



Metropolitan Development Commission Hearing Examiner (March 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, March 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 for Public Hearing

PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-ZON-102 | 3425 Carson Avenue

Perry Township, Council District #21
Maninder Singh and Jasbir Singh

Rezoning of 0.52 acre from the D-4 district to the C-1 district to provide for commercial uses.

**Continuance request to April 13, 2023 with notice, due to amendment

2. 2023-APP-002 | 8501 Harcourt Road

Washington Township, Council District #1, Zoned HD-1
8501 Harcourt ICJV, LLC, by Amber Swanner

Hospital District One Approval to provide for one wall sign.

*Automatic continuance from a Registered Neighborhood Organization to April 27, 2023

3. 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.

**Staff requesting a continuance to April 27, 2023

4. 2023-ZON-012 | 813 South Kenwood Street

Center Township, Council District #16
Aaron Jefferson, by Brent Bennett

Rezoning of 0.07 acre from the C-5 (RC) district to the D-8 (RC) district to provide for residential uses.

**Petitioner is requesting a continuance to April 27, 2023, due to lack of notice

5. 2023-ZON-013 | 2457 & 2461 Shelby Street

Center Township, Council District #21
Inpraedium Quarters, LLC, by David Kingen

Rezoning of 0.21 acre from the C-1 (TOD) district to the D-8 (TOD) district to legally establish multi-family dwelling uses.

**Petitioner is requesting a continuance to the April 27, 2023 hearing

6. 2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806 | 818, 822, 826, 830, 834 and 838 Union Street, 831, 835 and 837 Charles Street, and 23, 27 and 31 Sycamore Street

Center Township, Council District #16
The Redevelopment Group, by Russell L. Brown

Rezoning of 0.18 acre from the D-8 (RC) district to the CBD-2 (RC) district to provide for residential uses.

Approval of a Subdivision Plat to be known as Meridian Enclave, dividing 0.99 acre into eighteen lots and one common area.

Vacation of the first and second alleys south of Sycamore Street, both being twelve feet in width, from the west right-of-way line of Union Street, west 184.61 feet to the east right-of-way line of Charles Street, with a waiver of the assessment of benefits.

*Automatic continuance to April 27, 2023 by a nearby property owner

7. 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 | 2357 Dr Martin Luther King Jr Street

Center Township, Council District #11
Grundy Memorial Chapel, Inc., by David Kingen

Rezoning of 0.50 acre from the C-1 district, to the D-8 district to provide for a multi-family development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide direct access to a public street (alley access required).

Vacation of the first north-south alley east of Dr Martin Luther King Jr Street, being twelve feet in width, from the south right-of-way line of 34th Street, south 134.54 feet to the first east-west alley south of 24th Street with waiver of Assessment of Benefits.

**Petitioner requesting continuance to April 13, 2023 with notice. Vacation to be withdrawn.

PETITIONS TO BE EXPEDITED:

8. 2022-CVC-856 | 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.

9. 2023-ZON-010 | 6118 Smock Street

Perry Township, Council District #23
Roman Catholic Archdiocese of Indianapolis Properties, Inc., by Paul J. Carroll

Rezoning of 0.478 acre from the D-A district to the SU-1 district to provide for religious uses.

10. 2023-ZON-014 | 519 Kentucky Avenue

Center Township, Council District #16
John Mahrtdt, by William W. Gooden & Elizabeth Bentz Williams

Rezoning of 0.93 acre from the I-4 (RC) district to the CDB-2 (RC) district to provide for office, retail, restaurant and event space uses.

11. 2023-CZN-804 / 2023-CVR-804 | 1447 South East Street

Center Township, Council District #21

Jeremy Klausing, by Mark and Kim Crouch

Rezoning of 0.10 acre from the C-1 district to the C-3 district to provide for artisan food and beverage uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial building with a three-foot north transitional yard (minimum ten feet required) with 32.5 feet of street frontage (50 feet required).

12. 2023-CVR-808 / 2023-CPL-808 | 10435 East Washington Street (10409 East Washington Parcel Address)

Warren Township, Council District #19, Zoned C-4 (TOD)

Valvoline LLC, by Joseph D. Calderon

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required).

Approval of Subdivision Plat to be known as Washington Market Commercial Subdivision, dividing 10.90 acres into two lots and one block.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

13. 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).

PETITIONS FOR PUBLIC HEARING (New Petitions):

14. 2023-CZN-807 / 2023-CVR-807 | 402 Kentucky Avenue, 700 Gardner Lane and 350 South West Street

Center Township, Council District #16

402 Kentucky Avenue, LLC, by Joseph D. Calderon

Rezoning of 20.326 acres from the I-4 (RC) and SU-18 (RC) districts to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for four buildings with encroachments into the Sky Exposure Plane Two of Kentucky Avenue, West Street and Gardner Lane.

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-102 (Amended)
Address: 3425 Carson Avenue (*Approximate Addresses*)
Location: Perry Township, Council District #21
Petitioner: Maninder Singh and Jasbir Singh
Request: Rezoning of 0.52 acre from the D-4 district to the C-1 district to provide for commercial uses.

ADDENDUM FOR MARCH 23, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the November 10, 2022 hearing, to the March 23, 2023 hearing to provide time to amend the petition.

The petitioner submitted an amended petition on March 7, 2023. A new legal notice was prepared and provided to the petitioner. Because of the required notice period, the petition will need to be **continued from the March 23, 2023 hearing to the April 13, 2023 hearing**, assuming that the new legal notice was mailed by the March 21, 2023 deadline. Otherwise, the petition will need to be continued to the April 27, 2023 hearing.

The amended request would rezone the site from the D-4 district to the C-1 classification. "The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur."

Because this petition has been amended to a less intense commercial use that would be consistent with the Comprehensive Plan recommendation of suburban neighborhood, staff **recommends approval**, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Carson Avenue and a 20-foot half right-of-way shall be dedicated along the frontage of Sumner Avenue, 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).

(Continued)

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 29, 2022 hearing to the November 10, 2022 hearing, at the request of the petitioner.

September 29, 2022**RECOMMENDATIONS**

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.52-acre site, zoned D-4, is undeveloped and surrounded by a single-family dwelling to the north; religious uses to the south, across Sumner Avenue; a single-family dwelling to the east; and a single-family dwelling to the west, across Carson Avenue, all zoned D-4.
- ◇ Petition 97-SE2-2 provided for the placement of a manufactured home on this site. According to historical aerials, the manufactured home was removed around 2005.

REZONING

- ◇ This request would rezone the site from D-4 District to the C-4 classification (Community-Regional District) to provide automobile repair. "The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified."
- ◇ The Comprehensive Plan recommends 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.

(Continued)

- ◇ 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.

Department of Public Works

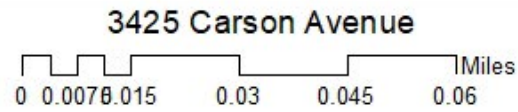
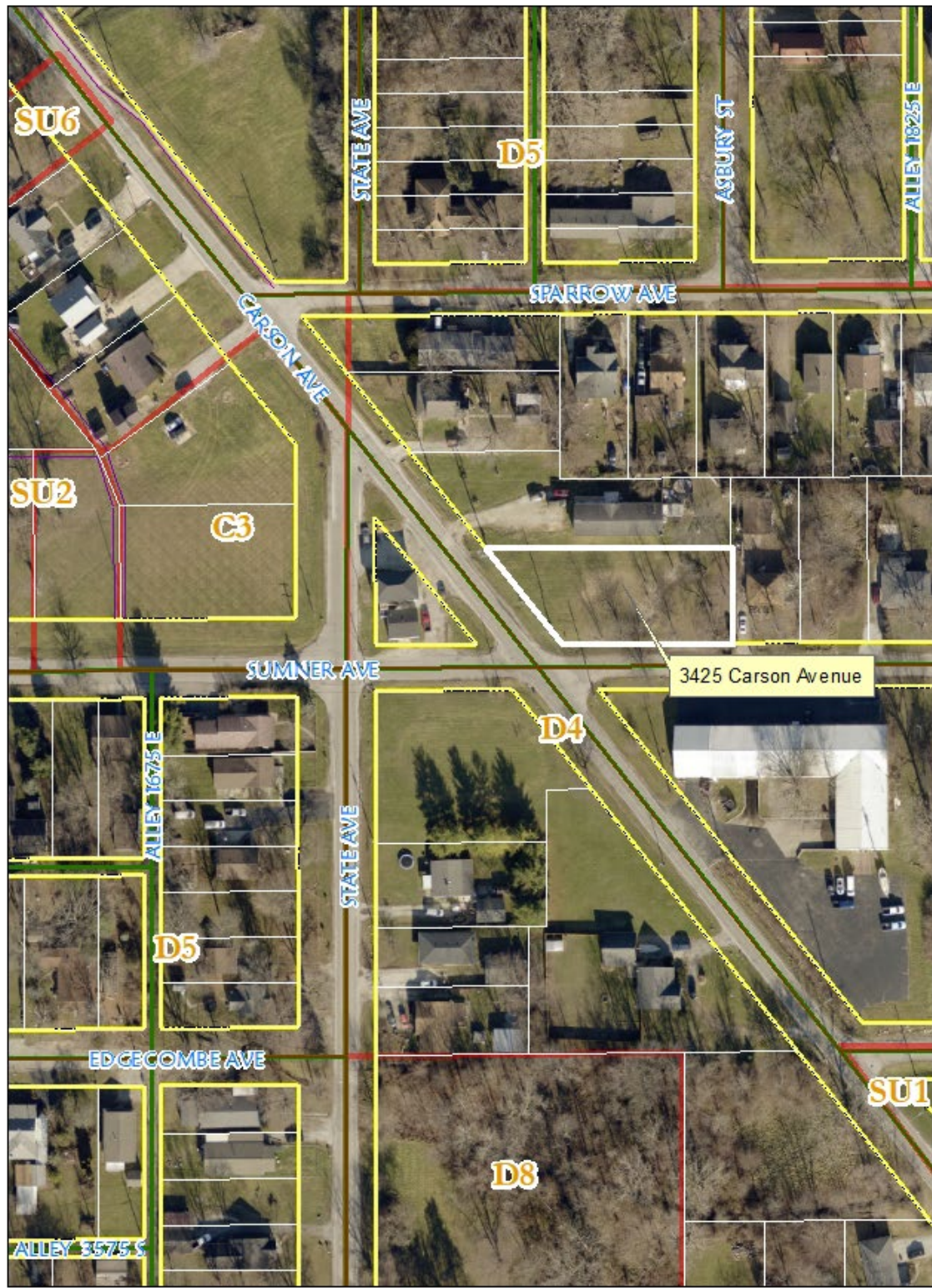
- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Carson Avenue and a 20-foot half right-of-way along Sumner Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

(Continued)

OVERLAY This site is not located within an overlay

97-SE2-3; 3425 Carson Avenue, requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **granted**.

63-V-17; 1801 East Sumner Avenue (south of site), requested a variance of use of the B-1 District to provide for a machine shop, office and living area, **granted (voided by grant of 97-UV1-12).**





View looking north along Carson Avenue



View of site looking southeast across Carson Avenue



View of site looking east across Carson Avenue



View of site looking north across Sumner Avenue



View of site looking north across Sumner Avenue



View looking east along Sumner Avenue



View looking west along Sumner Avenue



View from site looking north across Sumner Avenue



View looking north at the intersection of Sumner Avenue and Carson Avenue



View from site looking west along Sumner Avenue

STAFF REPORT

Item 2.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-APP-002
Address: 8501 Harcourt Road (approximate address)
Location: Washington Township, Council District #1
Zoning: HD-1
Petitioner: 8501 Harcourt ICJV, LLC, by Amber Swanner
Request: Hospital District One Approval to provide for one wall sign.

