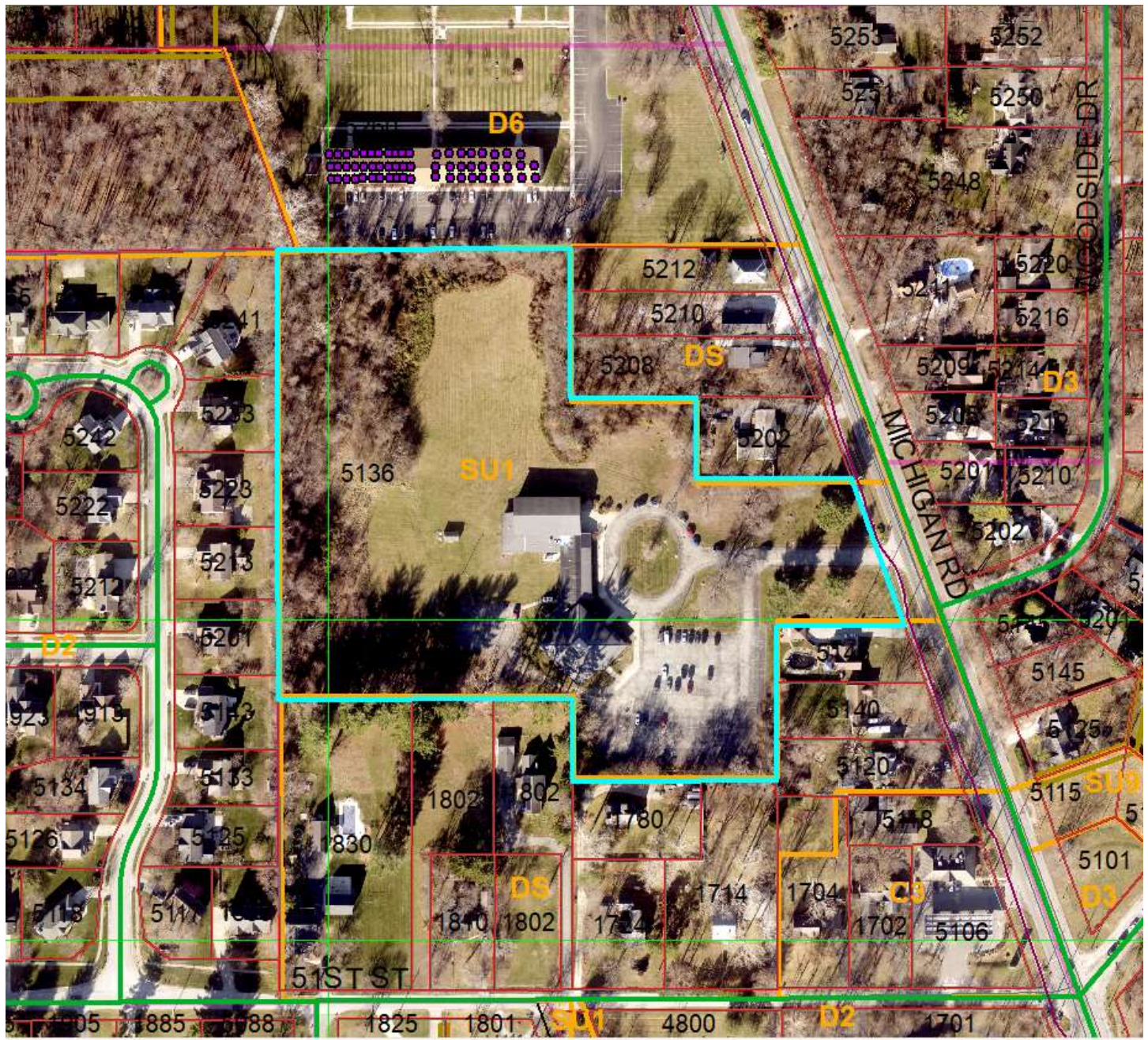
Item 2.

84-Z-5; 5117 Michigan Road (southeast of site), Rezoning of 0.48 acre from the D-3 to SU-9 to conform the zoning to its current use as a fire station and to correct a mapping error, **approved**.

81-Z-15; 5210 Michigan Road (north of site), Rezoning of approximately 0.5 acre from SU-1 to C-1 to provide for the continued use of a daycare center; **withdrawn**.

74-Z-150; 5210 Michigan Road (north of site), Rezoning of approximately 0.5 acre from D-S to SU-1 to provide for a daycare center; **approved**.

MI







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PARAMOUNT SCHOOL OF EXCELLENCE
MICHIGAN ROAD
1600 MICHIGAN ROAD
COLUMBUS, OHIO 43260

PROPOSED SITE PLAN
DATE: 08/14/2023
BY: J. J. JONES
SCALE: 1" = 30'

C1

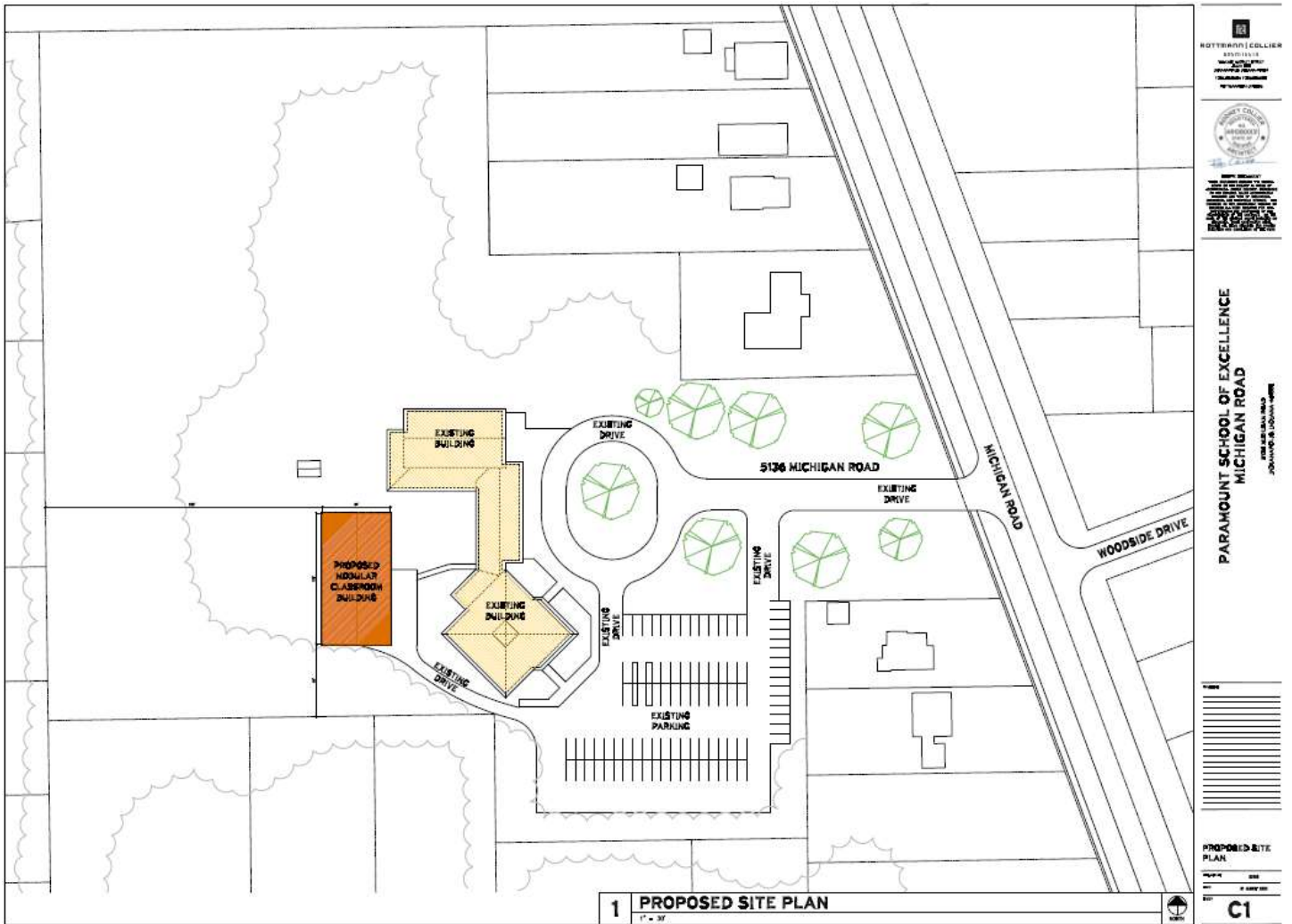




Photo of the Subject Property: 5136 Michigan Road



Photo of the parking area looking south on the site.



Photo of the existing church building looking west on the site.



Photo of the north property boundary and existing drive.



Photo of the rear yard where the proposed building will be located.



Photo of the rear yard and existing accessory structure looking north.



Photo of the rear of the existing building looking north.



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



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

STAFF REPORT

Item 3.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-118
Address: 5181 North High School Road (*Approximate Address*)
Location: Pike Township, Council District #10 (#5 Beginning 2024)
Petitioner: Abdulateef O. Aregbe
Request: Rezoning of 1.98 acres from the D-A (FW) (FF) and D-6 districts to the D-6 (FW) (FF) district to provide for a residential triplex.

ADDENDUM FOR FEBRUARY 15, 2024, HEARING EXAMINER

The Hearing Examiner continued this petition from the January 11, 2024 hearing, to the February 15, 2024 hearing, to provide additional time for required notice at the request of staff.

A registered neighborhood organization filed an automatic that would **continue this petition from the February 15, 2024 hearing, to the March 14, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.

January 11, 2024

RECOMMENDATIONS

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

1. A 40-foot half right-of-way along the North High School Road frontage and 40-foot half right-of-way along West 52nd Street frontage shall be dedicated as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
3. The existing dwelling shall remain and shall not be demolished or expanded. Conversion to a residential triplex shall be limited to the interior of the existing dwelling.
4. The existing accessory structure shall not be converted to living space.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 1.98-acre site, zoned D-A (FW) (FF), is developed with a single-family dwelling surrounded by single-family dwellings to the north, across West 52nd Street, zoned D-P; multi-family dwellings to the south zoned D-6 (FW) (FF); a single-family dwelling to the east, zoned D-A (FW) (FF); and a single-family dwelling to the west, across North High School Road, zoned D-2 (FW) (FF).
- ◇ Petition 2005-UV1-007 provided for a transitional residential facility for young males, ages, 18-24, within an existing building; for a two-year period commencing upon the beginning of the operation.

REZONING

- ◇ This request would rezone the site from the D-A (FW) (FF) District to the D-6 (FW) (FF) classification to provide for a residential triplex. “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 rural or estate neighborhood typology. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The Pattern Book recommends detached housing, working farms, group homes, bed and breakfast and wind / solar farms in this typology.

(Continued)

Overlays

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ The northern portion of the site is located within the floodway and floodplain of Falcon Creek.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along North High School Road frontage and a 40-foot half right-of-way along the West 52nd Street frontage. These dedications would also be consistent with the Marion County Thoroughfare Plan.

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

(Continued)

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

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

Floodway / Floodway Fringe (Falcon Creek)

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (D-6 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Stream Protection Corridor

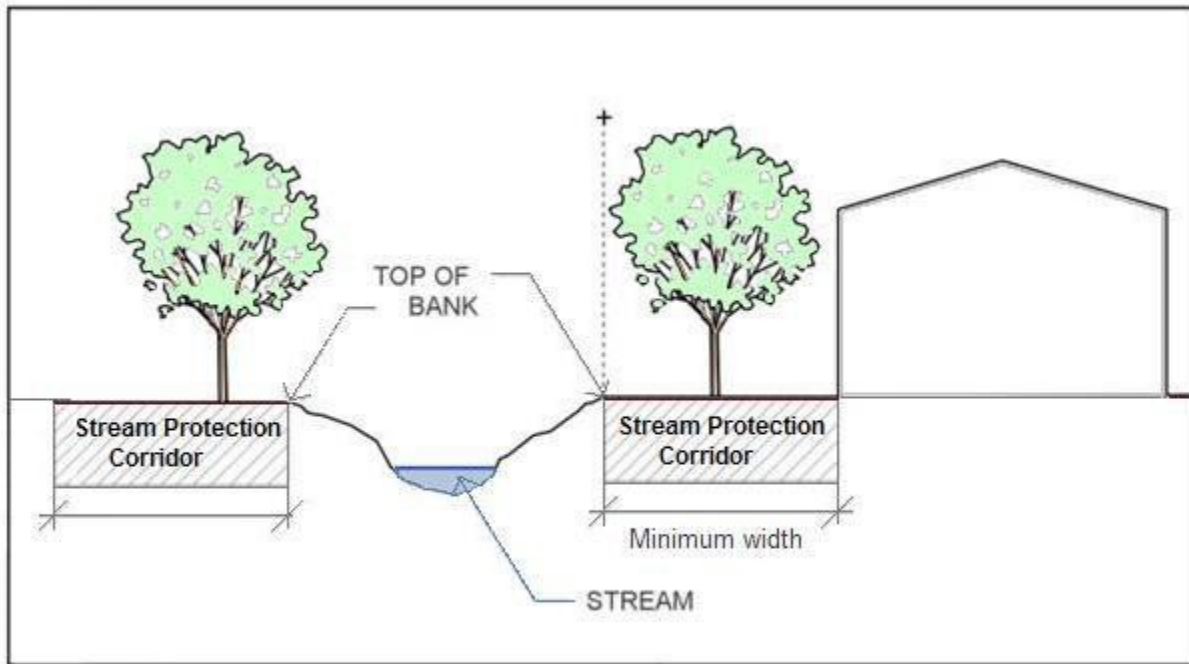
- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.
- ◇ The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
- ◇ The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

(Continued)

- ◇ Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”
- ◇ There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”
- ◇ A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”
- ◇ There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.
- ◇ Falcon Creek lies within the Metro Context Area and is located along the northern portion of the site. It is designated as a Category Two stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.

(Continued)



Stream Protection Corridor

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood typology. However, staff understands that the existing dwelling would remain and would be converted into a three-family residential structure (triplex). Because the footprint of the dwelling would not change, the impact on the surrounding residential development would be minimal.
- ◇ This rezoning would result in density of 1.74 units per acre. The abutting development to the south, comprised of one duplex, 12 triplexes and three fourplexes, has a density of 4.5 units per acre. In other words, the resulting increased density of this request would be compatible with residential development in the area.
- ◇ The site is also developed with an approximately 26-foot by 42-foot accessory building. This structure should remain an accessory structure and should not be converted to a dwelling or living quarters.
- ◇ Access to the site is gained from a drive along North High School Road and a drive along West 52nd Street. During the site visit, staff observed that the access on West 52nd Street includes a bridge over Falcon Creek. This bridge is in a state of disrepair, which should be repaired or removed. If removed, the driveway should be closed to mitigate safety concerns.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A (FW) Single-family dwelling
(FF)

SURROUNDING ZONING AND LAND USE

North - D-P (FW) Single-family dwelling
(FF)

South - D-6 (FW) Multi-family dwellings
(FF)

East - D-A (FW) Single-family dwelling
(FF)

West - D-8 (FW) Single-family dwellings
(FF)

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate neighborhood typology.
Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN

This portion of North High School Road is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing variable 40-foot and 70-foot right-of-way and a proposed 80-foot right-of-way.

This portion of West 52nd Street is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing variable 48-foot right-of-way and a proposed 80-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is located within the Environmental Sensitive Area

ZONING HISTORY

2005-UV1-007; 5181 North High School Road, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a transitional residential facility for young males, ages 18-24, within an existing 1,950-square foot building, **granted**.

(Continued)

VICINITY

96-257 / 96-DP-26; 5801 West 52nd Street (east of site), requested rezoning of 34.5 acres, being in the D-A (FF)(FW) Districts, to the D-P (FF)(FW) classification to provide for single-family residential development at a density of 2.9 units per acers, **approved**.

96-CP-23Z / 96-DP-7; 5950 West 52nd Street (east of site), requested rezoning of 40 acres, being in the D-A and SU-43 Districts, to the DP classification to provide for single-family residential development at a density of 3.97 units per acre, **approved**.

92-Z-149; 5412 North High School Road (north of site), requested rezoning of 0.5739 acre, being in the D-6II District to the SU-2 classification to provide for a school, **approved**.

90-Z-19; 5401 North High School Road (north of site), requested rezoning of 17.6 acres, being in the A-2 District, to the SU-2 classification to provide for a school, **approved**.

88-Z-84 / 88-CV-11; 4701 North High School Road (south of site), requested rezoning of 57.69 acres, being in the A-2 District, to the D-5 classification to provide for single-family residential development and a variance of development standards of the Dwelling Districts Zoning Districts to provide for a zero-foot lot line on one side of the residence with 10-foot side clearance on the other side, **approved and granted**.

86-Z-209; 5590 North High School Road (north of site), requested rezoning of 51.05 acres, being in the D-P District, to the D-6II classification to provide for condominiums, **approved**.

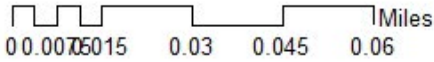
81-Z-73; 5011 North High School Road (south of site), requested rezoning of 11.0 acres from the A-2 District to the D-6 classification to provide for a maximum of 16 four-unit condominium development, **approved**.

76-Z-59; 5200 North High School Road (north of site), requested rezoning of 18.38 acres, being in the D-P, SU-43 and A-2 Districts, to the SU-18 classification to provide for an electrical substation, **approved**.

kb



5181 North High School Road





View looking north along North High School Road



View looking south along North High School Road



View looking east along West 52nd Street



View looking west along West 52nd Street



View of site looking south across West 52nd Street



View of site looking south across West 52nd Street



View of site looking south across West 52nd Street



View from site looking north at intersection of North High School Road and West 52nd Street



View of site looking east



View from site looking southeast

STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-119
Address: 7725 Kentucky Avenue (*Approximate Address*)
Location: Decatur Township, Council District #20 (#21 Beginning 2024)
Petitioner: Lennar Homes of Indiana, LLC, by Brian J. Tuohy
Request: Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development.

The Hearing Examiner continued this petition from the January 11, 2024 hearing, to the January 25, 2024 hearing, and the February 15, 2024 hearing to provide time for discussions regarding the need for a Traffic Impact Study (TIS). Because the Indiana Department of Transportation (INDOT) has jurisdiction of Kentucky Avenue in this area, the decision would be made by that office.

The petitioner's representative, the neighborhood organization and staff are requesting a **continuance from the February 15, 2024 hearing, to the February 29, 2024 hearing**, to provide time for further discussions. Staff has not received an update regarding the need for a TIS as determined by INDOT. Staff will be prepared to move forward on February 29, 2024, regardless of whether a response for INDOT is received.

kb

STAFF REPORT

Item 5.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-125
Address: 4027 West 10th Street (*Approximate Addresses*)
Location: Wayne Township, Council District #15 (#16 Beginning 2024)
Petitioner: Insight Engineering, by Don Fisher
Request: Rezoning of 1.75 acres from the I-3 and I-4 districts to the C-4 district to provide for community commercial uses.

The Hearing Examiner continued this petition was from the January 25, 2024 hearing, to the February 15, 2024 hearing, at the request of staff to provide additional time for discussions with staff related to the B&O Trail along the southern boundary of this site.

Due to inconsistencies between the legal description of this site and the legal description associated with the B&O Trail, staff is requesting a **continuance from the February 15, 2024 hearing to the March 14, 2024 hearing**. Staff has requested that the Marion County Surveyor conduct a survey of the site to determine and establish the site boundary adjoining the B&O Trail to the west and south.

kb



METROPOLITAN DEVELOPMENT COMMISSION February 15, 2024
HEARING EXAMINER

Case Number: 2023-ZON-129

Property Address: 3050 North Illinois Street (Approximate Address)

Location: Center Township, Council District #8

Petitioner: The Children’s Museum of Indianapolis, by Jamilah Mintze

Current Zoning: C-S

Request: Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building.
Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building.

Current Land Use: Commercial

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by the petitioner, **continuing this petition from the February 15, 2024 hearing to the March 14, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff has no recommendation for this request.

PETITION OVERVIEW

This petition is to be continued to the March 14, 2024 hearing.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2024-CVR-800 / 2024-CPL-800
Address: 429 North Post Road (Approximate Address)
Location: Warren Township, Council District #14
Petitioner: In and Out Unlimited, LLC, by Jamilah Mintze
Zoning: D-3 (FW) (FF)
Requests: Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a new single-family residential lot with a 60-foot lot width (70 feet required).

Approval of a Subdivision Plat, to be known as Donn's Pass, a replat of Part of Lots 6 & 7 in Easton Addition, dividing 0.93 acre into two lots.

RECOMMENDATIONS

The petitioner submitted a request to **withdraw the variance request**, which would require acknowledgment by the Hearing Examiner.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 24, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

STAFF REPORT 2024-CVR-800 / 2024-CPL-800

10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The 0.92-acre subject site is zoned D-3 and consists of a single-family dwelling, detached garage, and accessory structure.
- ◇ This petition would subdivide the property into two lots.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would have provided for a new single-family residential lot with a 60-foot lot width where 70 feet was required.
- ◇ There was concern that a setback variance would have been required, but an amended site plan was submitted that confirmed the required six-foot north side setback of Lot 2 would be met.
- ◇ Staff determined that there was no practical difficulty with the site to warrant a reduced lot width since there was sufficient land to allow the southern parcel, Lot 2, to have the 70-foot lot width required in the D-3 district.
- ◇ The petitioner submitted an amended preliminary plat that shows the 70-foot lot width will be met. A written statement was provided to staff to formally request the withdrawal of this variance request.

PLAT

- ◇ The plat would subdivide the subject site into two lots to be known as Donn's Pass. The proposed plat meets the standards of the D-3 zoning classifications as proposed in the request.

TRAFFIC / STREETS

- ◇ The proposed lots would front on Post Road and would not have alley access. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks exist along Post Road.

(Continued)

STAFF REPORT 2024-CVR-800 / 2024-CPL-800

Staff Analysis

- ◇ Staff is supportive of the subdivision plat because the D-3 district standards would be met per lot and it would allow for additional residential development in this residential area.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3	Metro	Residential (Single-family dwelling)
-----	-------	--------------------------------------

SURROUNDING ZONING AND LAND USE

North	D-3	Residential (Single-family dwelling)
South	D-3	Residential (Single-family dwelling)
East	D-3	Residential (Single-family dwelling)
West	D-3	Residential (Single-family dwellings)

COMPREHENSIVE LAND USE PLAN Light Industrial

THOROUGHFARE PLAN Post Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 95 -foot existing and a 112 -foot proposed right-of-way.

FLOODWAY/FLOODWAY FRINGE The eastern portion of this site within the 100 and 500-year floodplain of a Morris Stream ditch.

OVERLAY This site is located within an environmentally sensitive overlay, specifically the floodway fringe and floodway.

OVERLAY This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line, but does not fall within the secondary district.

SITE PLAN October 30, 2023.

AMENDED SITE PLAN January 13, 2024.

PRELIMINARY PLAT October 30, 2023.

AMENDED PRELIMINARY PLAT January 24, 2024.

ELEVATIONS October 30, 2023.

FLOOR PLANS October 30, 2023.

FINDINGS OF FACT November 27, 2023.

ZONING HISTORY – SITE

VIOLATIONS: None.

(Continued)

STAFF REPORT 2024-CVR-800 / 2024-CPL-800**ZONING HISTORY – VICINITY**

2008-UV3-015; 189 North Post Road (south of site), Variance of Use and Development Standards of the Dwelling District Zoning Ordinance to: a) provide for an office use (not permitted) in an existing single-family dwelling, b) legally establish a two-story, 1,772-square foot single-family dwelling with a 19.53-foot front setback from the proposed (existing) right-of-way of New York Street (minimum 25-foot front setback required) and a 22.36-foot front setback from the proposed right-of-way of North Post Road (minimum 40-foot front setback required), c) legally establish a 624-square foot detached garage with a 0.9-foot front setback from the proposed (existing) right-of-way of New York Street (minimum 25-foot front setback required), being located in front of the established front building line along New York Street (not permitted), d) legally establish a four-foot tall chain link fence within the required 25-foot front yard along New York Street (maximum 3.5-foot tall fence permitted), e) legally establish a four-foot tall decorative fence within the right-of-way of New York Street (not permitted), and f) provide for a four-space parking area with maneuvering area within the public right-of-way (not permitted), and with a zero-foot front setback from the right-of-way of New York Street (minimum 25-foot front setback required), **denied**.

