



Metropolitan Development Commission Hearing Examiner (February 23, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, February 23, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-ZON-078 | 8965 Rockville Road

Wayne Township, Council District #15
Vu Tran, by Pat Rooney

Rezoning of 0.57 acre from the D-2 district to the C-1 district to provide for retail uses.

***Withdrawal requested

2. 2022-ZON-092 / 2022-VAR-010 (Amended) | 3301 North Raceway Road

Wayne Township, Council District #6
Sammy and Annie Dotlich, by Joseph D. Calderon

Rezoning of 3.75 acres from the D-4 district to the I-1 district to legally establish a commercial/building contractor.

Variance of development standards to provide for outdoor storage in excess of 25% of enclosed buildings and within 500 feet of a protected district (outdoor storage limited to 25% of enclosed buildings, not permitted within 500 feet of a protected district).

**Continuance request for cause by a remonstrator to March 23, 2023

3. 2022-CZN-876 2022-CVR-876 2022-CVC-876 (Amended) | 1507 & 1517 West Vermont Street and 333 Koehne Street

Center Township, Council District #16
Own It Enterprise, LLC, by David Kingen and Emily Duncan
Rezoning of 0.62-acre from the D-8 (RC) district to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for side and rear yard setbacks of zero feet when abutting an alley (minimum ten-foot required), to legally establish a zero-foot front setback for vehicle areas (minimum eight-foot required), and for 31 off-street parking spaces (maximum of 23 off-street parking spaces permitted).

Vacation of the first alley east of Koehne Street, being 12 feet in width, from the south right-of-way line of Vermont Street, being the northeast corner of Lot 47 in Lentz Heirs Addition, Recorded in Plat Book 11, Page 69 in the Office of the Recorder of Marion County, Indiana, south a distance of 109 feet to the southeast corner of Lot 45 in said subdivision, with a waiver of the assessment of benefits.

Vacation of an irregular portion of White River Parkway West Drive located at the southwest intersection of Vermont Street and White River Parkway West Drive totaling 0.12 acres, with a waiver of the assessment of benefits.

** Continuance request by petitioner. Unknown hearing date.

4. 2023-ZON-004 | 5680 Eden Village Drive

Pike Township, Council District #8
Olanrewaju Ahmeed Azeez

Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

**Continuance request by petitioner to March 23, 2023

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

5. 2023-MOD-002 | 2060 Yandes Street

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

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

6. 2023-ZON-005 | 1405 Deloss Street

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

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

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

7. 2022-MOD-021 | 3125 North German Church Road

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

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

8. 2022-CZN-868 | 2022-CVR-868 (Amended) | 431 South Shortridge Road

Warren Township, Council District #18
Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan

Rezoning of 2.74 acres from the D-A district to the C-S district to provide for truck fleet services, an event center and C-1 uses with exceptions.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard (10-foot rear yard required), and without the required front-yard landscaping (landscaping required).

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

Pike Township, Council District #8
Dove Asset Partners, by Elizabeth Bentz Williams

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

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

10. 2022-CZN-872 / 2022-CVR-872 | 4822 East Edgewood Avenue and 5820 South Emerson Avenue

Perry Township, Council District #24

IN Indianapolis Emerson, LLC, by Joseph Calderon

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

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

11. 2022-CVC-856 (Amended) | 6102 Carvel Avenue - ASSESSMENT OF BENEFITS HEARING

Washington Township, Council District #2

Buckingham Companies, by Mike Timko

Vacation of a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.

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: 2022-ZON-078 (Amended)
Address: 8965 Rockville Road (Approximate Addresses)
Location: Wayne Township, Council District #15
Petitioner: Vu Tran, by Pat Rooney
Request: Rezoning of 0.57 acre from the D-2 district to the C-1 district to provide for retail uses.

ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

The petitioner's representative sent an e-mail on February 16, 2023, **withdrawing** this petition. This will require acknowledgement from the Hearing Examiner.

ADDENDUM FOR JANUARY 26, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the December 1, 2022 hearing, to the January 26, 2023 hearing, at the request of the petitioner's representative.

Unsuccessful attempts have been made to contact adjacent property owner to determine whether they would agree to a cross access easement should the adjoining properties become commercial. Consequently, if approved, staff would request that, a 30-foot-wide access easement be granted along the Rockville Road frontage.

ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the October 13, 2022 hearing, to the December 1, 2022 hearing, at the request of the petitioner's representative.

ADDENDUM, FOR OCTOBER 13, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 29, 2022 hearing, to the October 13, 2022 hearing, at the request of the petitioner's representative.

ADDENDUM FOR SEPTEMBER 29, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the August 25, 2022 hearing, to the September 29, 2022 hearing, at the request of the City-County Councilor for this district.

(Continued)

ADDENDUM FOR AUGUST 25, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the July 28, 2022 hearing, to the August 25, 2022 hearing, at the request of the petitioner's representative.

July 28, 2022

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.57-acre site, zoned D-2, is developed with a single-family dwelling. It is surrounded by undeveloped land to the north, across Rockville Road, zoned C-4; single-family dwellings to south and east, zoned D-2; and a single-family dwelling to the west, zoned C-3.

REZONING

- ◇ This request would rezone the site from D-2 District to the C-3 classification (neighborhood commercial district) to provide for retail uses. "The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions."

(Continued)

- ◇ The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

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

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
- Should not include outdoor display of merchandise.

(Continued)

Planning Analysis

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood. However, based on the guidelines provided by The Pattern Book the proposed commercial use would not be an appropriate use for this site.
- ◇ This site is not located at an intersection of arterial streets and would be the ninth parcel of commercial zoning along the south side of Rockville Road, totaling approximately 11 acres when The Pattern Book recommends 3.5 acres per intersection.
- ◇ Additionally, commercial use on this residentially developed parcel would not be supportable because it is unlikely that appropriate buffering and screening from the commercial operations could be provided due to the limited space of the parcel and the likely need for variances. Therefore, staff would not support any variances from the development standards.
- ◇ Furthermore, this would be commercial encroachment into a residentially developed area that would negatively impact the surrounding land uses because development guidelines cannot be met that would minimize impact of expansion of commercial uses along this area of Rockville Road.
- ◇ Finally, staff would also note that no information has been provided related to parking that would include the number of required paved parking spaces (15 paved spaces would be required) and the location of those parking spaces. Consequently, if this request would be approved staff would request the following commitment:

A site plan shall be submitted within 30 days of approval for Administrator Approval depicting the number of required paved parking spaces and the location of the parking lot.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-2	Single-family dwelling
-----	------------------------

SURROUNDING ZONING AND LAND USE

North -	C-4	Undeveloped land
South -	D-2	Single-family dwellings
East -	D-2	Single-family dwelling
West -	C-4	Single-family dwelling

COMPREHENSIVE LAND USE PLAN

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

(Continued)

THOROUGHFARE PLAN	This portion of Rockville Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 155-foot right-of-way and a proposed 102-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site.

ZONING HISTORY

2017-MOD-020; 9003, 9055, 9057, 9073 and 9129 Rockville Road (west of site), requested modification of commitments to modify Commitment Two of 2012-ZON-014 and 2015-ZON-073 to eliminate the prohibition on fast-food restaurants within 100 feet of a protected district, **approved**.

2015-ZON-073; 9003 Rockville Road (west of site), requested rezoning of 0.57 acre from the D-2 district to the C-4 classification, **approved**.

2012-ZON-014; 9055-9149 Rockville Road (west of site), requested rezoning of 5.12 acres, from the D-2 District, to the C-4 classification to provide for commercial uses, **approved**.

2011-UV2-027; 9003 Rockville Road (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an insurance office, **denied**.

2011-DV2-020; 91 16 Rockville Road (north of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a 1,277 square feet outdoor seating area, **granted**.

2008-ZON-056; 9000, 9030, 9054 and 9100 Rockville Road (north of site), requested rezoning of 14.92 acres from the C-S District to the C-4 classification to provide for community-regional commercial uses, **approved**.

2006-ZON-057; 9201 Rockville Road (west of site), requested rezoning of 0.63 acre from the D-2 District to the C-1 classification to provide for commercial uses, **approved**.

2005-ZON-168; 55 and 105 South Raceway Road (west of site), requested rezoning of 5.46 acres being in the C-3 and C-1 Districts to the C-3 classification to provide for neighborhood commercial uses, **approved**.

2005-ZON/VAR-809; 9201 Rockville Road (west of site), requested a rezoning of 0.568 acres, being in the D-2 district to the C-1 classification to provide for a computer sales and service store; and a variance of use and development standards of the Commercial Zoning Ordinance to provide for a computer sales and service store in an existing 2,216-square foot building (not permitted), with a ten-foot wide interior access drive (minimum 24-foot wide interior access drive required); **denied**.

(Continued)

2003-ZON-146; 55 South Raceway Road (west of site); requested rezoning of 0.2 acre, being in the C-1 district to the C-3 classification to provide for neighborhood commercial uses; **approved**.

2002-ZON-039; 9215, 9249, 9229, and 9251 Rockville Road and 59, 75, 85, and 153 South Raceway Road (west of site), requested rezoning of 5.46 acres from D-2 and C-3 to the C-1 and C-3 classifications to provide for office and neighborhood commercial uses; **approved**.

2002-UV1-020; 6603 Rockville Road (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an insurance office in a dwelling, and a three-foot tall ground sign, **denied**.

2000-ZON-182; 9215, 9220 and 9240 Rockville Road and 75, 85, 121, and 153 South Raceway Road (west of site), requested rezoning of 5 acres from the D-2 district to the C-3 classification to provide for neighborhood commercial development; **withdrawn**.

2000-ZON-020; 9220-9260 Rockville Road (west of site), requested rezoning of 9.854 acres from the D-A District to the C-4 classification for commercial development, **approved**.

2000-ZON-019; 9150 Rockville Road (west of site), requested rezoning of 5.971 acres from the D-A District to the C-4 classification to provide for commercial development, **withdrawn**.

95-UV1-42; 6502 Rockville Road (east of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a dental office use with 5 parking spaces (not permitted), **granted for a temporary period expiring June 6, 1998**.

94-Z-46; 9186 Rockville Road (north of site), requested rezoning of 14.92 acres from the D-A District to the C-5 classification to provide for a family entertainment complex, **approved**.
C-1 classification to provide for one-story office building, **denied**.

kb





View looking east along Rockville Road



View of site looking southeast across Rockville Road



View of site looking south across Rockville Road



View of site looking south across Rockville Road

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-092 and 2022-VAR-010 (Amended)
Address: 3301 North Raceway Road (*Approximate Address*)
Location: Wayne Township, Council District #6
Petitioner: Sammy and Annie Dotlich, by Joseph D. Calderon
Request: Rezoning of 3.75 acres from the D-4 district to the I-1 district to legally establish a commercial/building contractor.

Variance of development standards to provide for outdoor storage in excess of 25% of enclosed buildings and within 500 feet of a protected district (outdoor storage limited to 25% of enclosed buildings, not permitted within 500 feet of a protected district).

ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

To further accommodate the schedule of the remonstrator's representative, a **continuance for cause from the February 23, 2023 hearing to the March 23, 2023 hearing** has been requested.

A valid Automatic Continuance was filed by a registered neighborhood organization, the Town of Clermont, continuing this petition from the December 15, 2022 hearing to the January 12, 2023 hearing. To accommodate the schedules of both the petitioner's representative and the remonstrator's representative, a continuance for cause was requested and granted continuing this petition from the January 12, 2023 hearing to the February 23, 2023 hearing.

ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER

This petition was continued from the December 1, 2022 hearing to the December 15, 2022 hearing to provide time for new notice to be given.

December 1, 2022 Staff Report

This petition was continued from the September 29, 2022 hearing to the December 1, 2022 hearing at the request of the petitioner to allow time to amend the petition and send updated notice.

An Automatic Continuance was filed by the petitioner, continuing the petition from the August 25, 2022 hearing to the September 29, 2022 hearing.

(Continued)

STAFF REPORT 2022-ZON-092 / 2022-VAR-010 (Continued)

RECOMMENDATION

Staff originally recommended denial of this petition. The petition has since been amended and staff now **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 75-foot half right-of-way shall be dedicated along the frontage of Raceway Road, as per the request of the Hendricks County Engineer. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. Development of the site shall be in substantial compliance with the site plan dated September 28, 2022.
3. The storage building proposed on the site plan shall be constructed by December 21, 2024. If not constructed by that time, the amount of outdoor storage on the site shall be reduced by 4,500 square feet.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site is the north parcel of two residentially-zoned parcels owned and used by a contracting business.
- ◇ The site is within the historic town of Clermont, which is an included town of Indianapolis/Marion County under UniGov. It abuts the CSX Railroad to the north and sits north of the Westwood Park subdivision, which was platted in 1925. Historic aerial photography indicates that the site was in use in 1937, but by the mid-1950s began to become grown-over. In 2000 it was a woodland, but by 2005 the site had been cleared and it appears to have been used to stockpile materials since that time.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.

(Continued)

STAFF REPORT 2022-ZON-092 / 2022-VAR-010 (Continued)

- ◇ The site is currently the subject of four zoning violations. These violations are for the operation of a construction contractor in a dwelling district, outdoor storage, parking of commercial vehicles, outdoor storage of junk, trash and debris, and failure to obtain an Improvement Location Permit.

ZONING

- ◇ This site and the abutting parcel to the south were the subject of a petition (2021-UV1-029) for a variance of use to provide for a construction services company in a D-4 district. This petition was withdrawn.
- ◇ This petition would rezone the subject site from D-4 to I-1. The current zoning district provides for low to medium intensity single-family and two-family development. The established residential neighborhoods to the northwest and south are also zoned D-4.
- ◇ The proposed zoning district, I-1, is a Light Industrial district for those industries that present minimal risk and typically do not create objectionable characteristics such as dirt, noise, glare, heat, or odor that extend beyond the lot lines. Typical uses in the I-1 district are laboratories, contractors, light manufacturing, self-storage facilities, warehousing, wholesaling, and distribution. In the I-1 district, land uses are expected to conduct their entire operation within completely enclosed buildings so that no nuisance factors are created or emitted. Outdoor storage of raw materials, manufactured products or any other materials is very limited and not permitted at all within 500 feet of a protected district. Any outdoor storage must be no higher than ten feet and must be solidly screened to that height.
- ◇ The proposed district does not meet the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan. However, due to the site's location abutting a well-used railroad track, staff is amenable to a light industrial use of the site.
- ◇ Staff would not encourage any further expansion of industrial or other non-residential uses beyond this site. The large residentially-zoned site to the south abuts an established neighborhood and the site's development as anything other than residential uses would negatively affect the neighboring properties. Staff considers the south site a viable residential site easily integrated into the existing Westwood Park subdivision via Mabel and Elizabeth streets.

(Continued)

STAFF REPORT 2022-ZON-092 / 2022-VAR-010 (Continued)

VARIANCES

- ◇ Two variances of development standards have been requested. The first would provide for outdoor storage in excess of 25% of the area of the site's enclosed buildings. The second variance would provide for outdoor storage within 500 feet of a protected district.
- ◇ As noted above the I-1 district intentionally limits outdoor storage to a minimal amount. As is the case with this site, the I-1 district is frequently found abutting protected districts such as residential areas. For residential and industrial uses to be compatible neighbors, the industrial use must limit its negative impacts, which is largely done by enclosing all operations and strictly limiting outdoor storage.
- ◇ The proposed site plan indicates two outdoor storage areas. They total approximately 7,175 square feet. This compares to about 540 square feet of outdoor storage that would be permitted based on the site's building area.
- ◇ The south outdoor storage area would be approximately 30 feet from a protected district and 320 feet from a protected district that has been developed with a dwelling. The north outdoor storage area would be approximately 80 feet from a protected district and 200 feet from a protected district that has been developed with a dwelling.
- ◇ The site plan proposes a security fence around the active portion of the site, mounding partially around the active portion of the site and a future 4,500 square-foot storage building. Construction of the storage building would increase the permitted amount of outdoor storage by 1,125 square feet for a total of approximately 1,665 square feet.
- ◇ A proposed commitment would limit outdoor storage of vehicles and equipment to the proposed storage areas "until such time that a future storage building is erected." No time frame is given for construction of the building. Because construction of the proposed storage building is integral to staff's support of the variances, staff is requesting a deadline for its construction.
- ◇ Another proposed commitment would limit the storage of materials used in connection with off-site projects to the proposed storage areas. The materials would remain for no more than 21 consecutive days.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-4

Metro

Commercial/building contractor

(Continued)

STAFF REPORT 2022-ZON-092 / 2022-VAR-010 (Continued)

SURROUNDING ZONING AND LAND USE

Northeast	D-4	Railroad track, contractor, single-family dwellings
South	D-4	Commercial/building contractor
West	Hendricks County	Mobile home park, industrial uses

COMPREHENSIVE LAND USE PLAN The Wayne Township Comprehensive Plan (2018) recommends Traditional Neighborhood.

THOROUGHFARE PLAN Raceway Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 20-foot existing half right-of-way and a 95-foot proposed right-of-way. The Hendricks County Thoroughfare Plan classifies Raceway Road as a Minor Arterial and proposes a 150-foot right-of-way.

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

STREAM PROTECTION CORRIDOR This site is not located within a stream protection corridor.

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

ZONING HISTORY – SITE

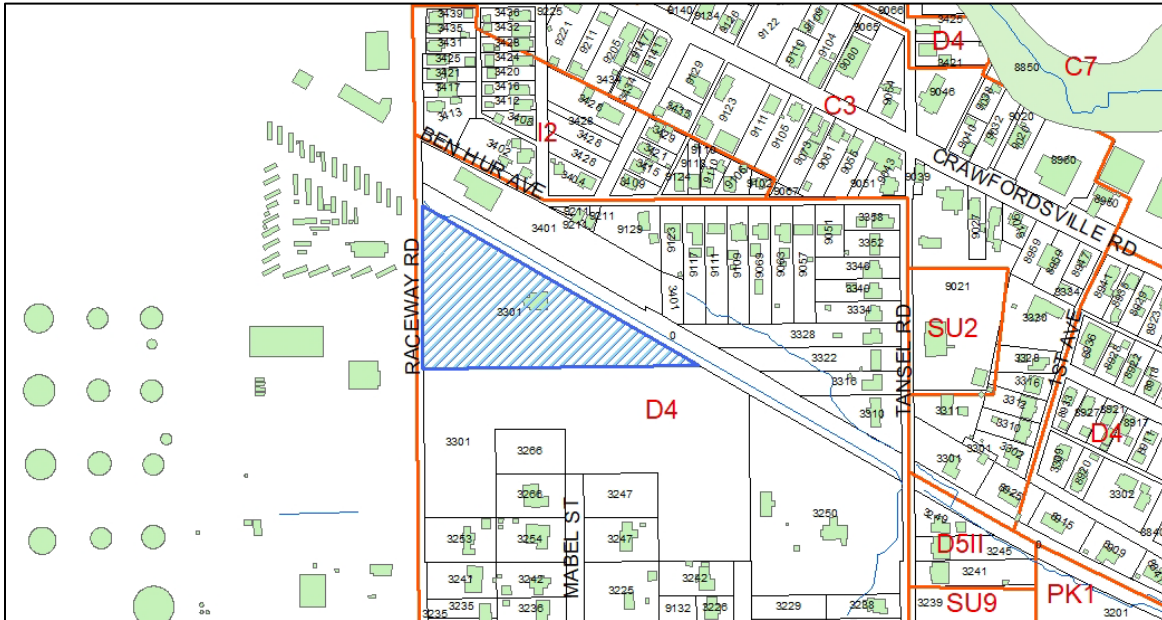
2021-UV1-029; 3301 North Raceway Road, requested a variance of use to provide for a construction services company in a D-4 district, **withdrawn**.