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the March 23, 2023 hearing, to the April 27, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Item 3.

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 Hearing Examiner continued this petition from the February 23, 2023 hearing, to the March 23, 2023 hearing at the request of the petitioner's representative to explore other rezoning options, which may require new notice.

Because no information has been submitted for staff review and comments, staff is requesting a **continuance to the April 27, 2023 hearing**, in the event that new notice would be required.

kb

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

Case Number: 2022-ZON-012
Address: 813 Kenwood Street (Approximate Address)
Location: Center Township, Council District #16
Petitioner: Aaron Jefferson, by Brent Bennett
Request: Rezoning of 0.07-acre from the C-5 (RC) district to the D-8 (RC) district to provide for residential uses.

The petitioner failed to send out Legal Notice, as required; therefore, this petition must be **continued** to the **April 27, 2023**, hearing, with notice. A staff report will be available prior to that hearing.

JY

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-013
Address: 2457 & 2461 Shelby Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Inpraedium Quarters, LLC, by David Kingen
Request: Rezoning of 0.21 acre from the C-1 (TOD) district to the D-8 (TOD) district to legally establish multi-family dwelling uses.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site is two lots on the northeast corner of the intersection of Shelby Street and Hoefgen Street. The lots were platted as part of Spann and Holloway's Shelby Street Addition in 1899. Historic mapping indicates that a building has stood on the north lot since 1915 and perhaps longer. Petition 90-UV3-101 approved a five-unit multi-family dwelling for the north lot. The buildings on the south lot first appear in the 1950 aerial photograph.
- ◇ 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.
- ◇ The subject site is located on the Red Line Bus Rapid Transit route and across the street from Garfield Park.

(Continued)

STAFF REPORT 2023-ZON-013 (Continued)

ZONING

- ◇ This petition requests a rezoning from the C-1 district 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.
- ◇ The D-8 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan and is a district found in the vicinity.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-1	Compact	Small multi-family buildings, single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	C-1	Single-family dwelling
South	C-1	Single-family dwelling
East	D-5	Single-family dwelling
West	PK-1	Garfield Park Branch Library, Garfield Park

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
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THOROUGHFARE PLAN	Shelby Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 61-foot existing right-of-way and a 78-foot proposed right-of-way.
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Hoefgen Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 60-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.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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(Continued)

STAFF REPORT 2023-ZON-013 (Continued)**ZONING HISTORY – SITE**

90-UV3-101; 2457 Shelby Street, requested a variance of use to provide for a five-unit, multi-family dwelling in a C-1 district, **approved**.

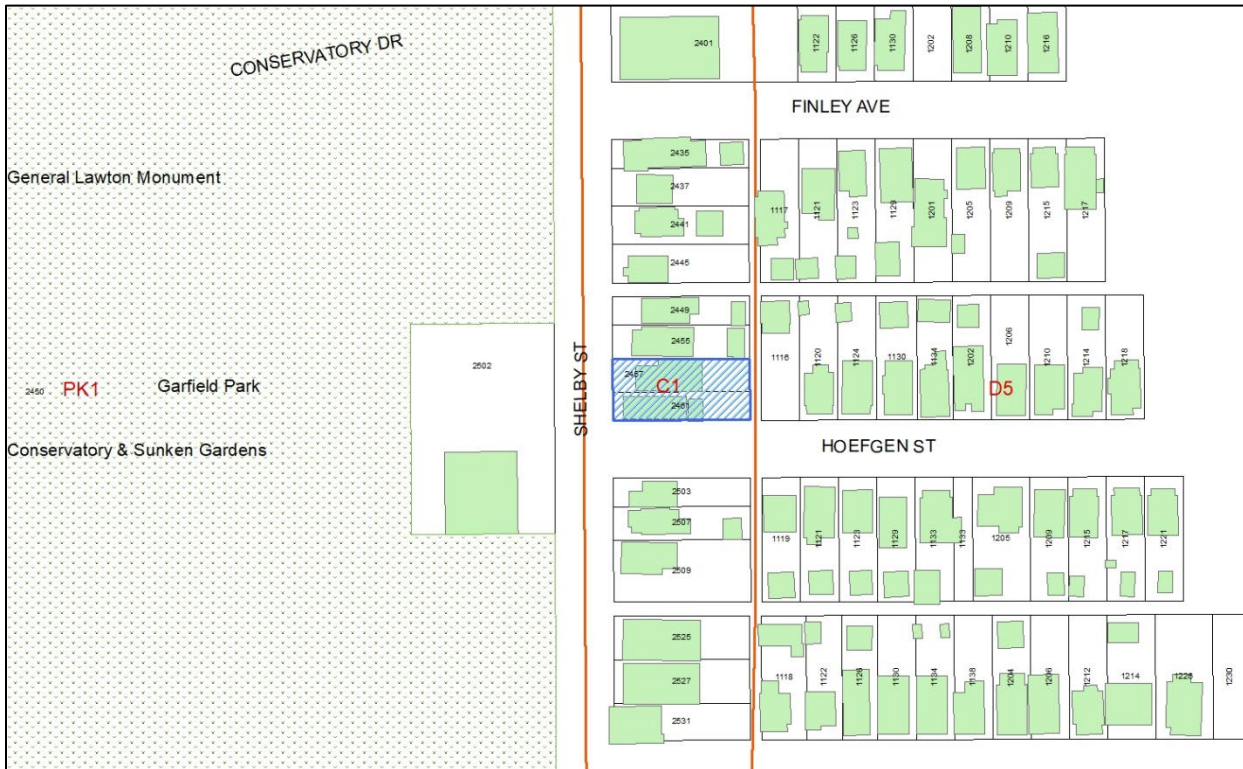
ZONING HISTORY – VICINITY

2009-HOV-030, 2449 Shelby Street (north of site), requested a variance of use to provide for a single-family dwelling and accessory garage in a C-1 district and a variance of development standards to provide for deficient setbacks and transitional yards, **approved**.

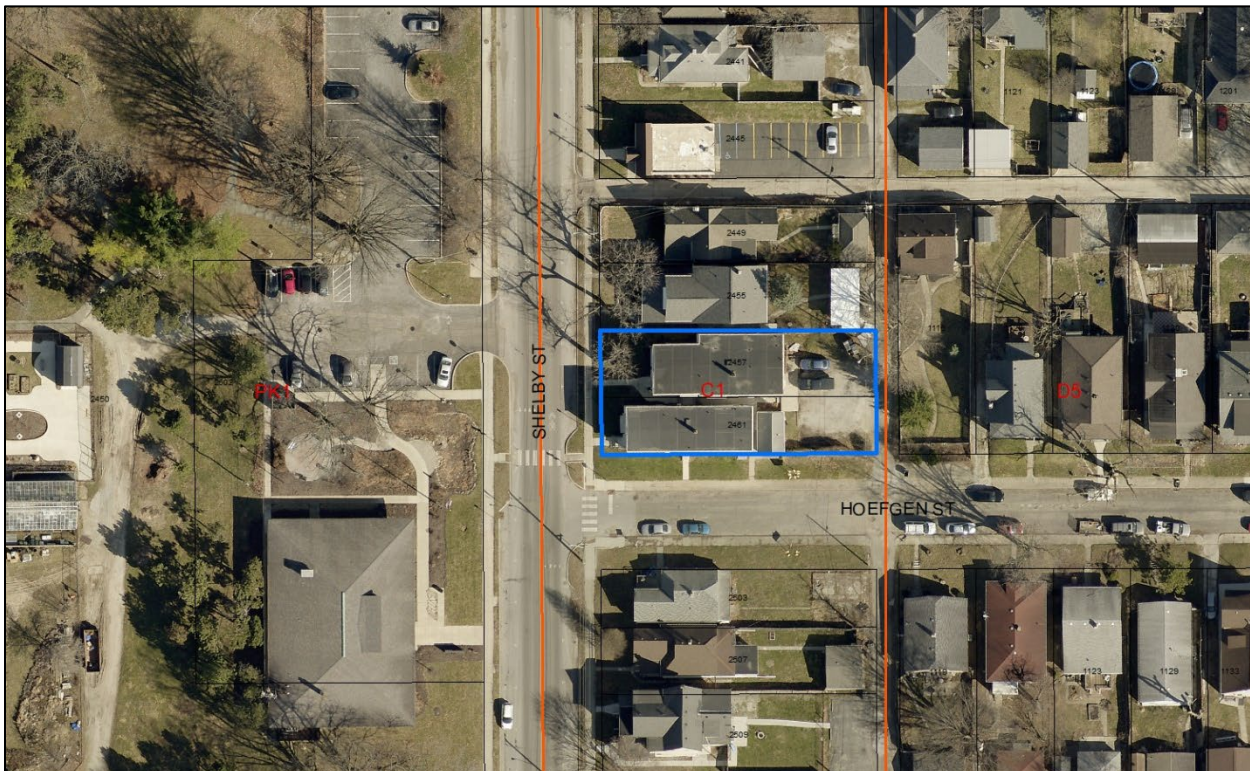
2006-UV3-046; 2509 Shelby Street (south of site), requested a variance of use to legally establish a four-unit multi-family dwelling in a C-1 district and a variance of development standards to provide for deficient setbacks and for parking maneuvering in a public alley, **approved**.

klh

STAFF REPORT 2023-ZON-013, Location



STAFF REPORT 2023-ZON-013, Aerial photograph (2022)



STAFF REPORT 2023-ZON-013, Photographs



Looking east from Shelby Street at the subject site.



Looking across Hoefgen Street at the site.



Looking northwest at the site from the corner of Hoefgen Street and the alley.



Looking east along north property line of the north lot of the site.



Looking east along Hoefgen Street.



Looking southwest across Shelby Street at the neighbors to the south. The site is on the far left of the photo.

STAFF REPORT

Item 6.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-806 / 2023-CPL-806 / 2023-CVC-806
Address: 818, 822, 826, 830, 834 and 838 Union Street, 831, 835 and 837 Charles Street, and 23, 27 and 31 Sycamore Street (*Approximate Addresses*)
Location: Center Township, Council District #16
Petitioner: The Redevelopment Group, by Russell L. Brown
Request: Rezoning of 0.18 acre from the D-8 (RC) district to the CBD-2 (RC) district to provide for residential uses.

Approval of a Subdivision Plat to be known as Meridian Enclave, dividing 0.99-acre into eighteen lots and one common area.

Vacation of the first and second alleys, south of Sycamore Street, both being twelve feet in width, from the west right-of-way line of Union Street, west 184.61 feet to the east right-of-way line of Charles Street, with a waiver of the assessment of benefits.

A nearby property owner has submitted a timely **Automatic Continuance**, which would continue these petitions to the **April 27, 2023**, hearing. A staff report will be available prior to that hearing.

JY

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809
Address: 2357 Dr Martin Luther King Jr Street (*Approximate Address*)
Location: Center Township, Council District #11
Petitioner: Grundy Memorial Chapel, Inc., by David Kingen
Request: Rezoning of 0.50 acre from the C-1 district, to the D-8 district to provide for a multi-family development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide direct access to a public street (alley access required).