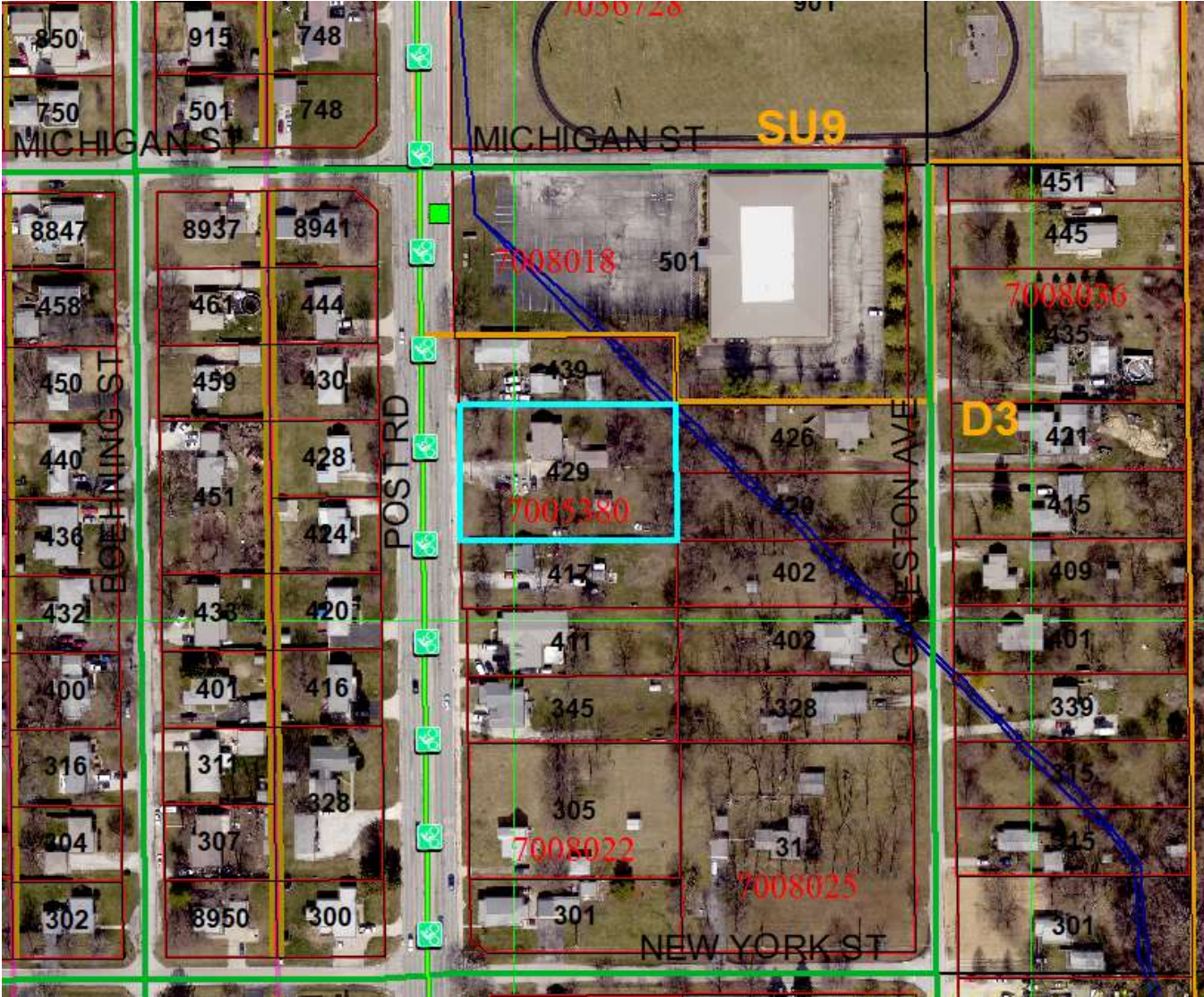
2003-SE1-005; 445 North Galeston Avenue (northeast of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,802 square-foot manufactured home, **granted**.

95-V3-29; 8837 East Michigan Street (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a privacy fence exceeding 42 inches in height within the front yard along Boehning Avenue (maximum 42 inches in height permitted, for an existing single-family corner lot), **denied**.

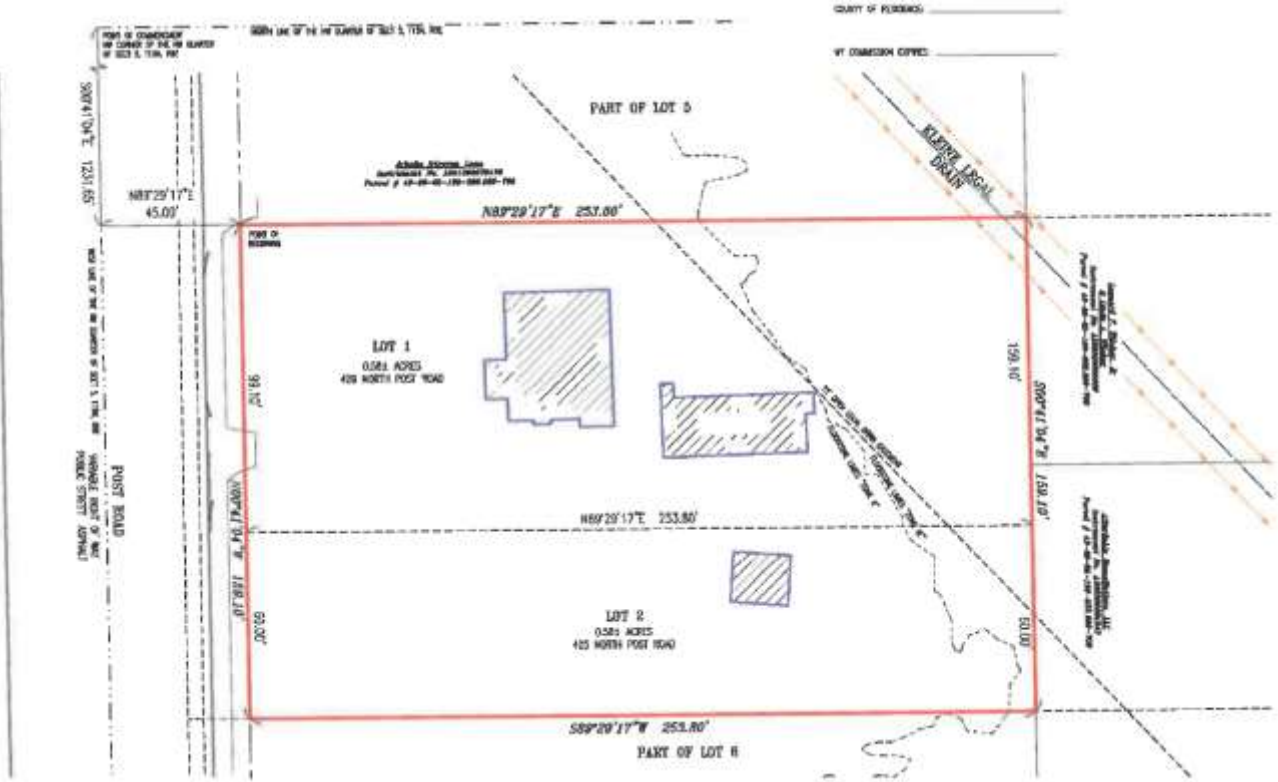
82-Z-58; 901 Post Road (north of site), Rezoning of 32.00 acres, being in D-3 and SU-2 classification, to the SU-9 classification to permit the use of the school by various governmental agencies, **approved**.

MI

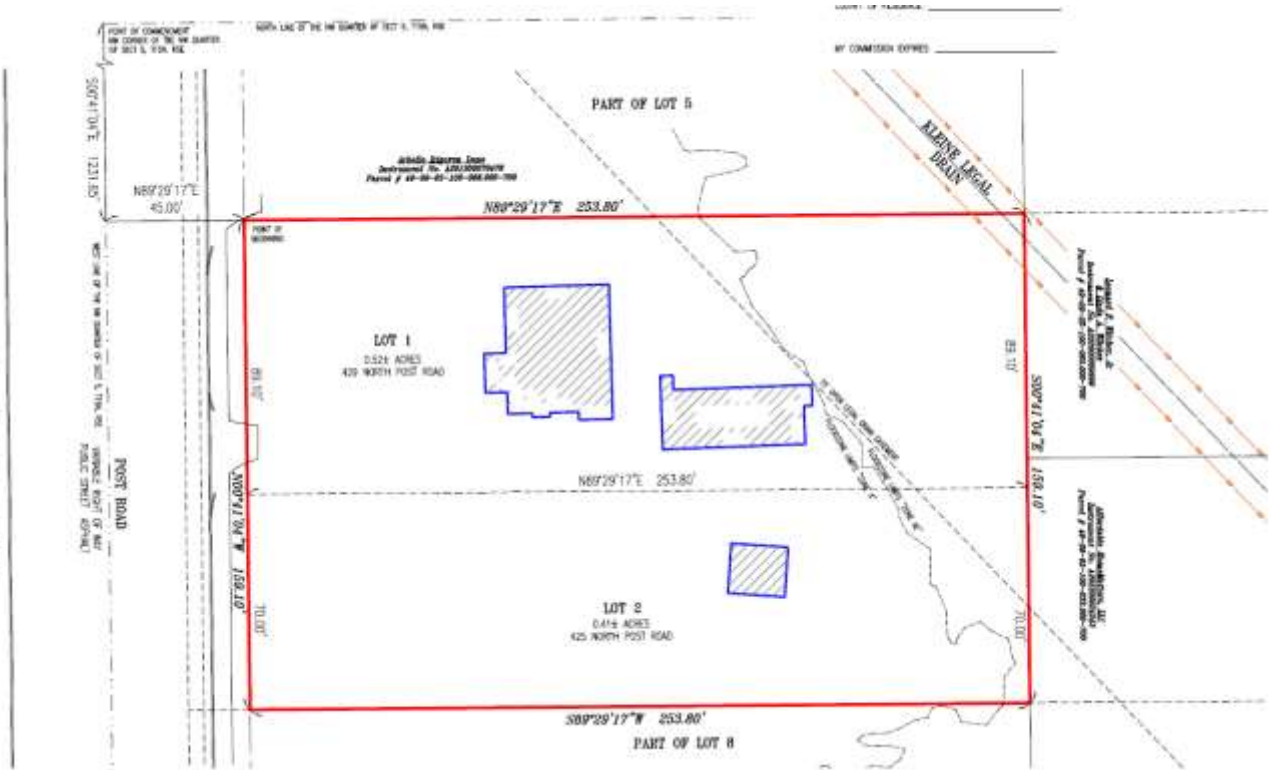
2024-CVR-800 / 2024-CPL-800; Aerial Map



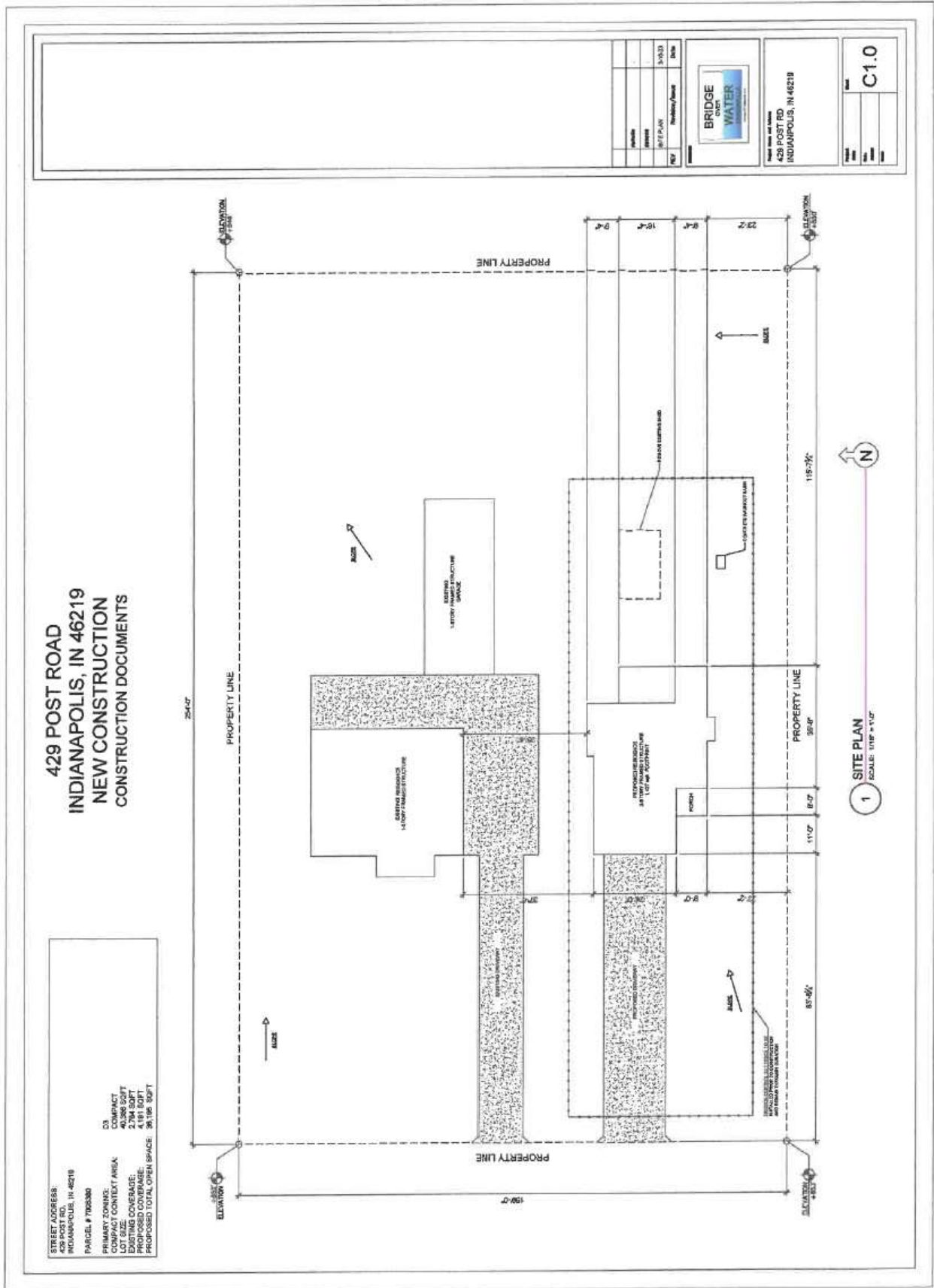
2024-CVR-800 / 2024-CPL-800; Preliminary Plat



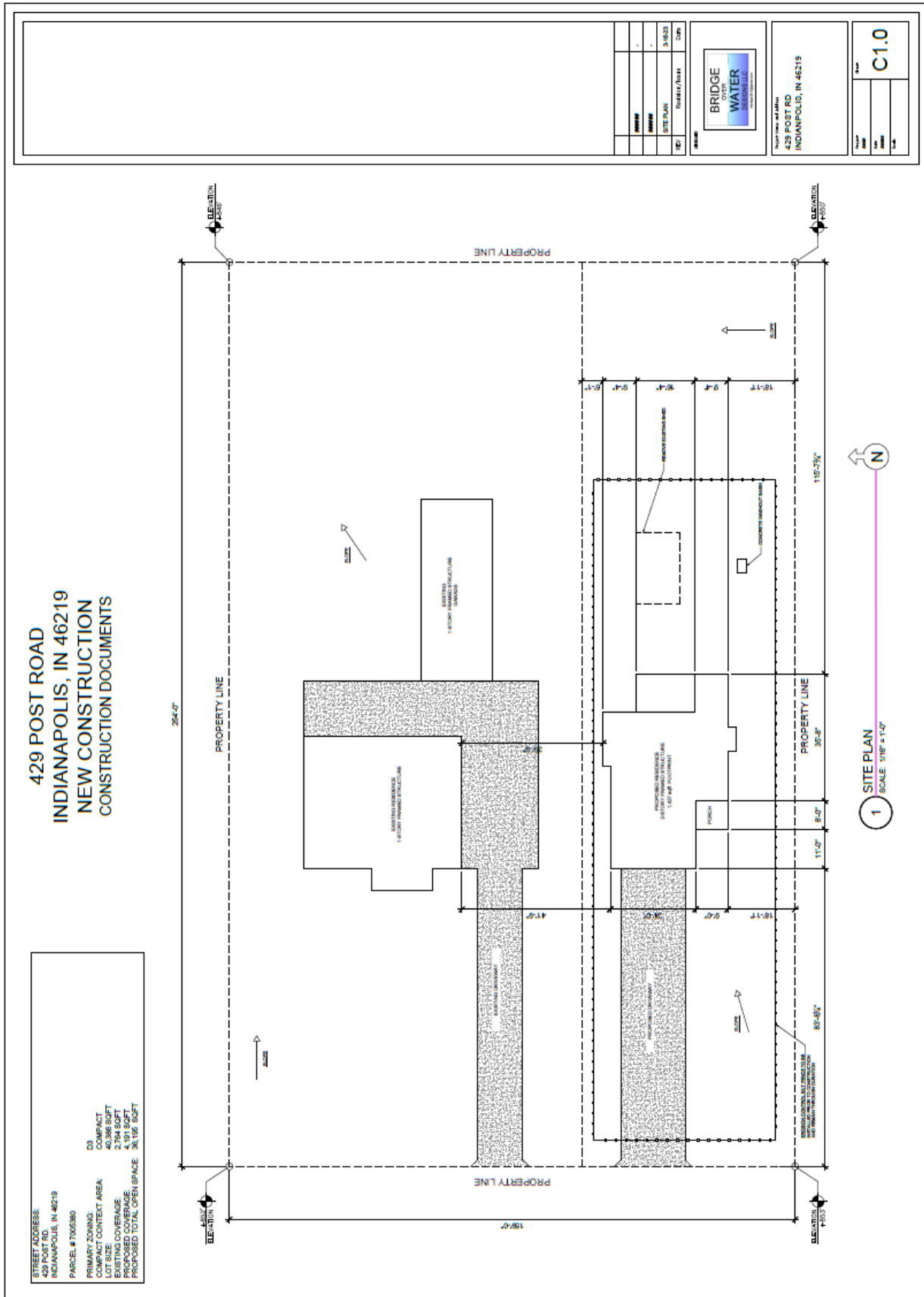
2024-CVR-800 / 2024-CPL-800; Amended Preliminary Plat



2024-CVR-800 / 2024-CPL-800; Site Plan



2024-CVR-800 / 2024-CPL-800; Amended Site Plan



2024-CVR-800 / 2024-CPL-800; Rendering



2024-CVR-800 / 2024-CPL-800; Elevations



FRONT ELEVATION

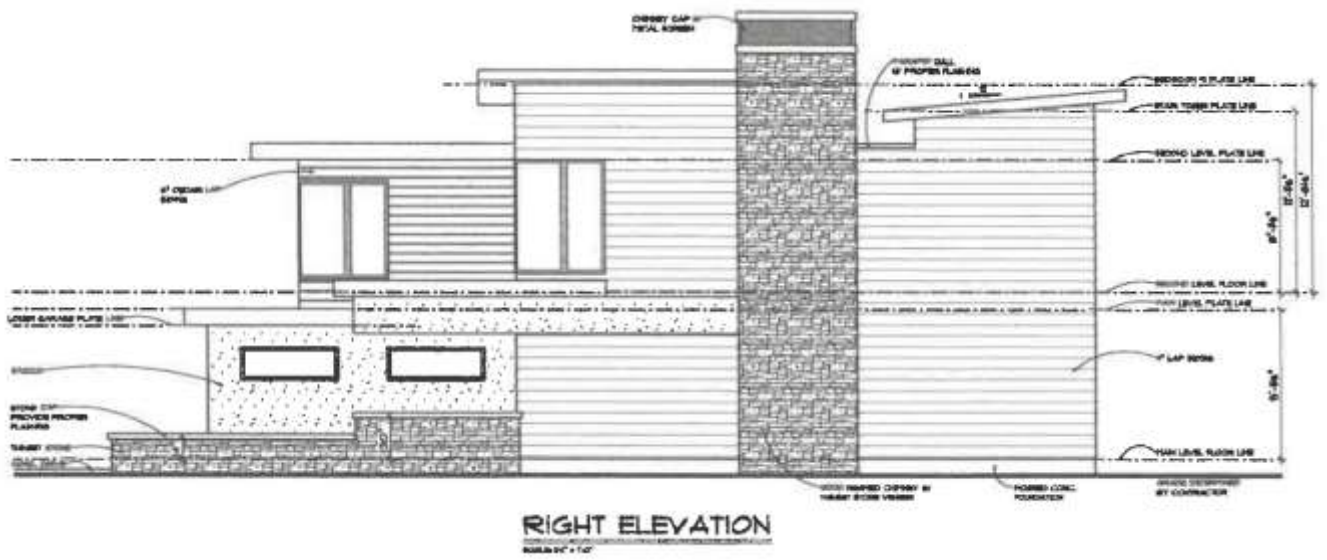
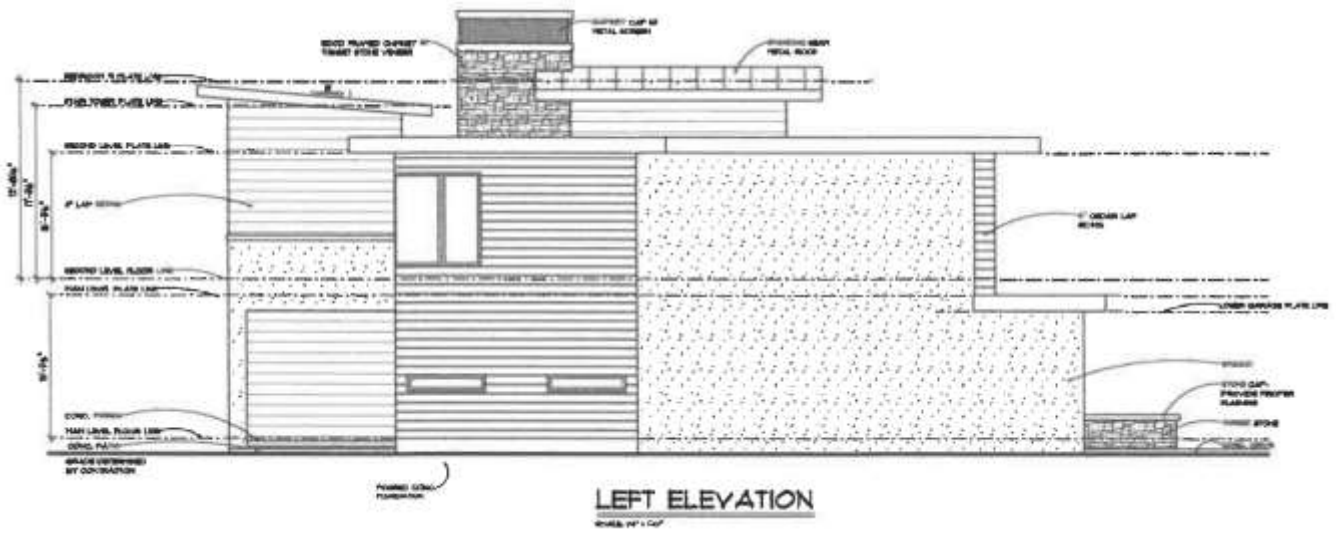
SCALE 1/4" = 1'-0"



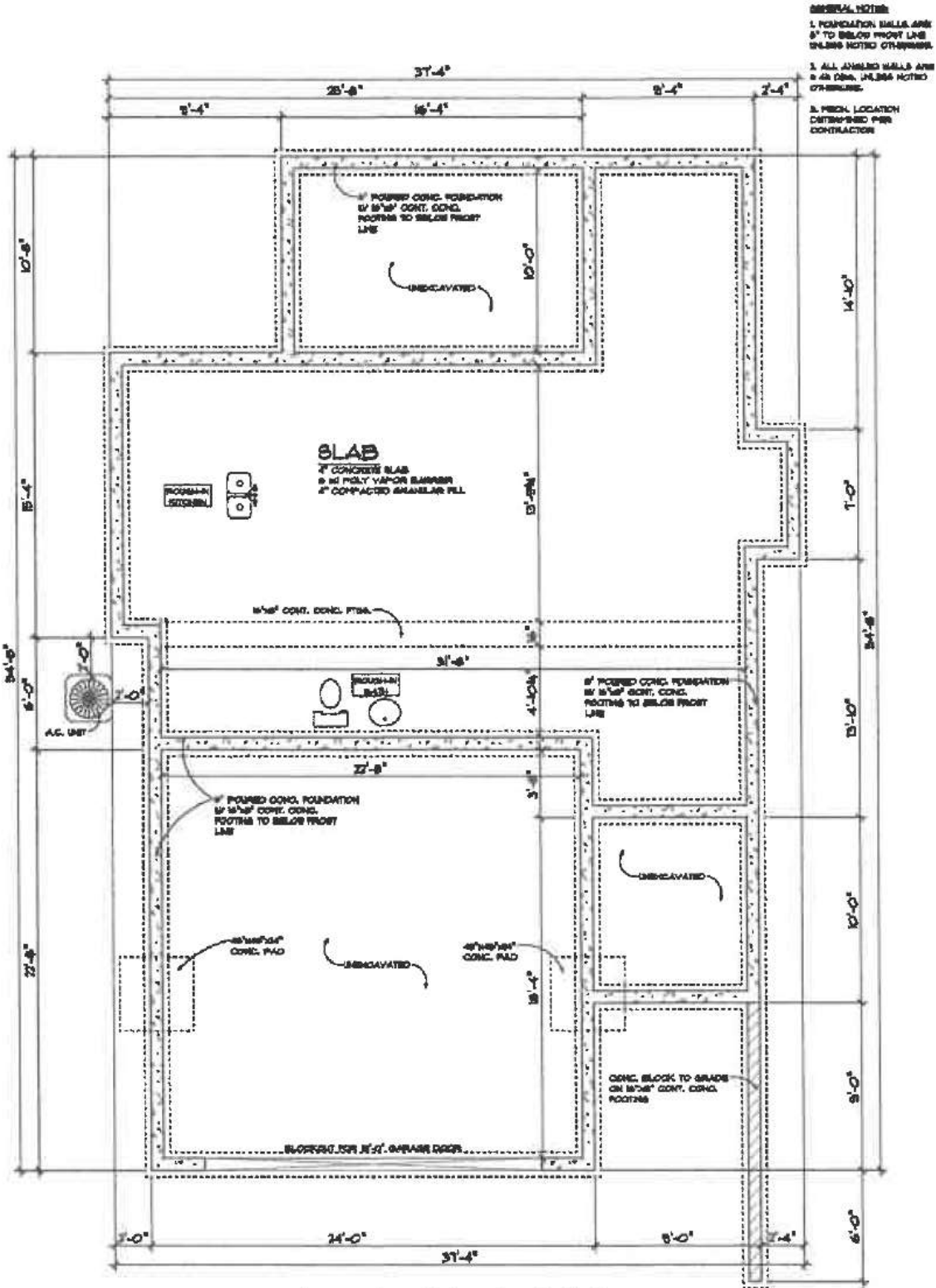
REAR ELEVATION

SCALE 1/4" = 1'-0"