ZONING HISTORY – VICINITY

2004-UV2-020; 3250 Tansel Road (southeast of site), requested a variance of use to provide for a bed-and-breakfast in a D-4 district, **approved**.

klh

STAFF REPORT 2022-ZON-092 / 2022-VAR-010, Location



STAFF REPORT 2022-ZON-092 / 2022-VAR-010, Aerial photograph (2021)



STAFF REPORT 2022-ZON-092 / 2022-VAR-010, Findings of Fact

Petition Number _____

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

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

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

the outside storage will be limited in scope and only for temporary periods, and will not interfere with traffic, visibility or any other health or safety measure.

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 petitioners own property to the south of the outside storage areas, there is an active rail line separating the outside storage areas from residences to the north, and the outside storage will be limited in scope and only be for temporary periods.

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 use as a contractor's operation is permitted, and outdoor storage is a normal accessory use. The 500 restriction contains no exceptions which might mitigate any concern about storage and proximity to a protected district.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2022-ZON-092 // 2022-VAR-010, Proposed Commitments

STATEMENT OF COMMITMENTS

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

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

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Outdoor storage of vehicles and equipment shall be limited to the areas shown on the site plan attached as Exhibit "B" ("Site Plan"), until such time that a future storage building is erected on the Subject Property, at which time, vehicles and equipment required to be stored overnight shall be located in the storage building.
3. Storage of materials used in connection with off-site projects shall be limited to the areas shown on the Site Plan, and shall be limited to no more than 21 consecutive days.
4. Existing areas consisting of dirt and/or debris piles shall be removed promptly following issuance of any required excavation/drainage permits.
5. Owner will apply for a drainage permit for all existing improvement and comply with all terms and conditions of same. Owner will provide a copy of the drainage permit and associated plans to The Town of Clermont.

MDC's Exhibit B - - page 1 of 6

-
6. Owner will pave the existing stone entry drive with asphalt or other hard surface material permitted by the City of Indianapolis Consolidated Zoning/Subdivision Ordinance. The width of the driveway entrance shall be reduced to match the existing driveway on the west side of Raceway Road, but not less than thirty-six feet (36'), and shall be subject to the approval of Hendricks County.
-

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference.

These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2022-ZON-092 by the City-County Council changing the zoning classification of the real estate from a D-4 zoning classification to a I-1 zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the I-1 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

STAFF REPORT 2022-ZON-092 / 2022-VAR-010, Photographs



Looking east at the building on the subject site.



Looking south from the site.



Looking north along the Raceway Road frontage of the site.



Looking west across Raceway Road at the neighbor to the west.



Looking west across Raceway Road at the neighbor to the west.



Looking south along the Raceway Road frontage from the northwest corner of the site.



Looking southeast along the CSX railroad tracks. The subject site is to the right.



Looking east at the neighbor to the north.

STAFF REPORT

Item 3.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-CZN-876 / 2022-CVR-876 / 2022-CVC-876
Address: 1507 & 1517 West Vermont Street and 333 Koehne Street
(Approximate Addresses)
Location: Center Township, Council District #16
Petitioner: Own It Enterprise, LLC, by David Kingen and Emily Duncan
Request: Rezoning of 0.62 acre from the D-8 (RC) district to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a side and rear yard setback of zero feet when abutting an alley (ten-foot required).

Vacation of the first alley east of Koehne Street, being 12 feet in width, from the south right-of-way line of Vermont Street, being the northeast corner of Lot 47 in Lentz Heirs Addition, Recorded in Plat Book 11, Page 69 in the Office of the Recorder of Marion County, Indiana, south a distance of 109 feet to the southeast corner of Lot 45 in said subdivision, with a waiver of the assessment of benefits.

Vacation of an irregular portion of White River Parkway West Drive located at the southwest intersection of Vermont Street and White River Parkway West Drive totaling 0.12 acres, with a waiver of the assessment of benefits.

Staff expects the petitioner to submit a request to **continue** this matter to provide time to meet with a city department. As of this writing, the requested hearing date has not been submitted to the staff. A staff report will be available prior to that hearing.

JY

STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-004
Address: 5680 Eden Village Drive (*Approximate Addresses*)
Location: Pike Township, Council District #8
Petitioner: Olanrewaju Ahmeed Azeez
Request: Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

The petitioner's representative has requested a **continuance from the February 23, 2023 hearing, to the March 23, 2023 hearing**, to explore other rezoning options, which may require new notice. Staff would not object to the continuance.

kb

STAFF REPORT

Item 5.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-002
Address: 2060 Yandes Street (*Approximate Address*)
Location: Center Township, Council District #17
Zoning: D-P
Petitioner: Onyx + East, LLC, by Michael Rabinowitch
Request: Modification of the Development Statement related to 2021-ZON-104, to allow for residential housing with a property management firm responsible for exterior maintenance (previous Development Statement required home ownership with maintenance provided by a Home Owner's Association).

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to the D-P Statement, site plan and elevations, file-dated January 20, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 3.6-acre site, zoned D-P, is developed with an industrial use. It is surrounded by undeveloped land to the north, zoned I-3; single-family dwellings to the south, zoned D-8; undeveloped land and a single-family dwelling to the east, zoned I-3 and D-8; and the Monon Trail to the west, zoned I-3.

MODIFICATION

- ◇ This request would modify the Development Statement related to 2021-ZON-104, to allow for residential housing (rental and / or ownership) with a property management firm responsible for exterior maintenance (previous Development Statement required home ownership with maintenance provided by a Home Owner's Association).
- ◇ As proposed, the site plan and number of dwelling units would remain the same as approved in 2021-ZON-104. The elevations have been amended to eliminate the roof top access.
- ◇ This request would clarify that any of the dwelling units would be available either for sale or rental, with a property management firm responsible for exterior maintenance.

(Continued)

- ◇ Staff would note that the site abuts the Monon Trail to the west. Any connection to that trail would not be appropriate unless reviewed and approved by the Department of Public Works, Greenways Section, or its equivalent agency.
- ◇ Staff believes the proposed amendments would be minor and have minimal impact on surrounding land uses, while providing an additional housing option. Staff is, therefore, in support of this request.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

D-P

Industrial uses

SURROUNDING ZONING AND LAND USE

North - I-3

Undeveloped land

South - D-8

Single-family dwellings

East - I-3 / D-8

Undeveloped land

West - I-3 / D-8

Monon Trail

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of Yandes Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 60-foot right-of-way and proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There is no overlay for this site.

SITE PLAN

File-dated January 20, 2023

ELEVATIONS

File-dated January 20, 2023

D-P STATEMENT

File-dated January 20, 2023

ZONING HISTORY

2021-ZON-104; 2060 Yandes Street, requested rezoning of 3.6 acres from the I-3 district to the D-P district to provide for 54 total units consisting of 50 single-family attached dwellings and four single-family detached dwellings for a density of 15 units per acre, **approved**.

(Continued)

VICINITY

2021-CZN-819 / 2021-CVR-819; 2008 Yandes Street (south of site), requested Rezoning of 0.6 acre from the I-3 district to the D-8 district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with an eight-foot front setback and to provide for 54% open space, **approved and granted**.

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

2021-ZON-028; 2018, 2024 and 2032 Yandes Street, requested rezoning of 0.39 acre from the I-3 District to the D-8 district, **approved**.

2020-CZN-835 / 2020-CVR-835: 2005 and 2011 Columbia Avenue and 1314 East 20th Street, requested rezoning of 0.29 acre from the I-3 district to the D-8 classification and a variance of development standards to provide for the construction within the clear sight triangle of the abutting streets, deficient front setbacks, deficient side setbacks, deficient space between dwellings and deficient open space, **approved**

2020-CZN-829 / 2020-CVR-829, 2030 Yandes Street (north of site), requested rezoning of 0.13 acre from the I-3 district to the D-8 district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling and detached garage with six feet between dwellings and 48% open space, **approved and granted**.

2020-ZON-076; 2019 and 2023 Yandes Street, requested rezoning of 0.26 acre from the I-3 district to the D-8 district, **approved**.

2020-ZON-055; 2038 Yandes Street, requested rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2020-ZON-038; 2028 Columbia Avenue, requested the rezoning of 0.1 acre from the I-3 district to the D-8 classification, **approved**.

2019-ZON-029; 2010 Yandes Street, requested the rezoning of 0.13 acre from the I-3 district to the D-8 classification, **approved**.

2019-ZON-028; 2032, 2038, and 2042 Columbia Avenue, requested the rezoning of 0.39 acre from the I-3 district to the D-8 classification, **approved**.

2018-UV1-030; 2018 Yandes Street, requested variances of use and development standards to provide for a single-family dwelling and garage with deficient front and rear transitional yards and deficient north setback, **approved**.

2017-ZON-030; 2001 to 2044 Alvord Street, requested rezoning of 2.57 acres from the I-3 district to the D-8 classification, **approved**.

(Continued)

2017-CZN-811 / 2021-CVR-811; 1013 East 20th Street, requested rezoning of 2.08 acres, from the I-3 district to the D-8 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish 16 lots, with zero feet of street frontage and lot width and without direct access to a public street, **approved and granted**.

2007-ZON-866 / 2007-VAR-866) 1145 East 22nd Street & 2108 Columbia Avenue, requested rezoning of 6.2 acres, from the I-3-U District, to the C-S classification to provide for two development areas: Parcel "A" permits: mixed-use or stand-alone buildings including dwelling units, offices, C-3 uses, I-1, I-2 and specified I-3 uses and schools; Parcel "B" permits: C-3C uses and two-family and multifamily residential uses and a variance of development standards of the Commercial Zoning Ordinance to provide for a zero-foot front setback and yard along Yandes Street), provide for a zero-foot front setback and yard along 22nd Street, provide for zero-foot side and rear yards, without a setback increase for buildings taller than 35 feet in height, **approved and granted**.

2004-UV2-003; 1002 East 21st Street and 1017 East 22nd Street (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for a second-hand retail store within an existing industrial warehouse, **granted**.

2003-ZON-106; 2202, 2247, 2224, 2239, 2243 North Columbia Avenue and 2225 Yandes Street (northeast of site), requested a rezoning of 0.86 acre from the D-5 and I-2-U to the SU-1 classification to provide for religious uses, **approved**.

93-UV3-106; 2108 North Columbia Avenue, requested a variance of use of the Industrial Zoning Ordinance to provide for motor vehicle repair facility, **granted**.

93-AP3-3; 2108 North Columbia Avenue, requested a waiver of the one-year filing requirement, **approved**.

92-Z-133; 2001 Yandes Street, requested rezoning of 2.64 acres, being in the I-3-U District to the SU-1 classification to provide for religious uses, **approved**.

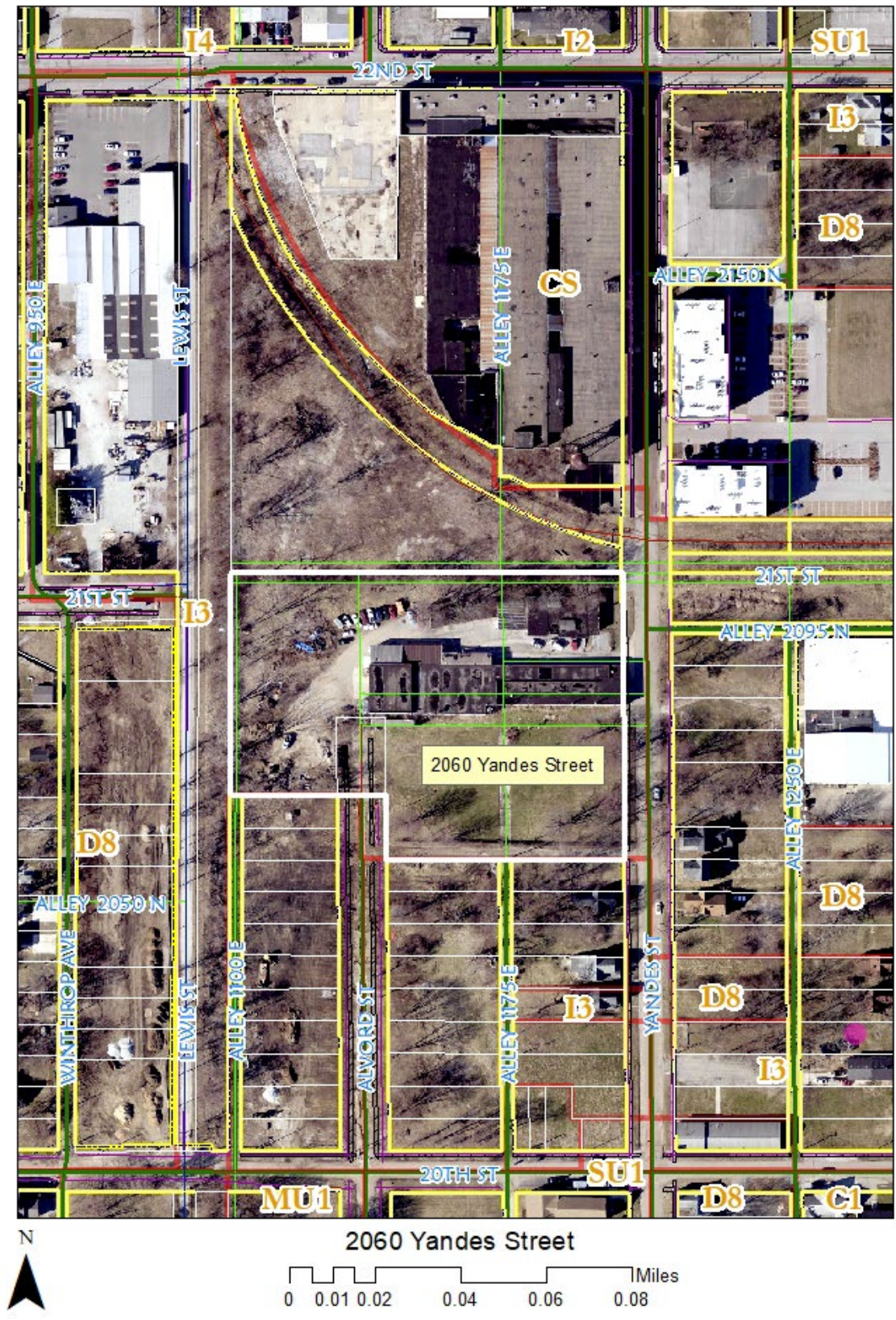
92-UV3-51; 2108 North Columbia Avenue, requested a variance of use of the Industrial Zoning Ordinance to permit an automobile repair facility, including body work and painting of automobiles, the salvage of automobile parts, and a dwelling, **denied**.

96-V3-46; 2225 Yandes Street, requested a variance of development standards of Industrial Zoning Ordinance to provide for a building addition with reduced setbacks, **granted**.

93-UV3-31; 2016 Columbia Avenue, requested a variance of use for a room addition to an existing single-family dwelling, **granted**.

85-UV3-14; 2021 Columbia Avenue, requested a variance of use to provide for a single-family dwelling with 3.1-foot side yards in an industrial district, **approved**.

kb



Monon 21
By Onyx + East
Development Statement
8.24.2021

Onyx and East is proposing to redevelop the 3.6 acre property located northwest of Yandes Street and 20th Street, east of 21st street, with the Monon Trail running along the western property line. The property current consists of dilapidated commercial structures in a currently zoned I3- Medium Industrial District.

The rezoning for the proposed redevelopment will consist of 54 residential units, including single-family detached and townhome residential options. The vision of this redevelopment community, known as Monon 21, is to provide opportunities for new ~~home-ownership~~ residential housing and private investment in the Near Northside and the Monon area. Despite its historically industrial land use, the surrounding area has seen an influx of new, detached single-family housing over the past couple of years with very little product type, size and price point diversity. The proposed Onyx and East development will compliment the existing and other land uses and private investment within the area by offering new residential product types and residential density that the area is lacking.

Land Use Plan Considerations

Onyx + East proposes a townhome and single-family detached development for this block. This is consistent with the applicable comprehensive plan recommendations of the Village Mixed-Use typology. The proposed development is also consistent with the following guidelines taken from the Marion County Pattern Book:

- 100% of the proposed redevelopment is covered by the Pattern Book's Village of Mixed-Use typology.
- The proposed land use of single-family, attached residential is consistent with the recommended land uses in Village Mixed-Use.
- The proposed density of 15 units per acre is consistent with the Pattern Book's Village Mixed-Use recommendation of 6 to 25 dwelling units per acre.
- The proposed development is within a half mile distance to schools, playgrounds, churches, greenways and parks, such as JTV Hill Park, Monon Acres Park and Kennedy-King Park Center. This aligns with the Village Mixed-Use typology recommendations.
- Although not all units have direct street frontage, all units within the proposed development will have first floor front doors with sidewalks that connect directly to the surrounding street and connect to the overall Monon Trail pedestrian network.

The Proposed Development

The proposed redevelopment represents an investment of \$21 M dollars into the Near Northside and Monon Trail area. Monon 21 may include the following:

- 2- Story, Detached Single-Family Homes
 - 6 Total Units ranging from 2,007 – 2,187 SF
 - 2-3 Bedrooms
 - 2.5-3 Bathrooms

- Private, Detached, 2-car Garages
- ~~Estimated Pricing Ranging from the \$500,000's~~
- 3-Story, Attached, Single-Family Townhomes
 - 50 Total Units
 - 8 units at 1,270 SF
 - 2 units at 1,359 SF
 - 4 units at 1,530 SF
 - 12 units at 1,550 SF
 - 2 units at 1,715 SF
 - 8 units at 1,825 SF
 - 1 unit at 1,922 SF
 - 2 units at 2,050 SF
 - 8 units at 2,081 SF
 - 3 units at 2,187 SF
 - 2-4 Bedrooms
 - 2.5-3 Bathrooms
 - Private, Attached, 2-Car Garages for all Units/1 Car Garage for 1,270 SF Units (92 Spaces)
 - 2nd Floor Front Balconies on Select Units
 - ~~Rooftop Decks on Select Units~~
 - ~~Estimated Pricing Ranging from \$295,000-\$499,000~~

In addition to the new construction homes, the proposed site development and infrastructure will also include:

- New sidewalks throughout the development, including connections to Alvord Street and along the west side of Yandes Street, as well as potential new sidewalk connections to the Monon Trail.
- A new, internal extension Alvord Street to the northern property line and the addition of a new public right of way street (21st Street) that connects Alvord and Yandes, creating additional connections for the adjacent properties.
- Extensions and connections of the existing public alley's to throughout the development that will provide direct public access to the new public streets within the project – ensuring public connectivity for the neighborhood.
- New and enhanced landscaping and street beautification for Yandes Street, Alvord Street and 21st Street.

All units-lots will be conveyed and platted as fee-simple units-lots with the owners owning the land under the unit and having membership in a homeowner's association or property management firm responsible established for maintenance of building exteriors, common areas, and greenspace development. Vehicular access is provided from Yandes Street (new 21st Street connection) and Alvord Street where an internal alley/drive provides access to the trash receptacles, emergency services and utilities.

Development Standards and Commitments

1. The project shall be constructed in substantial conformity with the site plan, landscape plan, and building elevations filed for consideration and approval by the Metropolitan Development Commission. All drawings and submitted materials identify proposed design standards including setbacks, landscaping materials, building heights, and exterior building materials. Any substantial changes from the revised documents will be submitted to the Department of Metropolitan Development for approval.
2. Onyx+East will be responsible for naming and signing, in accordance with the City standards, the proposed internal alley/street for the purpose of addressing not oriented towards the street grid. This will provide clear directions for guests, deliveries, emergency services, and other potential visitors. The [Property Ownership, or any](#) HOA established as part of this proposed development will be responsible for maintaining the internal street and its respective private utilities as it is not being dedicated as public right-of-way.

Construction is expected to begin in Q4 of 2021 with a project completion date by Q4 of 2023.