Vacation of the first north-south alley east of Dr Martin Luther King Jr Street, being twelve feet in width, from the south right-of-way line of 24th Street, south 134.54 feet to the first east-west alley south of 24th Street with a waiver of Assessment of Benefits.

The petitioner has requested a **continuance from the March 23, 2023 hearing to the April 13, 2023 hearing** to allow time to amend the petition and provide for new notice.

Based on the updated proposed site plan, **the request for vacation of the alley can and should be withdrawn.**

klh

STAFF REPORT

Item 8.

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 FOR MARCH 23, 2023, ASSESSMENT OF BENEFITS HEARING

The vacation petition was continued from the February 23, 2023 hearing, to the March 23, 2023 hearing, for a hearing on the assessment of benefits. An appraisal, file-dated March 6, 2023, has been submitted for consideration by the Hearing Examiner. Staff has reviewed the findings of the appraisal and agrees with its findings.

ASSESSMENT OF BENEFITS

Appraiser Used: Paul Schuster (John D. Murphy Appraisal Services)
Appraiser's Benefits: \$ 1,300.00
Appraiser's Fee: \$ 800.00

RECOMMENDED MOTION: That the Hearing Examiner sustain, confirm, approve and adopt the Final Assessment Roll in 2022-CVC-856, assessing benefits therewith, in the amount of \$1,300.00 and that the petitioner pay the Appraiser's Fee of \$800.00.

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.

(Continued)

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.

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.

(Continued)

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.

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.

(Continued)

- ◇ 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.

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.

(Continued)

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

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

(Continued)

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**.

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**.

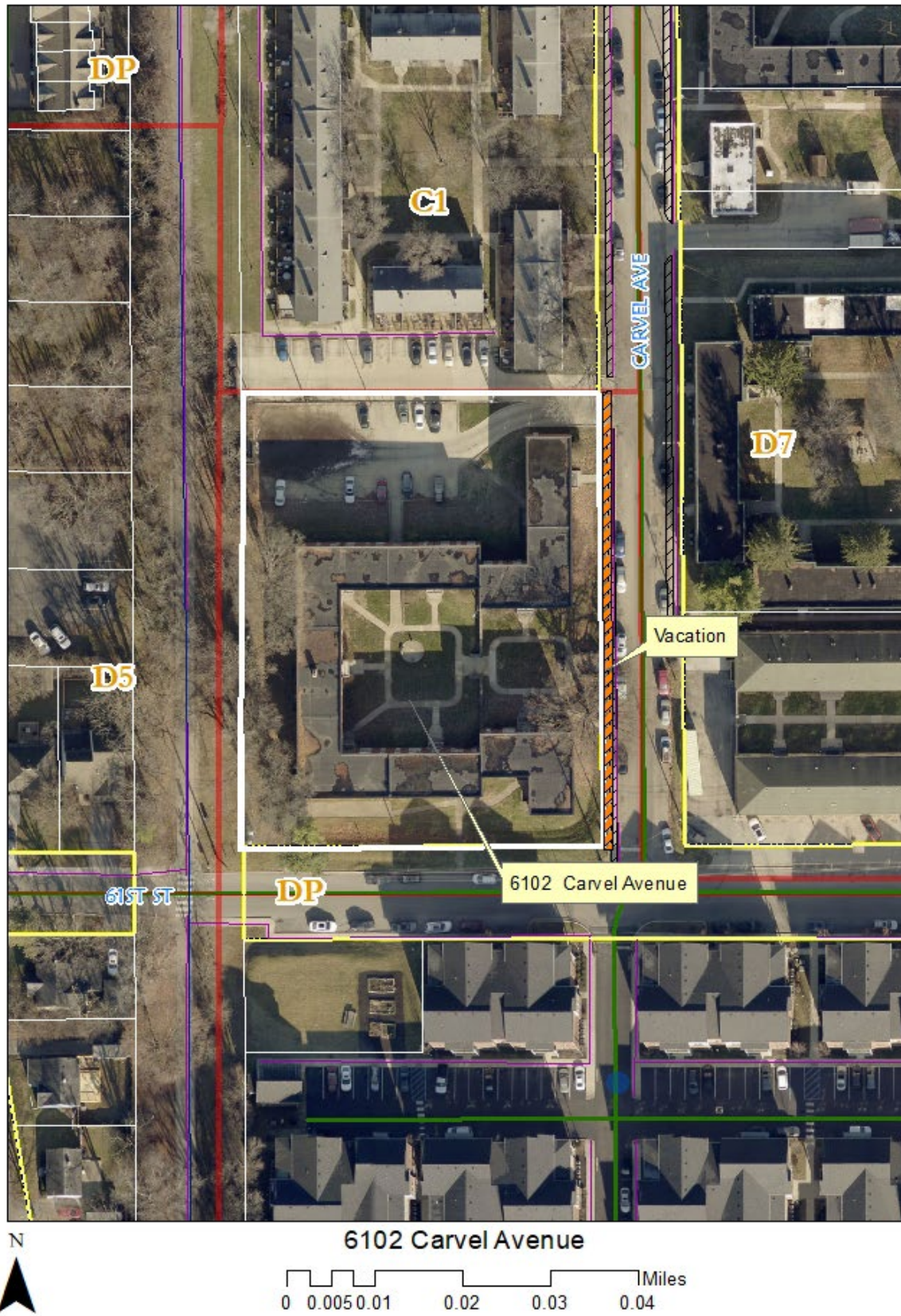
2007-ZON-024; 6159, 6161, 6165, 6171 and 6175 Winthrop Avenue (north of site), requested rezoning of 1.504 acres, from the D-5 District, to D-P classification to provide for 25 condominium dwelling units, with a density of 16.6 units per acre, **denied**.

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**.

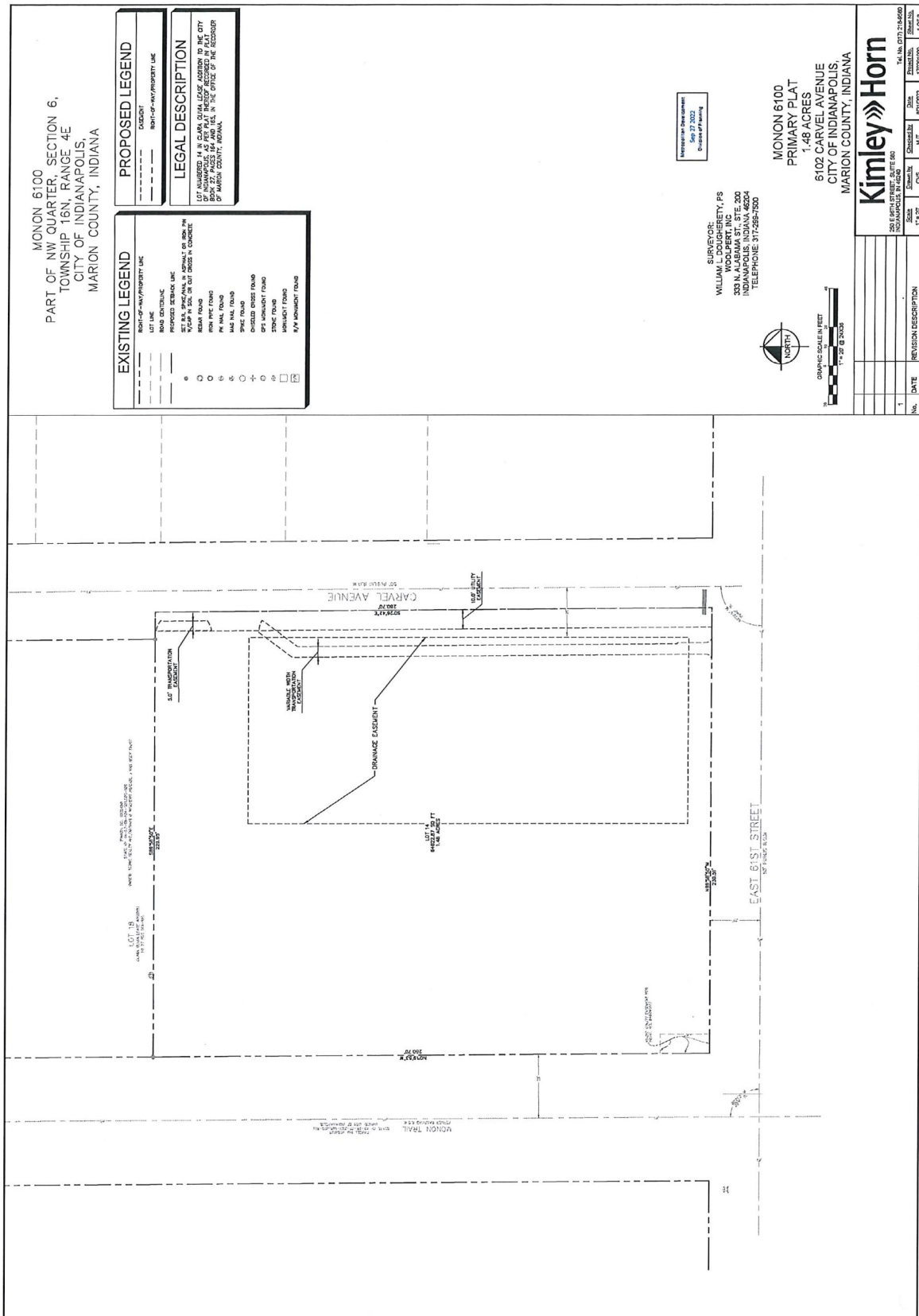
2001-ZON-810; 1115 Broad Ripple Avenue (northeast of site), requested rezoning of 14 acres from D-5 to SU-2 to legally establish a school, **approved**.