2024-CVR-800 / 2024-CPL-800; Elevations (Continued)

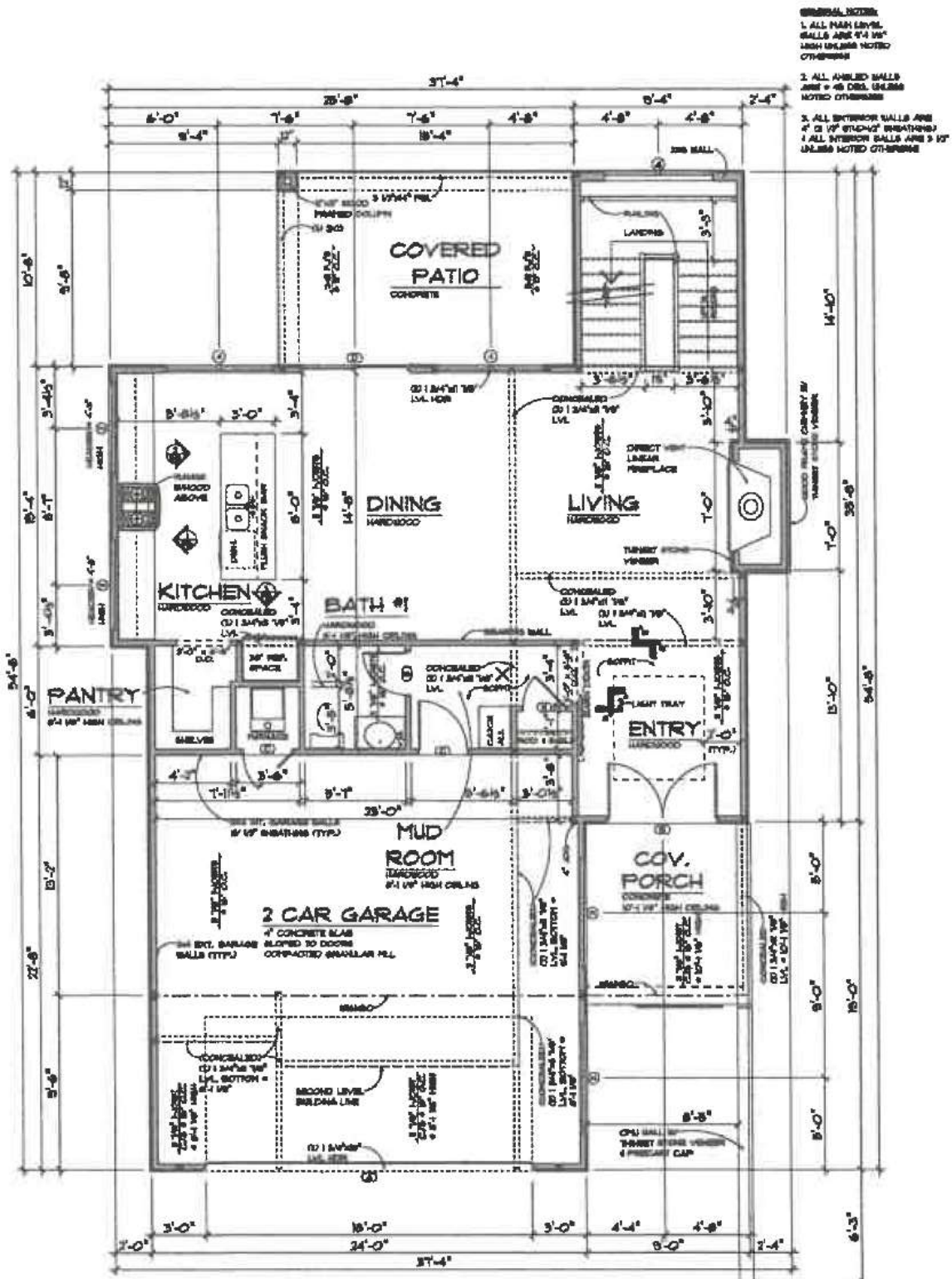


2024-CVR-800 / 2024-CPL-800; Foundation Plan



FOUNDATION PLAN
SCALE 1/4" = 1'-0"

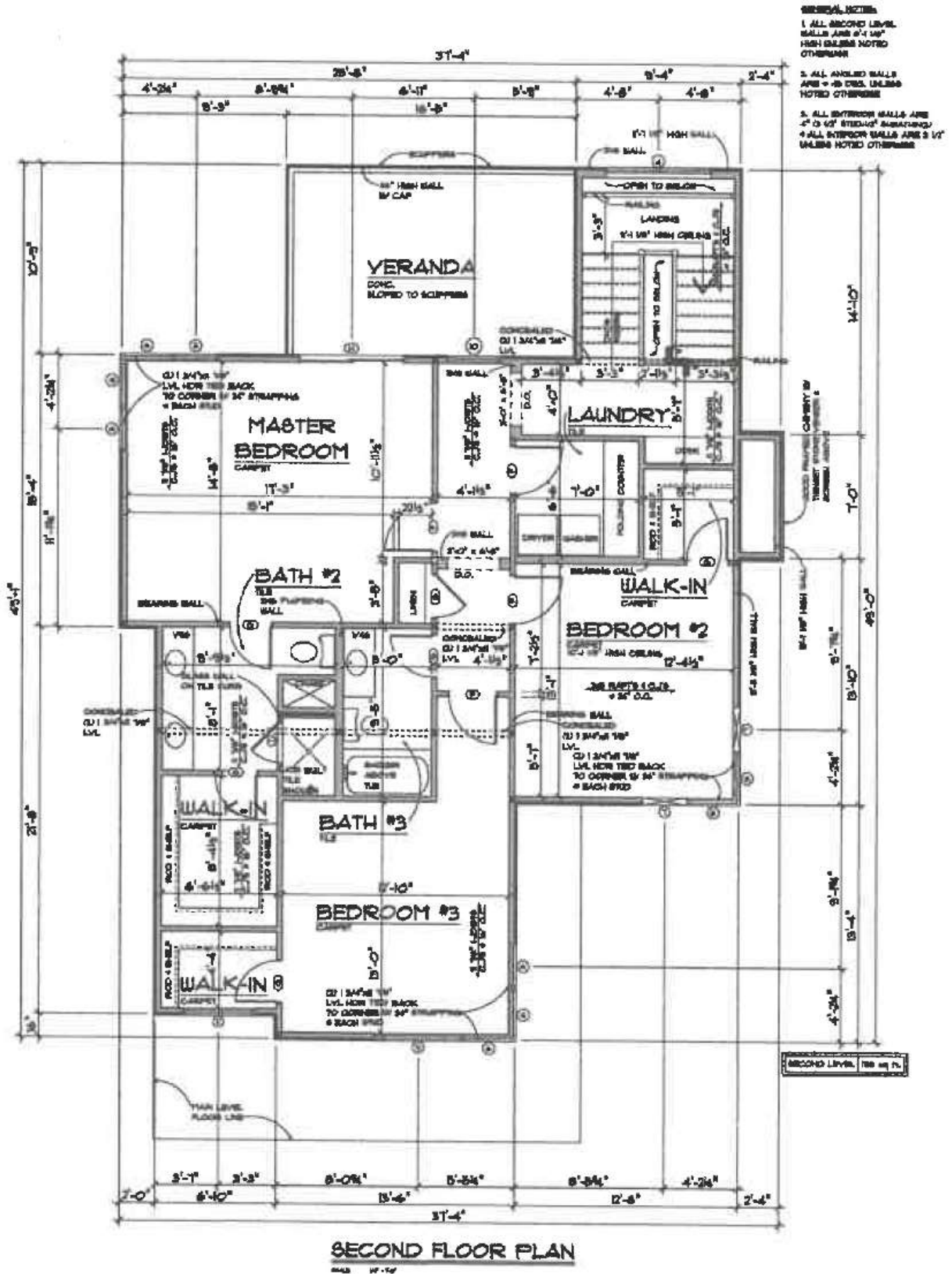
2024-CVR-800 / 2024-CPL-800; First Floor Plan



MAIN LEVEL FLOOR PLAN

SCALE 1/4" = 1'-0"

2024-CVR-800 / 2024-CPL-800; Second Floor Plan



2024-CVR-800 / 2024-CPL-800; Findings of Fact

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:

This property has adequate spacing to allow for construction of a new single family residence. The request is within reason of the lot width required, versus what is proposed.

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 property has been surveyed, all areas are outlined and considered within this request. This petition has been well thought out, proposing a new project that is reducing lot width by 10feet seems more in alignment with the aesthetics of the existing neighborhood.

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

The proposed petition being approved will be a favorable decision, this will allow the property to be developed versus it being a larger single family parcel, the proposed new structure will provide a up to date look to the area.

2024-CVR-800 / 2024-CPL-800; Site Photos



Proposed Lot 1, looking east.



Existing detached garage on Lot 1.



Proposed Lot 2, looking east.



Existing accessory structure on Lot 2.



Single-family dwelling north of the site and existing sidewalk.



Single-family dwelling south of the site.



Single-family dwellings to the west across Post Road.



METROPOLITAN DEVELOPMENT COMMISSION February 15, 2024
HEARING EXAMINER

Case Number: 2024-CZN-801 / 2024-CVR-801

Property Address: 526 Blue Ridge Road (approximate address)

Location: Washington Township, Council District #7

Petitioner: Butler University, by Brian J. Tuohy

Current Zoning: Enter Current Zoning District

Rezoning of 0.32 acres from the D-5 District to the UQ-2 District to provide for a residence for the university president.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 10-foot north rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required).

Current Land Use: Residential (Single-family dwelling)

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

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

PETITION OVERVIEW

The 0.32-acre subject site is developed with a single-family dwelling with a four-foot-tall fence. The site border's a university to the west, zoned UQ-1, and single-family dwellings to the north, east and south, zoned D-5.

REZONING

The grant of the request would rezone the property from the D-5 district to the UQ-2 district to provide for a residence for the university president.



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

The D-5 District is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The UQ-2 District allows for a variety of uses as listed in Table 742-108-4: Permitted Uses in University Quarter Districts, including residential uses. Specifically, “all uses permitted in D-5 district, subject to all requirements that apply to development of that use in the D-5 district; Multifamily dwellings limited to faculty and student housing; and Fraternity or Sorority. (This use is subject to the Commission's approval required except as listed in Section 742-108.D.2 Specific exemptions - Administrator's approval, pursuant to the development standards of Section 742-108.D.3.”

If approved to the UQ-2 District, Administrators’ approval would be needed for specific structures and improvements on site in the future. Improvements that exceed the limitations for Administrator’s approval would require an approval petition to be filed for approval from the Commission.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for the construction of a 34-foot 10-inch-tall single-family dwelling with a 10-foot rear yard setback and without a primary entry on the front façade.

Per Table 742.103.03 – Residential Building Type Standards, the D-5 district for a Detached House-Medium Lot requires a 20-foot rear yard setback.

Table 744-701-2: Private Frontage Design Standards notes that all buildings shall have a primary entrance on the front façade.

Staff Analysis

Staff determined that rezoning the site to the UQ-2 district would allow for this university property to be zoned according to the related university use with it being the proposed residence for all future university presidents.

The proposed university district would align with the Comprehensive Plan recommendation for Institution-Oriented Mixed- Use.

The proposed building will be oriented towards Sunset Avenue, which is considered a corner side yard instead of being oriented south along Blue Ridge Road which is the front yard. Due to the orientation of the building, the front entrance would be along the side building façade instead of the front building façade. Staff determined that this would be a slight technicality change because the front of the dwelling would have a primary entrance and would not affect the use and value of the area adjacent to the property in a substantially adverse manner.



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

The required 20-foot rear setback would need to be along the northern property boundary, but the orientation of the proposed dwelling would have a 10-foot north rear setback to allow for the location of the garage to align with the existing curb cut and driveway. Staff would support this reduced rear yard setback to prevent the location of a driveway closer to the intersection of Sunset Avenue and Blue Ridge Road which could potentially cause pedestrian and vehicular conflicts.

For these reasons, staff is recommending approval of the rezoning and variances.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential (Single-family dwelling)	
Comprehensive Plan	Institution-Oriented Mixed- Use	
Surrounding Context	Zoning	Land Use
	North:	D-5 Residential (Single-family dwelling)
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwelling)
	West:	UQ-1 University Dorm
Thoroughfare Plan		
Blue Ridge Road	Local Street	70-foot existing right-of-way and a 48-foot proposed right-of-way.
Sunset Avenue	Primary Collector Street	80-foot existing right-of-way and a 56-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 11, 2024	
Site Plan (Amended)	N/A	
Elevations	January 11, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 11, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS
Comprehensive Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Institution-Oriented Mixed-Use development for the subject site.
- The Institution-Oriented Mixed-Use (Campus) typology contains a mix of land uses within and surrounding a significant regional institution campus, such as a university or hospital. This typology is meant to promote development that is permeable to pedestrians and integrates into its surrounding context. Uses in this typology will often be thematically or economically linked to the anchor institution. Residential areas of this typology have a density of 8 to 15 dwelling units per acre.
- **Conditions for All Housing**
 - Should be within a one-half-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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- BUILDING ORIENTATION
 - **2. Orient Towards the Street:** Orient the front façade of a house in the same direction as other houses on the street. Avoid single buildings which turn away from the street and give the appearance that the street façade is not the front façade.
- BUILDING SPACING
 - **1. Reinforce Spacing on the Existing Block:** New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block.



Department of Metropolitan Development
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Current Planning

- **2. Limit Uncharacteristically Large Gaps Between Houses:** Avoid the creation of large open spaces where historically none existed. Such spacing is uncharacteristic and establishes holes in the traditional pattern and rhythm of the street.
- **3. Leave Room for Maintenance:** Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders
- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

PREVIOUS CASES

2023-DV2-010; 526 Blue Ridge Road (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 43-foot 10-inch-tall single-family dwelling (maximum 35-foot height permitted) with a 10-foot rear yard setback (20-foot rear setback required) without a primary entry on the front façade (required), **denied**.

70-V2-114; 526 Blue Ridge Road (subject site), Variance of use and rear yard requirements to permit construction of an addition to existing dormitory residence to house 70 girls, with sorority crest affixed to the house, with off-street parking available across Sunset Avenue, **granted by BZA and reversed and denied by the Superior Court of Marion County**.

61-V-216; 526 Blue Ridge Road (subject site), Request for permission to use the existing dwelling house as a dormitory for students, with off-street parking provided, **granted**.

ZONING HISTORY – VICINITY

2020-DV3-037; 4321 Clarendon Road; 3909 Cornelius Ave, 723 W 44th St, 406 Buckingham Dr, 4340 Sunset Ave, 503 West 49th St, 402 West 41st St, 4454 Boulevard Pl, 4321 Crown St, 325 West 47th St, 245 West 40th St (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 39-foot to 49.2-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (underground utilities only permitted after January 1, 1973.), **denied**.

2014-CVR-835; 340 South White River Parkway (northwest of site), Variance of use of the Central Business Districts Zoning Ordinance to provide for a county jail, community corrections and related uses and facilities associated with a consolidated justice center (SU-8 uses, correctional and penal institutions not permitted), **granted**.

2011-CVR-824 / 525 Blue Ridge Road and 530 West Hampton Road (south of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for the University President's House (Carter House; 525) and the Efrogmson Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers, authors and up to three graduate students, and to provide for an attached garage, with a 0.75-foot front setback from Sunset Avenue (25-foot front setback required), **granted**.

2011-CZN-824; 525 Blue Ridge Road and 530 West Hampton Road (south of site), Rezoning of 0.645 acre from the D-5 District to the UQ-1 classification to provide for the University President's House (Carter House; 525) and the Efrogmson Center for Creative Writing (530), which would have lectures by visiting writers and authors and other university uses, as well as provide for housing for the writers and authors, **withdrawn**.



Department of Metropolitan Development
Division of Planning
Current Planning

2006-DV2-023; 524 Buckingham Drive (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 360-square foot addition to an existing detached garage with a 1.5-foot north side setback, a 1.5-foot aggregate side setback, and to provide for a six-foot tall fence within the right-of-way of Sunset Avenue, **granted**.

2004-HOV-023; 527 West 46th Street (north of site) Variance of the development standards of the Dwelling Districts Zoning Ordinance to legally establish a 420-square foot detached garage located zero feet from the east property line (minimum four-foot side yard setback required) and to provide for a two-story 1,800-square foot building addition to the existing single-family dwelling resulting in the attachment of the nonconforming detached garage to the existing single-family dwelling, **granted**.

99-V1-90; 517 West 46th Street (north of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a second story garage and addition to an existing detached garage for a recreation room with an overall height of 24.5 feet (maximum 20 feet permitted) creating 1,465.1 square feet of detached accessory uses, or 83% of the size of the main floor area of the primary dwelling (maximum 1,313 square feet of 75% of the size of the main floor area of the primary residence permitted), with total accessory uses being 2,290 square feet, or 130% of the size of the main floor area of the primary residence (maximum 1,733 square feet of 99% of the size of the main floor area of the primary residence permitted), having a rear yard setback of two feet (minimum five feet required) and having a side yard setback of two feet (minimum five feet required), **withdrawn**.

93-Z-103; 525 Blue Ridge Road (south of site), Rezoning of 0.21 acre from D-5 district to UQ-1 classification to provide for university-related office uses, **withdrawn**.

89-UV3-35; 518 Buckingham Drive (north of site), Variance of use to permit an addition to an existing detached garage to be used as an artist studio, **granted**.

87-HOV-118; 429 Buckingham Drive (northeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the installation of an in-ground swimming pool with a rear setback of six feet (20 feet required), **denied**.

82-V1-133; 502 Blue Ridge Road (east of site), Variance of development standards to permit an indoor pool and family room addition to the existing residence within the 20-foot rear yard setback, a 15-foot setback is proposed with a storeroom coming within 7.4 feet of the rear property line, **granted**.

59-V-500; 445 Blue Ridge Road (southeast of site), Variance of rear yard requirements to permit construction of a carport attached to the existing dwelling house and extending to 15'3" from the rear lot line, **granted**.

MI

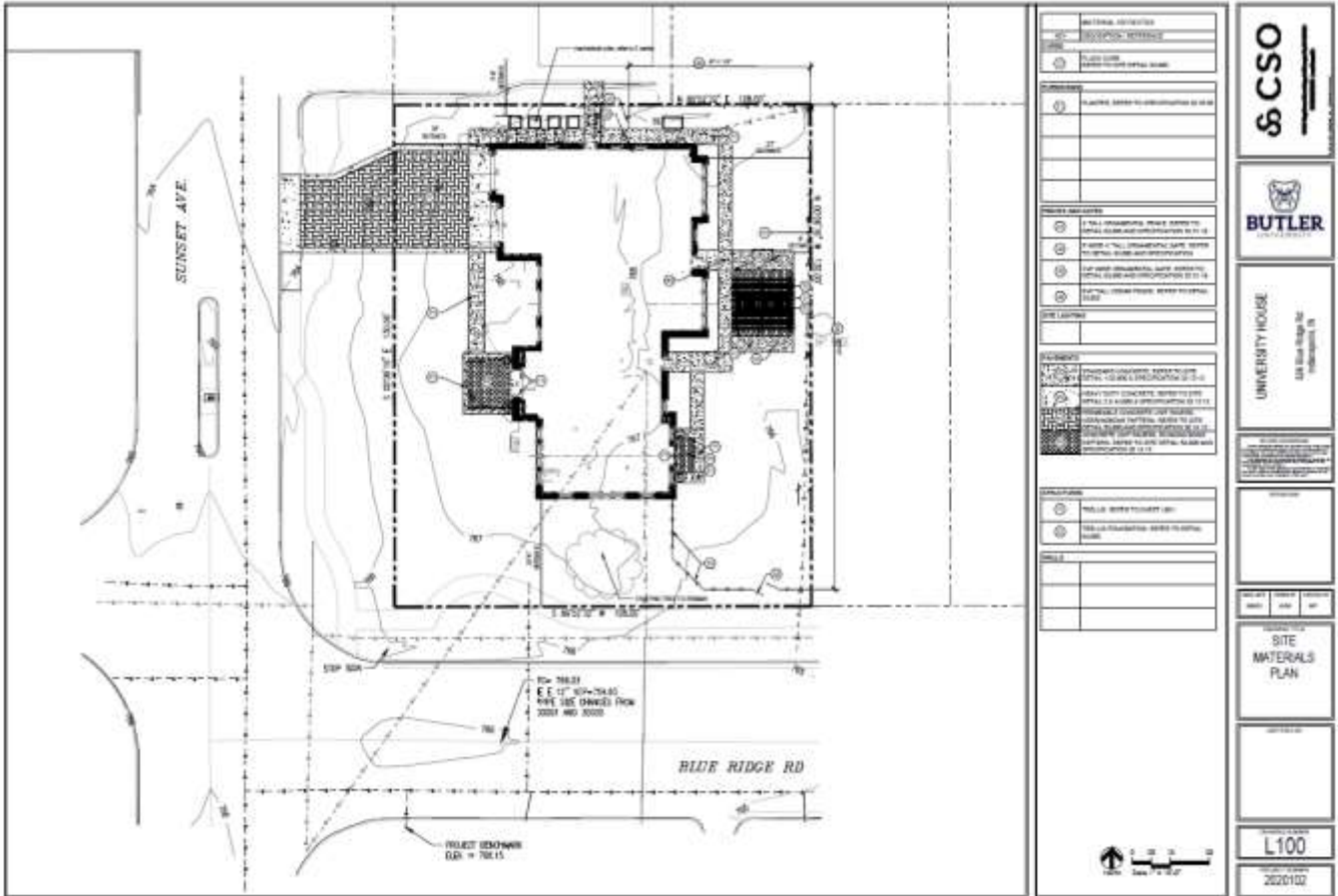


EXHIBITS

Proposal Description 526 Blue Ridge Road (“Site”)

The Site is located at the northeast corner of Sunset Avenue and Blue Ridge Road. Petitioner, Butler University, respectfully requests to rezone the Site to the UQ-2 Zoning District to provide for the construction of a new University House. The University House will be used as a residence for the President of Butler University. The existing house on the Site will be removed to allow for the new University House to be constructed as approximately depicted on the proposed site plan and preliminary rendering filed herewith. In connection with the construction of the new University House, Petitioner also respectfully requests the following variances of development standards:

- Variance of Table 742.103.03 to provide for a north (rear) setback of less than 20 feet;
- Variance of Table 744-701-2 to provide for construction of the new University House without a primary entrance on the front façade. The front façade faces Blue Ridge Road, and Petitioner proposes that the primary entrance be located along the façade which faces Sunset Avenue.





West Elevation



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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:

Petitioner proposes to demolish the existing house and construct a new University House ("New House") on the site with its primary entrance along the facade facing Sunset Avenue and with a north (rear) yard setback of less than 20'. The existing house has its primary entrance facing Sunset Avenue and has had a north (rear) yard setback of less than 20' for many years, which caused no injury to the community. Similarly, the location of the proposed primary entrance and the reduced rear setback of the New House will not be injurious.