Monon 21
 By Onyx + East
Development Statement
8.24.2021

Onyx and East is proposing to redevelop the 3.6 acre property located northwest of Yandes Street and 20th Street, east of 21st street, with the Monon Trail running along the western property line. The property current consists of dilapidated commercial structures in a currently zoned I3- Medium Industrial District.

The rezoning for the proposed redevelopment will consist of 54 residential units, including single-family detached and townhome residential options. The vision of this redevelopment community, known as Monon 21, is to provide opportunities for new residential housing and private investment in the Near Northside and the Monon area. Despite its historically industrial land use, the surrounding area has seen an influx of new, detached single-family housing over the past couple of years with very little product type, size and price point diversity. The proposed Onyx and East development will compliment the existing and other land uses and private investment within the area by offering new residential product types and residential density that the area is lacking.

Land Use Plan Considerations

Onyx + East proposes a townhome and single-family detached development for this block. This is consistent with the applicable comprehensive plan recommendations of the Village Mixed-Use typology. The proposed development is also consistent with the following guidelines taken from the Marion County Pattern Book:

- 100% of the proposed redevelopment is covered by the Pattern Book's Village of Mixed-Use typology.
- The proposed land use of single-family, attached residential is consistent with the recommended land uses in Village Mixed-Use.
- The proposed density of 15 units per acre is consistent with the Pattern Book's Village Mixed-Use recommendation of 6 to 25 dwelling units per acre.
- The proposed development is within a half mile distance to schools, playgrounds, churches, greenways and parks, such as JTV Hill Park, Monon Acres Park and Kennedy-King Park Center. This aligns with the Village Mixed-Use typology recommendations.
- Although not all units have direct street frontage, all units within the proposed development will have first floor front doors with sidewalks that connect directly to the surrounding street and connect to the overall Monon Trail pedestrian network.

The Proposed Development

The proposed redevelopment represents an investment of \$21 M dollars into the Near Northside and Monon Trail area. Monon 21 may include the following:

- 2- Story, Detached Single-Family Homes
 - 6 Total Units ranging from 2,007 – 2,187 SF
 - 2-3 Bedrooms
 - 2.5-3 Bathrooms

- Private, Detached, 2-car Garages
- 3-Story, Attached, Single-Family Townhomes
 - 50 Total Units
 - 8 units at 1,270 SF
 - 2 units at 1,359 SF
 - 4 units at 1,530 SF
 - 12 units at 1,550 SF
 - 2 units at 1,715 SF
 - 8 units at 1,825 SF
 - 1 unit at 1,922 SF
 - 2 units at 2,050 SF
 - 8 units at 2,081 SF
 - 3 units at 2,187 SF
 - 2-4 Bedrooms
 - 2.5-3 Bathrooms
 - Private, Attached, 2-Car Garages for all Units/1 Car Garage for 1,270 SF Units (92 Spaces)
 - 2nd Floor Front Balconies on Select Units

In addition to the new construction homes, the proposed site development and infrastructure will also include:

- New sidewalks throughout the development, including connections to Alvord Street and along the west side of Yandes Street, as well as potential new sidewalk connections to the Monon Trail.
- A new, internal extension Alvord Street to the northern property line and the addition of a new public right of way street (21st Street) that connects Alvord and Yandes, creating additional connections for the adjacent properties.
- Extensions and connections of the existing public alley's to throughout the development that will provide direct public access to the new public streets within the project – ensuring public connectivity for the neighborhood.
- New and enhanced landscaping and street beautification for Yandes Street, Alvord Street and 21st Street.

All lots will be conveyed and platted as fee-simple lots with a homeowner's association or property management firm responsible for maintenance of building exteriors, common areas, and greenspace development. Vehicular access is provided from Yandes Street (new 21st Street connection) and Alvord Street where an internal alley/drive provides access to the trash receptacles, emergency services and utilities.

Development Standards and Commitments

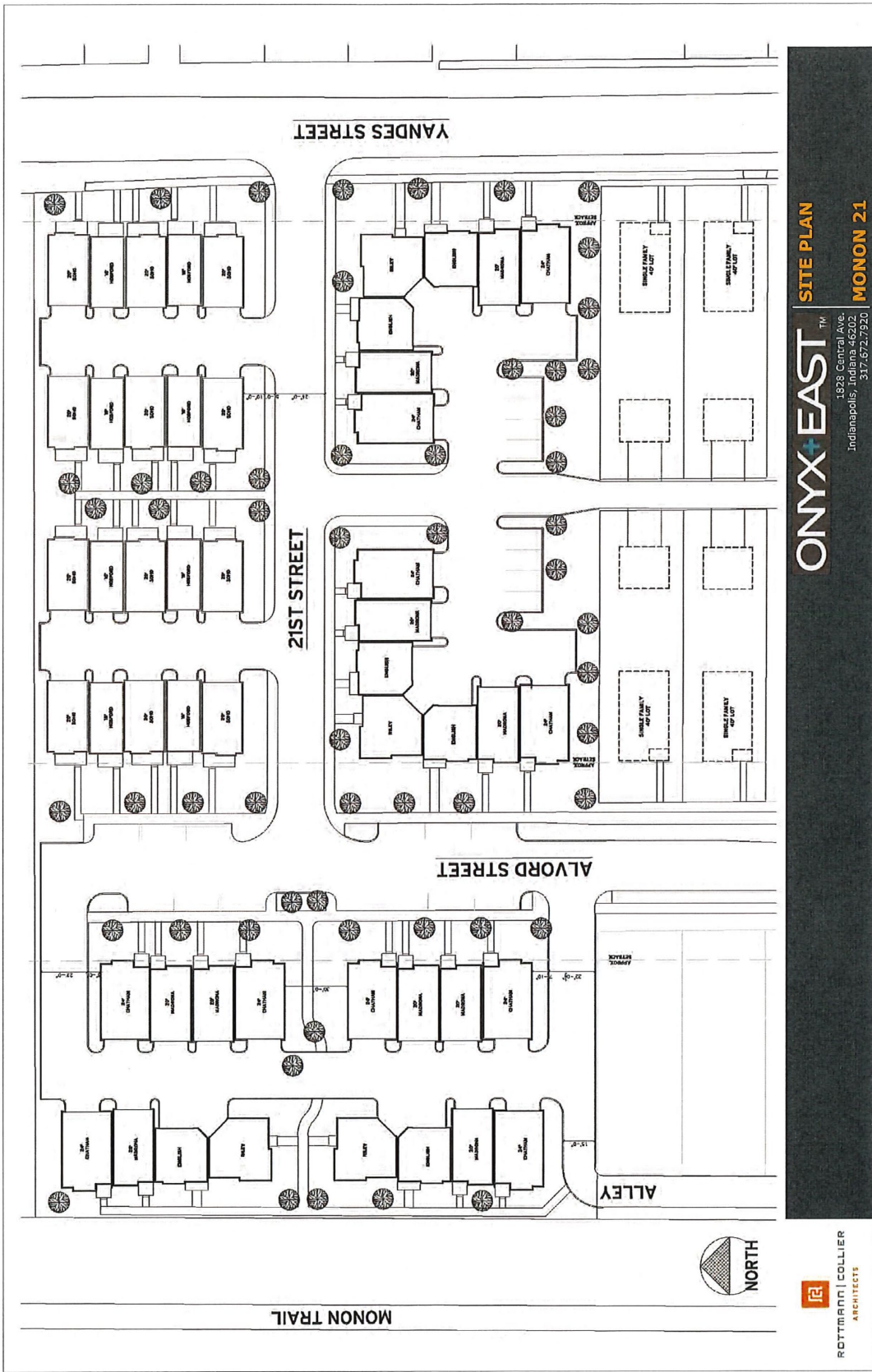
1. The project shall be constructed in substantial conformity with the site plan, landscape plan, and building elevations filed for consideration and approval by the Metropolitan Development Commission. All drawings and submitted materials identify proposed design standards including setbacks, landscaping materials, building heights, and exterior building materials. Any

substantial changes from the revised documents will be submitted to the Department of Metropolitan Development for approval.

2. Onyx+East will be responsible for naming and signing, in accordance with the City standards, the proposed internal alley/street for the purpose of addressing not oriented towards the street grid. This will provide clear directions for guests, deliveries, emergency services, and other potential visitors. The Property Ownership, or any HOA established as part of this proposed development will be responsible for maintaining the internal street and its respective private utilities as it is not being dedicated as public right-of-way.

Construction is expected to begin in Q4 of 2021 with a project completion date by Q4 of 2023.

28080012.1







MONON 21
2060 YANDES

ONYX+EASTTM
1828 Central Ave.
Indianapolis, Indiana 46202
317.672.7920

ROTTMANN | COLLIER
ARCHITECTS

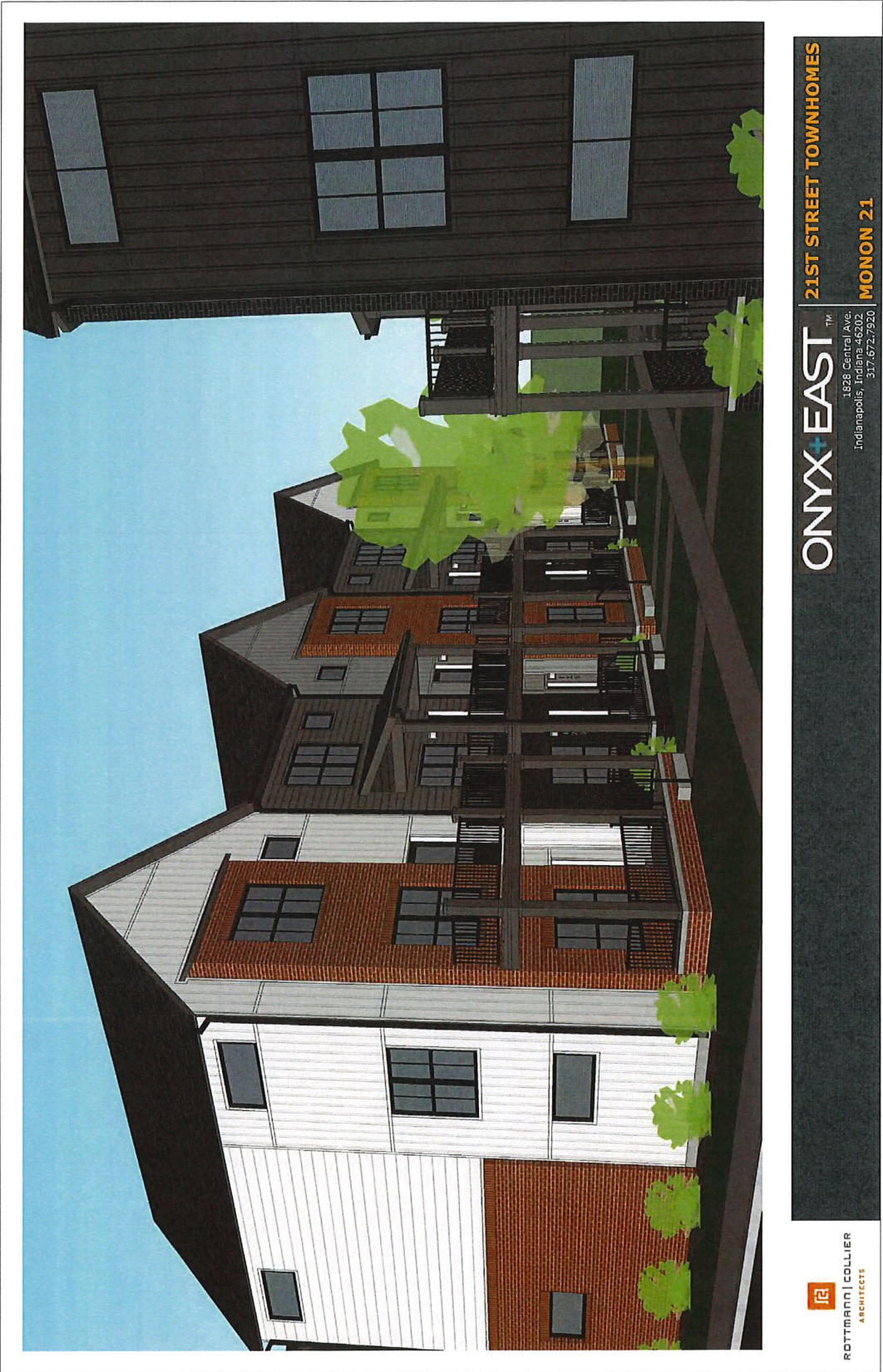




ROTTMANN | COLLIER
ARCHITECTS

ONYX+EAST™
1828 Central Ave.
Indianapolis, Indiana 46202
317.672.7920

YANDES AND 21ST
MONON 21





View looking south along Yandes Street



View looking north along Yandes Street



View of site looking west



View of site looking west



View looking west along southern boundary of site



View from site looking east across Yandes Street



View from site looking east across Yandes Street



View from site looking east across Yandes Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-005 (Amended)
Address: 1405 Deloss Street (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: K&D Epic Holdings, LLC, by Peter Gundy
Request: Rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This site was platted as a lot in 1873 as part of Allen, Root and English's 2nd North Woodlawn Addition. Historic mapping indicates that a dwelling was located on the site as early as 1898 and perhaps earlier. The dwelling was demolished in 2000/2001 and the site has remained vacant since that time.
- ◇ The lots immediately to the west were originally developed with dwellings, but the industrial building that now sits on those lots dates back at least to the mid-1960s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.

(Continued)

STAFF REPORT 2023-ZON-005 (Continued)

ZONING

- ◇ This petition requests a rezoning to the D-8 district. The D-8 district is a unique district designed for application in older, developed urban areas. The district allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. A fine-grain of accessibility is provided and must be maintained.
- ◇ The D-8 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan and to the existing pattern of development in the vicinity.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-2	Compact	Vacant lot
-----	---------	------------

SURROUNDING ZONING AND LAND USE

North	I-2	Single-family dwelling
South	D-5	Single-family dwelling
East	D-8	Single-family dwelling
West	I-2	Roofing contractor

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
-----------------------------	--

THOROUGHFARE PLAN	Deloss Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
-------------------	---

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

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

ZONING HISTORY – SITE

None

(Continued)

STAFF REPORT 2023-ZON-005 (Continued)**ZONING HISTORY – VICINITY**

2022-DV1-011; 1422 English Avenue (southwest of site), requested variances of development standards to legally establish deficient setbacks and to provide for excessive building height and deficient setbacks and open space, **withdrawn**.

2021-ZON-014; 1400 English Avenue (southwest of site), requested the rezoning of 1.85 acre from the SU-1 district to the D-P district to provide for 31 single-family attached dwellings and six single-family detached dwellings for a density of 20 residential units per acre, **approved**.

2018-CZN-836 / 2018-CVR-836 / 2018-CPL-836; 1409, 1434 & 1426 - 1448 Deloss Street (east and northeast of site), requested the rezoning of 0.25 acre from the I-2 district to the D-8 district, requested variances of development standards to provide for deficient building separation and deficient side setbacks, and requested the platting of 0.58 acre into ten single-family attached lots, **rezoning and plat were approved, the variances were withdrawn**.

2018-ZON-044; 1426, 1430, 1448, & 1446 Deloss Street (northeast of site) requested the rezoning of 0.5 acre from the I-2 district to the D-8 district, **approved**.

97-Z-81; 1402 English Avenue (southwest of site), requested the rezoning of 1.8 acre from the C-1 and I-2 districts to the SU-1 district, **approved**.

klh

STAFF REPORT 2023-ZON-005, Location



STAFF REPORT 2023-ZON-005, Aerial photograph (2022)



STAFF REPORT 2023-ZON-005, Photographs



Looking south at the subject site from Deloss Street.



Looking east along Deloss Street from the site.



Looking west along Deloss Street from the subject site.



Looking north across Deloss Street from the subject site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-MOD-021
Address: 3125 North German Church Road (*Approximate Address*)
Location: Warren Township, Council District #14
Zoning: D-5II
Petitioner: Davis Building Group, LLC, by Paul J. Carroll
Request: Modification of Commitments related to 2022-ZON-021 to modify Commitment #15 to allow the HOA governing documents to permit rented or leased dwellings (previous commitment required dwellings to be owner-occupied for a period of one year before they could be rented or leased) and to remove the requirement for trash receptacle enclosure provisions in the HOA governing documents.

The petitioner requested and was granted a continuance for cause from the January 12, 2023 hearing to the February 23, 2023 hearing.

A registered neighborhood organization, the Warren Township Development Association, requested and was granted a continuance for cause from the December 1, 2022 hearing to the January 12, 2023 hearing.

RECOMMENDATION

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an undeveloped agricultural site. Nearby residential development is a mix of residential plots along 30th Street dating back to the 1950s, single-family residential developments dating from the mid-1980s to the present, and multi-family development dating back to the late 1980s to early 1990s. A commercial node on the southeast corner of German Church Road and 30th Street was begun in the mid-2000s and continues to develop today. The Grassy Creek Regional Park is nearby to the west.

(Continued)

STAFF REPORT 2022-MOD-021 (Continued)

- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology envisions primarily single-family dwellings with multi-family dwellings and commercial areas as appropriate. Natural areas such as stream corridors are recommended as focal points or organizing systems for development. Housing density is recommended at one to five dwelling units per acre.

MODIFICATION OF COMMITMENTS

- ◇ This site was rezoned in 2021 from the D-3 district to the D-5II district. The petition was approved subject to 17 commitments, two of which were requested by Staff.
- ◇ This petition would modify Commitment #15. The other commitments would remain as originally approved.
- ◇ Commitment #15 states that “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, trash receptacle enclosure provisions, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year before the units can be rented or leased.”
- ◇ The modification would amend Commitment #15 to state “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year or rented or leased for a minimum of a one-year period.” This removes the requirement for trash receptacle enclosures and the prohibition on renting or leasing units in their first year of occupation.
- ◇ Commitment #15 was the product of negotiations between the petitioner and neighboring organizations without staff’s involvement. As such, staff has no recommendation on the commitment’s modification. However, staff would note that the neighbors’ recommendation in the original petition was based on all the commitments that were submitted and on the reasonable assumption that the site would be developed in accordance with those commitments.
- ◇ Staff further notes that the Ordinance does not regulate whether a dwelling unit is occupied by an owner or renter.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3

Metro

Undeveloped land

(Continued)

STAFF REPORT 2022-MOD-021 (Continued)

SURROUNDING ZONING AND LAND USE

North	SU-1	Religious use
South	D-3, D-P	Undeveloped agricultural land, Single-family dwellings, neighborhood commercial center
East	D-4	Single-family dwellings
West	C-3, D-A, D-3	Undeveloped woodland, single-family dwelling, undeveloped agricultural land,

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

THOROUGHFARE PLAN German Church Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial with a 90-foot existing right-of-way and a 119-foot proposed right-of-way.

30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector with a 115-foot existing right of way and an eighty-foot proposed right-of-way.

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

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

ZONING HISTORY – SITE

2022-ZON-021; 3125 North German Church Road; requested the rezoning of 18 acres from the D-3 district to the D-5II district, **approved**.

95-Z-100; 11550 East 30th Street, requested the rezoning of 119 acres from the D-A district to the D-3 district, **approved**.

ZONING HISTORY – VICINITY

2019-CZN-812 / 2019-CPL-812; 3130 German Church Road (southwest of site), requested the rezoning of two acres from the D-3 district to the C-S district to provide for C-1, MU-1 and C-3 uses and a convenience store/gas station and approval of a plat of twenty acres into two lots, **withdrawn**.

(Continued)

STAFF REPORT 2022-MOD-021 (Continued)

2009-ZON-081; 2800 German Church Road (southwest of site), requested the rezoning of 24 acres from the SU-3 district to the SU-1 district, **withdrawn**.