kb



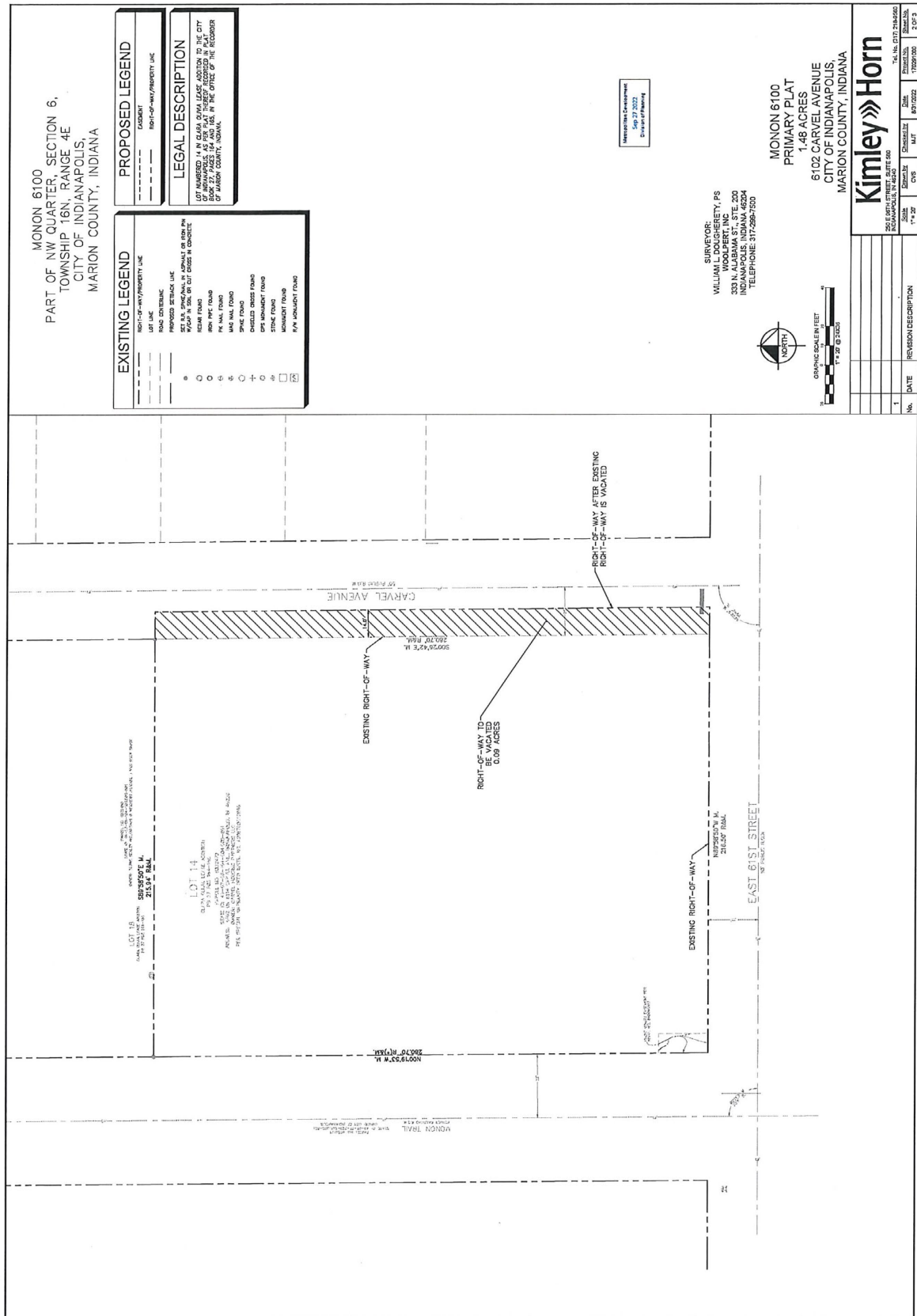
Primary Plat

Item 8.



Vacation

Item 8.



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

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-010
Address: 6118 Smock Street (*Approximate Address*)
Location: Perry Township, Council District #23
Petitioner: Roman Catholic Archdiocese of Indianapolis Properties, Inc., by Paul J. Carroll
Request: Rezoning of 0.478 acre from the D-A district to the SU-1 district to provide for religious uses.

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.12-acre site, zoned D-A, is developed with a single-family dwelling that has been converted to religious uses. It is surrounded by a parking lot to the north, zoned SU-1; a single-family dwelling to the south, zoned D-A; a single-family dwelling to the east, across Smock Street, zoned D-A; and commercial uses to the west, zoned C-1.

REZONING

- ◇ This request would rezone the site from the D-A District to the SU-1 classification to provide religious uses. The SU-1 District is a special use district that only permits religious uses. "No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission."

(Continued)

- ◇ The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) 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 Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

Large-Scale Schools, Places of Worship, and Other Places of Assembly (defined as schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.)

- Should be located along an arterial or collector street.
- 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. ▪ Schools should not be within 1000 feet of a highway, freeway, or expressway

(Continued)

Environmental Public Nuisances

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

Planning Analysis

- ◇ Religious uses are generally considered compatible with residential development if they are designed and developed properly to address issues such as parking, hours of operation, outdoor activities, signs, setbacks, and landscaping. Expansion of the religious use at this location would be compatible with the surrounding development and result in minimal impact on surrounding land uses.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A Single-family dwelling

SURROUNDING ZONING AND LAND USE

North - SU-1 Parking lot / religious uses
South - D-A Single-family dwelling
East - D-A Single-family dwelling
West - C-1 Mortuary

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

THOROUGHFARE PLAN This portion of Smock Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a proposed 50-foot right-of-way.

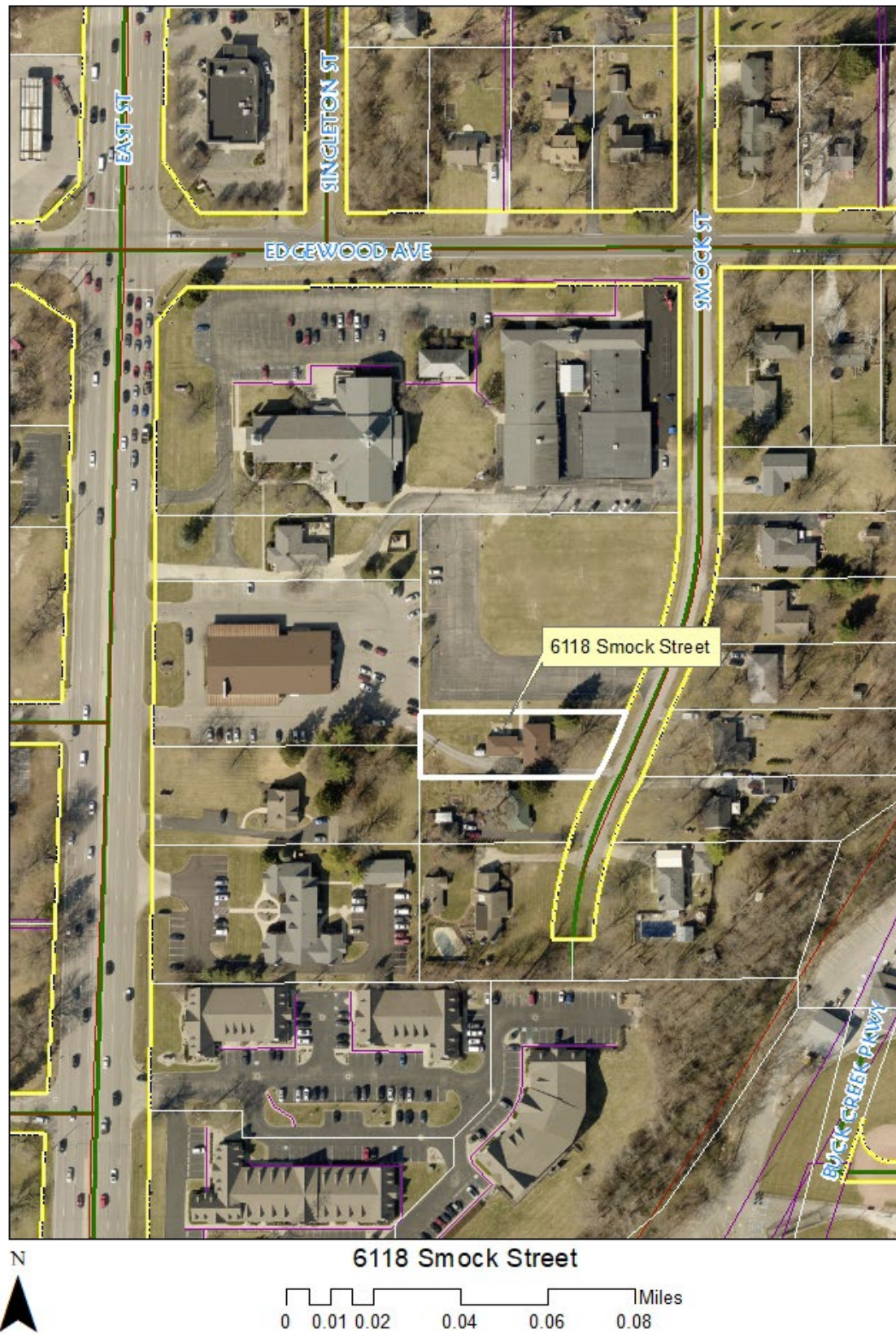
CONTEXT AREA This site is located within the metro context area.

OVERLAY This site is not located within an overlay

ZONING HISTORY

92-Z-26; 6047 South East Street (north of site), requested rezoning of 2.37 acres, being in the D-A District to the SU-1 classification to provide for the development of a church, **approved**.
71-Z-46; 6107 South East Street (west of site), requested rezoning of 1.42 acres, being in the A-2 District to the C-1 classification to provide for a mortuary, **approved**.

kb *****





View looking north along Smock Street



View looking south along Smock Street



View of site looking northwest across Smock Street



View of site looking west across Smock Street



View looking southwest across adjacent parking lot to the north



View of site looking south across parking lot to the north



View looking east along parking lot to the north of the site



View from site looking north across parking lot



View looking north along Smock Street

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-014
Address: 519 Kentucky Avenue (approximate address)
Location: Center Township, Council District #16
Petitioner: John Mahrtdt, by William W. Gooden and Elizabeth Bentz Williams
Request: Rezoning of 0.93-acre from the I-4 (RC) district to the CBD-2 (RC) district to provide for office, retail, restaurant, and event space uses.

RECOMMENDATIONS

Staff **recommends approval** of the petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The request would provide for the rezoning of a site developed with an office building, which aerial photography dates to at least 1950, and an existing surface parking lot that is adjacent to the building to the north and south. The proposed use, a restaurant, would re-use a portion of the building. The petition also indicates that additional uses, such as retail, offices, and event space, are potential uses for the remaining portion of the building. The parking lot would remain as is. The request to CBD-2, would permit the proposed use and would allow for future re-development as urban mixed-use.
- ◇ The request to CBD-2 would comply with the Comprehensive Plan, which recommends the site for Urban Mixed-Use development.

REGIONAL CENTER

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-4 (RC) Office use and surface parking.

(Continued)

SURROUNDING ZONING AND LAND USE

North - I-4 (RC)	Medium industrial
South - I-4 (RC)	Medium industrial
East - I-4 (RC)	Medium industrial
West - I-4 (RC)	Medium industrial

COMPREHENSIVE PLAN

The Comprehensive Plan of Marion County recommends Urban Mixed-Use development.

THOROUGHFARE PLAN

The Official Thoroughfare Plan for Marion County indicates that this portion of Kentucky Avenue is a primary arterial street, with an 88-foot right-of-way existing and proposed. Merrill Street is a local street, with a 48-foot right-of-way existing and proposed.

ZONING HISTORY - SITE

None.

ZONING HISTORY - VICINITY

2023-CZN-807 / 2023-CVR-807; 402 Kentucky Avenue, 700 Gardner Lane and 350 South West Street, requests a rezoning of 20.326 acres, from the I-4 (RC) and SU-18 districts, and a variance of development standards of the consolidated Zoning and Subdivision Ordinance, to provide for four buildings with encroachments into the Sky Exposure Plane Two of Kentucky Avenue, West Street and Gardner Lane, **pending**.

JY



View of a portion of the site in the foreground and abutting property, along Merrill Street, looking west



View of the site and subject building to the right, looking northwest



View of site and building



Views of the site and building

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-804 / 2023-CVR-804
Address: 1447 South East Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Jeremy Klausing, by Mark and Kim Crouch
Requests: Rezoning of 0.10 acre from the C-1 district to the C-3 district to provide for artisan food and beverage uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial building with a three-foot north transitional yard (minimum ten feet required) with 32.5 feet of street frontage (50 feet required).

RECOMMENDATIONS

Staff **recommends approval** of the rezoning 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. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. Final site plan providing for a six-foot tall privacy fence along the southern boundary and an ADA parking space, and building elevations shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.10-acre site, zoned C-1, is undeveloped and surrounded by a single-family dwelling to the north, zoned D-5; a single-family dwelling to the south, zoned C-1; a single-family dwelling to the east, zoned D-5; and single-family dwellings to the west, across South East Street, zoned C-1 and D-5.

(Continued)

REZONING

- ◇ This request would rezone the site from C-1 District to the C-3 classification to provide for artisan food and beverage 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.”