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 existing house has a rear yard setback of less than 20' and has had a primary entrance along the Sunset Avenue facade. Such existing setback and primary entrance location have not adversely affected the use or value of the adjacent area. Similarly, the proposed variances relating to the requested reduced rear yard setback and primary entrance location will not adversely affect the use or value of the adjacent area. Further, the parcels that are adjacent to the north, south and west sides of the site are owned by Petitioner.

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

A long existing curb cut along Sunset Ave provides access to/from the existing house's driveway. The proposed location of the New House, including the proposed setback distance from the north property line, allows for the continued use of such existing curb cut to access the New House's driveway and garage and removes the necessity of relocating such curb cut south, closer to the intersection of Blue Ridge Rd. and Sunset Ave. Additionally, a large, mature existing tree is located on the site between the proposed location of the New House and Blue Ridge Road. Shifting the New House south, closer to Blue Ridge Rd may risk the health of the tree. Additionally, the site's longest facade/lot line runs north to south along Sunset Ave, which is where the primary entrance is proposed. The primary entrance of the New House is consistent with the location of the primary entrance of the existing house, which is also along the Sunset Ave facade.



Front yard along Blue Ridge Road



Corner side yard along Sunset Avenue.



University dorms to the west of the subject site across Sunset Avenue.



Single-family dwelling south of the site.



Single-family dwelling east of the site.

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-866 / 2023-CVR-866
Address: 3502 North Shadeland Avenue (Approximate Addresses)
Location: Warren Township, Council District #13 (#9 Beginning 2024)
Zoning: C-S
Petitioner: 3500 Shadeland, LLC, by Russell L. Brown
Request: Modification of Site Plan, Plan of Operation and Commitments related to 2021-ZON-010 / 2021-VAR-002, 2007-ZON-841 / 2007-VAR-841 and 2014-MOD-008 to provide for a revised site plan for a home repair/improvement contractor consisting of two phases with Phase I to include an approximately 16,500 square foot building with approximately 20 Parking Spaces and Phase II to include a second building of approximately 22,000 additional square feet of space, approximately 37 parking spaces as well as a gravel fleet parking and outdoor storage area located on the north portion of the property with three sided structures, and a modification of Commitment #3 to allow for compliance with the site plan submitted with this petition in two development phases.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15,000-square foot building with a five-foot north side setback (minimum 10-foot setback required).

This petition was automatically continued from the January 11, 2024 hearing, to the February 15, 2024 hearing at the request of a registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends approval** of the modifications.

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

SUMMARY OF ISSUES

LAND USE

- ◇ The subject site consists of two parcels. The bulk of the unimproved site, measures 665 feet east to west, and 1305 feet north to south. A 100 by 665-foot strip of land, adjacent to the southeast corner of the property, provides access to Shadeland Avenue.
- ◇ A single-family residential subdivision, zoned D-3, abuts the majority of the site to the west, and a largely unimproved tract of land, zoned D-3, abuts the site to the south. Retail and heavy commercial uses, zoned predominately C-4, are located along Shadeland Avenue to the east and retail and commercial recreation uses, zoned predominately C-4 and C-5, are located along Massachusetts Avenue to the north, northwest and approximately 1/5th of the western boundary.

(Continued)

MODIFICATION OF SITE PLAN AND COMMITMENTS

- ◇ The proposal would modify the site plan, plan of operation, and commitments related to 2021-ZON-010 / 2021-VAR-002, 2007-ZON-841 / 2007-VAR-841 and 2014-MOD-008.
- ◇ Specifically, it would provide for a revised site plan for a home repair/improvement contractor consisting of two phases with Phase I to include an approximately 16,500 square foot building with approximately 20 Parking Spaces and Phase II to include a second building of approximately 22,000 additional square feet of space, approximately 37 parking spaces as well as a gravel fleet parking and outdoor storage area located on the north portion of the property with three sided structures.
- ◇ The newly proposed site plan now includes a building and parking area within the narrow east to west parcel that was previously only proposed as an access drive to the site. The pond would be relocated to the northern portion of the site and the outdoor storage area would be just south of the proposed pond and north of the building west of the IPL electrical easement.
- ◇ The request would also modify Commitment #3, of 2021- to allow for compliance with the site plan submitted with this petition in two development phases instead of being subject to the previous site plan in 2021.
- ◇ The commitments previously approved and retained through petitions 2021-ZON-010 / 2021-VAR-002, 2007-ZON-841 / 2007-VAR-841 and 2014-MOD-008 will remain.
- ◇ Per 2007-ZON-841 / 2007-VAR-841, the commitments include that no billboard will be placed on site, no Electronic Variable Message signs will be placed on site, and Lighting shall be directed downward without backslash onto any adjoining residences or streets.
- ◇ Per 2014-MOD-008, no commitments remain since all were previously terminated.
- ◇ Per 2021-ZON-010 / 2021-VAR-002, the commitments include a tree preservation area, measuring fifty-five (55) feet deep along the west property line and fifteen (15) feet deep along the south property line, shall be maintained. The remainder of Commitment 3 not modified with this request would be the installation of a fence shown on the site plan being opaque along its west side where it abuts residential development and along its south side. Additionally, asphalt millings, at a minimum, shall be used for any fleet parking areas and circulation lanes within the outdoor storage area.

MODIFIED PLAN OF OPERATION

- ◇ The preliminary site plan provides for an approximately 39,000 square feet of buildings, providing a mix of office, showroom, warehouse and distribution space.
- ◇ Phase I would include an approximately 16,500 square foot building with approximately 20 Parking Spaces.

(Continued)

- ◇ Phase II would include a second building of approximately 22,000 additional square feet of space, approximately 37 parking spaces as well as a gravel fleet parking and outdoor storage area located on the north portion of the property with three sided structures.
- ◇ The main building uses would include warehousing and storage, customer showroom and office use affiliated with a pool contractor. The current site plan, at full build-out would support approximately fifty (50) employees which include a mix of on-site employees (approximately 20% of employees) and employees working primarily in the field (approximately 80% of employees).
- ◇ The site plan provides for the ability of customers and delivery trucks to safely exit Shadeland Avenue down a long drive to access the main portion of the Site. The vehicular access will all be through this drive. Prior to the completion of Phase II, the drive will have a cul-de sac at the west end of the narrow portion of the property to prevent vehicular access onto Phase II. This area will also contain a gate to prevent entry onto the undeveloped property. Upon completion of Phase II, this gate will be closed at times when the business is closed. The gate will be located in such a way so that any waiting for gate access can be done outside of the right of way.
- ◇ Hours of operation would be from 6:30 am to 7:30 pm during peak season.
- ◇ Final Site and Landscape Plan Approvals shall be subject to the approval of the Administrator of the Department of Metropolitan Development.

DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for a five-foot north side setback for the proposed 15,000 square foot- building at the entrance of this C-S district.
- ◇ Table 744-201-3 notes that the C-S district requires ten-foot side setbacks.
- ◇ The reduced setback would allow for the construction of a building in this narrow parcel while also providing room for the access drive to the rear of the property.

STAFF ANALYSIS

- ◇ Staff determined that the reduced setback would not negatively impact the adjacent property to the north since the use is heavy commercial and would have similar side setbacks as the commercial properties to along Shadeland Avenue.
- ◇ The proposed two-phase development would not cause an impact to the surrounding properties and the uses would still be in line with the uses historically approved on site. The commitment for asphalt milling would still be in place for the gravel fleet parking and outdoor storage area.
- ◇ Therefore, staff is supportive of the requests.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Compact Undeveloped

(Continued)

SURROUNDING ZONING AND LAND USE

North	C-5	Commercial
South	D-3 / C-4	Horse Stable / Commercial
East	D-7/ C-4 / C-S	Commercial
West	D-3 / C-4	Residential (Single-family dwellings) / Commercial

COMPREHENSIVE PLAN The Comprehensive Plan recommends light industrial and community commercial development.

THOROUGHFARE PLAN Shadeland Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 138-foot existing right-of-way and a 104-foot proposed right-of-way.

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

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

SITE PLAN File-dated November 30, 2023.

PLAN OF OPERATION File-dated November 30, 2023.

FINDINGS OF FACT File-dated November 30, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES

2021-ZON-010 / 2021-VAR-002; 3502 North Shadeland Avenue (subject site), Rezoning of 20.12 acres from the C-S district to the C-S district classification for a home repair/improvement contractor (including pools and related uses) with offices, showrooms, warehouse-distributions, fleet parking and indoor/outdoor storage of materials and equipment, with the TERMINATION of Commitments Two, Three, Four, Five, Six and Seven of 2007-ZON-841/2007-VAR-841, and the TERMINATION of Commitments One, Two, Three and Four of 2014-MOD-008. (The following Commitments for 2007-ZON-841/2007-VAR-841 would be terminated: All parking, storage, and maneuvering areas shall consist of asphalt, concrete, or other paving material to provide a dust-free surface and shall be completed within ten months of the completion of the trailer repair building. In the interim, no storage on gravel surfaces shall occur; Access drives/driveways to the mini-warehouses shall consist of asphalt, concrete, or other paving material, to provide a dust-free surface; A tree preservation area, measuring fifty-five (55) feet deep along the west property line and fifteen (15) feet deep along the south property lines, shall be maintained; A minimum six-foot masonry wall or solid fence shall be erected along the interior of the south and west transitional yards; Landscaping shall be planted and maintained within all required yards and transitional yards as required by the Commercial Zoning Ordinance; The commitments requested by the Department of Public Works related to general infrastructure, sanitary sewer and wastewater management, and storm water management, dated August 27, 2007.

The following Commitments for 2014-MOD-018 would be terminated: All other commitments are hereby ratified and confirmed (for 2007-ZON-841/2007-VAR-841); A six foot (6') tall solid wall of fence shall be provided connecting the northern and southern ends of the westernmost buildings as shown on the site plan filed with the Department of Metropolitan Development and file-dated May 21, 2014 (the Site Plan); No access doors or access aisles shall be provided along the western side of the westernmost buildings, as indicated on the Site Plan; Auto, truck and bus repair and the 16.2 acres of outdoor vehicle storage associated therewith in connection with 2007-ZON-VAR-841 shall be prohibited; however, nothing shall prohibit vehicle/boat/RV camper storage associated with the self-storage/mini-warehouse use permitted by 2007- ZON-841/2007-VAR-841 as modified by 2014-MOD-008.) and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor operation with an eight foot tall chain link fence surrounding the outdoor storage area, with screening material on the interior side of the fence (maximum six-foot tall fence, coated chain link fence required, fence slats not permitted, and without the required walkway from the required Shadeland Avenue sidewalk to the primary building (walkway required), **approved and granted subject to commitments.**

2014-MOD-008; 3502 North Shadeland Avenue (subject site) Modification of Commitments and Site Plan to terminate Commitment #5 and revise the site plan file-dated September 7, 2007, related to 2007-ZON-841 / 2007-VAR-841 to eliminate the requirement for the erection of a six-foot tall masonry wall and fence within the interior of the west and south transitional yards and to provide for a revised site plan for a self-storage facility for the entire site (Site plan provided for mini-warehouses and automobile, truck and bus repair with a 7.1-acre, paved outdoor storage area for vehicles and a 9.1-acre, gravel outdoor storage area for vehicles), **approved.**

2007-ZON-841 / 2007-VAR-841; 3502 North Shadeland Avenue (subject site) Rezoning of 21.435 acres from the I-2-S District to the C-S classification, to provide for mini-warehouses and automobile, truck and bus repair with a 7.1-acre, paved outdoor storage area for vehicles and a 9.1-acre, gravel outdoor storage area for vehicles, **approved**

96-Z-122; 3502 North Shadeland Avenue (subject site), Rezoning of 21.5 acres from D-7 and C-4 to I-2-S to provide for light industrial development, including a warehouse and distribution center for a wholesale food distribution business, **granted.**

67-Z-13; East 38th Street (subject site), Rezoning of 21.678 acres being in B-2 district to D-7 classification to provide for the construction of apartments, **approved.**

ZONING HISTORY – VICINITY

2021-ZON-042; 3610 Shadeland Avenue (east of site), Rezoning of 1.47 acres from the C-4 district to the C-7 district, **approved.**

2013-ZON-001; 3401 North Shadeland Avenue (southeast of site), to the C-S classification to provide for the sale of scooters exceeding 50 cc displacement, in addition to the uses approved by 97-Z-19, **approved.**

2007-UV1-012; 3610 North Shadeland Avenue (abutting site to east), variance of use and development standards to legally establish sale of industrial conveyors and related equipment with excessive outdoor storage and display, in C-4, **granted.**

(Continued)

2007-ZON-022; 3728 North Shadeland Avenue (northeast of site), Rezoning 0.46 acre from the D-3 and C-4 District to the C-4 classification, **approved.**

2001-ZON-050; 3403 North Shadeland Avenue (southeast of site), Rezoning of 2.78 acres from the C-4 district to the C-S district to provide for C-4 uses, wholesaling, warehousing distribution and self-storage, **approved.**

99-Z-92; 3702 North Shadeland Avenue (east of site), Rezoning of 5.2 acres from the D-3 district to the C-S district to provide for a plumbing contractor, limited commercial and industrial uses and C-4 uses, **approved.**

98-Z-118; 3701 North Shadeland Avenue (east of site), Rezone 1.5 acres from C-4 to C-5 to provide for automotive related service businesses, **withdrawn.**

97-Z-19; 3401 North Shadeland Avenue (southeast of site), Rezoning of 2.47 acres from C-4 to C-S to allow for C-4 uses and limited C-7 uses, **granted.**

95-UV3-42; 3610 North Shadeland Avenue (abutting site to east), variance of use to provide for outdoor display of cemetery monuments and markers, in C-4, **granted.**

91-Z-163; 3621 North Shadeland Avenue (east of site), Rezoning of 0.41 acre from the C-4 district to the C-5 district, **withdrawn.**

90-Z-109; 3716 North Shadeland Road (northeast of site), Rezoning of 0.75 acre, being in the D-3 District, to the C-4 classification to legally establish an existing carwash, **approved.**

88-Z-117; 7151 East 38th Street (southeast of site), Rezoning of 11.85 acres, being in the A-1 district, to the to the SU-2 classification to conform the zoning with existing school, **approved.**

88-Z-115; 6901 East 38th Street (north of site) Rezoning of 9.5 acres, being in the C-4 district, to the C-5 classification to conform the zoning with the existing use, **approved.**

87-Z-39; 6925 East 38th Street (northeast of site), Rezoning of 1.00 acre, being in the D-3 District, to the C-4 classification to provide for the reuse of an existing building as a restaurant, approved.

85-UV2-65; 3702 North Shadeland Avenue (abutting site to east), variance of use to provide for outside storage, display and sales for an existing hardware store, in D-3, **granted.**

85-UV3-34; 3702 North Shadeland Avenue (abutting site to east), variance of use to provide for the sales of towing equipment and school buses, in C-4, **granted.**

82-Z-59; 3518 and 3520 North Shadeland Avenue (east of site), Rezoning of three acres from the D-3 district to the C-4 district, **approved.**

82-Z-11; 3616 North Shadeland Avenue (east of site), Rezoning of 2.5 acres from the D-3 district to the C-4 district, approved.

80-Z-152; 6905 East 38th Street (northeast of site), Rezoning of 1.67 acres, being in the D-3 District, to the C-5 classification to provide for automobile sales, **approved.**

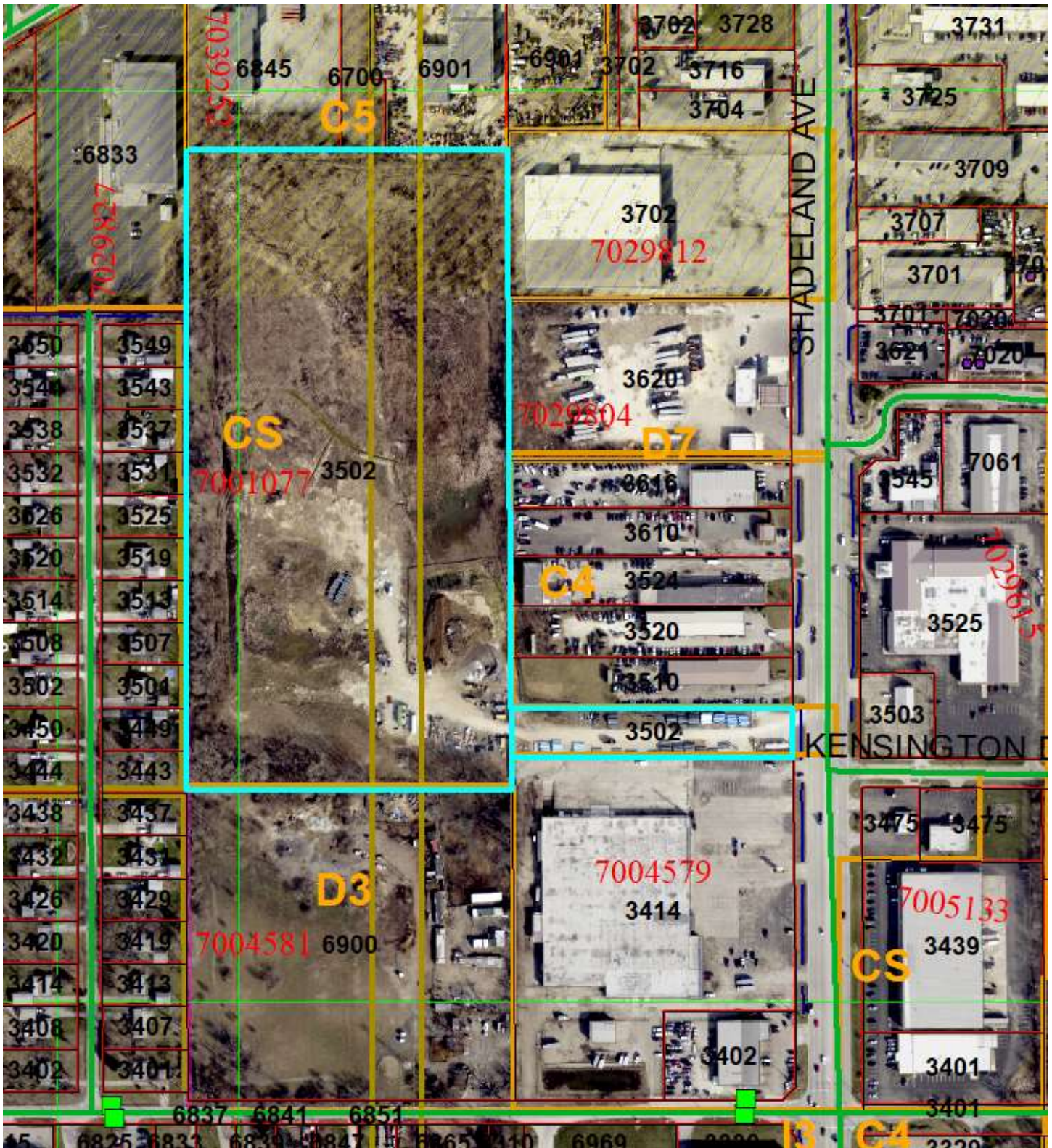
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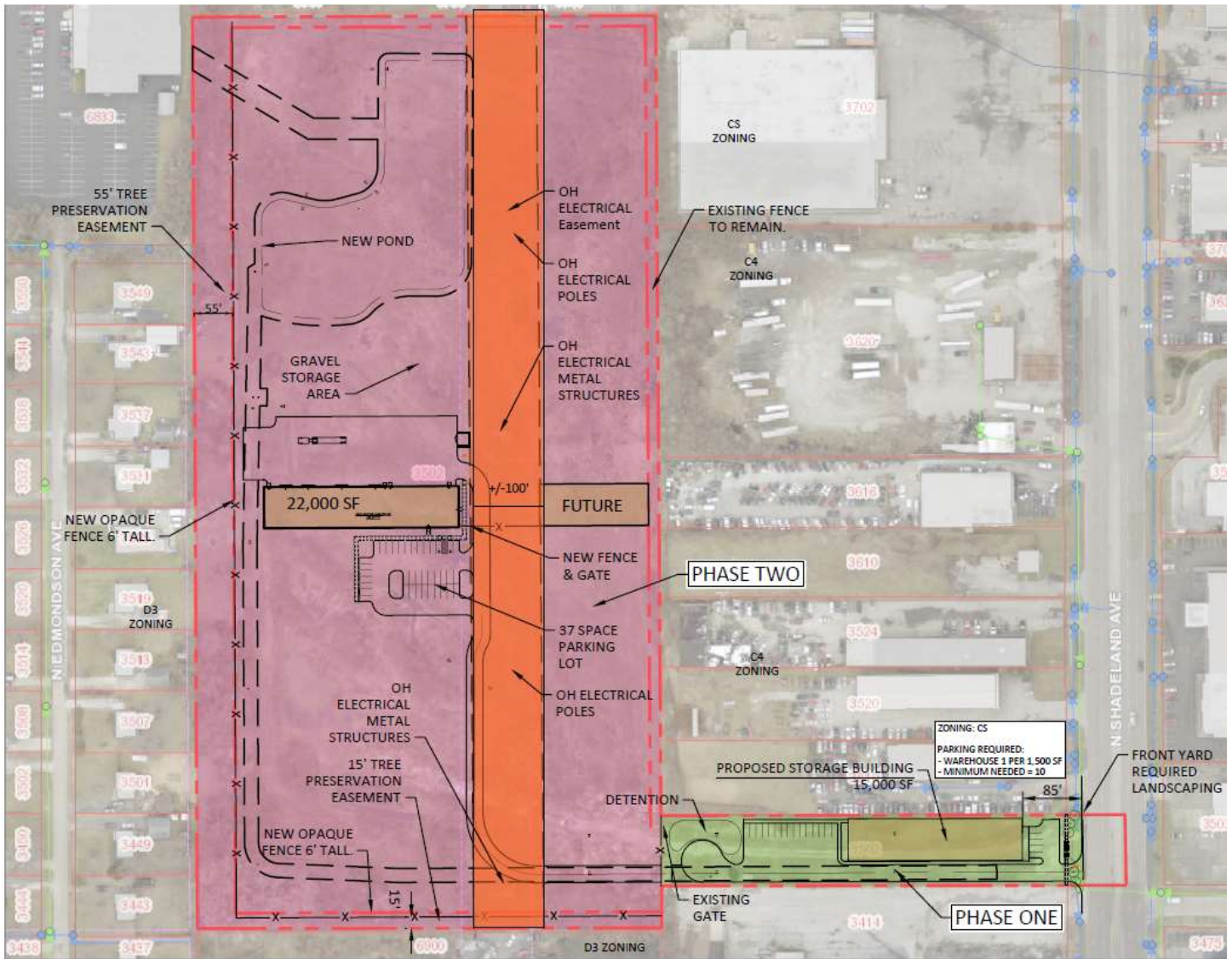
73-Z-153; 3610 North Shadeland Avenue (east of site), Rezoning of 1.5 acre from the D-4 district to the C-4 district, **approved.**

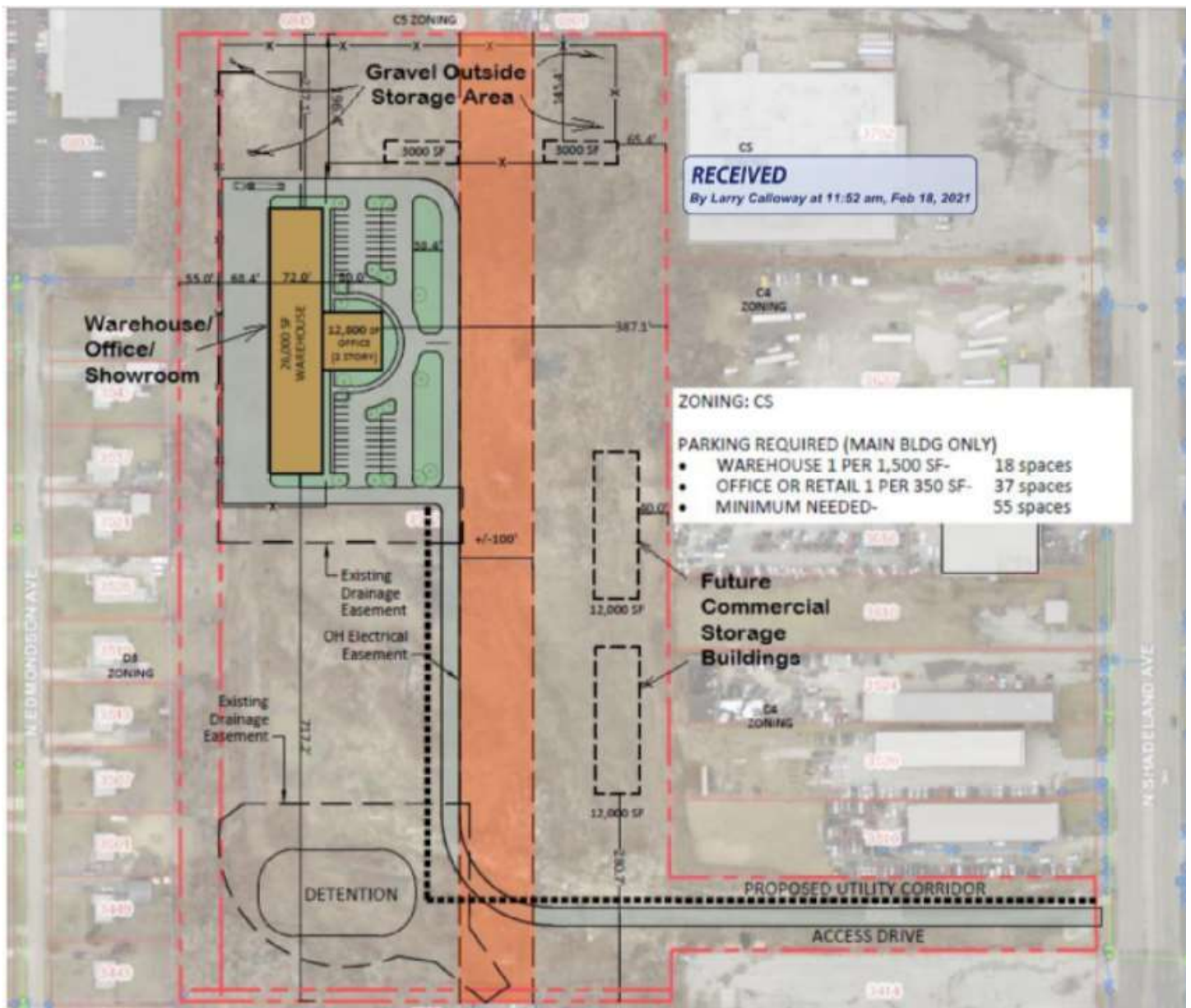
73-Z-123; 3524 North Shadeland Avenue (east of site), Rezoning of 1.5 acre from the D-3 district to the C-4 district, **approved.**