2007-ZON-027; 2825 German Church Road (south of site), requested the rezoning of 27 acres from the D-P district to the D-P district to provide for 60 units in four-unit buildings and 40 single-family dwellings for a density of 3.7 units per acre, **approved**.

2003-ZON-164; 2825 German Church Road (south of site), requested the rezoning of 32 acres from the D-A district to the D-P district to provide for five acres of commercial development and 27 acres of multi-family dwellings for a density of four units per acre, **approved**.

2000-ZON-844 / 200-VAR-844; 10990 East 30th Street (southwest of site), requested the rezoning of 0.448 acre from the D-A district to the C-3 district and variances of development standards to provide for a sign with a deficient setback and within the clear sight triangle, vehicle maneuvering in the right-of-way of 30th Street, parking in the front transitional yard and to legally establish a building in the proposed right-of-way, **approved**.

94-Z-186; 10870 East 30th Street (southwest of site), requested the rezoning of 12 acres from the D-A district to the C-3 district, **denied**.

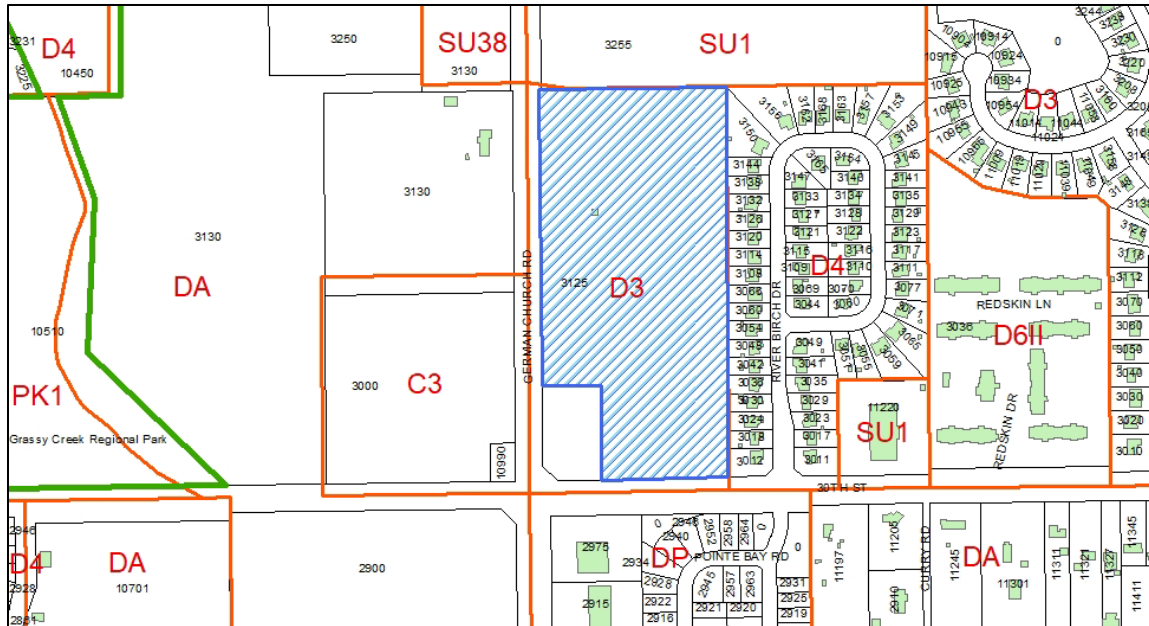
92-Z-128; 2702 German Church Road (southeast of site), requested the rezoning of 24.26 acres from the D-A and SU-1 districts to the SU-3 district, **approved**.

88-Z-124; 11128 East 30th Street (east of site), requested the rezoning of 17.5 acres from the A-2 district to the D-4 district, **approved**.

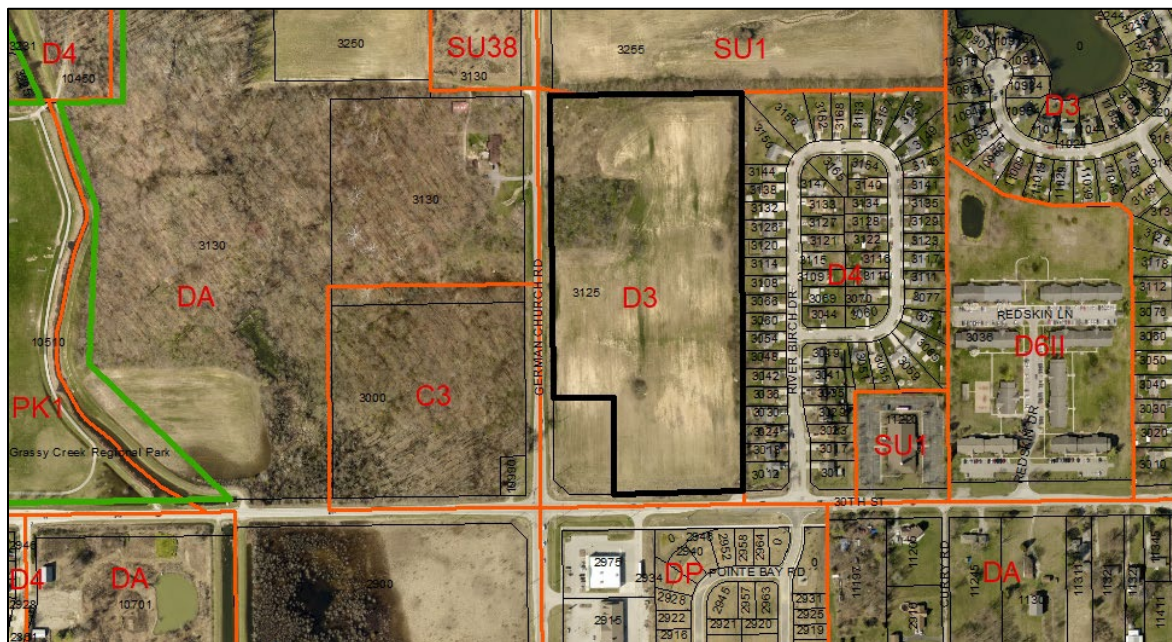
72-Z-310; 10920 East 30th Street (west of site), requested the rezoning of 9.79 acres from the A-2 district to the C-3- district, **approved**.

klh

STAFF REPORT 2022-MOD-021, Location



STAFF REPORT 2022-MOD-021, Aerial photograph (2020)



STAFF REPORT 2022-MOD-021, 2002-ZON-132 Site Plan

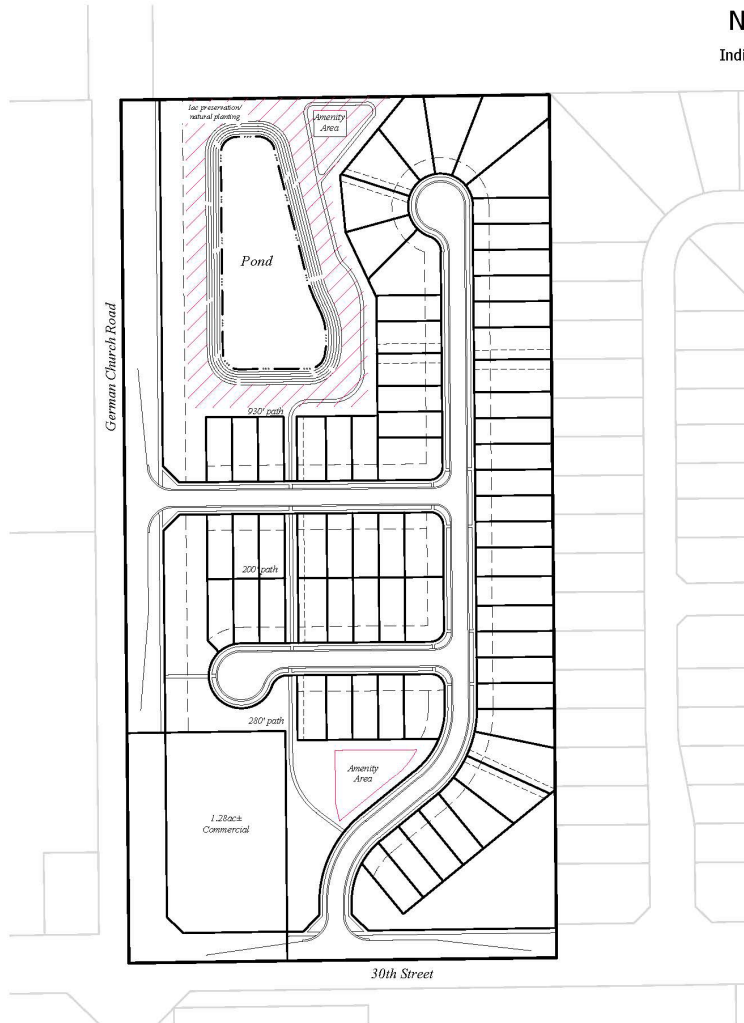
CONCEPT PLAN

May 25, 2021

30th & German Church

NE Corner

Indianapolis, Indiana



Single Family
Option F

Site: 18ac±
68 Lots
Density: 3.78±
Typ. Lot Size: 40 x 100
Street Length: 2,095



STOEPPELWERTH

off: 317.845.5025 7305 East 3500th Street
Fax: 317.845.5042 Fishers, Indiana 46038-3005
www.stoeppelwerth.com

STAFF REPORT 2022-MOD-021, Findings of Fact

Petition Number 2018-CAP-

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

PETITION FOR MODIFICATION OF COMMITMENTS

FINDINGS OF FACT

THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL Rezoning in a Planned Development District FOR WHICH THE COMMITMENTS WERE MADE.

The proposed use of the subject property has not changed. The request provides additional clarity based on what is enforceable.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

STAFF REPORT 2022-MOD-021, Photographs



Looking north across 30th Street to the subject site.



Looking northwest at the intersection of 30th Street and German Church Road.



Looking south on Pointe Harbour Drive from 30th Street.



Looking north on River Birch Drive from 30th Street.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-868 / 2022-CVR-868 (Amended)
Address: 431 South Shortridge Road (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan
Request: Rezoning of 2.74 acres from the D-A district to the C-S district to provide for truck fleet services, an event center and C-1 uses with exceptions.
 Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard (10-foot rear yard required), and without the required front-yard landscaping (landscaping required).

ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

A continuance for cause from the January 26, 2023 hearing to the February 23, 2023 hearing was requested by the petitioner's representative. The continuance was granted. Staff has received no new information and continues to **recommend denial** of the petition.

ADDENDUM FOR JANUARY 26, 2023, HEARING EXAMINER

The petition was amended and continued from the December 29, 2022 hearing to the January 26, 2023 hearing to provide time for proper notice to be issued.

The petition was amended from a request for rezoning to the C-7 district to a request for rezoning to the C-S. District. The C-S district allows a petitioner to develop a custom list of permitted land uses. The C-S district requires a development statement and site plan.

The custom list of permitted land uses submitted with this petition would allow for truck fleet services, an event center and C-1 uses with exceptions

Staff continues to **recommend denial** of this request. Staff would recommend approval of the petition if the truck fleet services were excluded from the list of uses and the variances were withdrawn.

Truck Fleet Services falls into the Fleet Terminal land use category of the Ordinance, where it is permitted in the I-3 and I-4 zoning districts, the two most intense industrial districts. Fleet Terminal is defined in the Ordinance as a central facility for the distribution, storage, loading and repair of fleet vehicles, with or without associated

dispatch services and offices. This definition includes uses such as ambulance services; courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; and taxi services. An inherent characteristic of this use is the parking of operable vehicles.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

Truck fleet services are not considered to be an appropriate use in the Office Commercial typology of the Comprehensive Land Use Plan. Additionally, the Ordinance notes that the districts that permit truck fleet services present risks to the general public and should be located away from protected districts. As the subject site is located within close proximity to a daycare to the north, residentially-zoned land to the east and a low-intensity office use to the west, staff doesn't believe that this is a suitable location for a heavy industrial use that involves significant truck traffic.

Event centers fall into the Indoor Recreation and Entertainment land use category, which is permitted as a primary use in the C-4, C-5 and C-7 zoning districts. This use is also considered to be too intense for the Office Commercial typology of the Comprehensive Land Use Plan.

The C-1 district generally provides for offices and for personal professional services. The petitioner has indicated that three primary uses and eight accessory uses would be excluded from the permitted C-1 uses. The excluded primary uses are Substation and Utility Distribution Nodes, Wireless Communications Facility and Transit Centers. The eight accessory uses to be excluded can be found in Attachment E below. Staff would note that one of the proposed excluded land use categories, Indoor Recreation and Entertainment, includes event centers, which is one of the primary uses proposed by this petition. This would result in a stand-alone event center being permitted, but an event center that is part of larger facility being excluded.

The C-1 district would be an appropriate zoning district in the Office Commercial typology of the Comprehensive Land Use Plan.

The petition was also amended to remove a request for a variance of development standards to provide for a deficient side yard to the south. Staff has determined that the amended site plan meets the side yard requirement of the Ordinance, so the variance is no longer needed.

The amended site plan would remove parking spaces from the right-of-way and provides some landscaping in the area. Landscaping that meets the standards of the Ordinance would be required.

The site plan does not show a sidewalk along South Shortridge Road. A sidewalk would be required along this frontage.

ADDENDUM FOR DECEMBER 29, 2022, HEARING EXAMINER

This petition was continued from the December 1, 2022 hearing to the December 29, 2022 hearing to provide for the amendment of the petition.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)**December 29, 2022 Staff Report**
RECOMMENDATION

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography from 1962 shows the subject site under development with the existing structure and parking lots. The nearby Shadeland Avenue freeway was newly constructed and a row of single-family dwellings lined the east side of Shortridge Road north of the site. The nearby industrial dairy was not yet in existence. The site was used for many years as a union hall.
- ◇ The site was most recently occupied by a religious use. The area is now a mix of land uses including a daycare, credit union, woodland and an industrial dairy.
- ◇ The Comprehensive Land Use Plan for Warren Township (2018) recommends Office Commercial for the site and the surrounding area. This land use category is intended for offices, financial institutions and personal care salons.

ZONING

- ◇ This petition requests a rezoning to the C-7 district, which is a high-intensity commercial district. This district is intended for commercial uses that have features such as outdoor storage, sizable merchandise, or outdoor parking and storage of trucks, materials or equipment that make these uses unusually incompatible relative to other commercial uses. These uses should be located near freeway interchanges or on major commercial arterials. This district should not be located in close proximity to retailing, offices or restaurants. It should never be located adjacent to protected districts.
- ◇ The proposed commitments submitted with the request eliminate all uses other than truck and trailer parking. However, truck and trailer parking is considered to fall into the Fleet Terminal land use category of the Ordinance and the C-7 district does not permit fleet terminals. As submitted, this rezoning would have the effect of not permitting any use on the site.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

- ◇ The site plan shows what might be 19 truck parking spaces. If they are truck parking space, the maneuvering room for the trucks doesn't appear to be adequate.

VARIANCE

- ◇ This petition requests variances of development standards to provide for a 20-foot wide south side transitional yard where a 40-foot wide yard is required, for no east yard where a 10-foot wide rear yard is required, and without the required front-yard landscaping.
- ◇ The purpose of transitional yards is to provide a buffer between a less intense use and a more intense use. The parcel to the south is zoned D-A, which is a dwelling and agricultural district, and would require buffering from a C-7 district under the Ordinance. However, the site is used for neither a dwelling nor agriculture and is solidly wooded. The site is recommended for Office Commercial uses in the Comprehensive Land Use Plan.
- ◇ Rear yards are required for the more intense commercial districts to provide some buffering and open space around these intense uses. In this case the site abuts a rail right-of-way.
- ◇ Front yard landscaping is required for a number of reasons including the provision of an attractive streetscape and the screening of intense uses. The site appears to have been originally developed with parking in the rear. By 1972, a parking lot was constructed in the front of the building and partially in the right-of-way. This parking remains.
- ◇ The site plan shows the parking lot remaining in the right-of-way with stones placed in the center of the lot, but outside of the right-of-way. A low hedge is proposed between the parking lot and the building. This would have no effect on screening the parking lot from the street. The Department of Public Works has requested that the parking be removed from the right-of-way. Additionally, staff would recommend that adequate landscaping be provided between the right-of-way and the parking area to provide an effective landscape screen of the parking area.
- ◇ The back parking lot is fenced. The fence is topped with barbed wire. Barbed wire is not permitted under the Ordinance except for livestock and Public Safety properties such as correctional facilities. The barbed wire should be removed.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)**GENERAL INFORMATION****EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-A	Metro	Religious use
-----	-------	---------------

SURROUNDING ZONING AND LAND USE

North	C-7	Undeveloped and wooded land
South	D-A	Undeveloped and wooded land
East	D-2	Railroad right-of-way, undeveloped and wooded land, parking lot
West	C-1	Credit Union with drive-thru

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Warren Township (2018) recommends Office Commercial.
-----------------------------	--

THOROUGHFARE PLAN	Shortridge Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 115-foot existing right-of-way and a 60-foot proposed right-of-way.
-------------------	--

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

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

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

ZONING HISTORY – SITE

86-UV1-4; 431 South Shortridge Road, requested a variance of use to permit an addition to an existing union hall, **approved**.

ZONING HISTORY – VICINITY

2018-ZON-068; 405, 409 & 411 South Shortridge Road (north of site), requested the rezoning of 8.8 acres from the D-11 and C-7 districts to the C-S district to provide for C-1 and I-1 uses, warehousing, commercial and building contractor, truck and trailer parking, heavy truck, heavy equipment and vehicle sales repair and service, **approved**.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

2007-ZON-071; 415 South Shortridge Road (north of site), requested the rezoning of 2.7 acres from the C-1 district to the C-ID district, **approved**.

98-Z-100; 411 South Shortridge Road (north of site), requested the rezoning of 2.9 acres from the D-A district to the C-ID district, **approved**.

89-Z-144 / 89-CV-21; 405 South Shortridge Road (north of site), requested the rezoning of 5.5 acres from the A-2 district to the D-11 district and a variance of development standards to provide for deficient perimeter yards and deficient distance between buildings, **approved**.

86-UV1-1; 411 South Shortridge Road (north of site), requested a variance of use to provide for a storage and maintenance building for an electric company and the operation of a automobile and small engine repair facility, **approved**.

86-Z-78; 415 South Shortridge Road (north of site), requested the rezoning of four acres from the A-1 district to the C-1 district, **approved**.