- ◇ The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

(Continued)

- ◇ 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.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Artisan Manufacturing and Food Production

- Automotive uses are excluded.
- Mixed-use structures are preferred.
- Operations should be fully contained within buildings.
- **Should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas.**
- Should include a commercial component that is open to the public.

Infill Housing Guidelines

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

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

(Continued)

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

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.

(Continued)

Site Plan

- ◇ The site plan, file-dated February 8, 2023, depicts a 24-foot by 85-foot building consisting of a lobby and a production area. An approximately 10-foot by 24-foot patio would be installed along South East Street frontage on the west building façade, with three parking spaces accessed by the north / south alley to the east.
- ◇ Without elevations, it is difficult to determine the height of the structure, but it appears there would be at least a second story.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ As proposed, this request would provide for a commercial building with a three-foot north transitional yard when the Ordinance requires 10 feet. The site plan indicates that a six-foot tall privacy fence would be installed along the northern property boundary, which would mitigate the impact of a reduced transitional yard setback.
- ◇ Additionally, the site plan indicates there would not be any windows on the north building façade that would also mitigate the impact of the proposed reduced setback
- ◇ The request would also allow for 32.5 feet of street frontage when 50 feet is required. When this site was platted in 1900 for residential development, commercial development was not contemplated. However, many sites along South East Street were subsequently rezoned for commercial uses. Consequently, many of the currently required development standards cannot be met, resulting in a practical difficulty for redevelopment and revitalization of the area.
- ◇ Due to recent redevelopment projects along South East Street, staff believes the reduced lot width is consistent with adjacent properties and would have minimal impact on surrounding land uses.

Planning Analysis

- ◇ As proposed the request would be a permitted use and consistent with the Comprehensive Plan recommendation of village mixed-use.
- ◇ Even though the abutting property to the south is zoned commercially and would not require a 10-foot setback, staff believes it would be appropriate to install a six-foot tall privacy fence for a buffer from the proposed more intense land use. The fence should begin at southeast corner of the proposed building and continue east to the alley right-of-way, which appears to be like the proposed privacy fence along the northern boundary of the site.
- ◇ Because of the surrounding residential structures and the Pattern Book recommendation that the proposed use “should be in harmony with the character of the surrounding neighborhood in terms of materials, building placement, entrance location, and vehicle and service areas,” staff is requesting the submittal of elevations for Administrator Approval prior to the issuance of an Improvement Location Permit.

(Continued)

- ## GENERAL INFORMATION

C-1 Undeveloped

North -	D-5	Single-family dwelling
South -	C-1	Single-family dwelling
East -	D-5	Single-family dwelling
West -	C-1 and D-5	Single-family dwelling

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

This portion of South East Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 52-foot right-of-way and a proposed 56-foot right-of-way.

This site is located within the compact context area.

This site is not located within an overlay

File-dated February 8, 2023

File-dated February 8, 2023

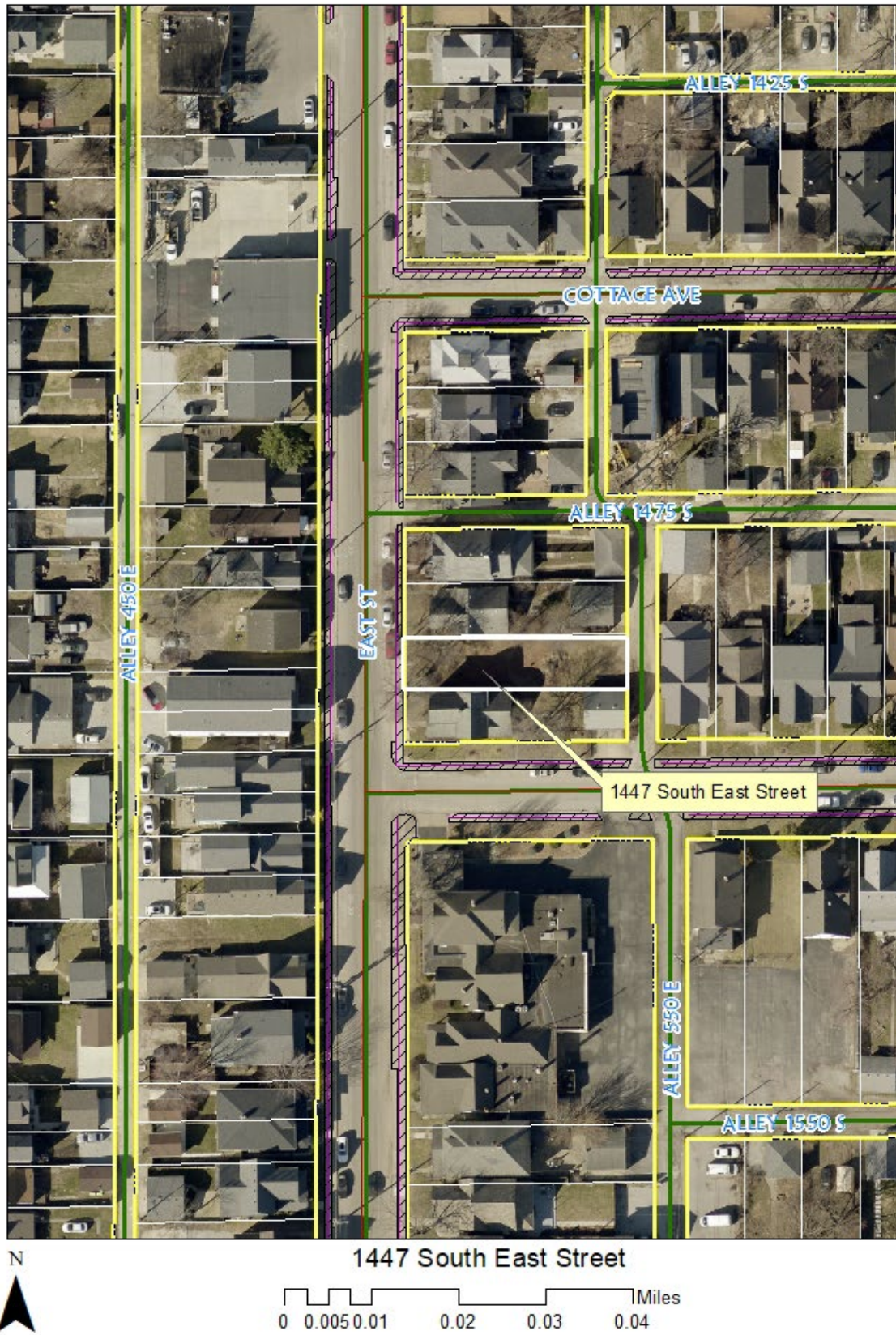
2018-CZN-821 / 2018-CPL-821 (south of site), requested rezoning of 0.13 acre from the C-1 district to the D-5 district and approval of a Subdivision Plat, to be known as CCM Subdivision (A Replat of Lot 97 in Woodruff's Subdivision), dividing 0.13 acre into two single-family attached lots, **approved**.

(Continued)

2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue, requested rezoning of 1.95 acres, from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, **approved**.

96-HOV-64; 1521 South East Street (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 24 x 24-foot detached garage for an existing single-family residence, **granted**.

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 grant will allow for the construction of a new artisan food and beverage structure for commercial use.

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

the proposed structure will be consistent with development in the area and adjacent area.

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

the use will be commercial and frontage is less than zoning minimums resulting in a need to reduce transitional setback requirement.

Without variance approval, proposed structure will not be built.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along South East Street



View looking south along South East Street



View of site looking northeast across South East Street



View of site looking northeast across South East Street



View of site looking west from north / south alley to the east



View of site looking west from north / south alley to the east

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-808 / 2023-CPL-808
Address: 10435 East Washington Street (10409 East Washington Parcel Address)
 (approximate address)
Location: Warren Township, Council District #19
Zoning: C-4 (TOD)
Petitioner: Valvoline LLC, by Joseph D. Calderon
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required).

Approval of Subdivision Plat to be known as Washington Market Commercial Subdivision, dividing 10.90 acres into two lots and one block.

RECOMMENDATIONS

Staff **recommends approval of the variance** to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line with a commitment that the final site plan and landscape plan are subject to administrative approval prior to issuance of an improvement location permit.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 2, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

2023- CVR-808 / 2023-CPL-808 STAFF REPORT (Continued)

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 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 zoned C-4 and in the Transit Oriented Development (TOD) Overlay. It is developed with a commercial strip center and related surface parking.
- ◇ This petition would subdivide the property into two lots and one block, and provide for an automobile service business with a 30-foot-wide front building line, or 22% of the front building line width.

VARIANCE

- ◇ This petition would provide for construction of a building with 30-foot façade width. Development standards for the TOD overlay require that the façade at the front building line should be at least 60% of the width of the lot. The proposed façade width is only 22% percent of the building line width.
- ◇ The proposed automobile service business is limited to sites less than one-half acre if located in the TOD overlay. The companion plat petition would permit the use.
- ◇ The existing site is a suburban-style shopping center with surface parking nearest to the street frontage. The proposed automobile service business be an out-lot development. Typical out-lot development can consist of single use or multi-tenant buildings. The proposed building is a single-use building, but it could be integrated into a multi-tenant building with future additions. Staff would note that the ordinance standards could be met by increasing the building size, but this could be achieved with future additions; staff is therefore not opposed to the variance.
- ◇ The proposed structure is oriented so that the stacking spaces for the service bays are behind the front building line, but the shorter side of the building would face the street frontage. Staff would not be opposed to a variance for reduced front building line width where there is a practical difficulty.
- ◇ Staff recommends approval of the variance request with a commitment that the final site plan and landscape plan be subject to administrative approval. The final site plan must extend the sidewalk on Washington Street to provide internal connectivity to the site. The final landscape plan must include frontage landscaping to screen the stacking spaces.

(Continued)

2023- CVR-808 / 2023-CPL-808 STAFF REPORT (Continued)**PLAT**

- ◇ The plat would subdivide the subject site into two lots and one block, Lots One and Two and Block A. Lot One would contain 0.43 acre and be located just west of the existing access drive. Lot Two would contain 0.494 acre and be in the northwest corner of the site. Block A would contain the remaining land area, 9.954 acres, containing the existing commercial strip center. These lots generally meet the standards for the C-4 zoning district.

TRAFFIC / STREETS

- ◇ Each lot would have frontage East Washington Street and will be accessed via the existing signalized access drive. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are existing on East Washington Street. Sidewalks must extend south into the site in compliance with the access and connectivity standards in Section 744-300 of the zoning ordinance.

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

C-4	Compact	Commercial
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SURROUNDING ZONING AND LAND USE

North	C-4	Commercial
South	SU-3	Golf Course
East	C-5	Commercial
West	D-A	Undeveloped

COMPREHENSIVE LAND USE PLAN	Regional Commercial / Transit-Oriented Development
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THOROUGHFARE PLAN	East Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial with a 145-foot existing and proposed right-of-way.
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FINDINGS OF FACT (VARIANCE)	File-dated February 22, 23
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PRELIMINARY PLAT	File-dated February 22, 23
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SITE PLAN	File-dated February 22, 23
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ZONING HISTORY – SITE

2022-UV3-031, variance of use and development standards to provide for the construction of an automobile service business on a lot greater than a half-acre, with a 23.5-foot building line, 4% of the front building line, **withdrawn**.

90-V3-32, variance to permit a billiard parlor within 500 feet of a dwelling district, **approved**.