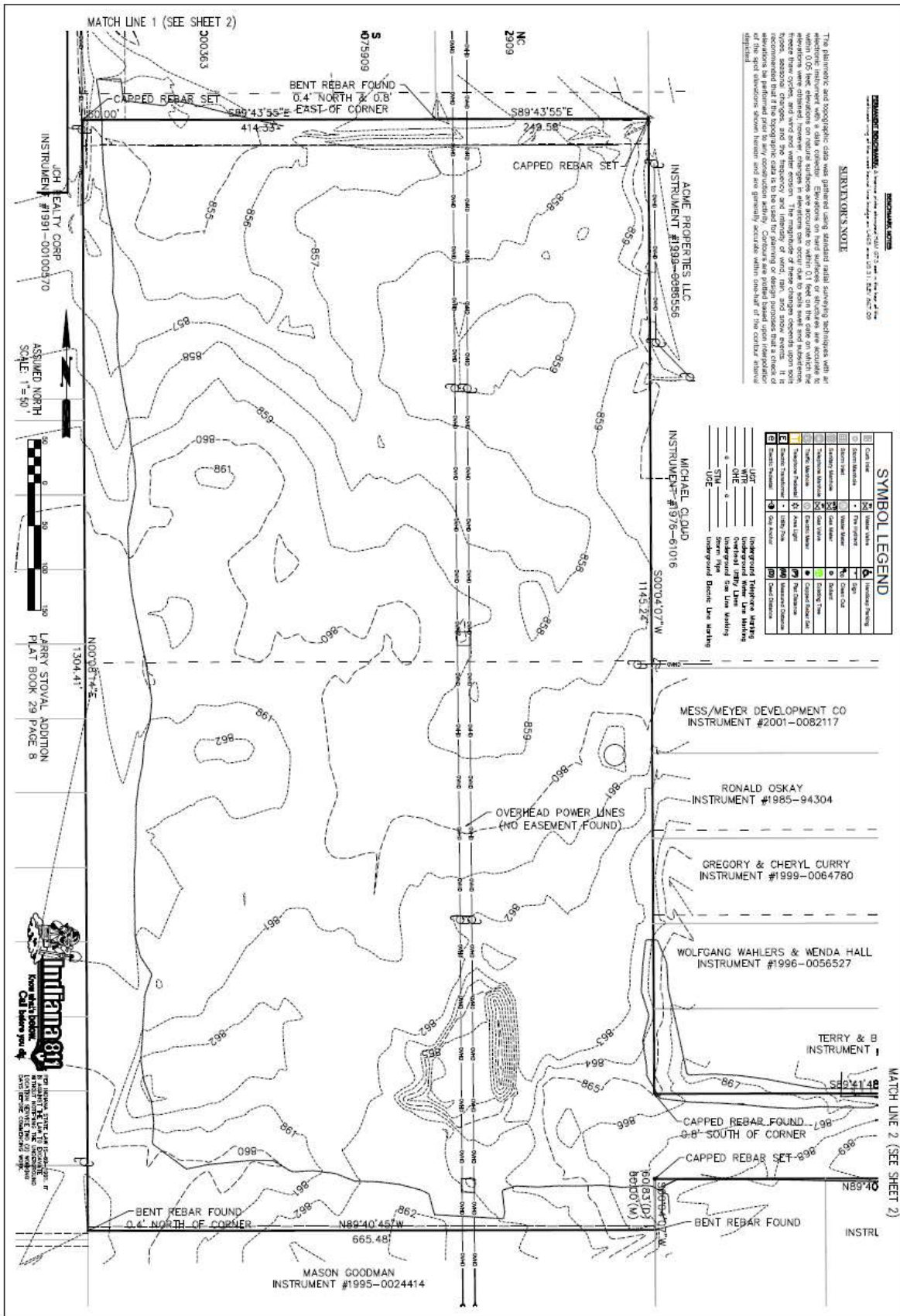
68-Z-88; East 38th Street (northeast of site), Rezoning of 2.14 acres, being in the D-3 district to B-2 classification to provide for the construction of office buildings and personal service shops, **approved.**

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DISCLAIMER: This instrument was prepared using standard aerial photography techniques with electronic instrument with a data collector. Elevation on third surfaces or structures are accurate to within 0.05 feet. Elevations on natural surfaces are accurate to within 0.1 feet on the date on which the field notes were taken. The accuracy of the elevations shown on this instrument is dependent upon the accuracy of the original data. The accuracy of the elevations shown on this instrument is dependent upon the accuracy of the original data. The accuracy of the elevations shown on this instrument is dependent upon the accuracy of the original data. It is recommended that the topographic data be used for planning or design purposes that a check of the spot elevations shown hereon and are generally accurate within one-half of the contour interval depicted.

SURVEYOR'S NOTE:

SYMBOL LEGEND

UTM	Underground Telephone Lighting
WTR	Underground Water Line
OH	Overhead Utility Line
STL	Street Light
USE	Underground Electric Line
UTM	Underground Telephone Lighting
WTR	Underground Water Line
OH	Overhead Utility Line
STL	Street Light
USE	Underground Electric Line

DATE: 07-28-2014

SHEET 1 OF 2

DATE: 07-28-2014

ALTA/ACSM LAND TITLE SURVEY

3502 NORTH SHADELAND AVENUE

INDIANAPOLIS, INDIANA

Prepared For:

STORAGE OF AMERICA

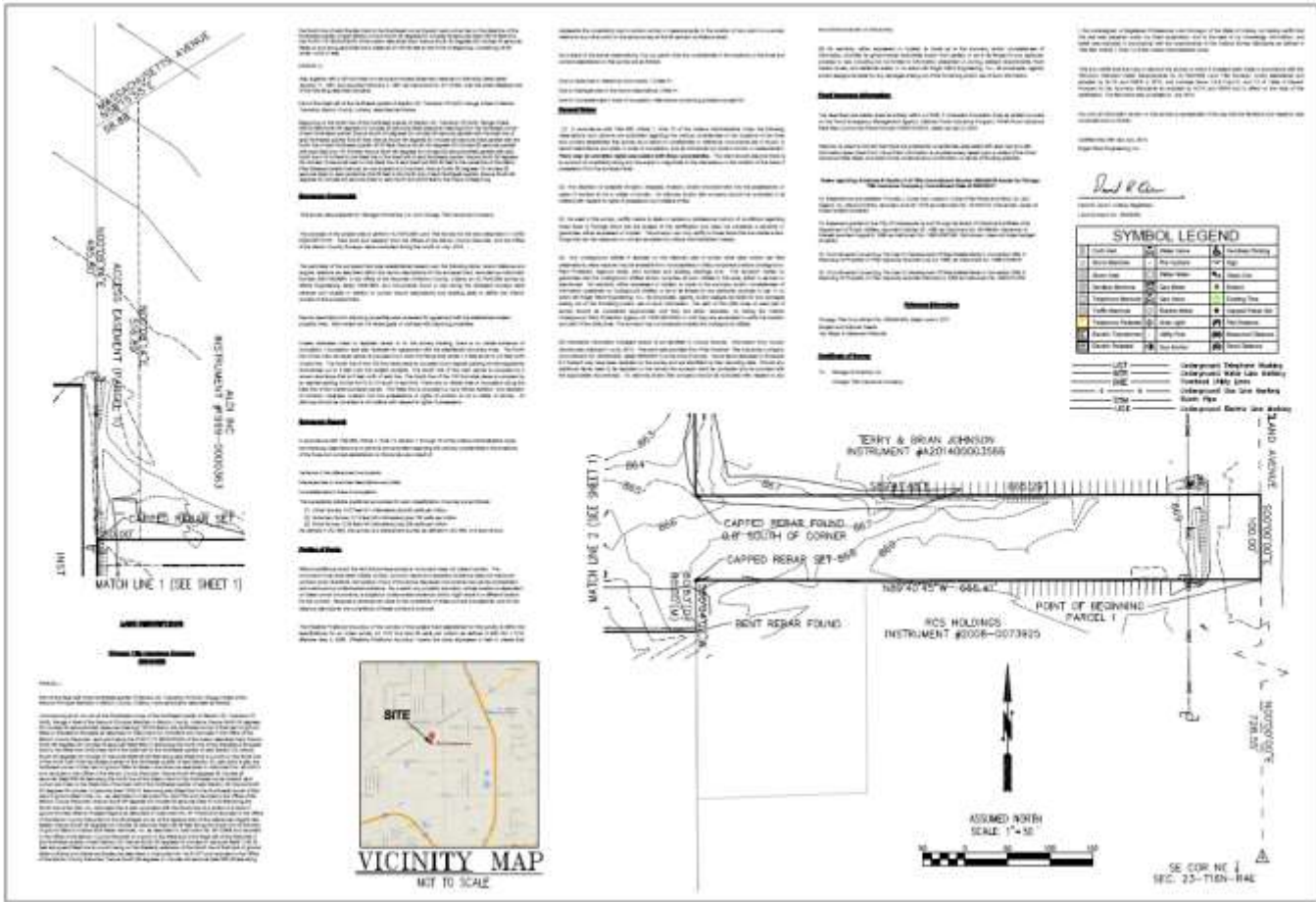
ROGER WARD ENGINEERING INC

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Surveyed for:
STORAGE OF AMERICA
 3502 NORTH SHADELAND AVENUE
 INDIANAPOLIS, INDIANA 46202

ALTAACSM LAND TITLE SURVEY
 3502 NORTH SHADELAND AVENUE
 INDIANAPOLIS, INDIANA

Surveyed by:
Roger Ward
 DATE: 01-08-2014

Scale: 1" = 40'

PLAN OF OPERATION

3502 N. SHADELAND AVENUE

SUBJECT PROPERTY: The subject property consists of a 20.12+/- acres which is connected to the Shadeland Avenue right of way via a narrow portion of the property approximately 575' in length (the "Site").

Use: Currently, the parcel carries a CS zoning previously approved for the development of home repair contractor. The Site is largely vacant.

The proposal includes rezoning the site to Commercial Special (C-S) to provide for the development, in two potential phases of a new corporate headquarters for a home repair/improvement contractor which will consist of a mix of showroom, office, warehouse/distribution, fleet parking and outdoor material storage, as well as associated employee and customer parking.

The modification from the previously approved CS Zoning will add development to the narrow portion of the property as Phase I, while reserving development in accordance with the previously approved CS Site plan as Phase II.

Site Plan: The preliminary site plan provides for an approximately 39,000 square foot of buildings, providing a mix of office, showroom, warehouse and distribution space.

Phase I would include an approximately 16,500 square foot building with approximately 20 Parking Spaces.

Phase II would include a second building of approximately 22,000 additional square feet of space, approximately 37 parking spaces as well as a gravel fleet parking and outdoor storage area located on the north portion of the property with three sided structures.

The main building uses would include warehousing and storage, customer showroom and office uses affiliated with a pool contractor. The current site plan, at full build-out would support approximately fifty (50) employees which include a mix of on-site employees (approximately 20% of employees) and employees working primarily in the field (approximately 80% of employees).

Vehicle and Pedestrian Plan: The site plan provides for the ability of customers and delivery trucks to safely exit Shadeland Avenue down a long drive to access the main portion of the Site. The vehicular access will all be through this drive. Prior to the completion of Phase II, the drive will have a cul de sac at the west end of the narrow portion of the property to prevent vehicular access onto Phase II. This area will also contain a gate to prevent entry onto the undeveloped property. Upon completion of Phase II, this gate will be closed at times when the business is closed. The gate will be located in such a way so that any waiting for gate access can be done outside of the right of way.

Hours and Details of Operation: The office and showroom portion of the use will operate with traditional office/retail hours, but other uses within the Site will be accessed prior to field work being started at the beginning of the day and after field work at the close of the day. The hours would start no earlier than 6:30 a.m. during peak season and end no later than 7:30 p.m. during peak season.

Parking: Parking will be in compliance with the Zoning Ordinance, Chapter 744, Article IV, Table 744-402.1.

Administrative Approvals: Final Site and Landscape Plan Approvals shall be subject to the approval of the Administrator of the Department of Metropolitan Development.

Petition Number _____

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

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

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

The proposed development of the property will be phased based on changes in construction costs since the original approval. Development of the initial phase will be on a portion of the property which is narrow. When allowing for construction of a drive aisle to allow for future development of Phase II as well as maneuvering area near the proposed building, the site becomes very tight. The reduced setback will not impair the use of adjoining properties, many of which have a similar smaller setback. The reduced setback does not impact the public safety of adjoining properties or the public at large because the building will still be constructed in accordance with modern building codes.

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 historic development pattern in the area provides for narrow side yard setbacks from either building façades or drive aisles or parking areas. The relatively narrow width of the historic lots has created a development pattern which is similar to that being requested by petitioner. The site has long been undeveloped, so activation of the site will be positive to surrounding properties.

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

The need to retain flexibility for developing the larger portion of the property located away from the right of way requires a site design with a drive aisle and detention which can be contained on the smaller portion of the parcel. These design requirements provide reduced buildable area on the narrow portion of the site. Without relief from the setbacks, the petitioner would be required to sacrifice parking areas to build a building of usable size or be required to impair future development opportunities for the back portion of the parcel, neither outcome is ideal for orderly development.

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

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

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the contract purchaser 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:

SEE EXHIBIT A.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. TERMINATION of Commitments Two, Three, Four, Five, Six and Seven of 2007-ZON-841/2007-VAR-841 (Instrument # 2008-0014755).
2. TERMINATION of Commitments One, Two, Three and Four of 2014-MOD-008 (Instrument # 2014-79071).
3. MODIFICATION of Commitment Three -2021-ZON-010/2021-VAR (Instrument No. A202100064232) to allow for development of site in two phases, subject to site plan being administratively reviewed and approved. Development in Phase 2 shall require fence shown on the site plan being opaque along its west side where it abuts residential development and along its south side. Additionally, asphalt millings, at a minimum, shall be used for any fleet parking areas in Phase 2 and circulation lanes within the outdoor storage area.
4. Commitment Four in 2021-ZON-010/2021-VAR (Instrument No. A202100064232) shall be retained.
5. Commitments Eight, Nine and Ten of 2007-ZON-841 /2007-VAR-841, recorded as Instrument No. 2008-0014755 shall be retained.

A202100064232

05/14/2021 09:13 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 3
By: GW

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

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1. TERMINATION of Commitments Two, Three, Four, Five, Six and Seven of 2007-ZON-841/2007-VAR-841 (Instrument # 2008-0014755).
2. TERMINATION of Commitments One, Two, Three and Four of 2014-MOD-008 (Instrument # 2014-79071).
3. The site development shall be consistent with the amended site plan dated February 24, 2021 subject to the fence shown on the site plan being opaque along its west side where it abuts residential development and along its south side. Additionally, asphalt millings, at a minimum, shall be used for any fleet parking areas and circulation lanes within the outdoor storage area.
4. A tree preservation area, measuring fifty-five (55) feet deep along the west property line and fifteen (15) feet deep along the south property line, shall be maintained.
5. Commitments Eight, Nine and Ten of 2007-ZON-841 /2007-VAR-841, recorded as Instrument No. 2008-0014755 shall be retained.



Photo of the Subject Property: 3502 North Shadeland Avenue



Photo of the narrow southern parcel looking northwest to the larger parcel.



Photo narrow southern parcel looking east towards Shadeland Avenue.



Photo of vehicles and office on site.



Photo of the transmission business north of the site.



Photo of the commercial shopping strip south of the site.



Photo of the commercial uses east of Shadeland Avenue.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-868 / 2023-CPL-868
Address: 9024 West Mooresville Road (Approximate Addresses)
Location: Decatur Township, Council District #20 (#21 Beginning 2024)
Petitioner: Dean Ehr Gott & Greg Gass, by David Gilman
Requests: Rezoning of 2.88 acres from the D-A district to the D-1 district to provide for two residential lots.

Approval of a Subdivision Plat to be known as Camby Hosta Estates, dividing 2.88 acres into two lots.

This petition was continued from the January 25, 2024 hearing to the February 15, 2024 hearing at the request of the petitioner.

RECOMMENDATIONS

Staff recommends **approval of the rezoning** petition 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 35-foot half right-of-way shall be dedicated along the frontage of Mooresville 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).

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated December 14, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.

(Continued)

STAFF REPORT 2023-CZN-868 / 2023-CPL-868 (Continued)

7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The 2.88-acre subject site is zoned D-A and developed with a single-family dwelling and accessory structures.
- ◇ This petition would rezone the property to the D-1 district to allow for a smaller lot size and width and would subdivide the property into two individual lots.

REZONING

- ◇ This petition would rezone this site from the D-A district to the D-1 district.
- ◇ The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

(Continued)

STAFF REPORT 2023-CZN-868 / 2023-CPL-868 (Continued)

- ◇ The D-1 district is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 District provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife. Use of the cluster option when subdividing would maximize site advantages.
- ◇ The Comprehensive Plan recommends suburban neighborhood development. 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

PLAT

- ◇ The plat would subdivide the subject site into two lots. The proposed plat meets the standards of the D-1 zoning classifications as proposed in the companion rezoning.

TRAFFIC / STREETS

- ◇ The proposed lots would front on Mooresville Road and would not have alley access. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are required on Mooresville Road.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 35-foot half right-of-way along Mooresville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

(Continued)

STAFF REPORT 2023-CZN-868 / 2023-CPL-868 (Continued)

Staff Analysis

- ◇ The rezoning of the site to the D-1 district would be appropriate at this location since it would allow for additional residential development and aligns with the suburban neighborhood recommendation of the Comprehensive Plan.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Residential (Single-family dwellings)
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SURROUNDING ZONING AND LAND USE

North	D-4	Residential (Single-family dwellings)
South	D-A	Residential (Single-family dwelling)
East	D-4	Residential (Single-family dwellings)
West	D-4	Residential (Single-family dwellings)

COMPREHENSIVE LAND USE PLAN The Comprehensive Plan recommends suburban neighborhood development.

THOROUGHFARE PLAN Mooresville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 50-foot existing and an 80-foot proposed right-of-way.

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

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

PRELIMINARY PLAT File-dated December 14, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

(Continued)

STAFF REPORT 2023-CZN-868 / 2023-CPL-868 (Continued)

ZONING HISTORY – VICINITY

2023-ZON-119; 7725 Kentucky Avenue (north of site), Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development, **pending**.

2022-ZON-057; 8849 and 9047 West Mooresville Road (south of site), Rezoning of 139.4 acres from the D-A and D-4 districts to the D-3 district to provide for residential development, **withdrawn**.

2019-ZON-036; 8900 Mooresville Road (north of site), 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**.

2005-PLT-071; 8900 Mooresville Road (east of site), Approval of a subdivision plat to be known as The Groves at Camby Village, Section One, dividing 16.412 acres into 64 lots, **approved**.

2005-PLT-022; 8900 West Mooresville Road (east of site), Subdivision approval dividing 32.87 acres into 125 lots, **approved**.

2004-PLT-013; 8900 Mooresville Road (east of site), Approval of a subdivision plat to be known as Camby Village, Section Two, dividing 18.21 acres into 68 lots, **approved**.

2002-PLT-056; 9000 West Mooresville Road (surrounding the site), Approval of Section One of Camby Village, subdividing 23.76 acres into 83 lots, **approved**.

96-Z-76A; 7401 Kentucky Avenue (north of site), 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**.

(Continued)

STAFF REPORT 2023-CZN-868 / 2023-CPL-868 (Continued)

96-Z-76B; 7401 Kentucky Avenue (north of site), Rezoning of 82.04 acres, being the D-3 and D-7 Districts, to the C-4 classification to provide a community-regional commercial district characterized by major retail business groupings and regional shopping centers, **approved.**

96-Z-76C; 8201 Camby Road (north of site), Rezoning of 9.39 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, **approved.**

96-Z-76D; 8302 Trotter Road (southeast of site), 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 with a typical density of 2.6 residential units per acre, **approved.**

MI

2023-CZN-868 / 2023-CPL-868; Aerial Map



2023-CZN-868 / 2023-CPL-868; Site Plan

**SECONDARY PLAT OF:
CAMBY HOSTA ESTATES**
PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SEC. 16, T14N, R2E
INDIANAPOLIS, DECATUR TOWNSHIP, MARION COUNTY, INDIANA

LEGEND

LOT ADDRESS

LOT 1: 1.6022 ACRES

LOT 2: 1.7946 ACRES

NOTES

1. The plat is subject to the provisions of the Indiana Subdivision Act, Chapter 36, Article 10, of the Indiana Code.

2. The plat is subject to the provisions of the Indiana Platting Act, Chapter 36, Article 14, of the Indiana Code.

INSET MAP
(NOT TO SCALE)

LOT 1
1.6022 ACRES

LOT 2
1.7946 ACRES

MOOREVILLE ROAD

Dimensions:
 North: 360.00'
 East: 300.00'
 South: 300.00'
 West: 360.00'

OWNER CERTIFICATE

I, the undersigned, being the owner of the above described premises, do hereby certify that the same are as shown on the attached plat and that the same are not subject to any liens or other claims.

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public for Marion County, Indiana

NOTARIZATION

I, the undersigned, Notary Public for Marion County, Indiana, do hereby certify that the foregoing is a true and correct copy of the original and that the same are as shown on the attached plat and that the same are not subject to any liens or other claims.

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public for Marion County, Indiana

2023-CZN-868 / 2023-CPL-868; Photographs



Photo of the Subject Property: **9024 West Mooresville Road**



Photo of one an existing detached garge and carport on site.



Photo of existng accessory structures on site looking northeast on the site.



Photo of the eastern property boundary.



Photo of the existing sidewalk west of the subject site along Mooresville Road.



Photo of the subdivision west of the subject site.



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

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-102
Address: 117 (119) North Sherman Drive (Approximate Addresses)
Location: Center Township, Council District #12
Petitioner: Verma Properties, Inc., by Sharmin Frye
Request: Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

ADDENDUM FOR FEBRUARY 15, 2024 HEARING EXAMINER

This petition was continued from the January 11, 2024 hearing to the February 15, 2024 hearing at the request of the petitioner to allow more time for staff to review a revised site plan submitted on January 2, 2024.

The amended site plan notes additions in two phases. Phase I would be a 775 square-foot building addition that would be maintained within the 3801 East New York Street address to the north of the subject site. Phase II would propose a 1,400 square foot addition to be constructed into the subject site to be rezoned.

Because the site plan confirms staff's concerns with future commercial encroachment into the property recommended for traditional neighborhood development, staff **continues to recommend denial of the request.**

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

A 44-foot half right-of-way shall be dedicated along the frontage of Sherman Drive, 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).

ADDENDUM FOR JANUARY 11, 2024 HEARING EXAMINER

This petition was continued from the December 14, 2023 hearing to the January 11, 2024 hearing at the request of the petitioner to allow more time to provide additional information to staff for review. A revised site plan was submitted on January 2, 2024 which did not allow sufficient time for staff to review.

The petitioner intends to request a final continuance to the January 25, 2024 hearing. Staff has no objection to this final continuance request but will not support any additional continuances.

December 14, 2023

This petition was continued from the November 16, 2023 hearing to the December 14, 2023 hearing at the request of the petitioner to allow additional time for the mailing of the notice requirement to be fulfilled.

(Continued)

RECOMMENDATIONS

Staff **recommends denial** of this request.