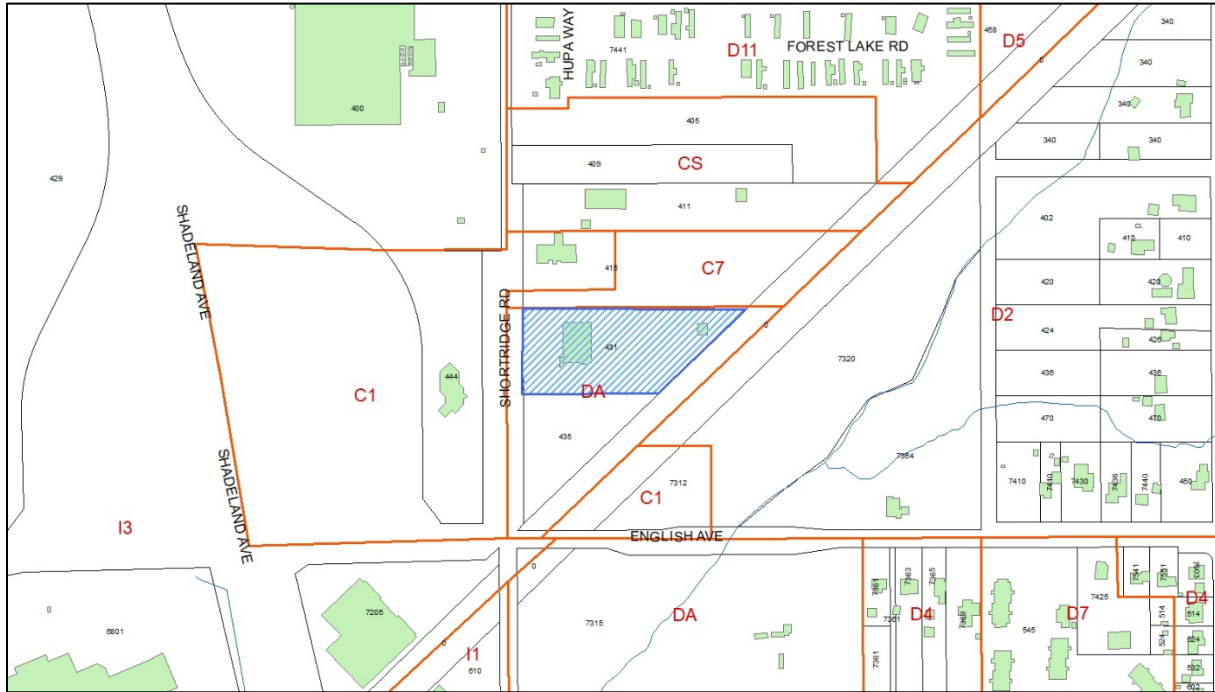
85-Z-157; 7302 English Avenue (south of site), requested the rezoning of 1.1 acre from the D-2 district to the C-1 district, **approved**.

84-UV1-40; 411 South Shortridge Road (north of site), requested a variance of use to provide for retail and repair of commercial search lights, electrical contractor, fabrication, maintenance and sales of radio towers, auto repair and outdoor storage, **approved**.

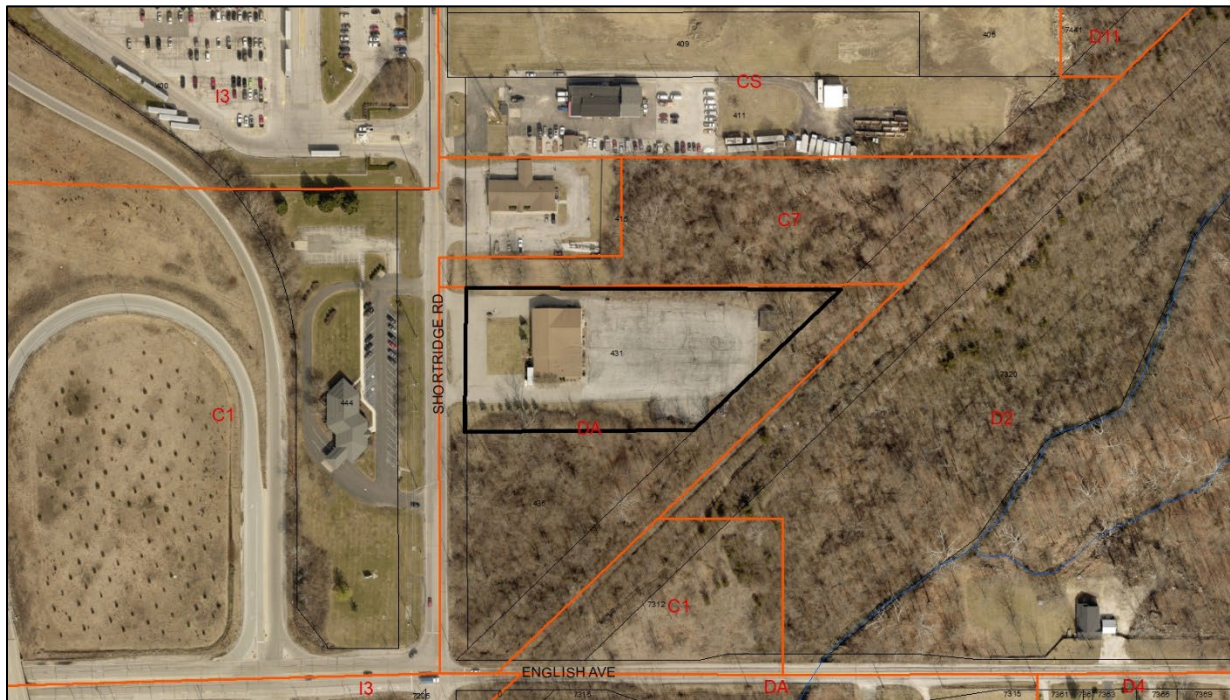
83-UV2-119; 405 South Shortridge Road (north of site), requested a variance of use to provide for automobile service and storage in an A-2 district, **denied**.

klh

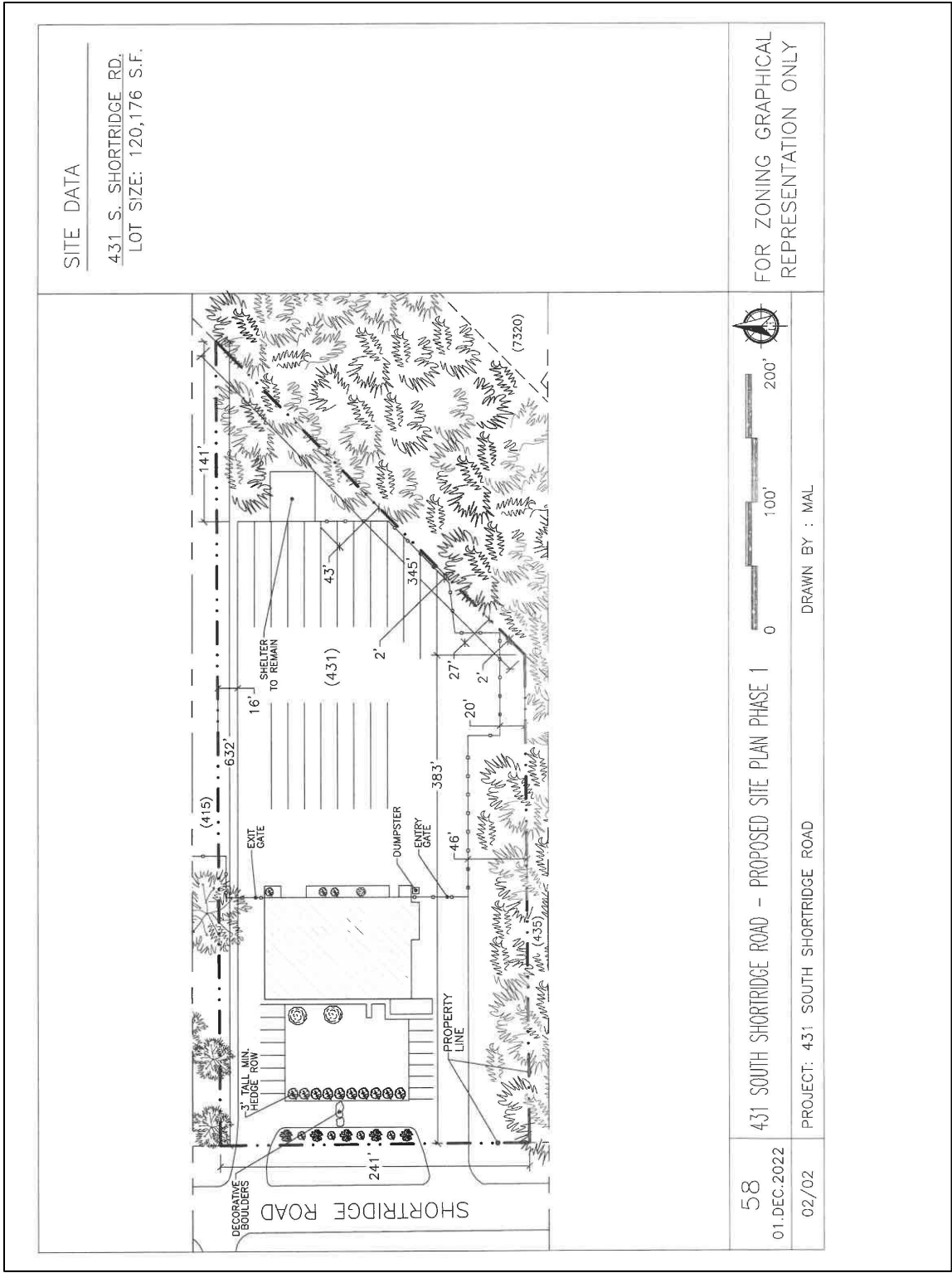
STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Location



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Aerial photograph (2021)



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Site Plan



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Proposed Commitments

ATTACHMENT "C"

Development Plan and Site Plan to allow:

Uses:

1. Truck Fleet Services.
2. Event Center
3. All C1 uses except those listed in the Excluded uses

Building:

Retention of the existing building for the office of both the operation of a commercial truck parking facility and other offices for lease for any C1 use other than those escluded from this site.

Parking:

Thirty (30) parking spaces with one (1) additional space reserved for the handicapped, to serve the site.

Signs:

Wall signs and one ground sign, with no signs of any type oriented towards a protected district shall be permitted. Directional signs shall be permitted

No pole signs shall be permitted or sought for approval on the site.

No off-site advertising signs shall be erected on the site.

Landscaping, screening and buffering:

Install the landscaping along So. Shortridge Road where indicated on the site plan, per plans on file.

Security:

Monitored by security cameras, minimum of six (6)

Lighting:

Parking lot lighting may be used on the site, with no light spillage off the site or oriented towards any protected district.

Box lighting shall be used and affixed to the existing building.

Trash Collection:

All dumpsters shall be behind or to the side of the buildings and to the southeast of the building; and enclosed and gated so as not to be visible, from any public street.

12/13/22

ATTACHMENT "E":

Petitioner commits to exclude the following C1 uses from the subject site:

1. Substation and utility Distribution
2. Wireless Communications facility
3. Transit Center
4. Indoor recreation and entertainment
5. Retail, Light general
6. Parking garage commercial
7. Drive through
8. Outdoor seating or patio
9. Recycling collection point
10. Sidewalk Café
11. Swimming pool or hot tub

12/13/22

STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Findings of Fact

Petition Number _____

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

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

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE: With the "no touch" zone for the buffering to the south and to the east, and the former railway line to the east; the grant shall not be injurious to the general welfare of the community.

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 trend of the area development along both sides of Shortridge Road, from East Washington Street to East English Street is heavy commercial and thus the "No touch zone" along the transitional yards on the two sides, provides for that area adjacent to be affected in a positive manner.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

The parking lot is existing and thus the transitional yards are already reduced in width and with the "no touch zone" to the south and east will allow the property to be used and leave all of the existing trees and vegetation and not shrink the parking lot by removing some of the asphalt.

DECISION

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

Adopted this _____ Day of _____, 20 ____

STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Photographs



Looking east at the subject site.



Looking east along the northern edge of the site.



Looking east along the southern edge of the site.



Looking west along the southern edge of the site.



Looking north along Shortridge Road.



Looking south along the Shortridge Road frontage. Roughly the western half of the parking lot is in the right-of-way.



Looking east from Shortridge Road at the parcel to the north of the site. The site is to the right. A daycare operates behind the green fence to the left.



Looking southwest across Shortridge Road at the neighbor to the west.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

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

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

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

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

February 9, 2023

RECOMMENDATIONS

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

1. The eastern access drive must align with Eden Village Drive to the north
2. The landscape plan must include a vegetative buffer between the proposed retention pond and the nursing home east of site, subject to administrative approval.

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

(Continued)

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

5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

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

REZONING

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

(Continued)

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

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

PLAT

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

TRAFFIC / STREETS

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

SIDEWALKS

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

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-5	Metro	Radio/wireless towers
------	-------	-----------------------

SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE LAND USE PLAN	Suburban Neighborhood
-----------------------------	-----------------------

THOROUGHFARE PLAN	56 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 117-foot existing and proposed right-of-way.
-------------------	---

SITE PLAN	File-dated January 15, 2023
-----------	-----------------------------

SITE PLAN (AMENDED)	File-dated January 30, 2023
---------------------	-----------------------------

LANDSCAPE PLAN	File-dated January 15, 2023
----------------	-----------------------------

LANDSCAPE PLAN (AMENDED)	File-dated February 1, 2023
--------------------------	-----------------------------

LIGHTING PLAN	File-dated January 15, 2023
---------------	-----------------------------

LIGHTING PLAN (AMENDED)	File-dated February 6, 2023
-------------------------	-----------------------------

(Continued)

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

SURVEY/ PRELIMINARY PLAT

File-dated January 4, 2023

DEVELOPMENT PLAN (C-S)

File-dated February 7, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

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

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

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

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

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

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

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

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

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

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

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

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

(Continued)

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

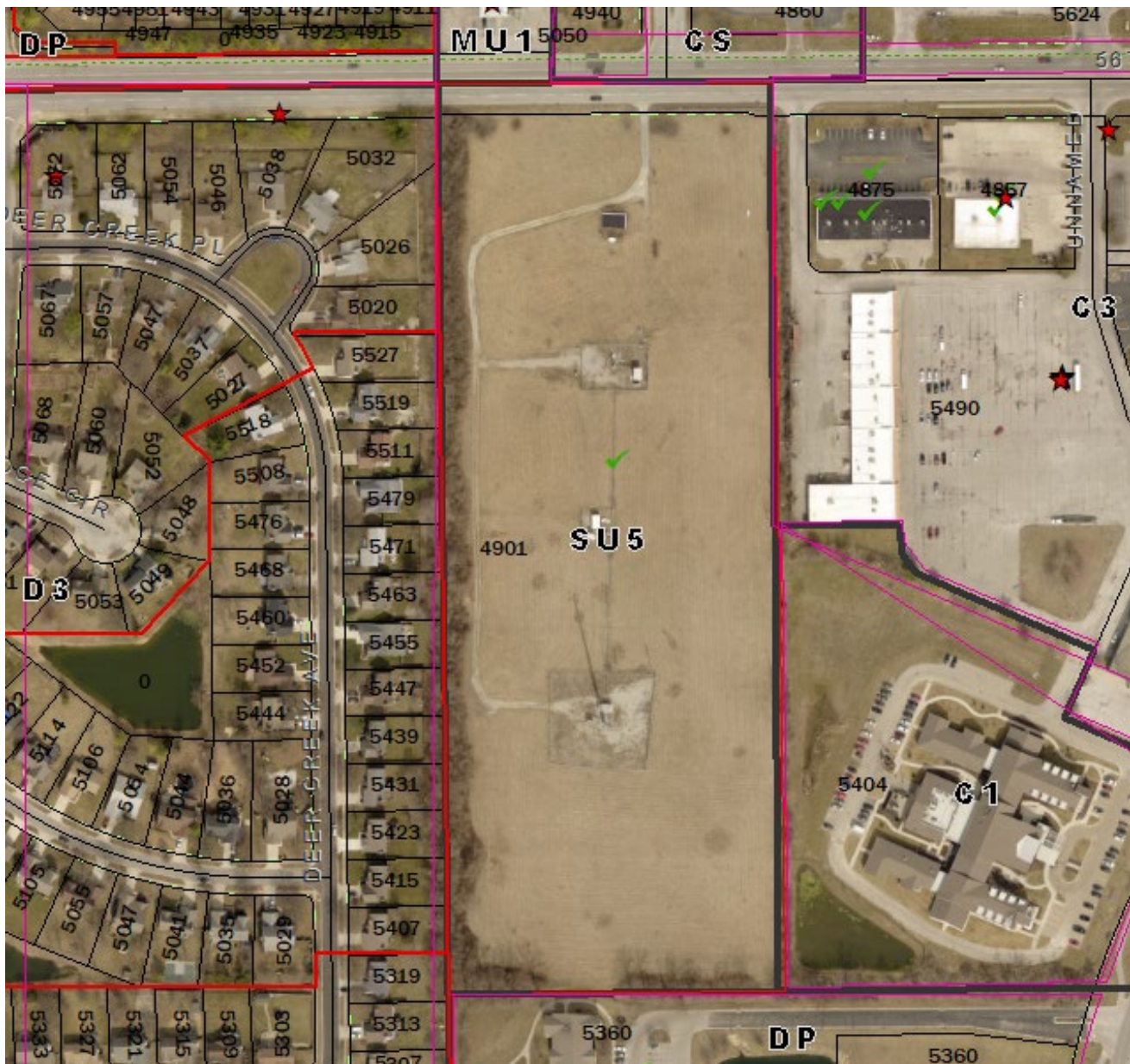
87-Z-106, 5101 West 56th Street, rezoning of 48.89 acres from the A-2 district to the D-7 district, **approved**.

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

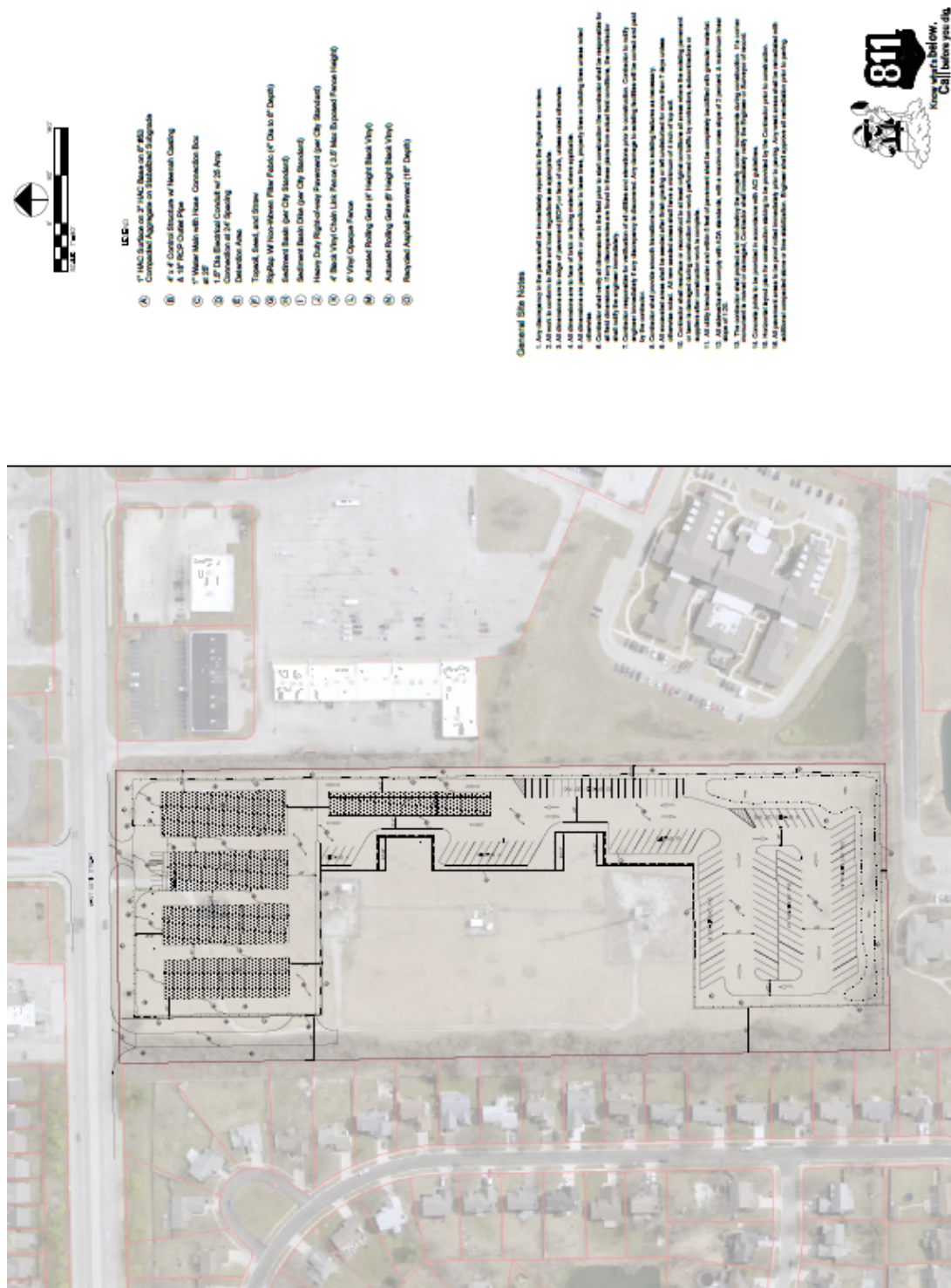
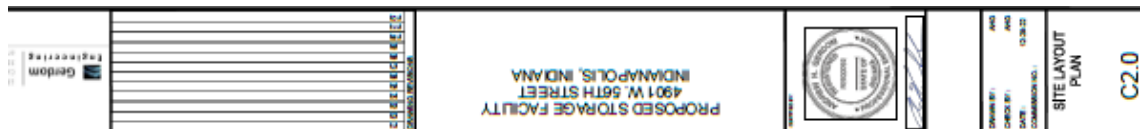
85-Z-168, 4910 West 52nd Street, rezoning of 7.88 acres from the D-P district to the D-P district to allow for additional housing units, **approved**.