90-SE3-7, special exception to provide for a billiard parlor with 14 billiard tables within an existing integrated center, **approved**.

89-V1-50, variance to provide for an animated sign within 300 feet of a residential district, in excess of 25 percent of the building façade, a marque and projecting sign, a sign projecting more than six feet above the parapet wall, and individual sign structures in an integrated center, **approved**.

(Continued)

2023- CVR-808 / 2023-CPL-808 STAFF REPORT (Continued)

89-SE1-6 / 89-UV1-48; Variance of use and development standards to provide for an amusement arcade within five hundred feet of a property zoned for residential development, **granted.**

89-UV1-36, requested a Variance of use and development standards to provide for a garden center within a required transitional yard, **granted.**

88-HOV-58, Variance of development standards to provide for 910 parking spaces, **granted.**

88-HOV-17, Variance of development standards to provide for 910 parking spaces, **granted.**

ZONING HISTORY – VICINITY

2018-UV2-008; 10501 East Washington Street, requested a Variance of use to provide for a contractor with outdoor storage, **approved.**

2011-DV2-017; 10531 East Washington Street, requested a variance of development standards to provide for a 24-foot tall, 144-square foot freestanding sign, with a two-foot setback from the proposed 80-foot half right-of-way of Washington Street, **granted.**

2002-UV3-001; 10520 East Washington Street, requests variance of use and development standards to provide for the retail sales of portable backyard storage buildings and related accessory items (not permitted), within 11,500 square feet of outdoor retail display and sales (outdoor displays required to be accessory to the primary use, be located adjacent to the primary structure, and not exceed 1% of the gross floor area of the establishment, **granted.**

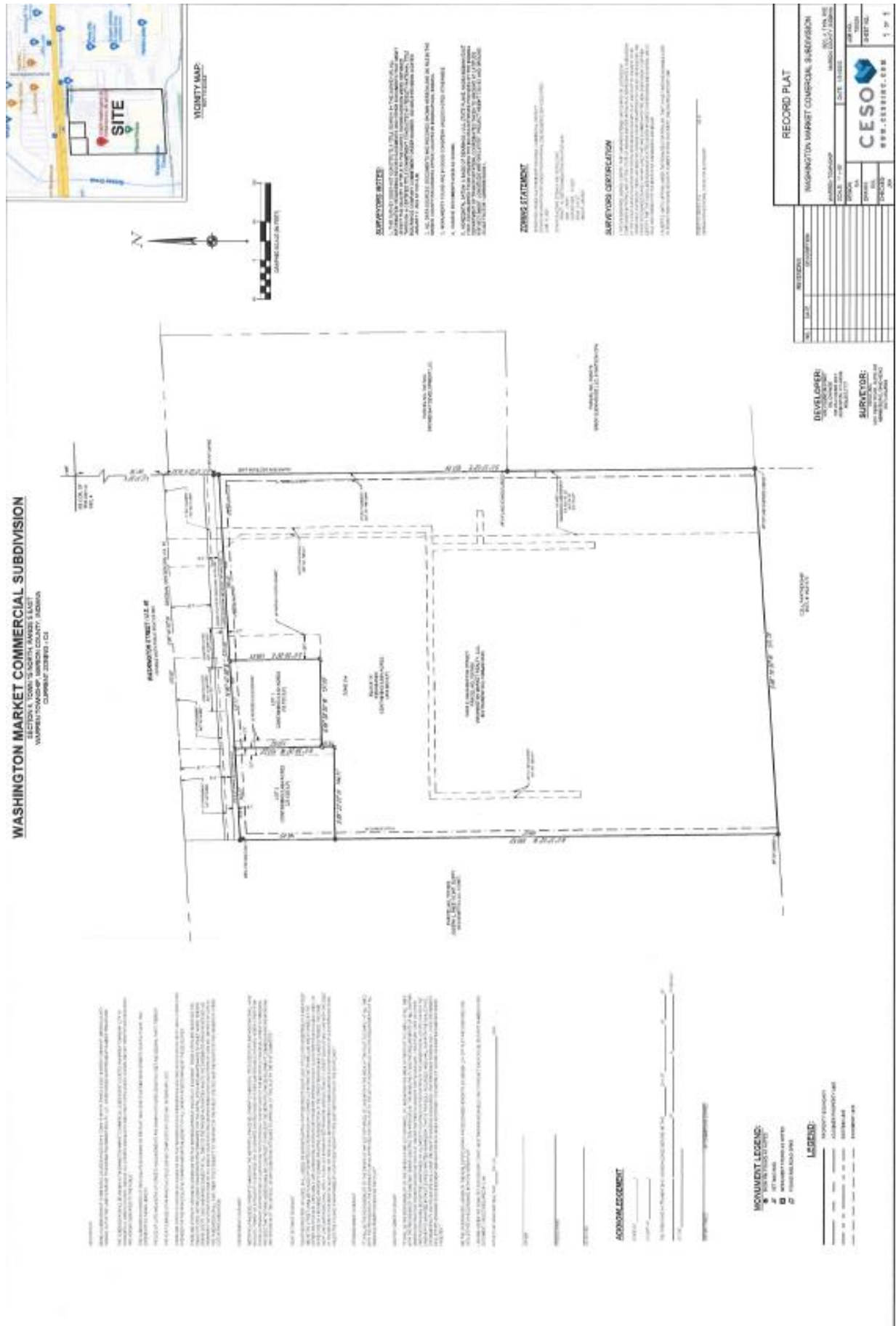
90-UV1-151; 10499 East Washington Street, requests variance of use to permit the construction of a go-cart track, **granted.**

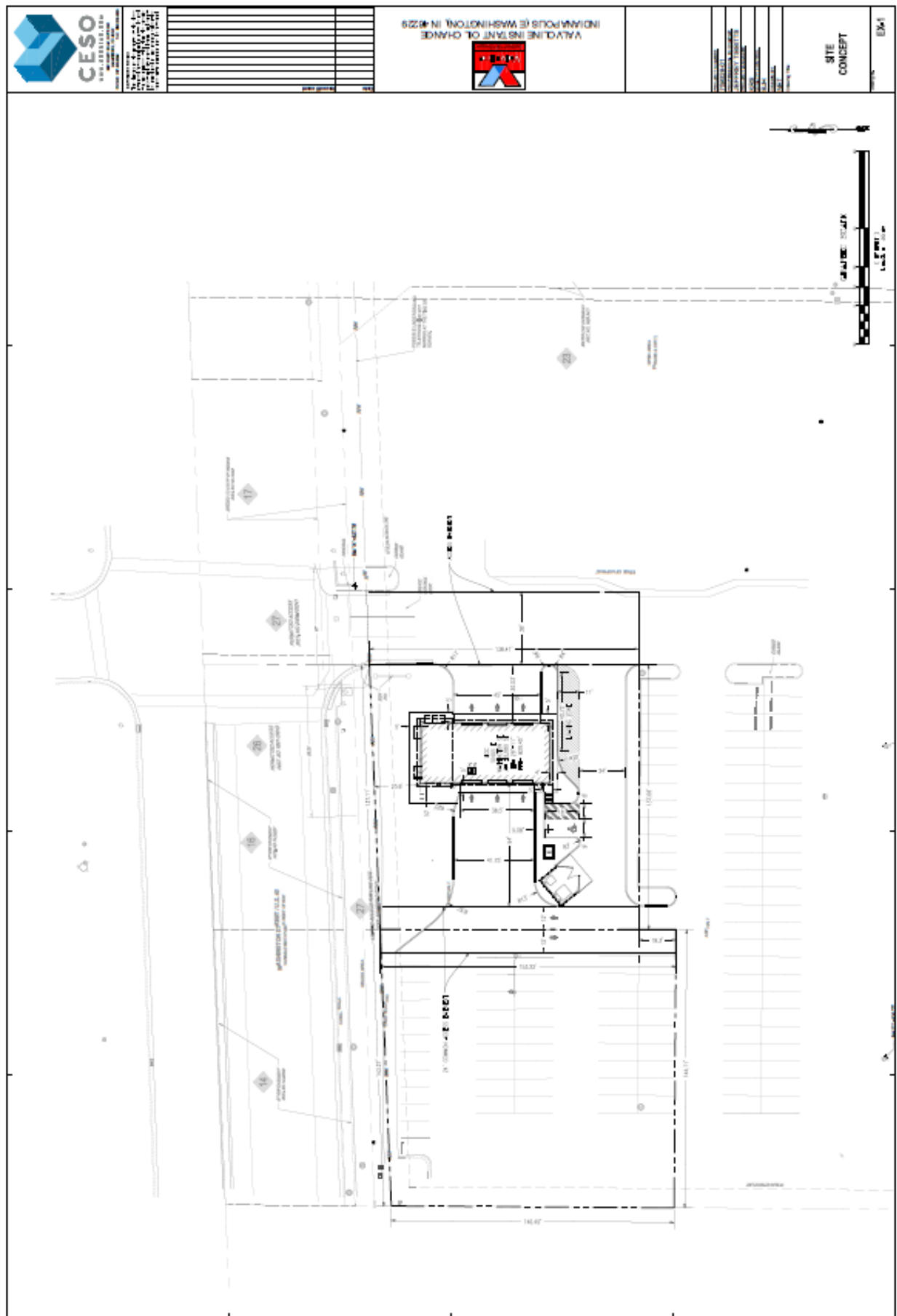
87-V3-81; 10501 East Washington Street, requested a variance of use to provide for the outside display and scale of buses and the repair of buses, **granted.**