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

A 44-foot half right-of-way shall be dedicated along the frontage of Sherman Drive, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.11 acres subject site is an undeveloped residential lot. It abuts a gas station and convenience store to the north, zoned C-3, a vacant four-unit building to the west, zoned D-5, a single-family dwelling to the south, zoned D-5, and an undeveloped residential lot to the east, zoned D-5.

REZONING

- ◇ The request would rezone the parcel from the D-5 district to the C-3 district to allow for the expansion of the convenience store located north at 3801 New York Street and for the required transitional yard to be provided.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

(Continued)

- ◇ The Comprehensive Plan recommends traditional neighborhood development for the site. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- ◇ The site is located within the Blue Line TOD Strategic Plan and falls within the Transit Oriented Development Secondary Zoning District. It falls within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove the proposed convenience store use and excludes automotive uses such as gas stations.
- ◇ The closest station to the site is located within a ¼ mile south at the intersection of Sherman Drive and Washington Street. This station is categorized as a Community Center, which calls for a dense mixed-use neighborhood center, minimum of two stories at core, no front or side setbacks at core: zero to 10 feet front setbacks and zero to ten-foot side setbacks at periphery, multi-family housing with a minimum of 3 units and structured parking at the core and attractive surface parking at the periphery.

Department of Public Works

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

Staff Analysis

- ◇ The rezoning of the site to a commercial district would not be appropriate at this location since it zoned residentially, aligns with the traditional neighborhood recommendation of the Comprehensive Plan, and could be developed with a residential use as intended to ensure the availability of housing options.
- ◇ If approved, this would be a commercial encroachment into the residential area which could negatively impact the residents in the immediate area.
- ◇ Staff understands that the site plan submitted only shows that the required transitional yard would be located at this site, but it would not prevent any future building or parking expansions onto the site since it would be zoned for the use.
- ◇ For these reasons, staff is recommending denial of the request.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5 Compact Undeveloped

SURROUNDING ZONING AND LAND USE

North	C-3	Gas station and convenience store
South	D-5	Residential (Single-family dwelling)
East	D-5	Undeveloped Residential Lot
West	D-5	Vacant Residential Building

COMPREHENSIVE PLAN

The Comprehensive Plan recommends traditional neighborhood development.

OVERLAY

This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line.

THOROUGHFARE PLAN

Sherman Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 62-foot existing right-of-way and an 88-foot proposed right-of-way.

CERTIFIED PLAN

The site falls within a Certified Plan, specifically the Near Eastside Quality of Life Plan.

FLOODWAY / FLOODWAY FRINGE

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

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

SITE PLAN

File-dated October 11, 2023.

AMENDED SITE PLAN

File-dated January 2, 2024.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2012-ZON-077; 305 North Sherman Drive (north of site), Rezoning of 0.25 acre, from the D-5 and C-3 District, to the C-3C classification to provide for residential and commercial development, **approved.**

(Continued)

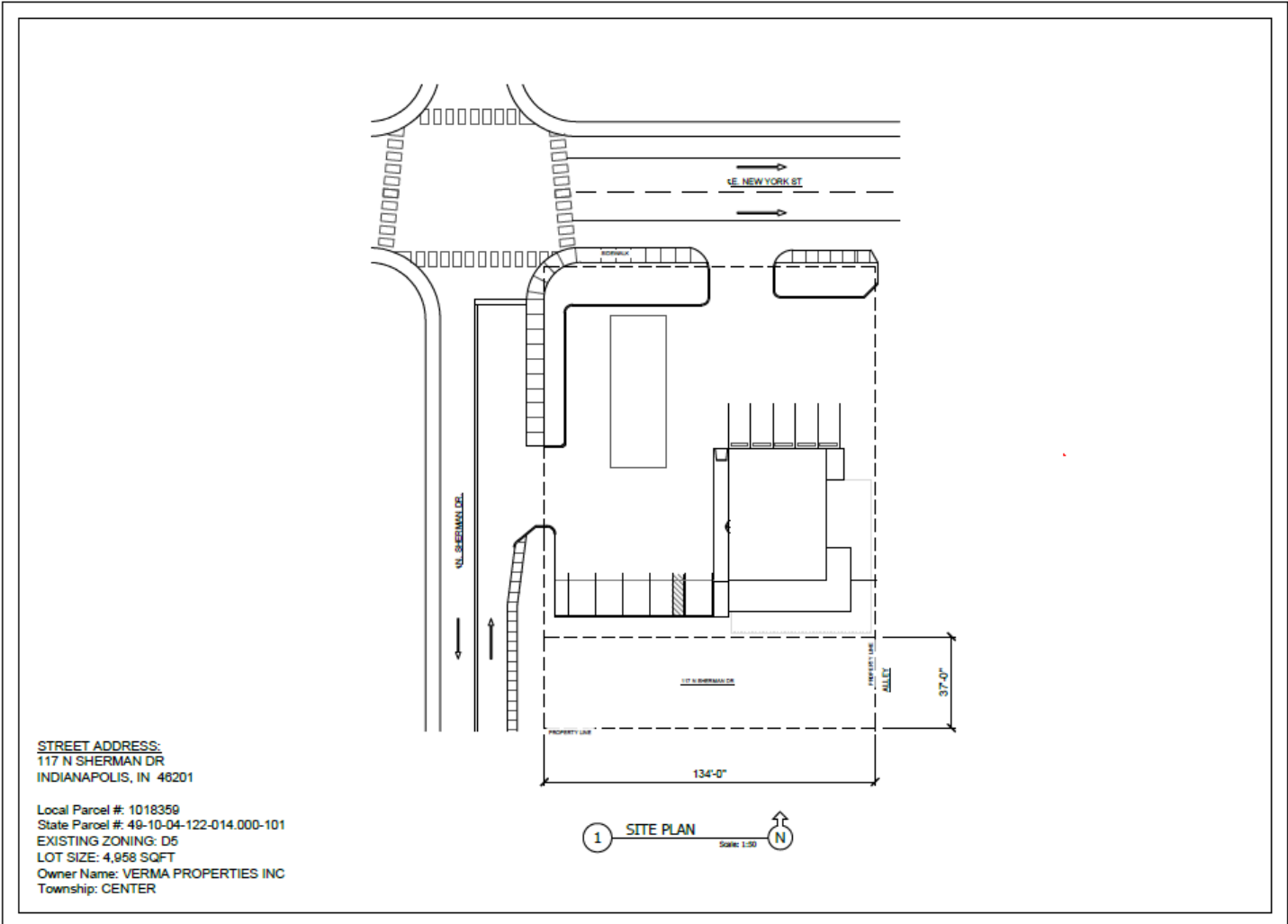
95-AP1-6; 3740 East New York Street (northwest of site), Modification of conditions and site plan, related to 94-UV1-2, to permit 49 display vehicles on-site with 9 additional spaces for parking (33 display vehicles permitted pr the 94-UV1-2 petition) for an existing automobile sales business, **denied.**

87-Z-169; 3757 East New York Street (northwest of site), Rezoning of 0.71 acre, being in the D-5 district, to the C-3 classification, to provide for retail use of an existing commercial building, **approved.**

85-Z-146; 3801 East New York Street (north of site), Rezoning 0.45 acre, from the D-5 district, to the C-3 classification, **approved.**

MI





STREET ADDRESS:
117 N SHERMAN DR
INDIANAPOLIS, IN 46201

Local Parcel #: 1018359
State Parcel #: 48-10-04-122-014.000-101
EXISTING ZONING: D5
LOT SIZE: 4,958 SQFT
Owner Name: VERMA PROPERTIES INC
Township: CENTER

1 SITE PLAN
Scale: 1:50
N

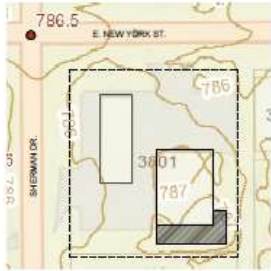
STREET ADDRESS:
3801 E NEW YORK ST
INDIANAPOLIS, IN 46201

Local Parcel #: 0002208
State Parcel #: 49-10-04-122-018-000-101

PRIMARY ZONING: C3
COMPACT CONTEXT AREA: COMPACT

LOT SIZE: 19,988 SQFT

PROPOSED COVERAGE: 2,662 SQFT (13.3%)
PROPOSED TOTAL OPEN SPACE: 17,326 SQFT (86.7%)



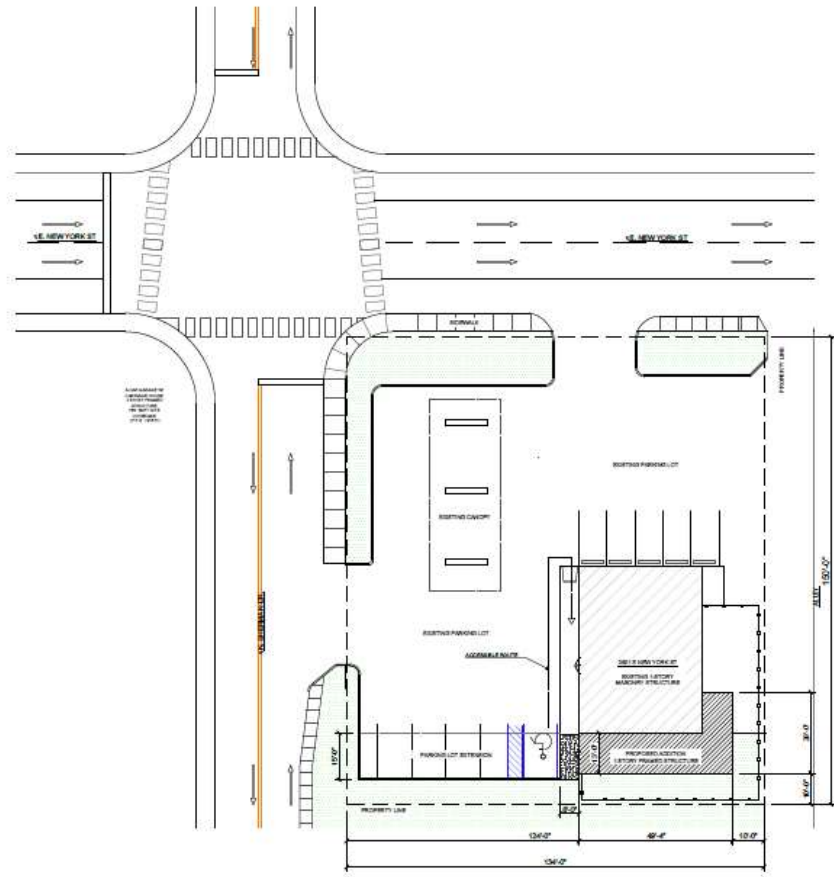
2 DRAINAGE MAP
SCALE: 1"=10'

PROPOSED NOTES:

- INSPECTION CONTRACTORS MUST FINISH TO BE INSTALLED PRIOR TO CONSTRUCTION AND REMAIN THROUGHOUT CONSTRUCTION
- CONCRETE'S AND PAINT FINISHES MUST BE PLACED ON SITE AND REMAIN THROUGHOUT CONSTRUCTION
- STORM DRAIN LOCATED WITHIN 10' BOUNDARY OF SITE TO BE PROTECTED WITH BRICKWORK BARRIERS
- SITE DRAINAGE AWAY FROM THE EXISTING BUILDING AT A SLOPE OF - 1%.



AERIAL VIEW

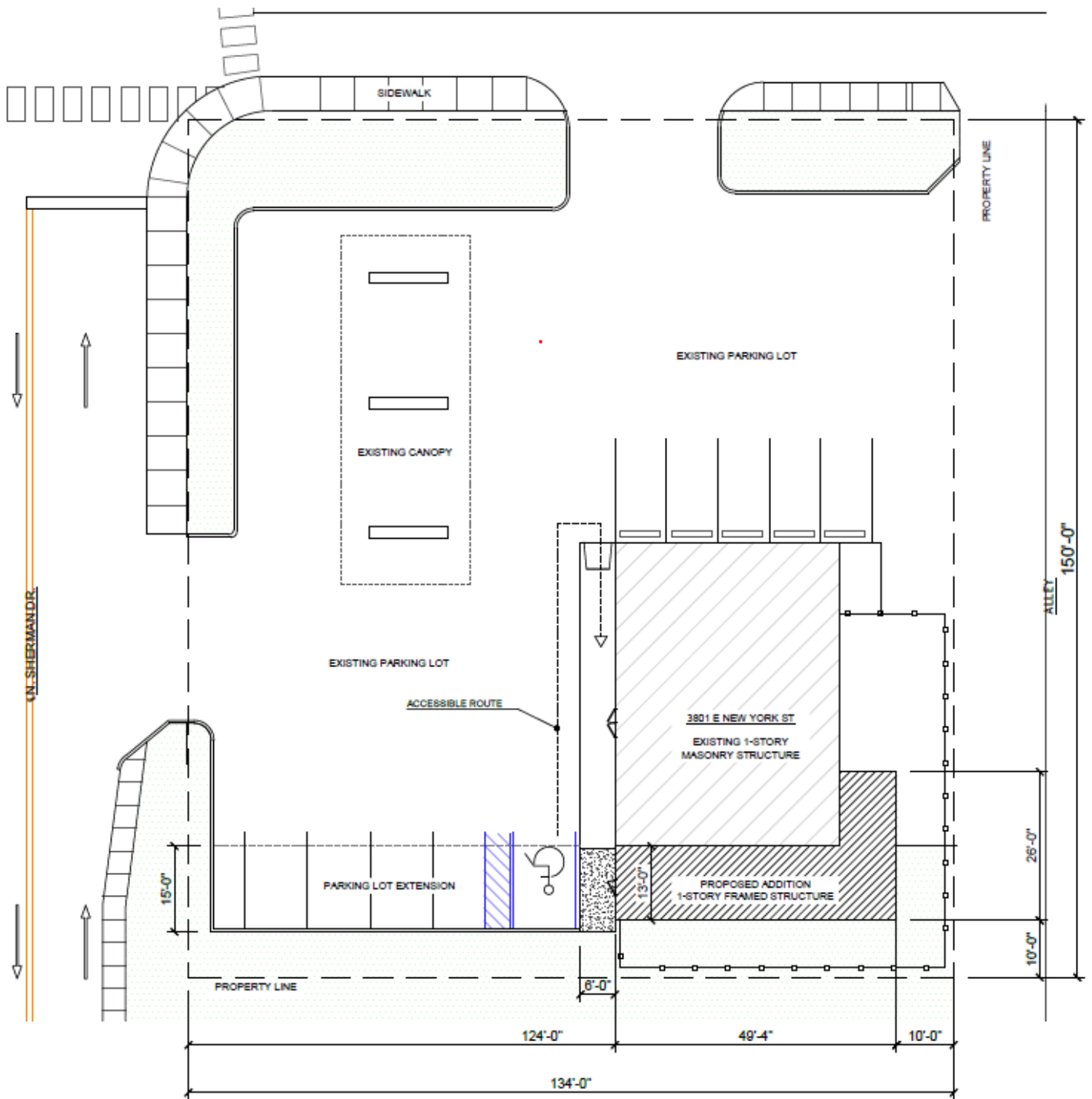


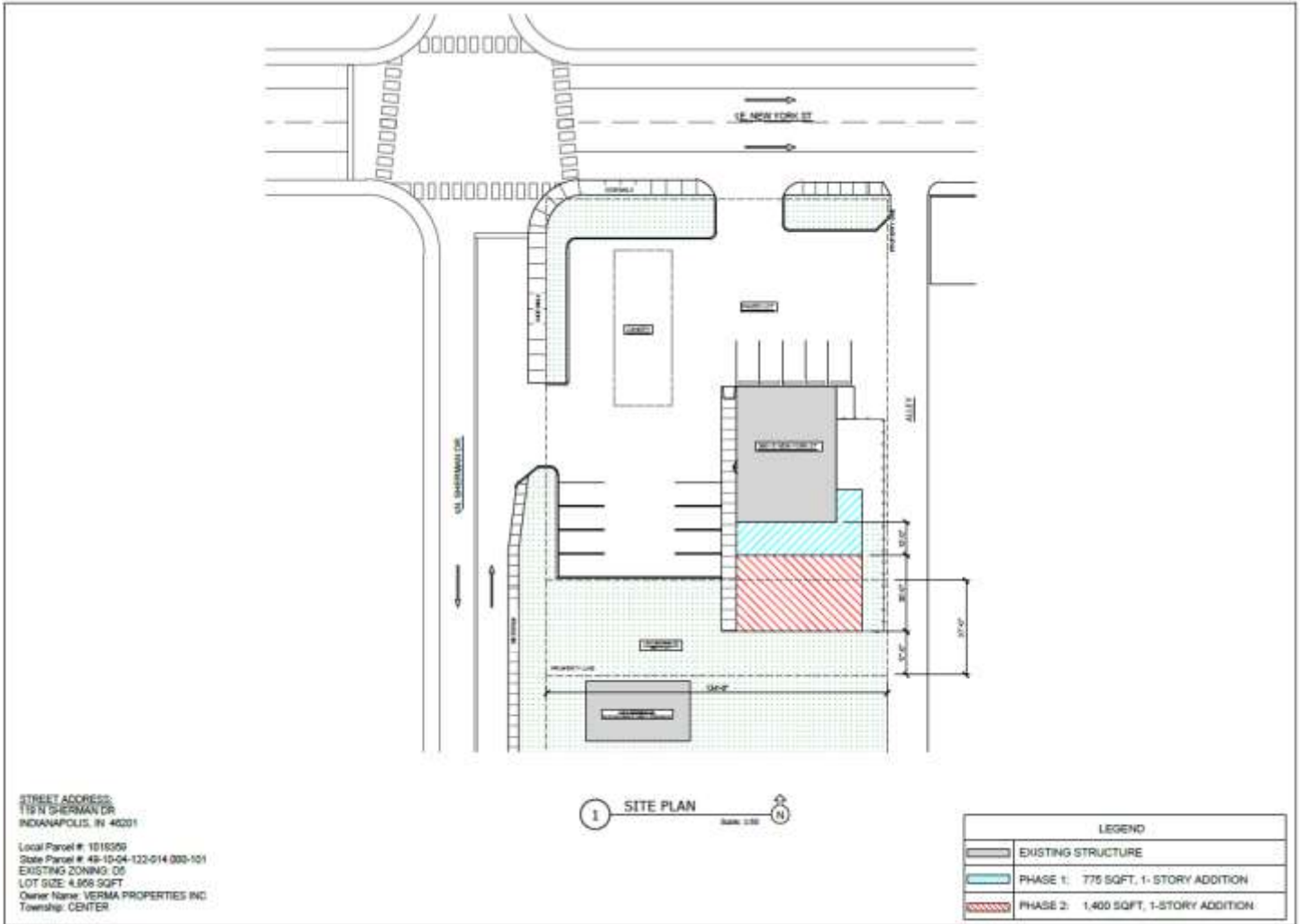
1 SITE PLAN
SCALE: 1"=10'



VERMA PROPERTIES
GAS STATION ADDITION - RETAIL SHOP
3801 E. NEW YORK ST.
INDIANAPOLIS, IN 46201

DATE	
BY	
FOR	
PROJECT	
3801 E NEW YORK ST INDIANAPOLIS, IN 46201	
SCALE	C1.1
SHEET	
TOTAL SHEETS	





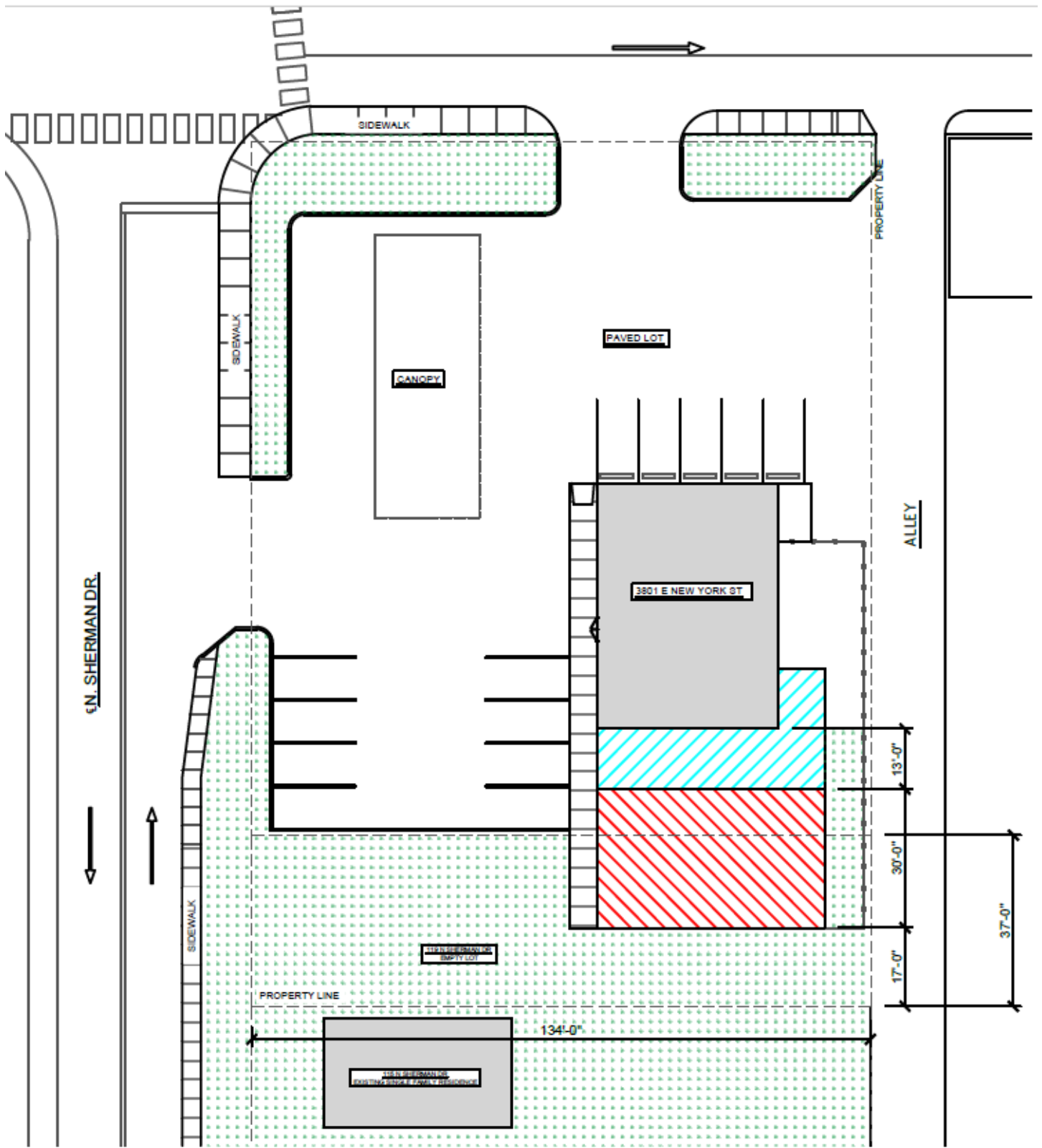




Photo of the Subject Property: 117 (119) North Sherman Drive



Photo of the gas station and convenience store to be expanded.



Photo of the existing convenience store north of the site.



Photo of the existing southern building façade.



Photo of the existing east building façade looking north.



Photo of the existing east building façade looking south.



Photo of the alley east of the site looking south.



Photo of the a single-family dwelling across the alley.



Photo of the undeveloped residential lot east of the site.



Photo of the vacant building north of the gas station.



Photo of the commercial building west of the gas station.



Photo of the vacant residential building west of the subject site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-111 / 2024-VAR-001 (Amended)
Address: 9950 East 42nd Street (Approximate Address)
Location: Lawrence Township, Council District #14
Petitioner: Jugaad, LLC, by David Retherford
Request: Rezoning of 0.92 acre from the C-3 district to the C-4 district to provide for the renovation/replacement of a gas station and convenience store.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a four-foot south setback for a proposed canopy (ten-foot setback required).

ADDENDUM FOR FEBRUARY 15, 2024 HEARING EXAMINER

This petition was continued from the December 28, 2023 hearing to the February 15, 2024 hearing at the request of the petitioner to allow additional time to discuss their proposal with the Department of Public Works.

Amendment: The petitioner amended the request to include a variance for a four-foot south side setback for a proposed canopy on site. After conversations with the Department of Public Works (DPW), the 40-foot half right-of-way was no longer requested by DPW. Instead, a 35-foot half right-of-way should be maintained along 42nd Street. Based on GIS measurements, the existing half right-of-way is 35 feet along 42nd Street so a dedication of right-of-way is not necessary.

Staff **recommends approval of the four-foot south setback** to allow the construction of a canopy above the existing fuel pumps since the site would be zoned appropriately through this request. In staff's opinion, the agreement to not have the canopy in the right-of-way is ideal to provide customers protection from the elements when frequenting this location.