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

AR

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

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




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

10000 Sycamore Dr.
Suite 100, West
Indianapolis, IN 46222
Tel: 317.439.1000
info@gerdm.com


Gerdm
Engineering

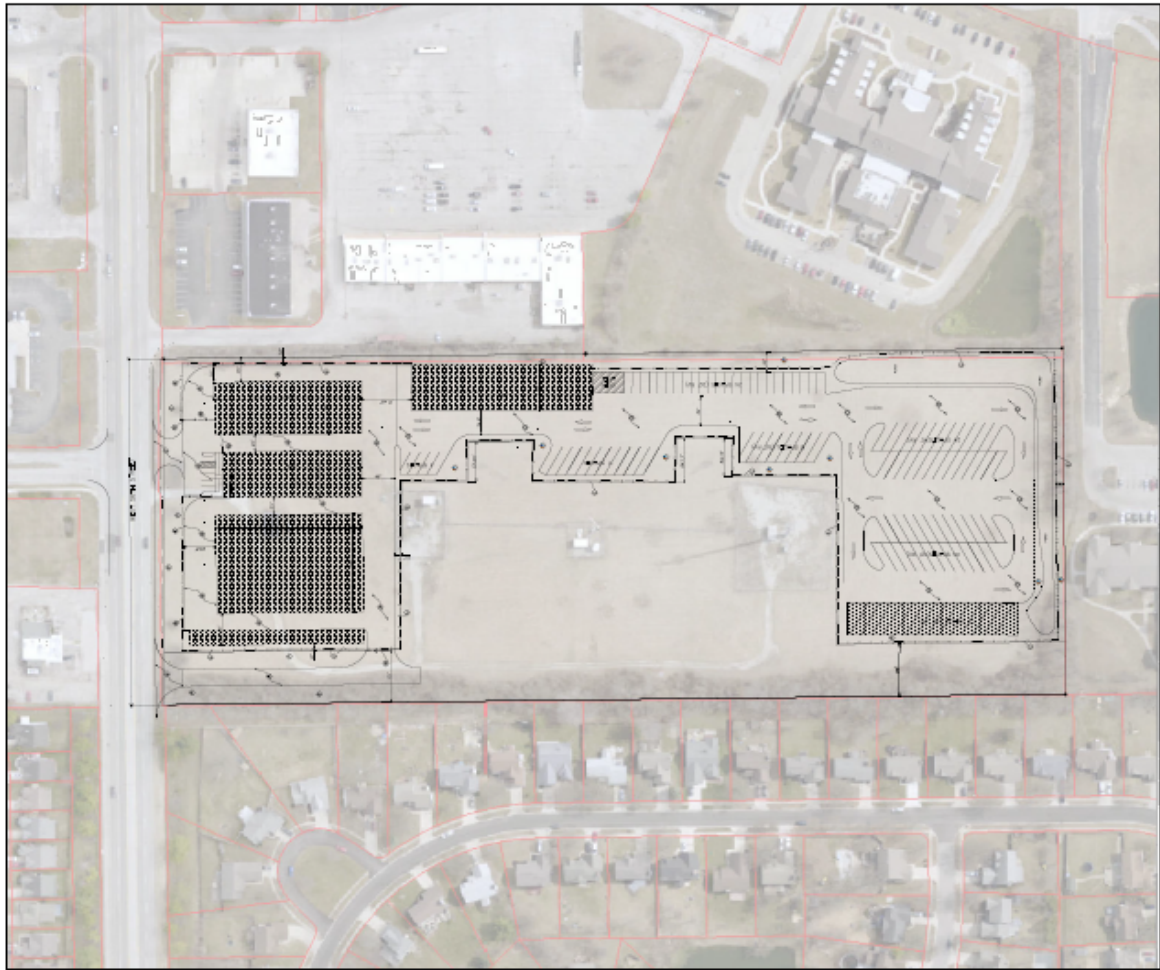
PROPOSED STORAGE FACILITY
4901 W. 56TH STREET
INDIANAPOLIS, INDIANA



DATE: 1.12.22
CHECKED BY: AVO
DRAWN BY: AVO

COMMISSION NO.:
SITE LAYOUT
PLAN


SCALE: 1"=40'



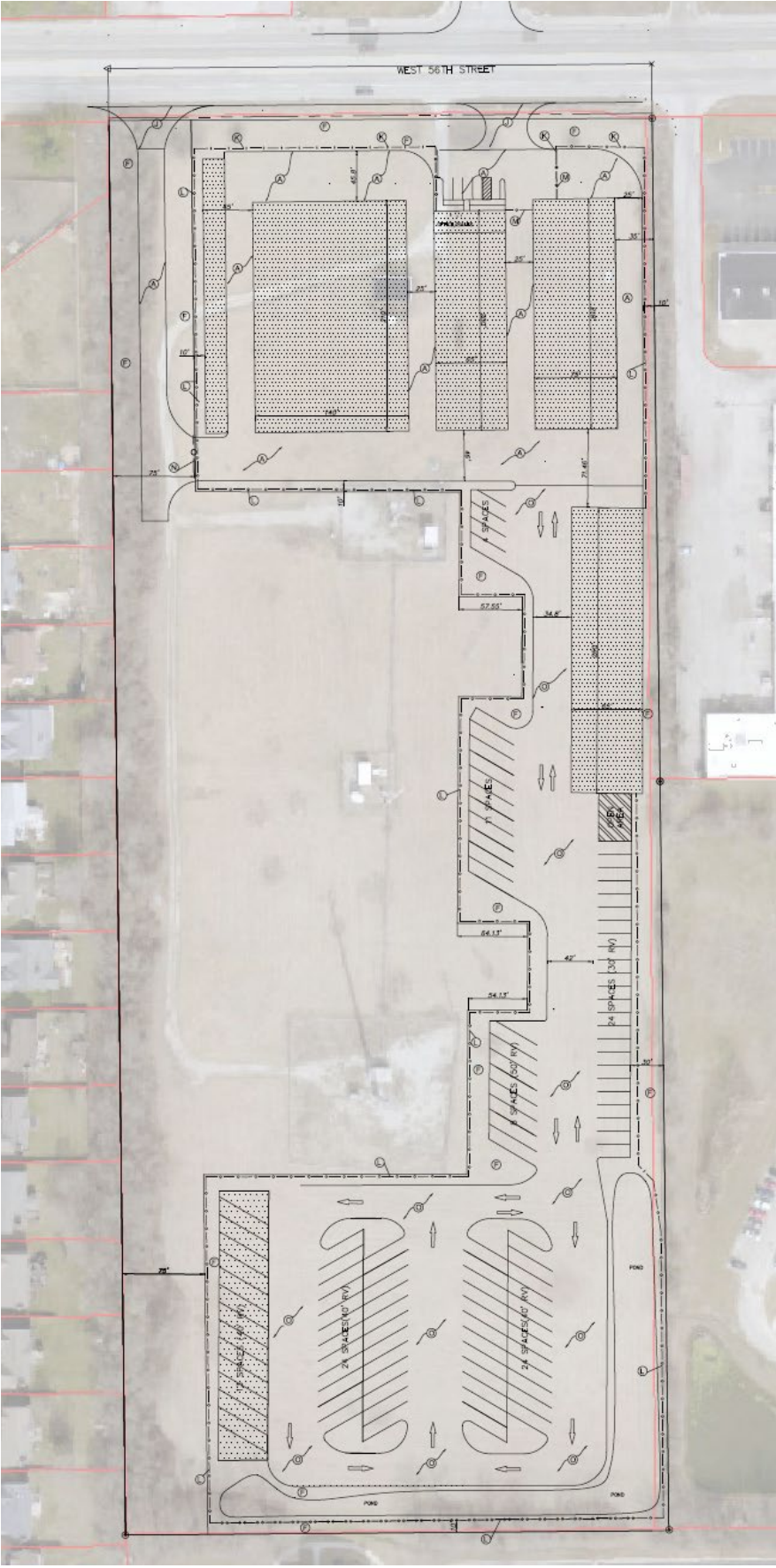
- LEGEND**
- 1" HMC Surface on 3" HMC Base on 8" AGC
 - Compacted Aggregate on Stabilized Subgrade
 - 4" x 4" Control Structure of Manhole Casing
 - A 18" RCP Outer Pipe
 - 1" Water Main with New Connection Box at 25'
 - 1.2' Dia Electrical Conduit w/ 25 Amp Capacity at 25' Spacing
 - Concrete Area
 - Topsoil, Seed, and Straw
 - 8' High W/ Non-Slown Floor Plank (8' Dia to 8' Depth)
 - Sediment Basin (per City Standard)
 - Sediment Basin (per City Standard)
 - Heavy Duty Right-of-Way Placement (per City Standard)
 - 4" Black Metal Fence (3.5' Max Exposed Fence Height)
 - 8' Vinyl opaque Fence
 - Activated Rolling Gate (8' Height Black Vinyl)
 - Activated Rolling Gate (8' Height Black Vinyl)
 - Recycled Asphalt Pavement (18" Depth)

General Site Notes

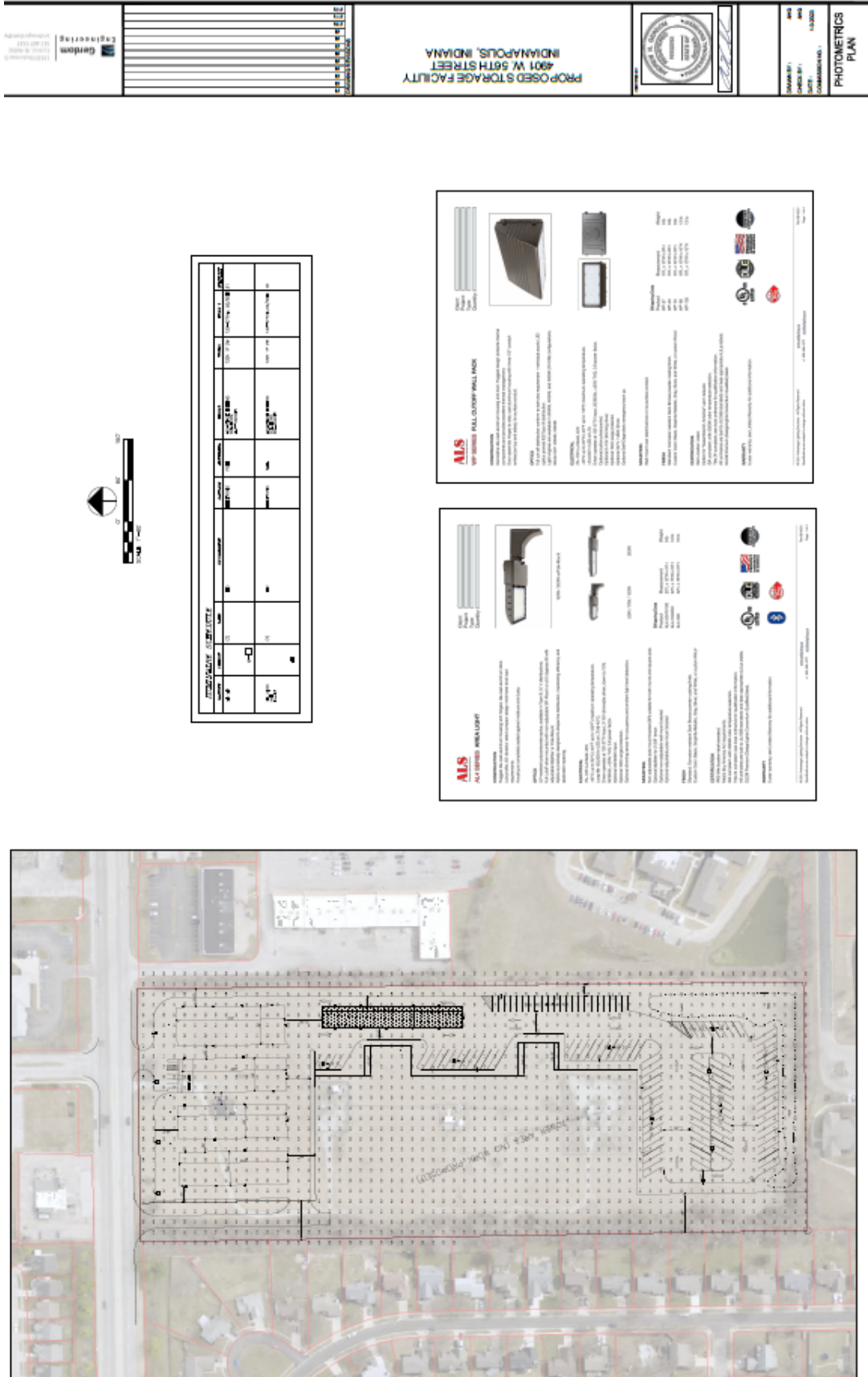
1. Any discrepancy in the plan shall be immediately reported to the Engineer for review.
2. All work to conform to State and local regulations as appropriate.
3. All dimensions are to center of pipe or center of structure unless otherwise noted.
4. All dimensions are to face of trench or footing, except where otherwise noted.
5. All dimensions are to face of trench or footing, except where otherwise noted.
6. All dimensions are to face of trench or footing, except where otherwise noted.
7. All dimensions are to face of trench or footing, except where otherwise noted.
8. All dimensions are to face of trench or footing, except where otherwise noted.
9. All dimensions are to face of trench or footing, except where otherwise noted.
10. All dimensions are to face of trench or footing, except where otherwise noted.
11. All dimensions are to face of trench or footing, except where otherwise noted.
12. All dimensions are to face of trench or footing, except where otherwise noted.
13. All dimensions are to face of trench or footing, except where otherwise noted.
14. All dimensions are to face of trench or footing, except where otherwise noted.
15. All dimensions are to face of trench or footing, except where otherwise noted.
16. All dimensions are to face of trench or footing, except where otherwise noted.
17. All dimensions are to face of trench or footing, except where otherwise noted.
18. All dimensions are to face of trench or footing, except where otherwise noted.
19. All dimensions are to face of trench or footing, except where otherwise noted.
20. All dimensions are to face of trench or footing, except where otherwise noted.



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



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



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

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

DATE: 1.3.2023
CHECKED BY: [Signature]
DRAWN BY: [Signature]

PHOTOMETRICS PLAN

Gordem Engineering
2022-08-01
2022-08-01

ALS ALI SERIES AREA LIGHT

DESCRIPTION: This fixture is designed for use in areas where a high level of illumination is required. It features a wide beam angle and a high lumen output.

FEATURES: - High lumen output - Wide beam angle - High quality optics - Durable construction

APPLICATIONS: - Warehouse lighting - Industrial lighting - Outdoor lighting - Security lighting

INSTALLATION: - Mounting height: 10-15 feet - Mounting distance: 10-15 feet - Mounting angle: 0-90 degrees

WARRANTY: - 5 year warranty - 100,000 hour life expectancy

ALS MP SERIES FALL OUTLET WALL INGLE

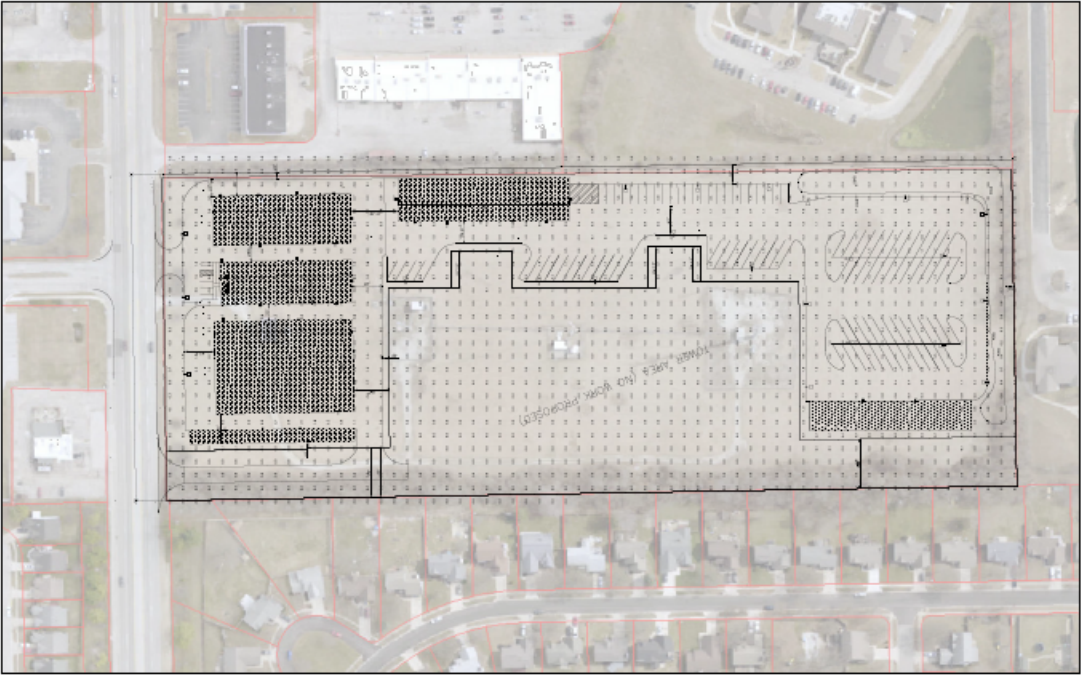
DESCRIPTION: This fixture is designed for use in areas where a high level of illumination is required. It features a wide beam angle and a high lumen output.