AR

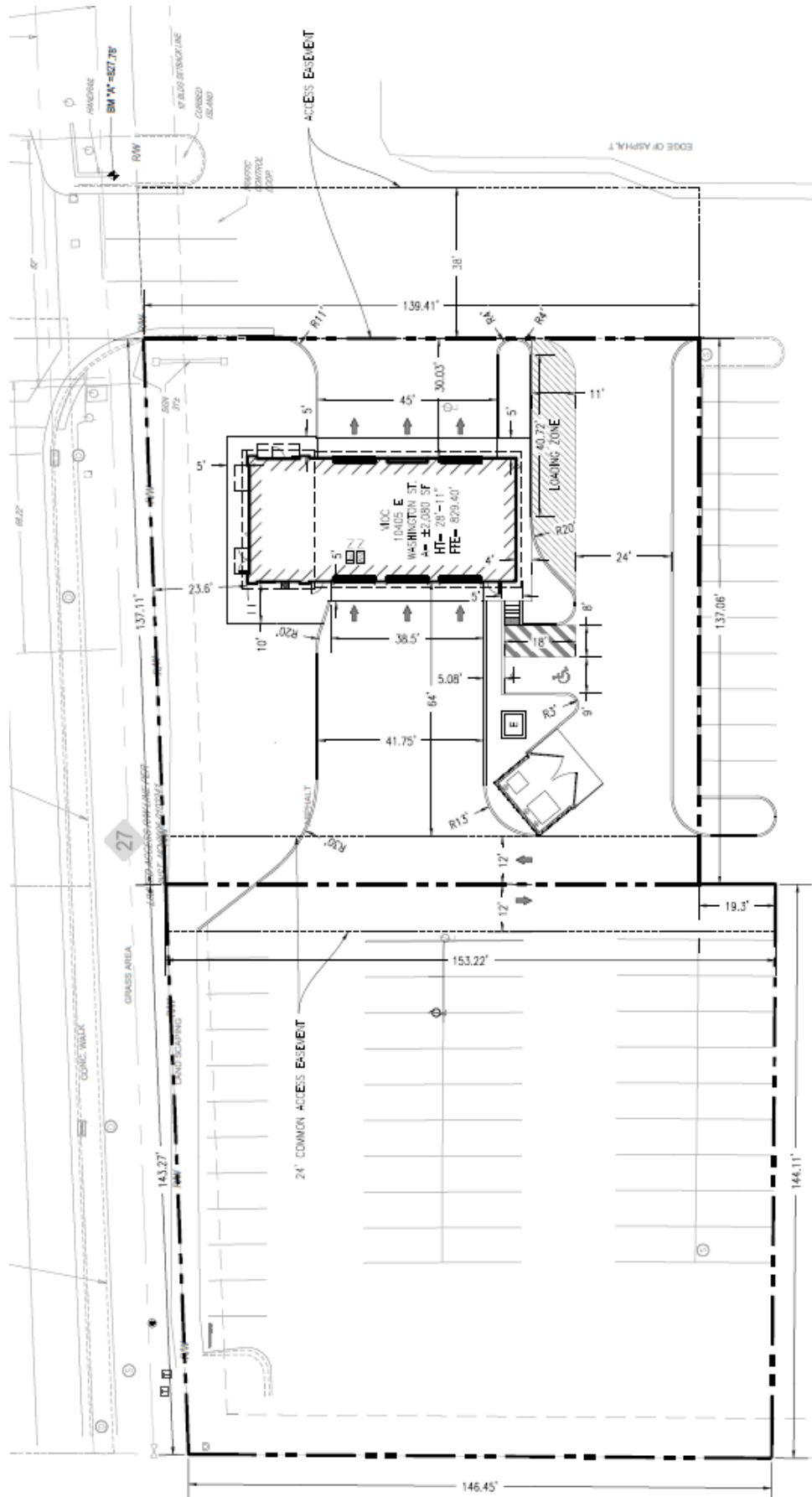
2023-CVR-808 / 2023-CPL-808 Area Map







Plan Detail



2023-CVR-808 / 2023-CPL-808 Variance Findings of Fact

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

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

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

the building will be positioned such that the facility entrance/exit will not face the street, which will eliminate headlight spill onto Washington Street, plus the building starts the process of introducing some massing closer to the Washington Street right-of-way.

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 adjacent properties are suburban in nature, with similar types of commercial development, including a proposed new commercial lot adjacent to the west of the subject property.

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

the ordinance does not take into account redevelopment of existing suburban retail development, which has significant parking in front of buildings, nor does it recognize or make room for single tenant outlot development.

2023-CVR-808 / 2023-CPL-808 Photographs

Subject site proposed Lots One and Two, looking north



Subject site existing shopping center, proposed Block A, looking south



Proposed Lot One Washington Street frontage, looking east



Proposed Block A, access drive shown left, looking south

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 MARCH 23, 2023, HEARING EXAMINER

To accommodate the schedule of the remonstrator's representative, a continuance for cause from the February 23, 2023 hearing to the March 23, 2023 hearing was requested and granted.

An updated site plan and an expanded list of commitments have been submitted to the file. The updated site plan expands the size of the proposed building from 4500 square feet to 8000 square feet and moves it somewhat to the west. Several of staff's previously requested commitments have been added to the list of commitments proposed by the petitioner. Staff continues to **recommend approval** subject to the commitment below.

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).



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 that can reasonably be stored inside (such as dump trucks) shall be located in the storage building. Any other vehicles and equipment that is stored outside shall be limited to those areas shown on the Site Plan, and shall further be limited to outside storage for no more than ten (10) consecutive days, no more than ten (10) times per year. The future storage building shall be erected and placed in service no later than December 1, 2023.
3. Storage of materials used in connection with off-site projects shall be directly delivered to job site when available. However, any materials shipped to the Subject Property shall be limited to the areas shown on the Site Plan, and shall be limited to no more than ten (10) consecutive days, no more than six (6) times per year.
4. Existing areas consisting of dirt and/or debris piles shall be removed promptly following issuance of any required excavation/drainage permits, but no later than June 30, 2023.
5. Owner will apply for a drainage or land alteration permit for all existing improvements, including the existing pond, and comply with all terms and conditions of same. Owner will provide a copy of the drainage or land alteration, permit, and associated plans to The Town of Clermont.
6. Parking areas for customers, visitors, vendors and employees shall be limited to the areas as shown on the Site Plan.
7. Only one free-standing sign shall be permitted, and shall be located along the Raceway Road frontage north of the access drive. The free-standing sign shall meet all requirements of monument signs in commercial districts; however, it shall not exceed six feet (6') in height and six feet (6') in width.
8. Proposed perimeter and transitional yard landscaping shall be submitted on a plan prepared by a professional landscape architect for Administrator's Approval, prior to issuance of an improvement location permit for the future storage building. The landscaping shall feature a combination of evergreens, deciduous trees and shrubs to create a reasonable screen along the south property line installed within twelve (12) months following the erection of the future storage building.
9. A decorative wrought iron style aluminum fence shall be installed along the Rockville Road frontage at the maximum height permitted by the City of Indianapolis Consolidated Zoning/Subdivision Ordinance (the "Zoning Ordinance"). Fencing along the south property line may be a vinyl coated chain link fence up to six feet (6') in height.

10. 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.
11. All new freestanding or building mounted exterior lighting on the Subject Property shall meet the requirements of the Zoning Ordinance.
12. There shall be no vehicle entrance to the Subject Property along the south property line, unless required by the Indianapolis Fire Department.

ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

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.

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).

(Continued)

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

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.
- ◇ 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.

(Continued)

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

- ◇ 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.

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.

(Continued)

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

- ◇ 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 commitments 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
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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.
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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.
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(Continued)

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

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

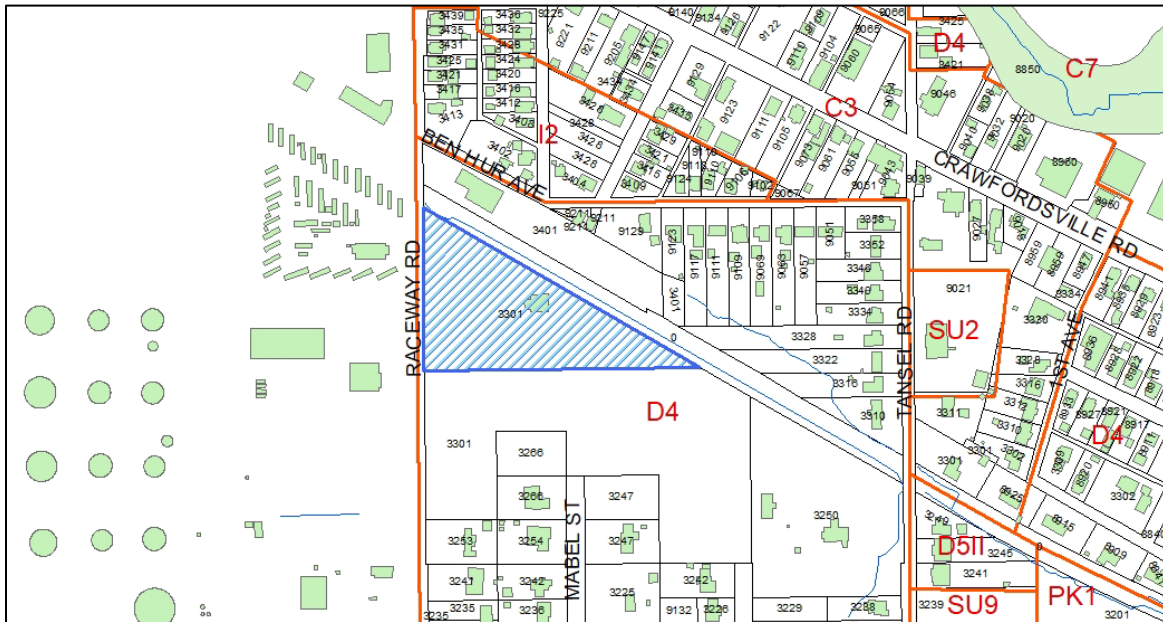
2021-UV1-029; 3301 North Raceway Road, requested a variance of use to provide for a construction services company in a D-4 district, **withdrawn**.

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

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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 14.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-807 / 2023-CVR-807
Address: 402 Kentucky Avenue, 700 Gardner Lane and 350 South West Street (approximate addresses)
Location: Center Township, Council District #16
Petitioner: 402 Kentucky Avenue, LLC, by Joseph D. Calderon
Request: Rezoning of 20.326 acres from the I-4 (RC) and SU-18 districts to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for four buildings with encroachments into the Sky Exposure Plane Two of Kentucky Avenue, West Street and Gardner Lane.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning petition. Staff understands that the variance petition will be withdrawn. The following staff report pertains to only the rezoning request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE / HISTORY

- ◇ The request would provide for the rezoning of a site developed with a long-standing industrial use, Diamond Chain, and partially paved and graveled parking areas to the south and west of the existing building. Industrial uses, including Diamond Chain and warehouse uses, date to 1917. The Diamond Chain building is rated 'Outstanding' in the *Indiana Historic Sites and Structures Inventory of Center Township* and has been determined to be eligible for the *National Register of Historic Places*. Prior to 1917, portions of the site were used as a slaughterhouse, a machine shop, residences, a baseball stadium, and a train maintenance facility.
- ◇ This site is also the site of the original City Cemetery (Green Lawn Cemetery) that dates to 1821 and encompassed the entire site, and additional land to the north, at one time. Green Lawn Cemetery was replaced, over time, by Crown Hill Cemetery and other cemeteries, beginning in 1863.

REQUEST

- ◇ The rezoning request to CBD-2 (RC), would provide for a planned mixed-use residential and entertainment development, including a 20,000-seat soccer stadium, restaurants, multi-family dwellings, offices, commercial retail, public plazas, and parking garages. Central Business District-Two uses would permit all of the potential uses of the site.

(Continued)

- ◇ The request to CBD-2 would comply with the Comprehensive Plan, which recommends the site for Urban Mixed-Use development.

REGIONAL CENTER

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning. A proposed site plan was submitted with this request. This site plan provides an early look into the potential development of the site and is by no means final if this petition would be approved. The site plan, it should be noted, identifies the potential location of the proposed expansion of Henry Street, west of Kentucky Avenue, to a bridge to be constructed over White River. This bridge will link the downtown to the Elanco Headquarters site and mixed-use development site, formerly the GM Stamping Plant.
- ◇ Staff would note that surface parking lots along the White River would not be supportable. Additionally, parking garages should be placed underground to provide development at ground level and be pedestrian friendly.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-4 (RC) Industrial use and surface parking.

SURROUNDING ZONING AND LAND USE

North - I-4 (RC)	Utilities
South - I-4 (RC)	Medium industrial
East - C-3 / I-4 (RC)	Gasoline station / Medium industrial
West - I-4 (RC)	White River

COMPREHENSIVE PLAN The Comprehensive Plan of Marion County recommends Urban Mixed-Use development.

THOROUGHFARE PLAN The Official Thoroughfare Plan for Marion County indicates that this portion of Kentucky Avenue is a primary arterial street, with an 88-foot right-of-way existing and proposed. Merrill Street is a local street, with a 48-foot right-of-way existing and proposed.