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

1. The two existing driveways closest to the intersection of 42nd Street and Mitthoefer Road shall be permanently closed by adding a sidewalk connecting to the existing sidewalk segments as well as a grass strip abutting the new sidewalk segment closest to the street. The new sidewalk connection and grass strip shall be installed within one (1) year of the adoption of 2023-ZON-111.

December 28, 2023

RECOMMENDATIONS

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

(Continued)

1. A 40-foot half right-of-way shall be dedicated along the frontage of 42nd Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. Two of the existing driveways shall be permanently closed by adding a sidewalk connecting to the existing sidewalk segments as well as a grass strip abutting the new sidewalk segment closest to the street. The new sidewalk connection and grass strip shall be installed within one (1) year of the adoption of 2023-ZON-111.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.92-acre subject site is developed with an automobile fueling station and convenience store that was constructed between 1966 and 1972 per historical aerial images. At the time, the use was permitted in the C-3 district but was later removed from the list of permitted uses in 2016 with the adoption of Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance.
- ◇ The site is bordered to the north and west by an undeveloped lot, zoned C-3, to the east by a single-family dwelling, zoned C-3, and to the south by a vacant laundromat, zoned C-3.

REZONING

- ◇ The request would rezone the property from the C-3 district to the C-4 district to allow for the construction of a canopy associated with the automobile fueling station and would include the construction of a new convenience store.
- ◇ The site is zoned C-3, which is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

- ◇ The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The Comprehensive Plan recommends community commercial development for the southern portion of the site. The Community Commercial typology provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- ◇ The site has historically been used as an automobile fueling station since at least 1972 according to historic aerial images.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along 42nd Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ DPW has also requested that two of the driveways be eliminated and replaced with a sidewalk and grass strip to be closest to the street to increase walkability. This could allow for additional parking if needed.
- ◇ The petitioner provided five different truck routes, to which DPW determined the elimination of Entrances B and C, as shown on the Truck Route Site Plan in the report, would be most appropriate. The two drives to remain would be Entrances A and D to prevent fewer accidents when leaving the site by being furthest from the intersection.

Staff Analysis

- ◇ The rezoning request would allow for the continued operation of an automobile fueling station on a correctly zoned C-4 district since it was constructed and operated in the C-3 district when it was permitted prior to the 2016 adopted Zoning Ordinance changes.
- ◇ Because the C-4 district would not negatively affect the surrounding existing properties and would align with the community commercial recommendation of the Comprehensive Plan, staff is supportive of the request subject to two commitments for the right-of-way dedication and driveway removal and replacement with sidewalks and grass.
- ◇ Staff notified the applicant that the canopy would need to meet the ten-foot front setback requirement of the Ordinance so they should keep that in mind with finalizing their plans. Otherwise, they would need to seek a variance of development standards.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 Metro Commercial (Fuel station)

SURROUNDING ZONING AND LAND USE

North C-3 Undeveloped
South C-3 Commercial (Vacant Laundromat)
East C-3 Residential (Single-family dwelling)
West C-3 Undeveloped

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial development.

THOROUGHFARE PLAN

42nd Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 67-foot existing right-of-way and an 80-foot proposed right-of-way.

THOROUGHFARE PLAN

Mitthoefer Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 70-foot existing right-of-way and an 80-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

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

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

SITE PLAN

File-dated November 15, 2023.

TRUCK ROUTE SITE PLAN

File-dated December 18, 2023.

FINDINGS OF FACT

File-dated January 17, 2024.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

87-UV1-12; 9950 East 42nd Street (subject site), Variance of use of the Commercial Zoning Ordinance to provide for the use of an existing building for an automobile muffler shop, **withdrawn**.

ZONING HISTORY – VICINITY

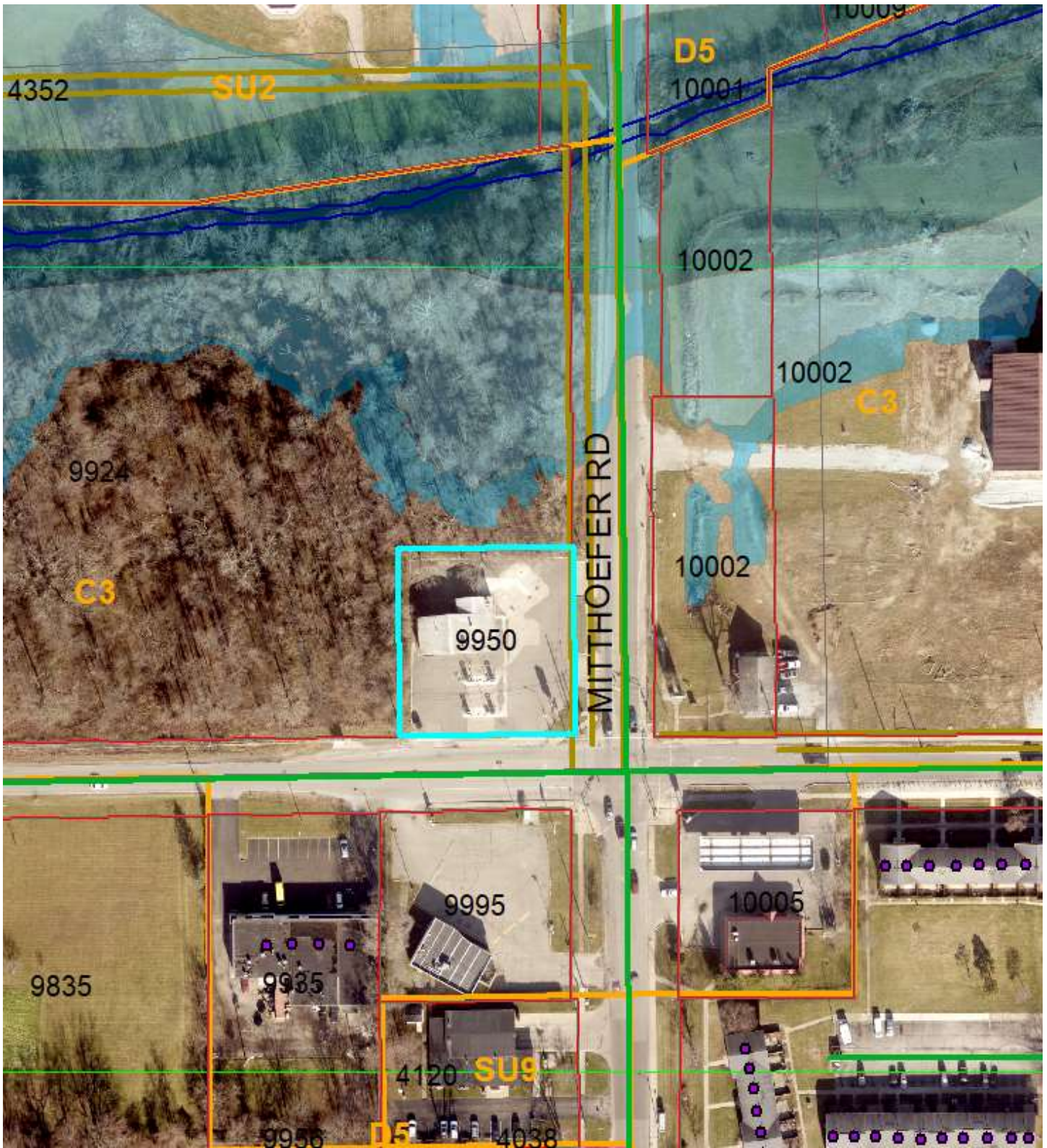
2018-ZON-078; 10002 East 42nd Street (east of site), Rezoning of 6.10 acres from the SU-1 district to the C-3 classification, **approved.**

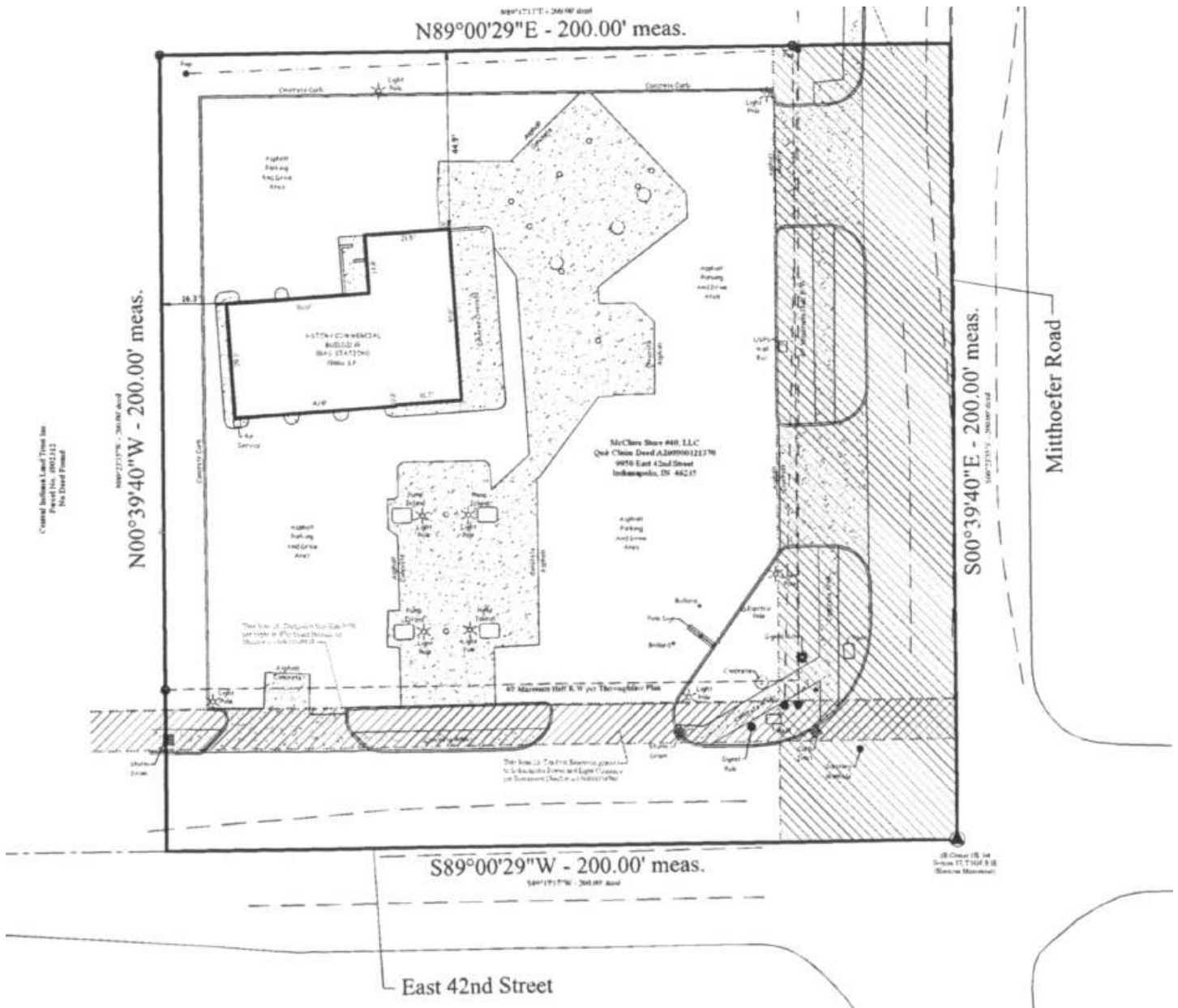
2008-ZON-850; 4352 North Mitthoefer Road (north of site), Rezoning of 10.11 acres, from the SU-1 District, to the SU-2 classification to provide for educational uses, **approved.**

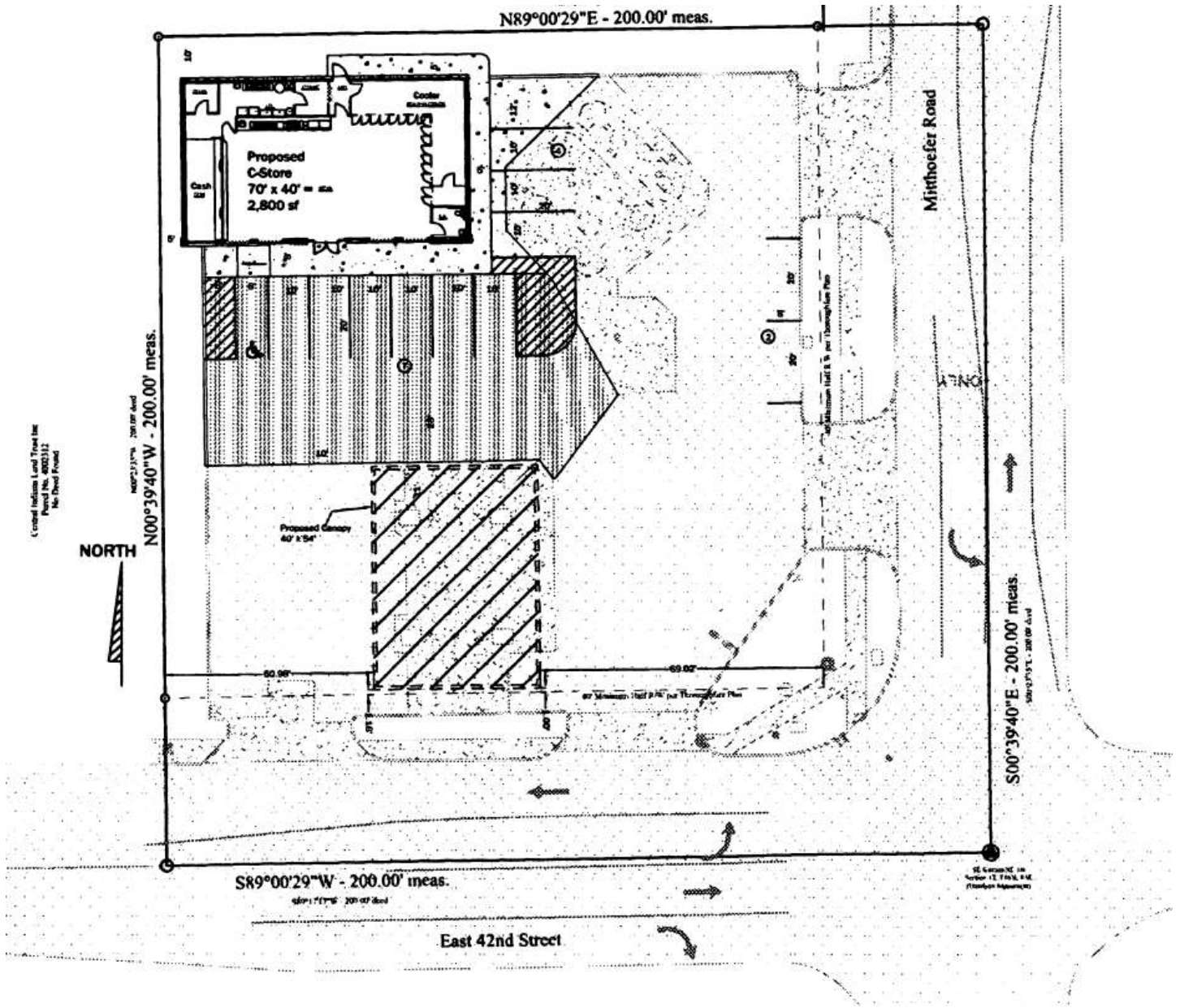
2002-ZON-104; 10023 East 42nd Street (southeast of site), Rezoning of 0.71 acres, being in the D-7 District, to the C-3 classification to provide for a gas station and convenience store, **approved.**

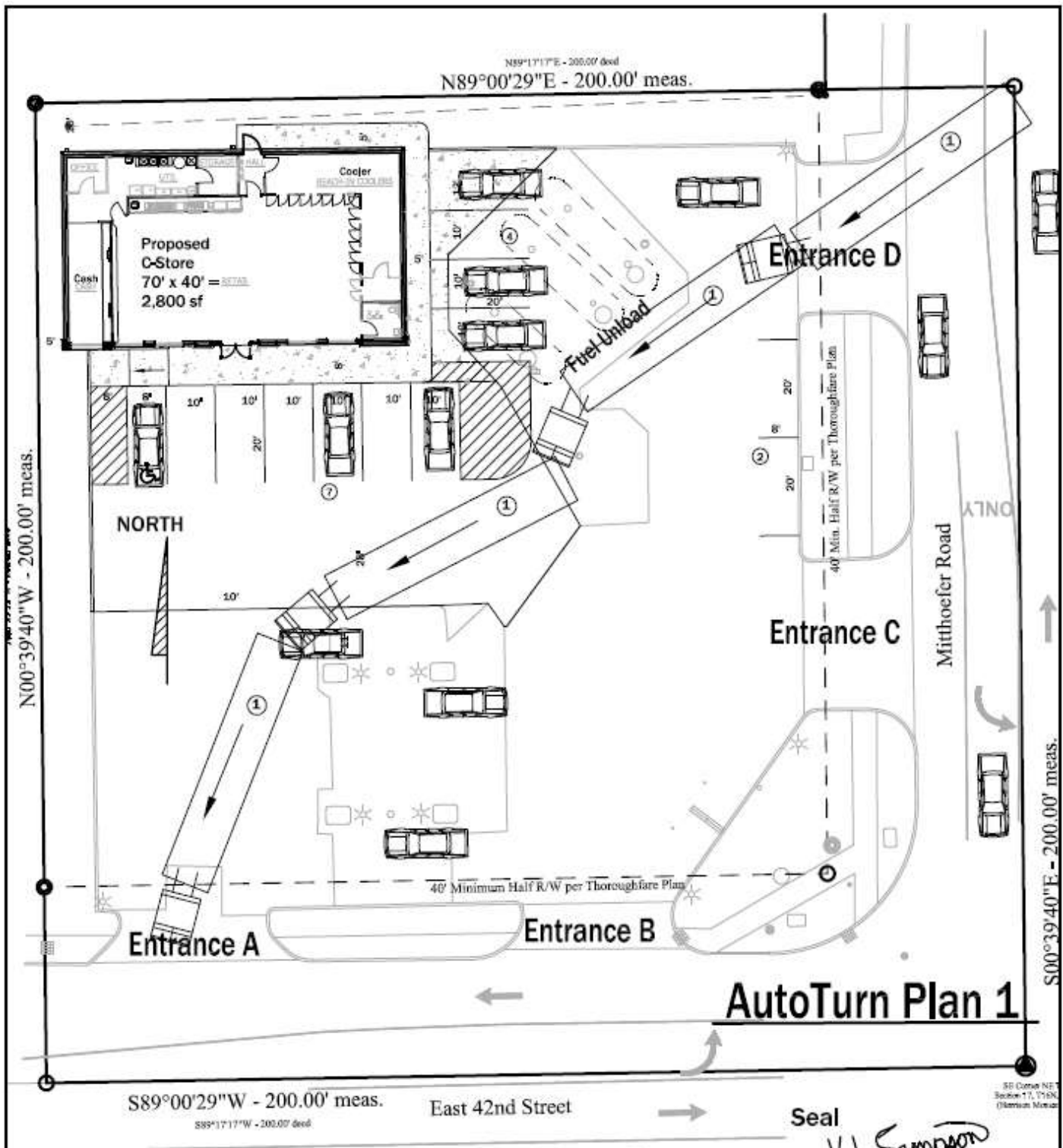
98-Z-102; 4352 North Mitthoefer Road (north of site), Rezoning of 10.11 acres from SU2 to SU-1 to provide for a church, and associated day care and school, **approved.**

MI









Site Plan

No Scale

Slng C-Store
 9950 E. 42nd Street
 Indlanapolis, IN

Engineer Associates, Inc.

645 Main Street, Suite 201
 Tell City, Indiana 47586
 Phone 812-547-1100
 e-mail KLSimpsonPE@comcast.net

Kenneth Leo Simpson, P.E.
 Date of drawing 12-18-23

Seal



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: Permitting the proposed new canopy roof to extend within a minimum of 4' north of the new 35' half right of way line for 42nd street is not likely to create any such risk of injury. The existing situation on the subject property includes a building in very poor shape, and the overall property is poorly maintained; so permitting the site to be remodeled as proposed, along with the agreed closing of the two existing entries closest to the intersection with Mitthoefer Road, is likely to increase the overall health, general welfare and safety of the community. The height of the canopy roof is above the vehicle height, and only the roof is permitted to extend into the setback by the grant of this variance.

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 subject property has been developed and operated as a gasoline service station with a convenience store for over 50 years. The surrounding property is either commercial or older residential. Replacing the existing older building, closing the two existing entries closest to the intersection as requested by DPW, and remodeling the entire site is more likely to have a positive impact on the use and value of the abutting properties as compared to leaving it as exists today; and the variance is only required to add the canopy roof, which is above the height of vehicles, and still located at least 14' feet north of the curb for the north edge of 42nd street.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The conversion of this C-3 zoned site to C-4 was only required to add the canopy in the remodeling process, but after the petitioner grants the additional right of way DPW has requested via the authority provided to them via the rezoning process, then the canopy would no longer be able to actually cover the refueling location along the south side of the island, without the grant of this variance to reduce the minimum setback from the new right of way line.



Photo of the Subject Property: **9950 East 42nd Street**



Photo of the two entrances on 42nd Street.



Photo of the two entrances on Mitthoeffler Road.



Photo of the proposed location of the new convenience store closer to the northern property boundary.



Photo of the two drives to be removed per DPW's request.



Photo of the fuel station southeast of the site.



Photo of the vacant commercial building south of the site.



Photo of the adjacent bus station west of the site and undeveloped parcel north of it.



METROPOLITAN DEVELOPMENT COMMISSION **February 15, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-001

Property Address: 7110 and 7112 US 31

Location: Perry Township, Council District #22

Petitioner: J & A Homes, Inc. and Jiries Ishak, by David Gilman

Current Zoning: D-A and C-1

Request: Rezoning of 3.04 acres from the D-A and C-1 districts to the C-3 district to provide for neighborhood commercial uses

Current Land Use: Residential and undeveloped land

Staff Recommendations: Approval

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to the following commitment subject being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

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

PETITION OVERVIEW

This 3.04-acre site, is comprised of three parcels, two of which are developed with single-family dwellings and zoned D-A. The third parcel is undeveloped and zoned C-1. The site is surrounded by commercial office uses to the north, zoned C-1, multi-family residential uses to the south, zoned C-1; single-family dwellings to the east, across US 31, zoned D-3 and C-1; and religious uses and a single-family dwelling to the west, zoned SU-1 and DA, respectively.



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

Rezoning

This request would rezone three contiguous lots from the D-A and C-1 districts to the C-3 district (Neighborhood Commercial District). "The C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale, or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions."

As proposed, this request would be consistent with the Comprehensive Plan recommendation of community commercial typology. The C-3 or C-4 district would generally be contemplated as acceptable uses within this typology depending upon the surrounding land uses.

Because of the of the residential uses to the west and south and the religious uses to the north, the less intense C-3 district would be more appropriate and supportable at this location. Furthermore, the required development standards would minimize the impact of the commercial uses on the adjacent land uses to the north, south and west. In other words, staff would not support any variances from the required development standards for the C-3 district.

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;



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

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

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

GENERAL INFORMATION

Existing Zoning	D-A and C-1	
Existing Land Use	Single-family dwellings / undeveloped	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
	North: C-1	Office use (converted dwelling)
	South: C-1	Multi-family dwellings
	East: D-3 / C-1	Single-family dwellings / commercial office use (converted dwelling)
	West: D-A / SU-1	Single-family dwelling / religious uses
Thoroughfare Plan		
US 31	The Marion County Thoroughfare Plan (2019)	This portion of US 31 is designated as a primary arterial with an existing 150-foot right-of-way and a proposed 124-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Pattern Book / Land Use Plan

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

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

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

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

2017-ZON-014; 7110 and 7020 US 31 South, requested rezoning of three acres, from the D-A and C-1 Districts to the C-S classification to provide for C-1 uses and a self-storage facility, **withdrawn**.

2005-ZON-026; 7110 US 31 South, requested rezoning of 1.026 acres from the D-A District to the C-1 classification to provide for office commercial uses, **approved**.

VICINITY

2005 DV1-019; 7007 U.S. 31 South, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a 378-square foot off-premises advertising sign on the south façade of an existing one-sided off-premises advertising sign located 112 feet from a protected district (off-premises advertising signs not permitted with 300 feet of a protected District), **approved**.

2002-ZON-052; 7117 US 31 South (east of site), requested rezoning of 0.519 acres, from the D-3 District to the C-1 classification to provide for an office, **approved**.

2002-ZON-034; 7030 South East Street (north of site), requested the rezoning of 2.093 acres from the D-A District to the SU-1 Classification to provide for religious uses., **approved**.

2001-ZON-018, 7013 and 7015 U.S. 31 South (east of site), requested rezoning of 1.12 acres from the D-3 District to the C-3 classification to provide for neighborhood commercial uses, **approved**.

99-CP-14Z; 7301 US 31 South (south of site), requested rezoning of 0.225 acre, being in the D-3 District to the C-4 classification to provide for the expansion of a department store facility, **approved**.