FEATURES: - High lumen output - Wide beam angle - High quality optics - Durable construction

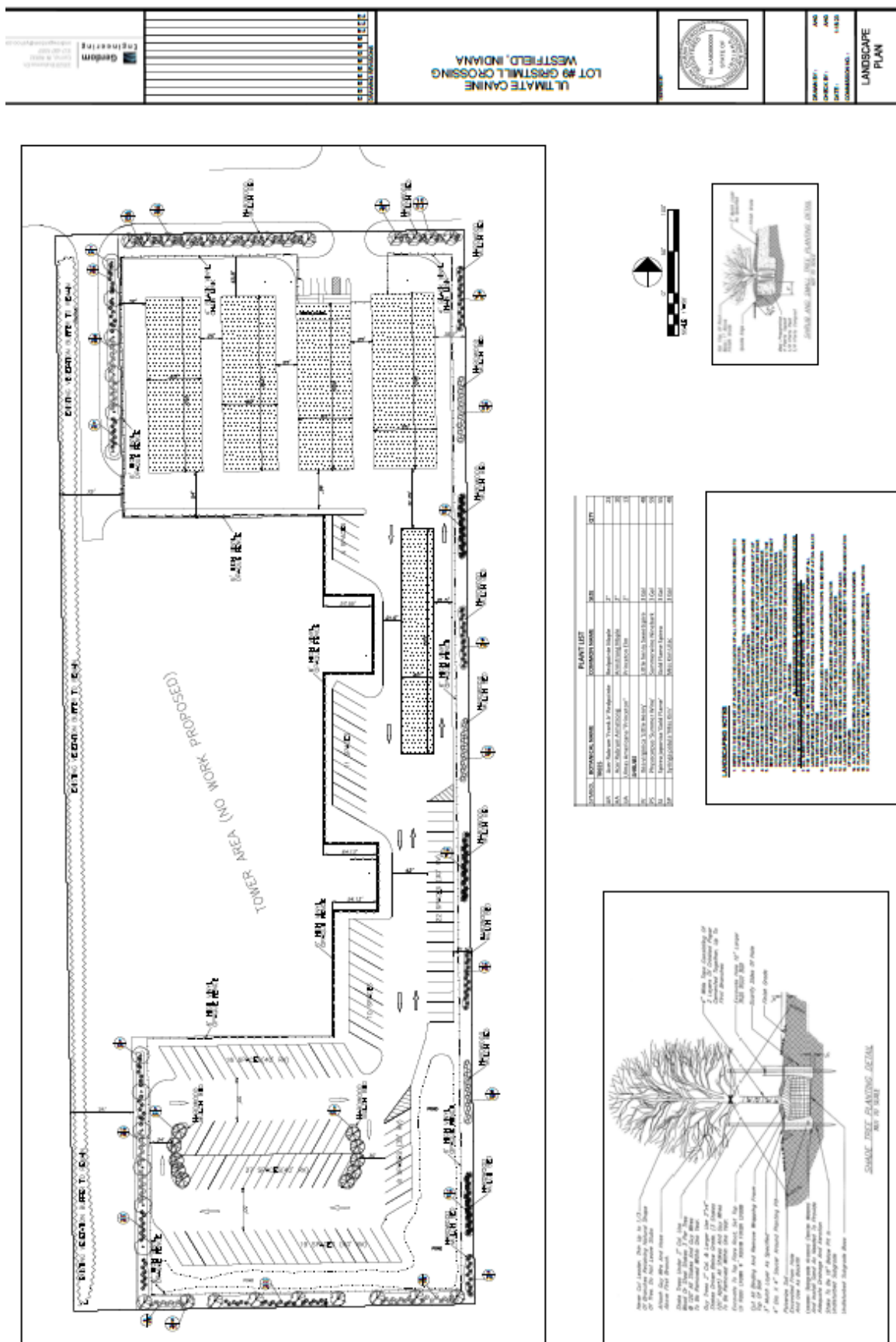
APPLICATIONS: - Warehouse lighting - Industrial lighting - Outdoor lighting - Security lighting

INSTALLATION: - Mounting height: 10-15 feet - Mounting distance: 10-15 feet - Mounting angle: 0-90 degrees

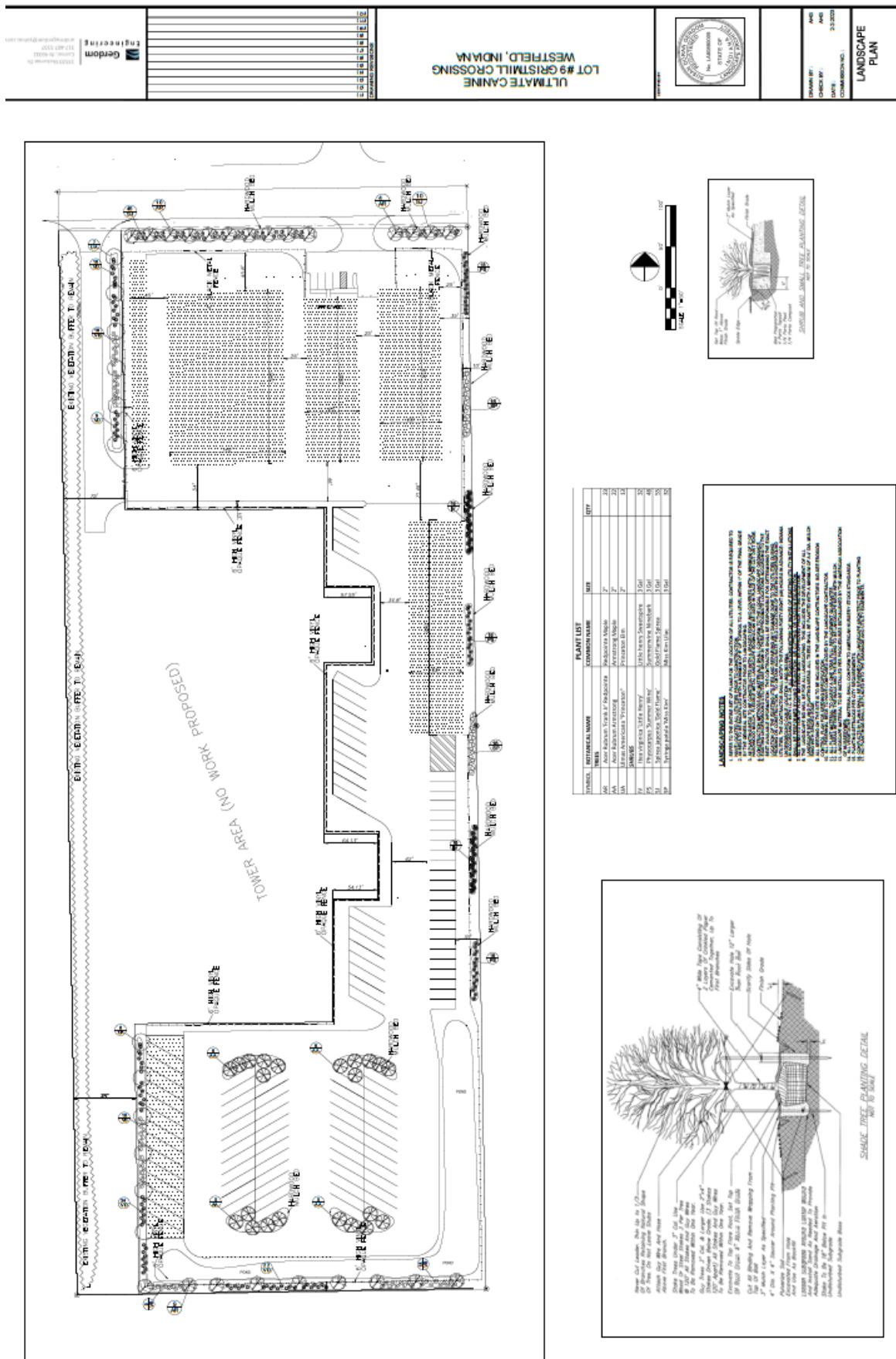
WARRANTY: - 5 year warranty - 100,000 hour life expectancy



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



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



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

Development Plan
4901 W. 56th Street, Indianapolis, IN



USE:

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

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

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

HOURS OF OPERATION

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

EMPLOYEES

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

SITE PLAN

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

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

The front portion of the property extending from the access easement eastward to the property line and south from W. 56th street to the first cell tower will contain 3 single-story climate-controlled buildings and 1 single-story drive-up building.

The western-most building will be external drive-up with access only from the east side at the request of nearby residents. This building will total approximately 5,000 square feet. The building will be set back approximately 100' from the residential zone.

The remaining buildings in this section will be single-story climate-controlled buildings. These buildings will have drive-up access (exterior doors) along the perimeter with additional fully enclosed interior units accessible via interior hallways. The 3 climate-controlled buildings will total approximately 57,000 square feet of storage.

The eastern edge of the property to the south of the front section will contain 1 single-story climate-controlled building totaling approximately 17,000 sq ft plus approximately 50 open boat/trailer parking spaces. The building and parking will be located approximately 200 feet from the western residential zone and approximately 30 feet from the eastern property boundary.

The southern section of the property will contain approximately 62 RV parking spaces. It will extend from the southernmost cell tower to the southern property line and from the eastern property line to the approximately 70 feet from the residential zone. Parking will be set back approximately 70 feet from the western residential zone and approximately 50 feet from the southern property line. The westernmost RV parking will be fully enclosed and open from the east at the request of the nearby residents to shield the RVs from view.

There are a total of 471 climate-controlled units, 25 non-climate-controlled units and 112 RV/boat parking units.

Landscaping

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

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

Lighting

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

Trash

No trash dumpster will be available for use of renters.

Signage

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

SITE MAINTENANCE & SECURITY

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

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

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

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

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

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

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

FUTURE

All of the above are typical and customary for the storage industry. There are no future plans for modifying the property beyond its proposed use.

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

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



Subject site 56th Street frontage, looking north



Subject site looking west



Subject site looking south, existing building shown right



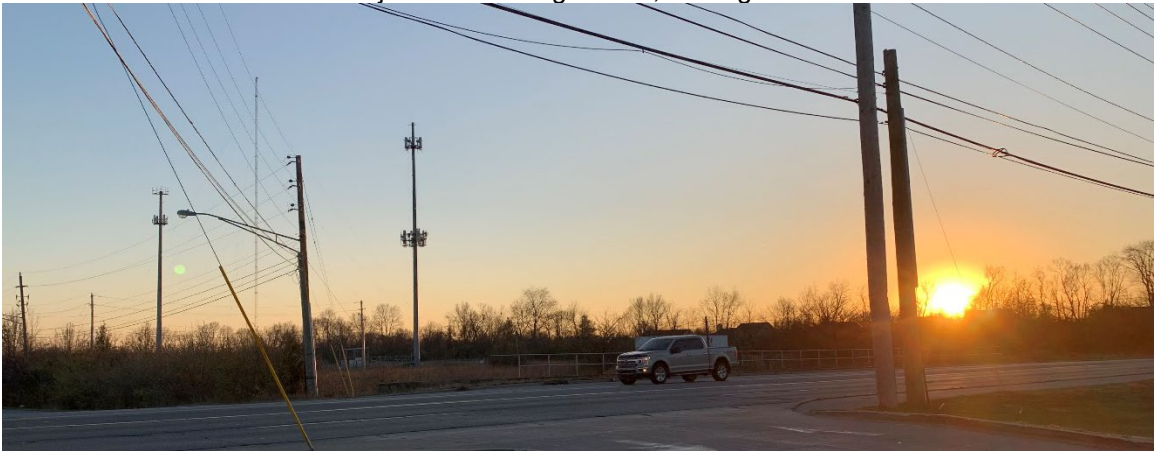
Subject site, looking southeast



Subject site existing tower, looking southeast



Subject site existing towers, looking south



Site viewed from 56th Street, looking south



Site viewed from property to the north, facing south

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-872 / 2022-CVR-872
Address: 4822 East Edgewood Avenue and 5820 South Emerson Avenue
(Approximate Addresses)
Location: Perry Township, Council District #24
Petitioner: IN Indianapolis Emerson, LLC, by Joseph Calderon
Request: Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.

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

ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

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

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

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

January 26, 2023

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

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

(Continued)

RECOMMENDATIONS

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

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

(Continued)

- G. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
- H. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

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

REZONING

- ◇ This request would rezone the site to the D-6 classification to provide for multi-family development, consisting of 62 townhomes and 270 apartments at a density of 15.6 units per acre. "The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife."

Continued)

- ◇ The Comprehensive Plan recommends Suburban Neighborhood for a majority of the site. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Comprehensive Plan recommends Office Commercial for southeast corner of the site. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

Conditions for All Housing

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

(Continued)

- Developments with densities higher than five dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Attached Housing

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

Multifamily Housing

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

Traffic Impact Study (TIS)

- ◇ A Traffic Impact Study, file-dated January 10, 2022, was conducted for the previous petitions and remains valid for these petitions because the overall number of units are the same.
- ◇ The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.
- ◇ Capacity analysis occurs for four different scenarios. Scenario One is based on existing conditions. Scenario Two is based on 2023 forecasted (full build-out). Scenario Three is based on 2033 no-build conditions, reflecting additional background growth. Scenario Four is based on the 2033 build conditions, with the proposed development.
- ◇ The study analyzed the portion of the site proposed for residential development and the four commercial out parcels (zoned C-3), which would generate a total of approximately 433 and 520 trips during the weekday morning and afternoon peak hours, respectively.

(Continued)

- ◇ Below are the recommended improvements surrounding the Edgewood Avenue and Emerson Avenue intersection related to the proposed development.
 - Install a southbound right-turn lane on Emerson Avenue
 - Add left-turn arrows and implement protected-plus-permitted phasing for the eastbound and westbound approaches
 - Adjust signal timings to account for the new phasing
- ◇ It was also recommended that the City plan for a future northbound right-turn lane on Emerson Avenue, perhaps in conjunction with the development of the southeast quadrant of the intersection.
- ◇ The study noted failing conditions during the P.M. peak period at the Edgewood Avenue and Shelbyville Road intersection located to the east of this site. It was recommended that the City consider the installation of traffic signals or a round-about, independent of the proposed development.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 43-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ Staff would note that the right-of-way along this portion East Edgewood Avenue varies from 37 feet to 140 feet. Consequently, only those portions of the frontage where a 43-foot right-of-way does not exist would be required to be dedicated. Additionally, the right-of-way dedication should continue along the abutting property to the west for approximately 150 feet.
- ◇ The DPW has requested the additional following traffic and pedestrian infrastructure improvements:
 1. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
 2. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing. The sidewalk along the East Edgewood Avenue frontage shall connect to the sidewalk to the west of this site
 3. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
 4. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
 5. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).

(Continued)

6. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
7. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
8. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located scattered throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

(Continued)

Environmental Public Nuisances

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

Site Plan (Conceptual)

- ◇ The site plan, file-dated November 16, 2022, provides for eight townhome buildings located on the north, south and west perimeter of the site for a total of 62 units, with five three-story multi-family buildings and three four-story multi-family buildings for a total of 270 multi-family dwelling units located along South Emerson Avenue and interior to the site.
- ◇ There would be 427 surface parking spaces for the multi-family development and 186 parking spaces (surface and garage) for the townhomes.

(Continued)

- ◇ There would be two access drives along South Emerson Avenue and one access along the eastern portion of East Edgewood Avenue.
- ◇ Amenity spaces would include a dog park along the East Edgewood Avenue frontage and firepit / outdoor games area, interior to the site and between the townhomes and the multi-family structures. A clubhouse and swimming pool area would be centrally located. Walking trails and indoor / outdoor fitness facilities would also be available.

VARIANCE OF DEVELOPMENT STANDARDS

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

Planning Analysis

- ◇ As proposed this request would generally be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The density would be 15.6 units per acre.
- ◇ Staff would note that this rezoning is part of a larger site that includes a C-3 district along the South Emerson Avenue frontage that would remain commercial and be developed at some future date.
- ◇ This density exceeds the recommended density for the suburban neighborhood typology, but the Pattern Book recommends a higher density if the development is within a quarter mile of a frequent transit line, greenway, or park. IndyGo Route 16 serves this site and the DPW is requesting a bus boarding pad along the South Emerson Avenue frontage. Consequently, staff believes the increased density would be acceptable, with the infrastructure improvements requested by the Department of Public Works.
- ◇ Due to the visibility and the need to comply with the Green Factor, staff is requesting that a landscape plan and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location.

(Continued)

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

D-A / C-1 / C-3

Undeveloped

SURROUNDING ZONING AND LAND USE

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

Single-family dwellings / retention pond / undeveloped

South - D-A

Single-family dwellings

East - C-3

Undeveloped

West - D-A

Single-family dwelling

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

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

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

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There is no overlay for this site

CONCEPTUAL SITE PLAN

File-dated November 16, 2022

CONCEPTUAL LANDSCAPE PLAN

File-dated November 16, 2022

ELEVATIONS – MULTI-FAMILY

File-dated November 16, 2022

ELEVATIONS - TOWNHOMES

File-dated November 23, 2022

FINDINGS OF FACT

File-dated November 16, 2022

TRAFFIC ANALYSIS STUDY (TIS)

File-dated January 10, 2022

TIS UPDATE MEMORANDUM

Filed-dated January 25, 2023

(Continued)

ZONING HISTORY

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

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

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

VICINITY

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

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

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

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

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

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

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

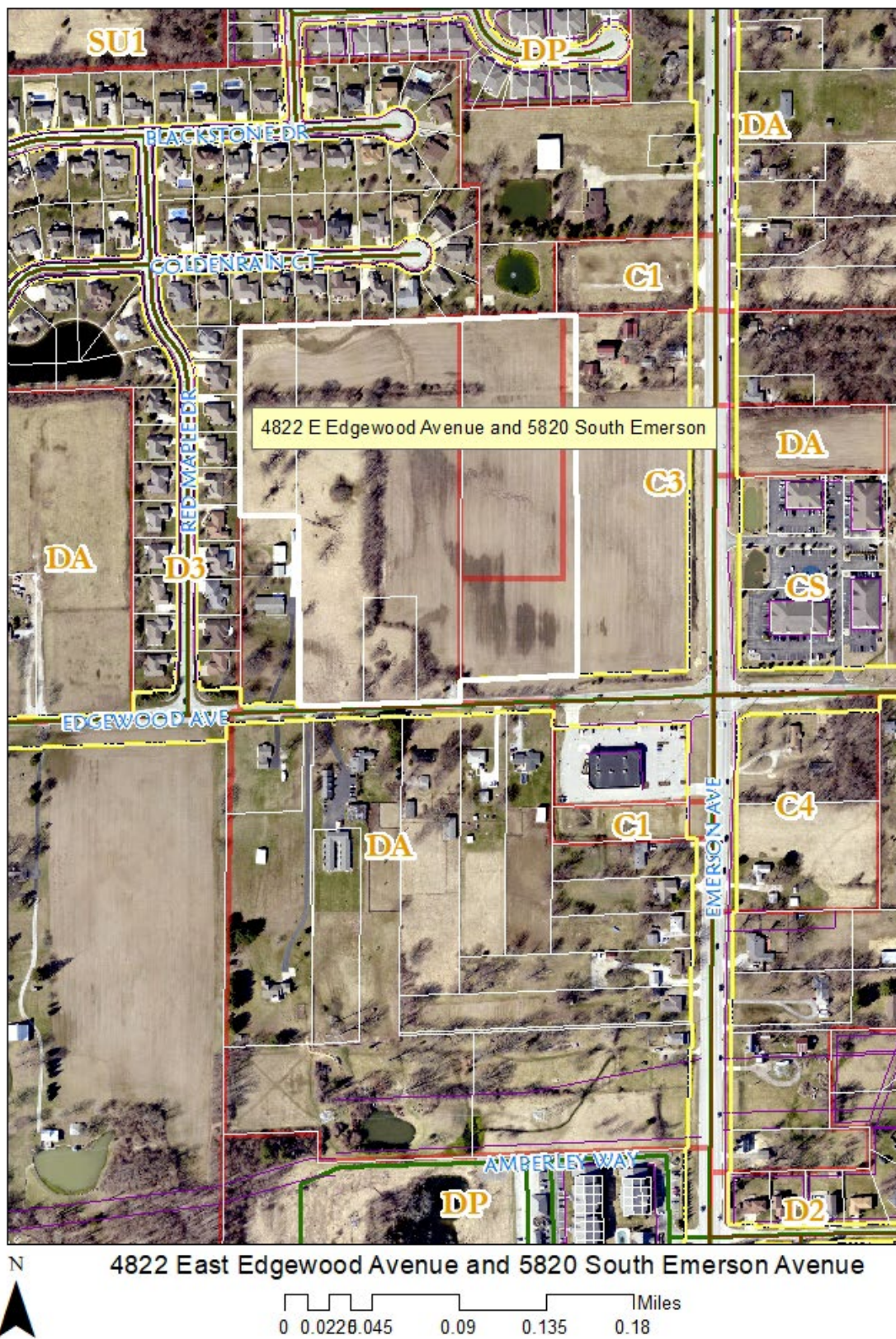
95-Z-183; 5728 South Emerson Avenue (west of site), rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved**.