99-V2-087; 7301 US 31 South (south of site), requested a variance of development standard of the Commercial Zoning Ordinance to provide for an addition 22,039 square feet of outdoor display and sale of merchandise, exceeding permitted square footage, **granted**.

97-UV3-23; 6950 U.S. 31 South (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the expansion of an existing veterinary hospital, **granted**.

94-Z-115; 7119 US 31 South (east of site), requested rezoning of 1.0 acre from the D-3 District to the C-1 classification to provide for office use, **approved**.

93-UV2-45, 6950 U.S. 31 South (north of site), requested a variance of use and development standards to provide for the construction of a model home viewing center with an interior access drive 9.64 feet from the west property line (minimum 15-foot setback required), **granted**.

93-Z-89, 6950 U.S. 31 South (north of site), requested a rezoning from the D-A District to the C-1 classification for commercial office use, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

89-Z-173, 7104 U.S. 31 South (north of site), requested a rezoning of 1.46 acres to the C-1 classification to provide for office uses, **approved**.

89-Z-81; 7210 US 31 South (south of site), requested rezoning of 4.08 acres, being in the A-2 District to the C-3 classification, to provide for retail sales, **approved**.

89-Z-3; 7219 US 31 South (south of site), requested rezoning of 0.56 acre, being in the D-3 District, to the C-1 classification, to provide for office uses, **approved**.

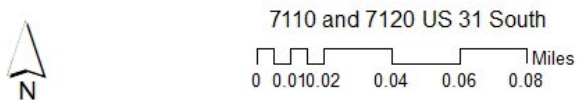
86-UV1-17; 7218 US 31 South (east of site), requested a variance of use to provide for office use, **granted**.

83-Z-133, 6950 U.S. 31 South (north of site), requested the rezoning of 1.01 acres, from the D-5 District, to the C-1 classification to provide for commercial development, **approved**.

82-UV2-125, 6950 U.S. 31 South (north of site), requested a variance of use for the construction of and use of a veterinary hospital, **granted**.

kb

EXHIBITS





View looking north across US 31



View looking northeast across US 31



View of site looking southeast across South East Street from adjacent property to the north



View of site (addressed as 7110 US 31) looking west across US 31



View of site (addressed as 7110 US 31-undeveloped) looking west across US 31



View of site (addressed as 7112) looking west across US 31



METROPOLITAN DEVELOPMENT COMMISSION **February 15, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-003
Property Address: 4338 and 4339 Cartwright Drive
Location: Perry Township, Council District #23
Petitioner: Jason West by Mark and Kim Crouch
Current Zoning: D-3
Request: Rezoning of 1.07 acres from the D-3 district to the D-8 district to provide for residential uses.
Current Land Use: Undeveloped
Staff Recommendations: Recommends Approval, subject to commitments.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission’s Exhibit “B” forms at least three days prior to the MDC hearing:

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

PETITION OVERVIEW

This 1.07-acre site, zoned D-3, is comprised of three undeveloped parcels on either side of Cartwright Drive. It is surrounded by single-family dwellings to the north; undeveloped land to the south; a single-family dwelling to the east; and undeveloped land to the west, all zoned D-3.



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

Rezoning

As proposed, the rezoning request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology.

The site plan, file-dated January 3, 2024, only provided a depiction of the three parcels. A subsequent site plan, file-dated February 1, 2024, would provide for five duplexes and one detached house (single-family dwelling).

Because this is an undeveloped site, staff would not support any subsequent requests for variances of development standards. In fact, the petitioner's representative has stated in two e-mails, dated February 1, 2024, and January 31, 2024, that development of the site would comply with the development standards of the D-8 district.

Staff would, therefore, request Administrator Approval of the final site plan to confirm compliance with the D-8 district development standards, including but not limited to, lot area, lot width, setbacks, open space and walkable neighborhood design standards.

Because no elevations for the site were submitted, staff would request that building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be consistent with the Infill Housing Guideline and architecturally compatible and harmonious with the surrounding land uses and neighborhood character.

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;



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

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

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

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-3	Single-family dwellings
South:	D-3	Undeveloped land
East:	D-3	Single-family dwelling
West:	D-3	Undeveloped land
Thoroughfare Plan		
Cartwright Drive	Marion County Thoroughfare Plan (2019)	This portion of Cartwright Drive is designated as a local street with an existing and proposed 50-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	This site is not located within a floodplain.	
Overlay	This site is not located within an overlay.	
Wellfield Protection Area	This site is not located within a wellfield protection area.	
Site Plan	January 3, 2024	
Site Plan (Amended)	February 1, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Pattern Book / Land Use Plan

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

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



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- 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 (defined as detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)

- 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.

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

- Duplexes should be located on corner lots, with entrances located on different sides of the lot 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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



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- These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:
 - Site Configuration
 - Front Setbacks
 - Building Orientation
 - Building Spacing
 - Open Space
 - Trees, Landscaping, and the Outdoors
 - Aesthetic Considerations
 - Building Massing
 - Building Height
 - Building Elevations and Architectural Elements
 - Additional Topics
 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future
- As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not applicable to the Site.

ZONING HISTORY

2019-ZON-011; 1200 Lawrence Avenue (west of site), requested rezoning of 6.194 acres from the D-3 and C-3 Districts to the SU-18 classification to provide for a wireless communications facility on the site of the existing substation, **approved**.

2018-DV1-027; 1266 Lawrence Avenue (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-foot-tall fence, **granted**.

2008-DV1-022; 4401 State Avenue (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 700-square foot front porch addition, a 385-square foot carport, conversion of an attached garage to living space and a two-story, 510-square foot room addition to a single-family dwelling, resulting in an accessory building area of 1,583 square feet or 78.27 percent of the main floor area of the primary structure, and an accessory use area of 4,252 square feet or 100.89 percent of the total living area of the primary structure, **granted**.

2006-DV1-020; 1701 East Lawrence Avenue (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 14-foot tall, 720-square foot detached garage resulting in an accessory building area 1,440 square feet, or 102 percent of the main floor area of the primary dwelling, in D-3, **granted**.

2003-UV3-009; 4401 Asbury (north of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a construction contractor's business in a 2,204-square foot accessory structure, an 80-square foot storage shed with a zero-foot east side yard setback, with accessory structures being 108.74 percent of the main floor area of the primary structure, an accessory use area of 164.07 percent of the total floor area of the primary dwelling, and being located on a parcel with twenty feet of street frontage, in D-2 (FF) (FW), **granted**.

96-UV1-80; 1247 Lawrence Avenue (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a living unit within a detached accessory building, for an existing single-family residence, **granted**.

87-AP3-2; 1147 Lawrence Avenue (north of site), requested approval to modify the conditions of variance petition 86-UV3-37 to allow the required hard surfacing of parking and driving areas to be completed prior to July 30, 1987, **granted**.



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86-UV3-37; 1147 Lawrence Avenue (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to the existing building and the use of the premises to operate a communications business, **granted**.

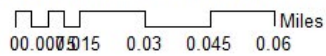
62-Z-131; 1200 Lawrence Avenue (west of site), requested rezoning of 5.08 acres from the U-1, H-1 and A-2 Districts to the U-3, H-1 and A-2 classification to permit the construction, maintenance and operation of an electric substation, **approved**.

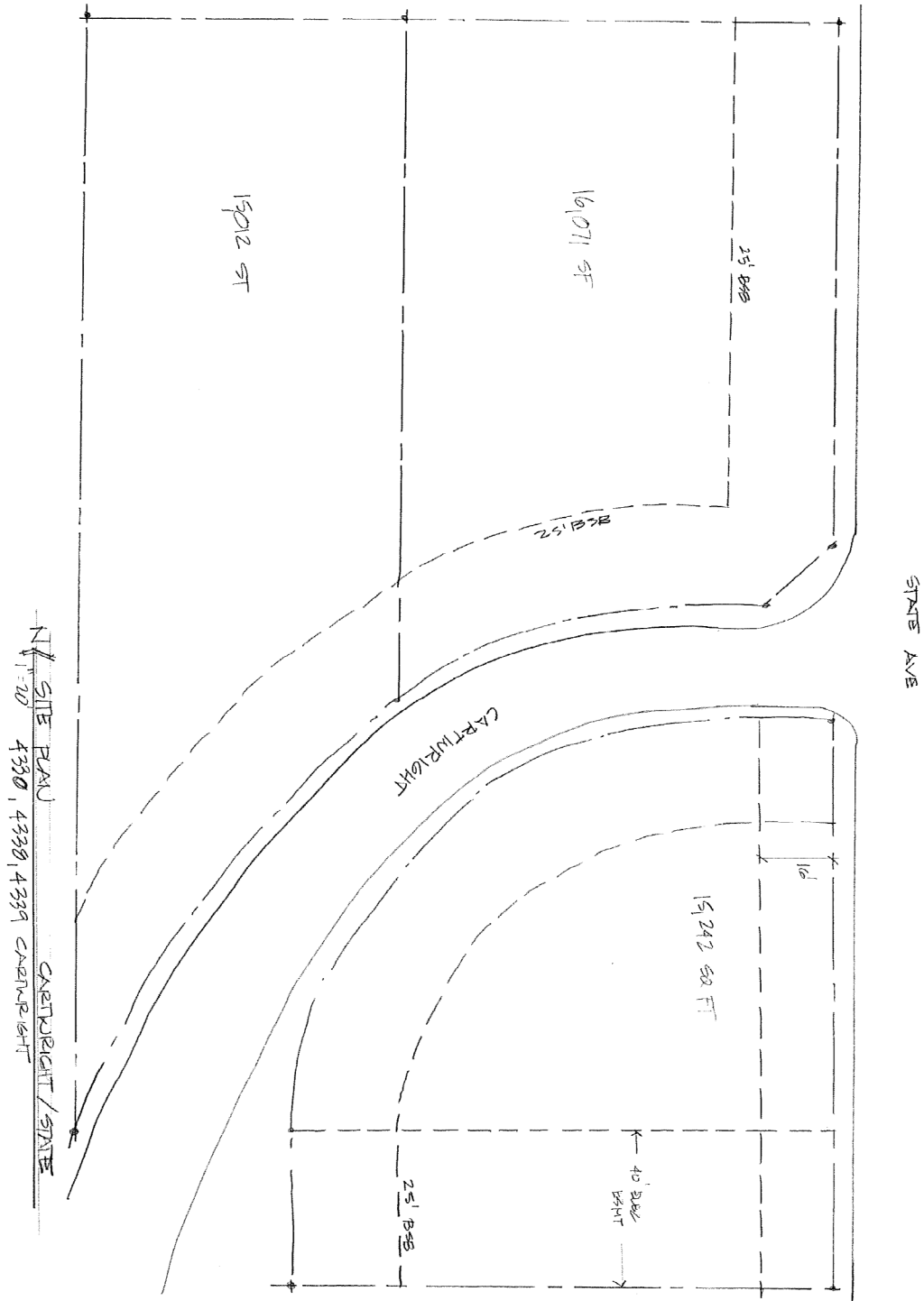
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EXHIBITS



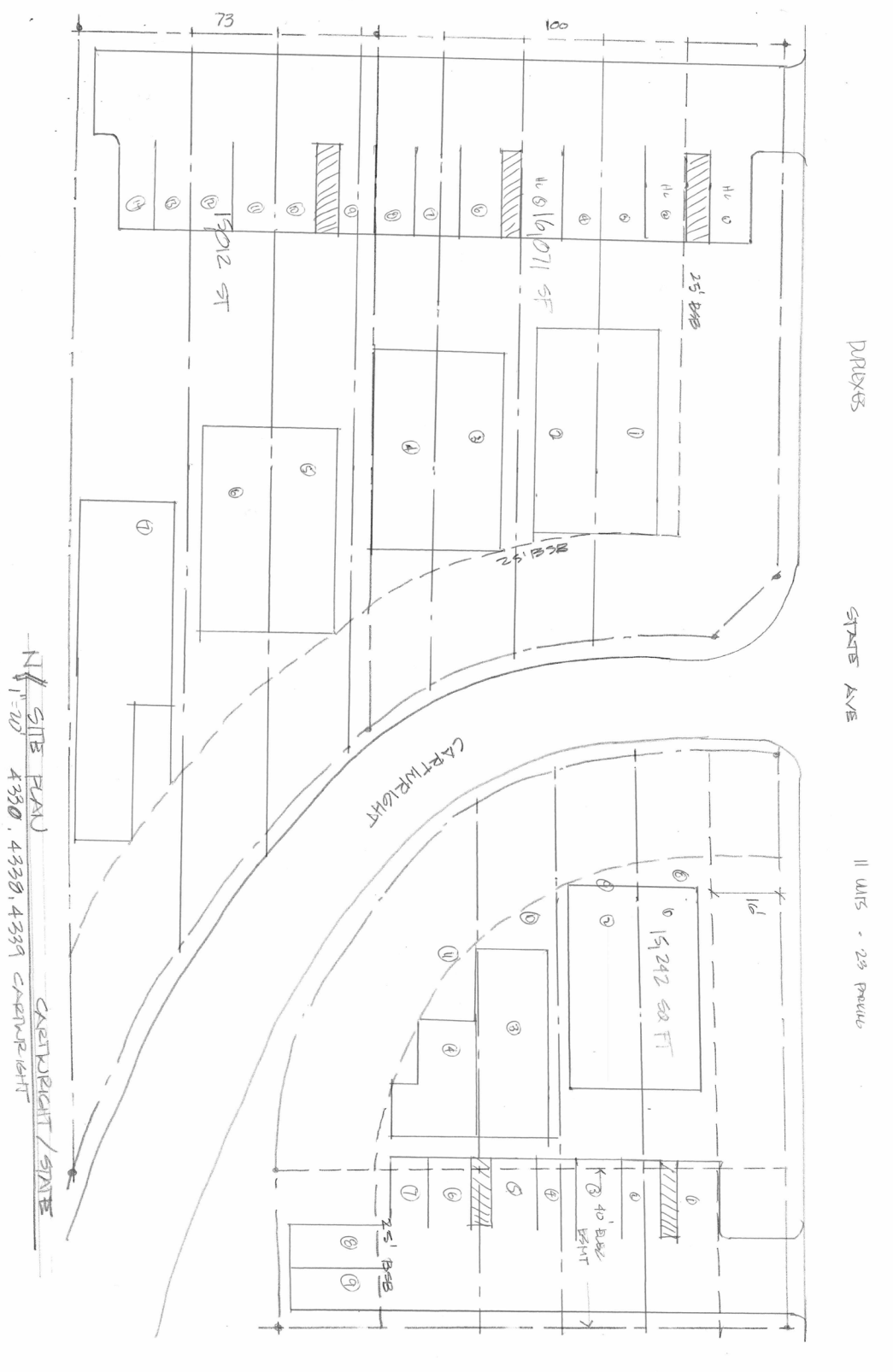
4338 and 4339 Cartwright Drive







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View looking north along State Avenue



View looking south at intersection of State Avenue and Cartwright Drive



View northeast along Cartwright Drive



View of site looking south along Cartwright Drive



View southern portion of site looking east across Cartwright Drive



View southern portion of site looking south across Cartwright Drive



View of southern portion of site looking east across Cartwright Drive



View of southern portion of site looking east across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive (State Avenue)



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 15, 2024

Case Number:	2024-CZN-803 / 2024-CVR-803
Property Address:	2051 Columbia Avenue (Approximate Address)
Location:	Center Township, Council District #13
Petitioner:	Padbros, LLC (Brian Maire), by Mark and Kim Crouch
Current Zoning:	I-3
	Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes.
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required).
Current Land Use:	Undeveloped Lot
Staff Recommendations:	Staff recommends approval of the rezone request subject to elevations being submitted for Administrator's Approval. Staff recommends denial of the variance request.
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

1. Final building elevations shall be submitted for Administrator's Approval.

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

PETITION OVERVIEW

The 0.26-acre subject site consists of an undeveloped industrial lot. It is surrounded by single-family dwellings to the south, zoned I-3, and industrial uses to the west, north, and south also zoned I-3.



REZONING

The site is zoned I-3. The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

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

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for three-foot side setbacks in the D-8 district for Row-House – Large Lot (2-8 units/building).

Per Table 742.103.03 Residential Building Type Standards, the D-8 district would require 5-foot side setbacks or zero feet at party walls.

Staff Analysis

Staff determined that there is no practical difficulty with meeting the required five-foot side setbacks since the row-houses could be reduced in width to meet the five-foot side setbacks. Additionally, the sites could also be developed with single-family dwellings without variances.

Staff is supportive of the rezoning request to the D-8 district so long as elevations are submitted for Administrator’s Approval to confirm the proposed building would be in line with the Infill Housing Guidelines.

GENERAL INFORMATION

Existing Zoning	I-3s	
Existing Land Use	Undeveloped Lot	
Comprehensive Plan	Heavy Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	I-3 Industrial
	South:	I-3 Residential (Single-family dwelling)
	East:	I-3 Industrial
	West:	I-3 Industrial
Thoroughfare Plan		
Columbia Avenue	Local Street	56 feet existing right-of-way and 48-foot proposed right-of-way.
Context Area	Compact	



Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	December 13, 2023
Site Plan (Amended)	N/A
Elevations	January 31, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	December 13, 2023
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends heavy industrial development for the subject site.
- The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.
- This typology does not recommend housing options, but the residential development pattern of the surrounding area with a variety of previously zoned industrial sites rezoned residentially indicate that residential uses would be appropriate.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- **BUILDING SPACING**
 - **1. Reinforce Spacing on the Existing Block:** New construction should reflect and reinforce the character of spacing found in its block. New construction should maintain the perceived regularity or lack of regularity of spacing on the block.
 - **2. Limit Uncharacteristically Large Gaps Between Houses:** Avoid the creation of large open spaces where historically none existed. Such spacing is uncharacteristic and establishes holes in the traditional pattern and rhythm of the street.
 - **3. Leave Room for Maintenance:** Minimum spacing can be crucial for proper maintenance of homes. For example, additional spacing between tall houses can be key to allowing for maintenance with basic tools, like ladders
- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.

- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – VICINITY

2023-CZN-848 / 2023-CPL-848; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district and Approval of a Subdivision Plat to be known as Starks Minor Subdivision, dividing 0.42 acre into four lots, **approved**.

2022-CZN-835; 2069 Yandes Street (northwest of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **withdrawn**.

2022-ZON-005; 2024 Columbia Avenue (southwest of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021-CZN-816 / 2021-CVR-816; 2035, 2039, 2043 and 2047 Columbia Avenue (south of site), Rezoning of 0.47 acre from the I-3 district to the D-8 district and a variance of development standards to provide for a deficient front setback, **approved**.

2001-LNU-024; 2016 Columbia Avenue (southwest of site), Certificate of Legal Non-Conforming Use of a single-family dwelling in the I-3-U district, **approved**.

2021-ZON-063; 2057 Yandes Street (northwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021-ZON-059; 2020 Columbia Avenue (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2020-CZN-835 / 2020-CVR-835; 2005 and 2011 Columbia Avenue; 1314 East 20th Street (south of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved and granted**.

2020-ZON-076; 2019 and 2023 Yandes Street (southwest of site), Rezoning of 0.26 acre from the I-3 district to the D-8 district, **approved**.

2020-ZON-038; 2028 Columbia Avenue (southwest of site), Rezoning of 0.1 acre from the I-3 district to the D-8 classification, **approved**.

2019-HOV-020; 2015 Columbia Avenue (south of site), Variance of use to provide for a single-family dwelling in an industrial district, and variances of development standards to provide for deficient setbacks, **approved**.



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2019-ZON-029; 2007 Columbia Avenue (south of site), Rezoning of 0.1 acre from the I-3 district to the D-8 district, **approved.**

2019-ZON-028; 2032, 2038, and 2042 Columbia Avenue (southwest of site), Rezoning of 0.39 acre from the I-3 district to the D-8 classification, **approved.**

2008-LNU-023; 2080 Dr. Andrew J. Brown Avenue (east of site), Certificate of Legal Non-Conforming Use as to the following development standards: lack of paved parking (along the northern property line of parcel 1045885, and according to the file site plan), barbed wire in the front setback (Parcel 1004520 and southern half of Parcel 1097853, and according to the file site plan), parking space access directly from or into a public street (Parcel 1045885 and northern half of Parcel 1097853, and according to file site plan), and lack of handicap parking spaces (Parcels 1045885, 1097853, and 1006011), **approved.**

99-HOV-42; 2012 Columbia Avenue (southwest of site), Variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 24 by 30-foot attached garage (not permitted), with a side yard setback of 6 feet (minimum 10 feet required), **granted.**

92-Z-133; 2001 Yades Street (southwest of site), Rezoning of 2.640 acres from I-3-U District to the SU-1 classification to provide for a church, **approved.**

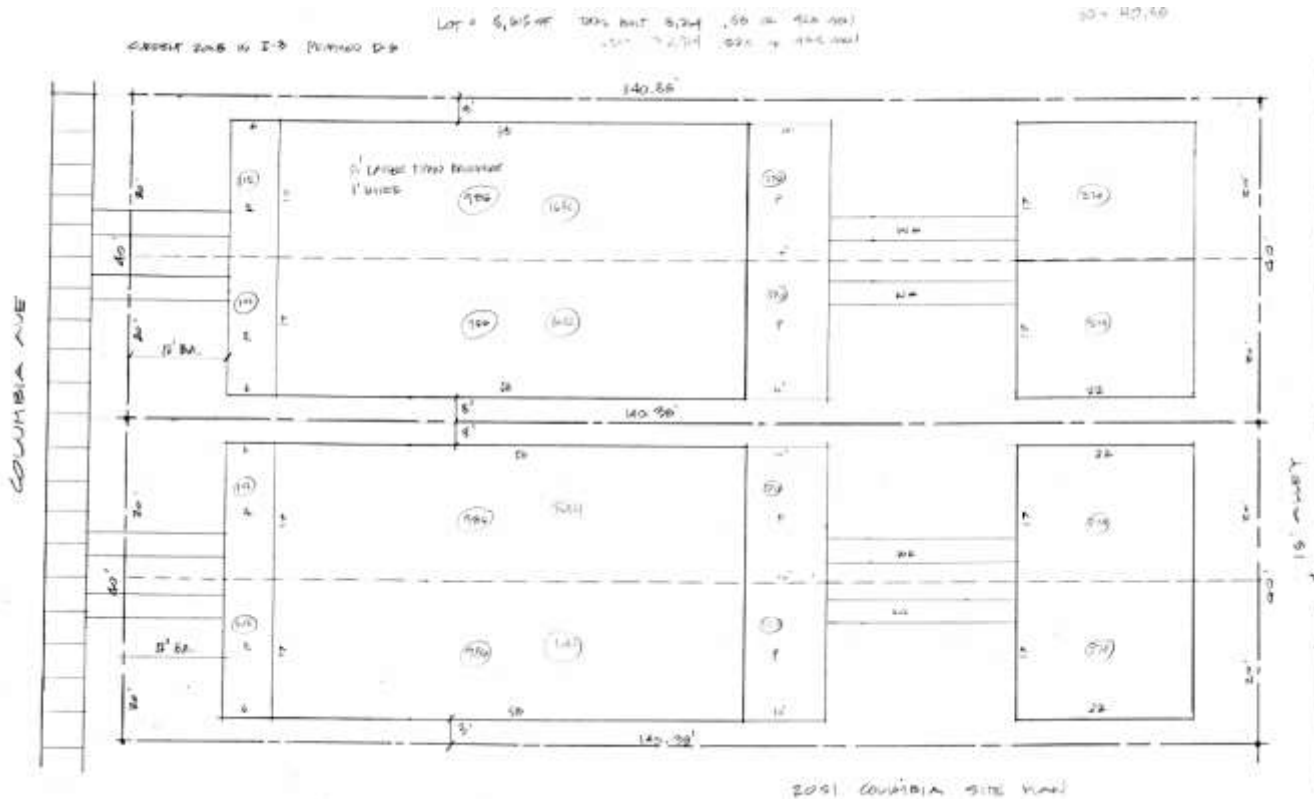
93-UV3-31; 2016 Columbia Avenue (southwest of site), Variance of use to provide for an addition to a single-family dwelling in an industrial district, **approved.**

85-UV3-14; 2022 Columbia Avenue (south of site), Variance of use to provide for a single-family dwelling in an industrial district and a variance of development standards to provide for deficient setbacks, **approved.**



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EXHIBITS





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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the grant will allow for the construction of a new townhome residences and detached garages for private residential use.

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

the proposed residences and detached garages will be consistent with development in the area and adjacent area.

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

lot is narrow and just meets the minimum required width for requested zoning resulting in a need for increased townhome width from 15' to 17' to allow for larger living area. Proposed townhome and proposed garage will align with one another resulting in a need to reduce required side setback from 5' to 3'. Without variance approval, proposed residence and detached garage will not be built.



Subject site at 2051 Columbia Avenue



Subject site at 2051 Columbia Avenue



Single-family dwelling south of the site.



Sheet metal company north of the site.



Industrial company west of the site.



Industrial land east of the site.



Alley at the rear of the site looking south.



Alley at the rear of the site looking north.