(Continued)

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

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

kb



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

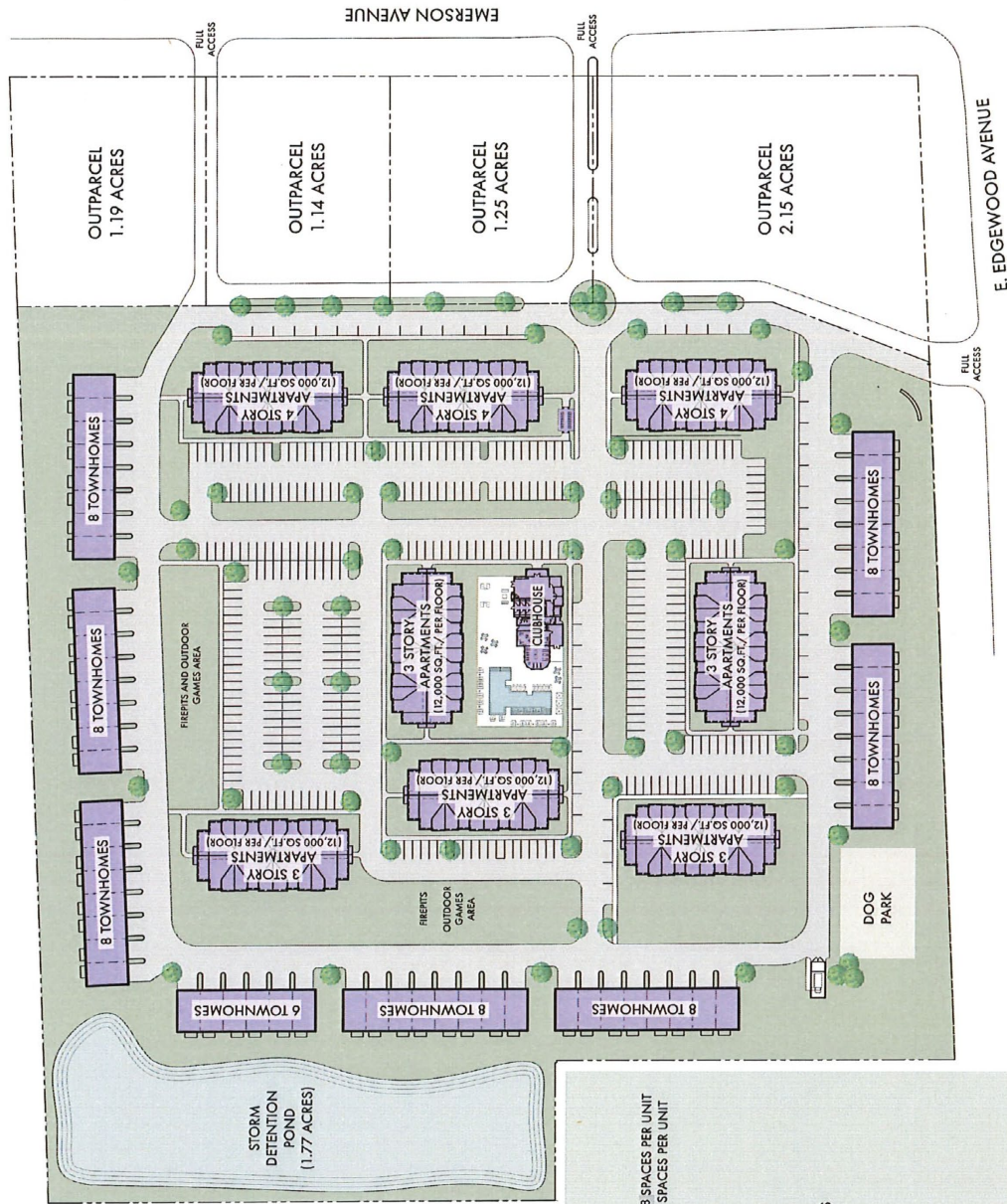
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

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

DECISION

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

Adopted this _____ day of _____, 20 ____



CSP-13 PROJECT OVERVIEW

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

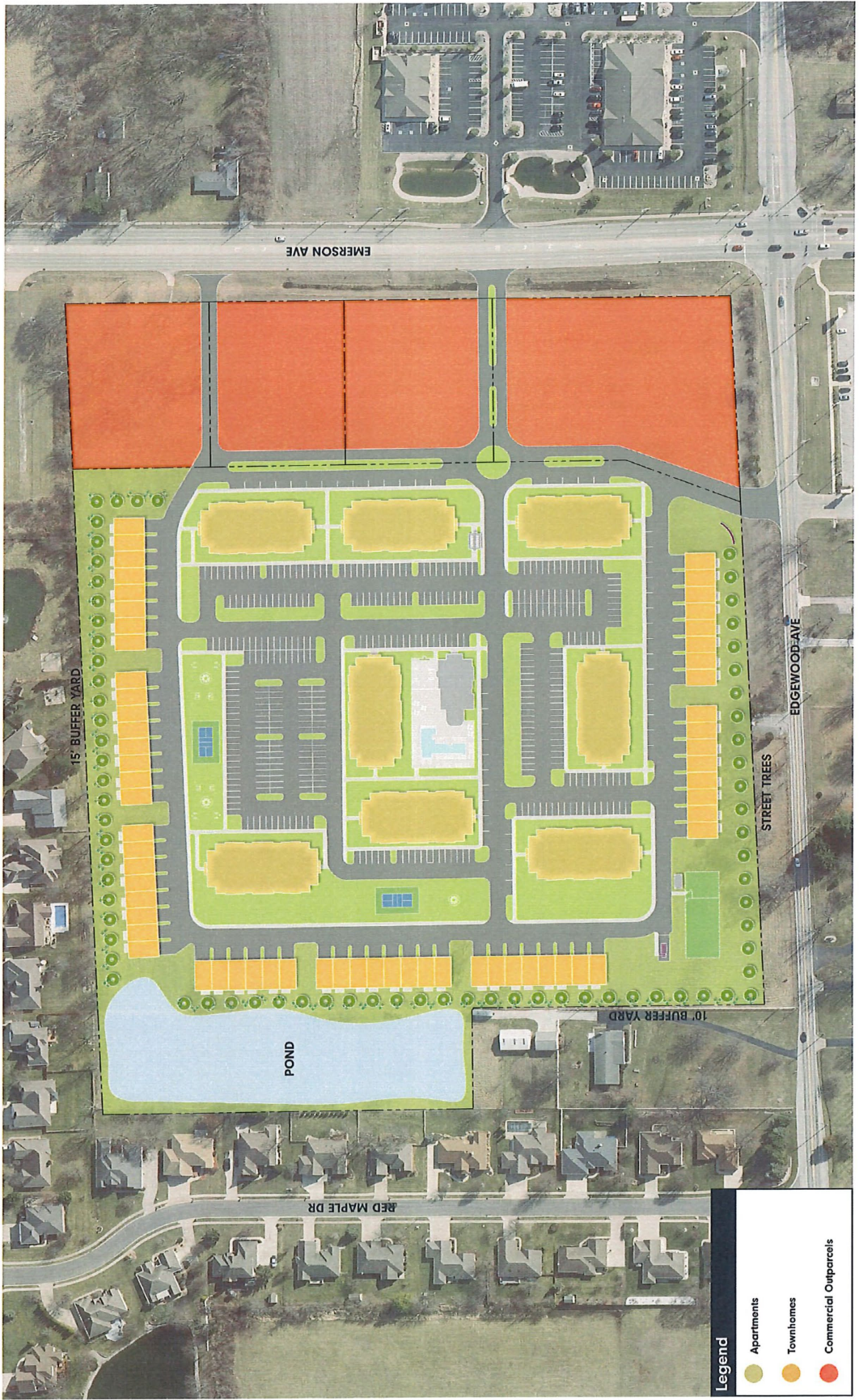
SCHEMATIC SITE PLAN FOR
IN-INDIANAPOLIS-EMERSON

CSP-13

SEPTEMBER 21, 2022

FOR PRELIMINARY REVIEW ONLY. THIS DOCUMENT IS NOT INTENDED TO BE USED FOR CONSTRUCTION. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.





EMERSON & EDGEWOOD NEW DEVELOPMENT
PRELIMINARY LANDSCAPE PLAN

REALTYLINK

Mapographic Date/Version
Nov 23 2022
Division of Planning



OCTOBER 28, 2022







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

Exhibit A

Heritage Tree Conservation

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

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

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



View looking east along East Edgewood Avenue



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



View of site looking north across East Edgewood Avenue



View of site looking northwest across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking west across South Emerson Avenue



View of site looking northwest across South Emerson Avenue

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CPL-856 / 2022-CVC-856
Address: 6102 Carvel Avenue (*Approximate Address*)
Location: Washington Township, Council District #2
Petitioner: Buckingham Companies, by Mike Timko
Requests: Approval of a subdivision plat to be known as Monon Court combining 1.40 acres into one lot.

Vacation of a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.

ADDENDUM OR FEBRUARY 23, 2023, HEARING EXAMINER

The Hearing Examiner continued petition 2022-CVC-856 from the December 29, 2022 hearing, to the February 23, 2023 hearing, at the request of staff to provide additional time for submittal of the appraiser report for the assessment of benefits.

Staff contacted the petitioner's representative and was told that a new appraiser has been engaged to conduct the appraisal.

No information has been submitted but staff will provide an update if documents are submitted prior to the hearing.

ADDENDUM FOR DECEMBER 29, 2022, HEARING EXAMINER

The Hearing Examiner continued petition 2022-CVC-856 from the December 1, 2022 hearing, to the December 29, 2022^h hearing, at the request of staff to provide additional time for submittal of the appraiser report for the assessment of benefits.

No information has been submitted so staff is requesting a **continuance from the December 29, 2022 hearing, to the January 26, 2023 hearing**. In the event that the report and all related documents are submitted in time for review for the December 29, 2022 hearing, staff will update the staff report to include the information and motion.

ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER

An appraiser has been selected but the required information has not been submitted in time to be included in this addendum. Consequently, staff is requesting a **continuance from the December 1, 2022 hearing, to the December 15, 2022 hearing**.

Staff will provide an update in the event the information is submitted in time for review prior to the hearing.

(Continued)

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner approved petition 2022-CPL-856 and continued petition 2022-CVC-856 from the October 13, 2022 hearing to the November 10, 2022 hearing, to provide time for assessment of benefits to be conducted.

Because the required information has not been submitted for the assessment of benefits, petition 2022-CVC-856 will need to be **continued to the December 1, 2022 hearing**.

October 13, 2022

The petitioner's representative **withdrew** the proposed vacation along East 61st Street on September 27, 2022, leaving only the approval of the vacation along Carvel Avenue. The petitioner's representative will make that request at the hearing, which will require acknowledgement from the Hearing Examiner.

RECOMMENDATIONS

Staff **recommends approval** of the plat request.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 1, 2022, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

Staff **recommends approval** of the vacation request and offers the follow motion:

RECOMMENDED MOTION: That the Hearing Examiner finds that the proposed vacation is in the public interest. That a hearing upon the assessment of benefits be held on November 10, 2022; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2022-CVC-856; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.40-acre site, zoned D-P, is developed with a multi-family complex. It is surrounded by multi-family dwellings to the north, zoned C-1; multi-family dwellings to the south, across East 61st Street, zoned D-P; multi-family dwellings to the east, across Carvel Avenue, zoned D-7; and the Monon Trail to the west, zoned D-5.
- ◇ Petition 2021-ZON-043 rezoned the site from the C-1 district to the D-P district to provide for a four-story, 200-unit, multifamily building.

PLAT APPROVAL

- ◇ This petition would provide for the approval of a Subdivision Plat to be known as Monon Court.
- ◇ The request would combine 1.40 acres into one lot to provide for redevelopment of the site for multi-family dwellings.
- ◇ The existing structures would be demolished, and a new structure would be constructed that would provide for approximately 200 dwelling units and no less than 160 off-street parking spaces, which would be on the first, partially below-grade floor.

VACATION

- ◇ This vacation would vacate a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.
- ◇ Due to proposed upgrade of electrical distribution in the area, additional space would be required to provide on-street parking for the proposed redevelopment of the site. The proposed vacated area, however, would require a transportation easement on behalf of the City of Indianapolis, Department of Public Works.

(Continued)

PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting land owner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

GENERAL DESCRIPTION:

Street Vacation: Vacation of a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.

UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement
CEG, Gas:	No answer, retain easement
CEG, Water:	No answer, retain easement
CEG, Wastewater	No answer, retain easement
Power:	No answer, retain easement
Cable:	No answer, retain easement
DPR:	No answer, retain easement, if requested

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-P

Multi-family dwellings (to be demolished)

SURROUNDING ZONING AND LAND USE

North - C-1

Multi-family dwellings

South - D-P

Multi-family dwellings

East - D-7

Multi-family dwellings

West - D-5

Monon Trail

COMPREHENSIVE LAND USE
PLAN

The Envision Broad Ripple Plan for Indianapolis and Marion County (2012) recommends regional commercial typology.

The Red Line Transit-Oriented Development Strategic Plan (2015) provides for transit station within a ½ mile walk shed.

THOROUGHFARE PLAN

This portion of Carvel Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and proposed 48-foot right-of-way.

This portion of East 61st Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within the transit-oriented development overlay.

PRIMARY PLAT

File-dated September 27, 2022

VACATION SITE PLAN

File-dated September 1, 2022

VACATION SITE PLAN
(AMENDED)

File-dated September 27, 2022

FINDINGS OF FACT

File-dated September 1, 2022

ZONING HISTORY

2021-ZON-043; 6102 Carvel Avenue, requested rezoning of 1.4 acres from the C-1 district to the D-P district to provide for a four-story, 200-unit, multifamily building at a density of 142 units per acre, **approved**.

(Continued)

VICINITY

2007-ZON-129; 5900 Carvel Avenue and 1111 East 61st Street (south of site), requested rezoning of 13.67 acres, from the D-7 and C-1 Districts to the D-P classification to provide for a total of 286 apartment units and 12,450 square feet of commercial space for C-1 and C-3 uses, **approved**.

2007-ZON-083; 6159, 6161, 6165, 6171 and 6175 Winthrop Avenue (north of site), requested rezoning of 1.504 acres, from the D-5 District, to D-P classification to provide for 23 condominium dwelling units, with a density of 15.29 units per acre, **approved**.

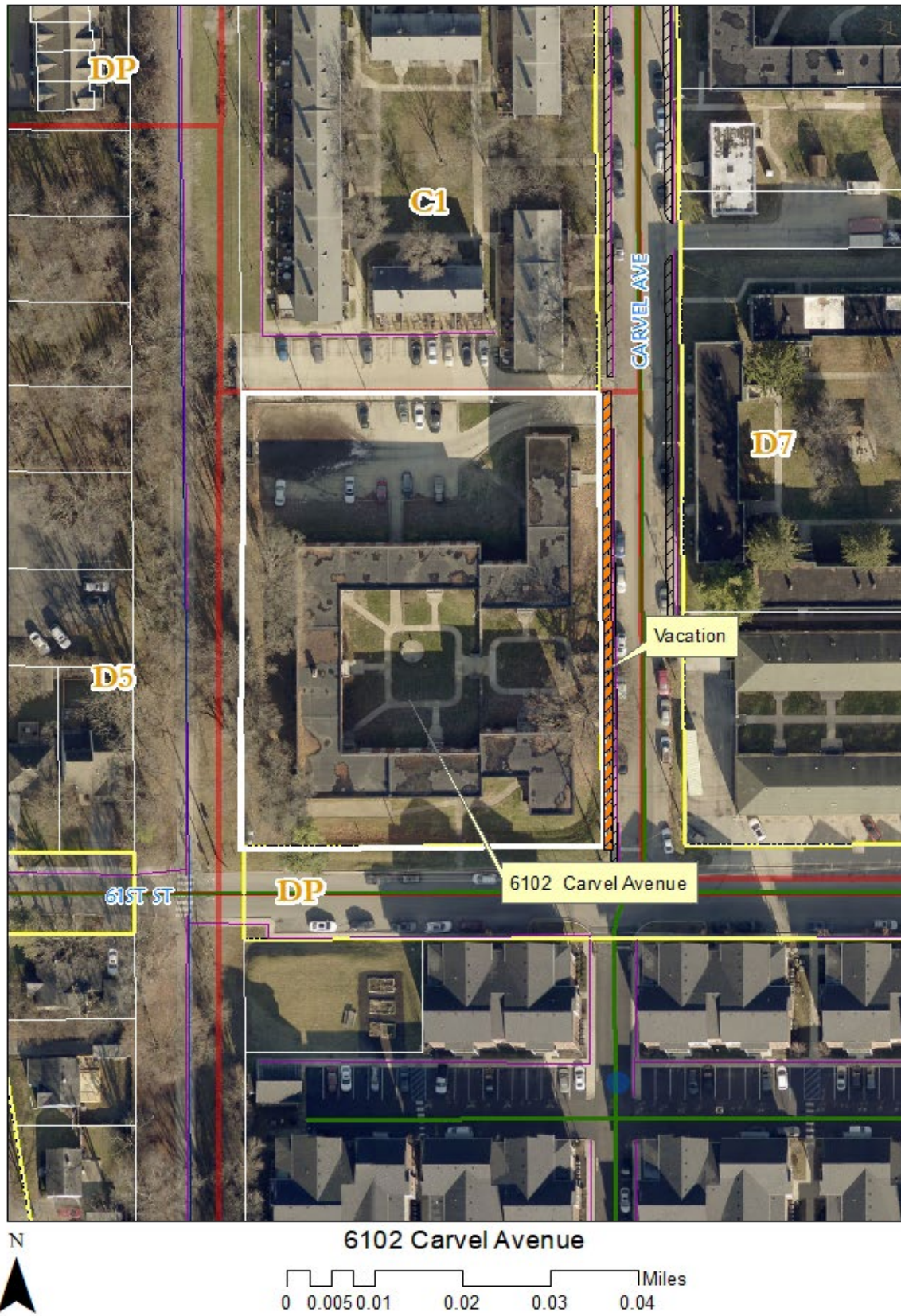
2007-ZON-024; 6159, 6161, 6165, 6171 and 6175 Winthrop Avenue (north of site), requested rezoning of 1.504 acres, from the D-5 District, to D-P classification to provide for 25 condominium dwelling units, with a density of 16.6 units per acre, **denied**.

2005-ZON-146; 6137 Winthrop Avenue (north of site), requested rezoning of 1.43 acres from D-5 to D-P to provide for the construction of 28 multi-family dwelling units at a density of 19.58 units per acre, **approved**.

2002-ZON-008; 5900 Carvel Avenue and 1111 East 61st Street (south of site), requested rezoning of 13.67 acres from C-1 and D-7 to D-P to provide for a mixed office, retail and multi-family residential development, with 18,000 square feet of commercial/retail space and 236 multi-family residential units, or 17.26 units per acre, **denied**.

2001-ZON-810; 1115 Broad Ripple Avenue (northeast of site), requested rezoning of 14 acres from D-5 to SU-2 to legally establish a school, **approved**.

kb



Item 11.



Item 11.



Petition Number _____

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

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:
It will allow for additional on street parking to be provided for the proposed apartment building project.
The addition of parking available to future tenants will help reduce congestion and traffic in the area.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____



View looking west at intersection of East 61st Street and Carvel Avenue



View looking north across intersection of East 61st Street and Carvel Avenue



View looking south along Carvel Avenue



View looking east at intersection of East 61st Street and Carvel Avenue