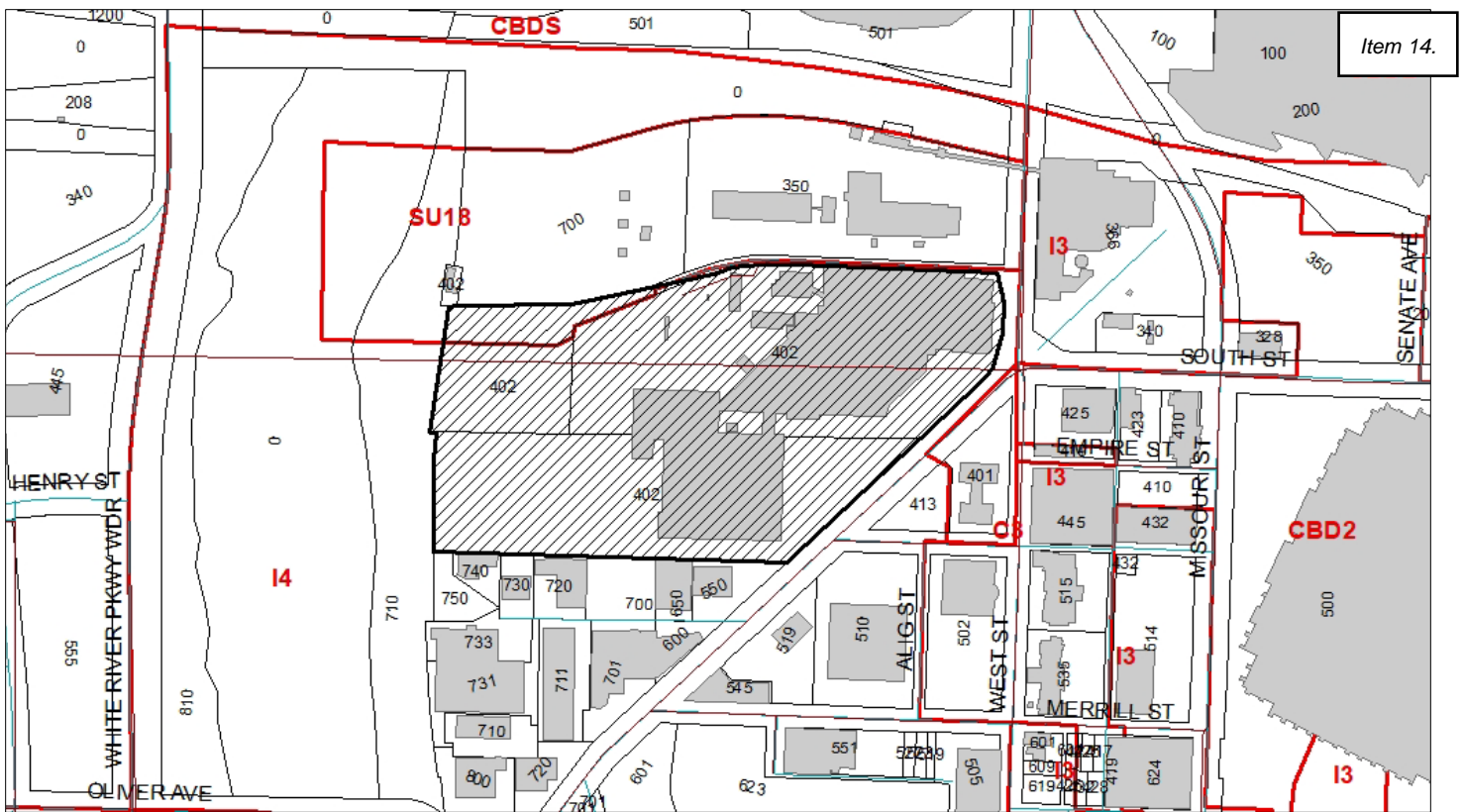
ZONING HISTORY - SITE

None.

ZONING HISTORY - VICINITY

2023-ZON-014; 512 Kentucky Avenue, requests a rezoning of 0.93-acre, from the I-4 (RC) district, to provide for office, retail, restaurant, and event space uses, **pending**.

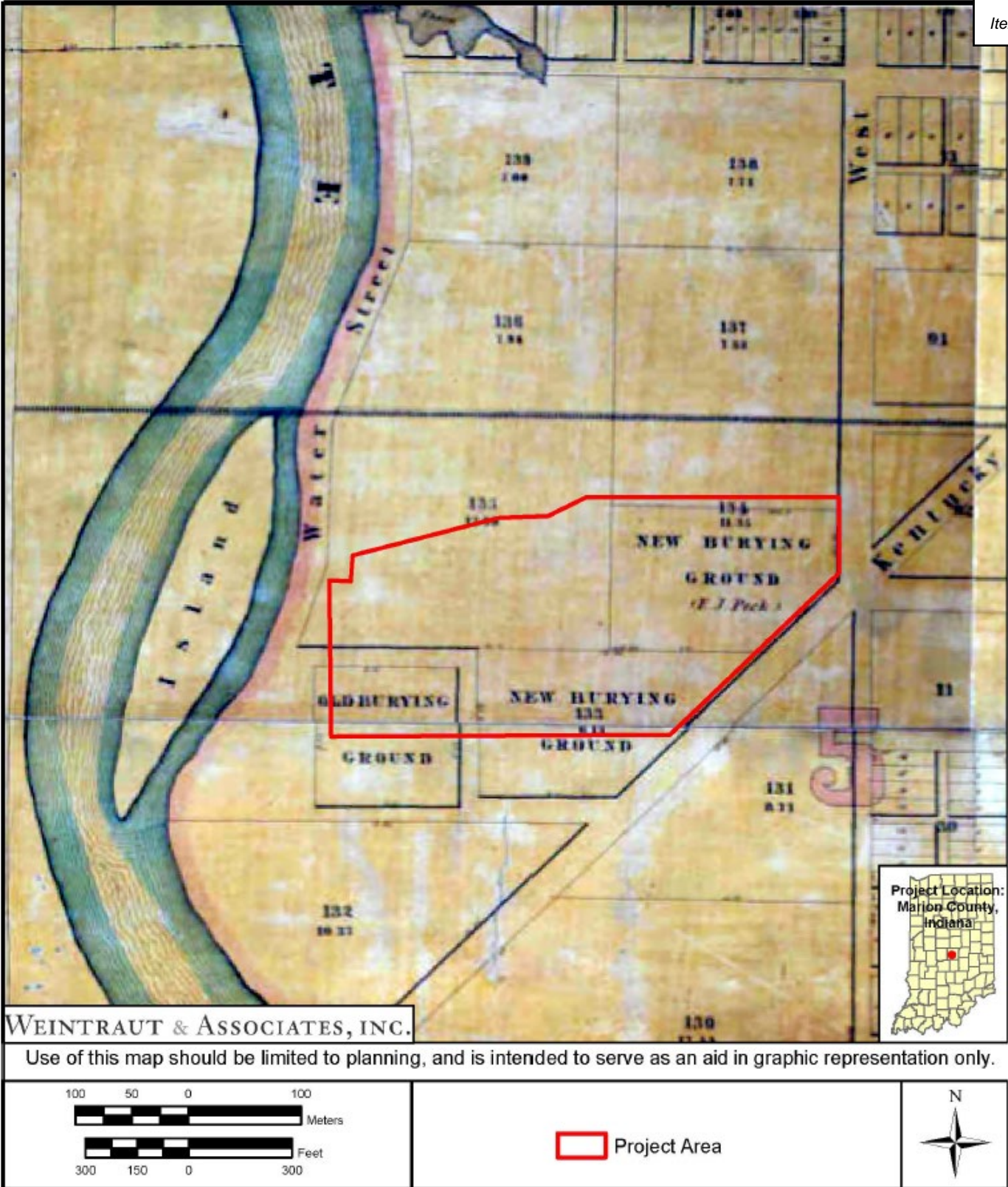
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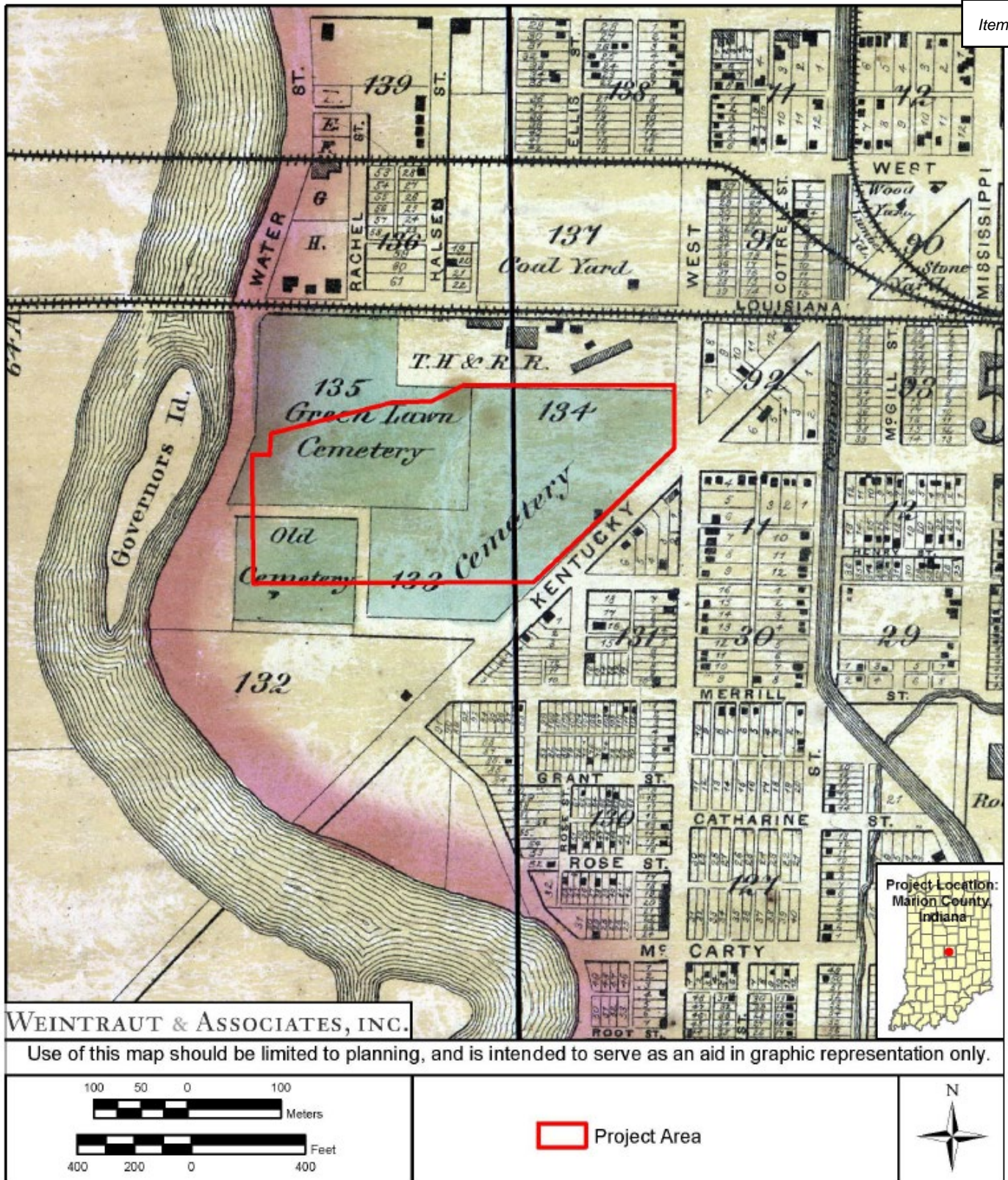
Zoning map



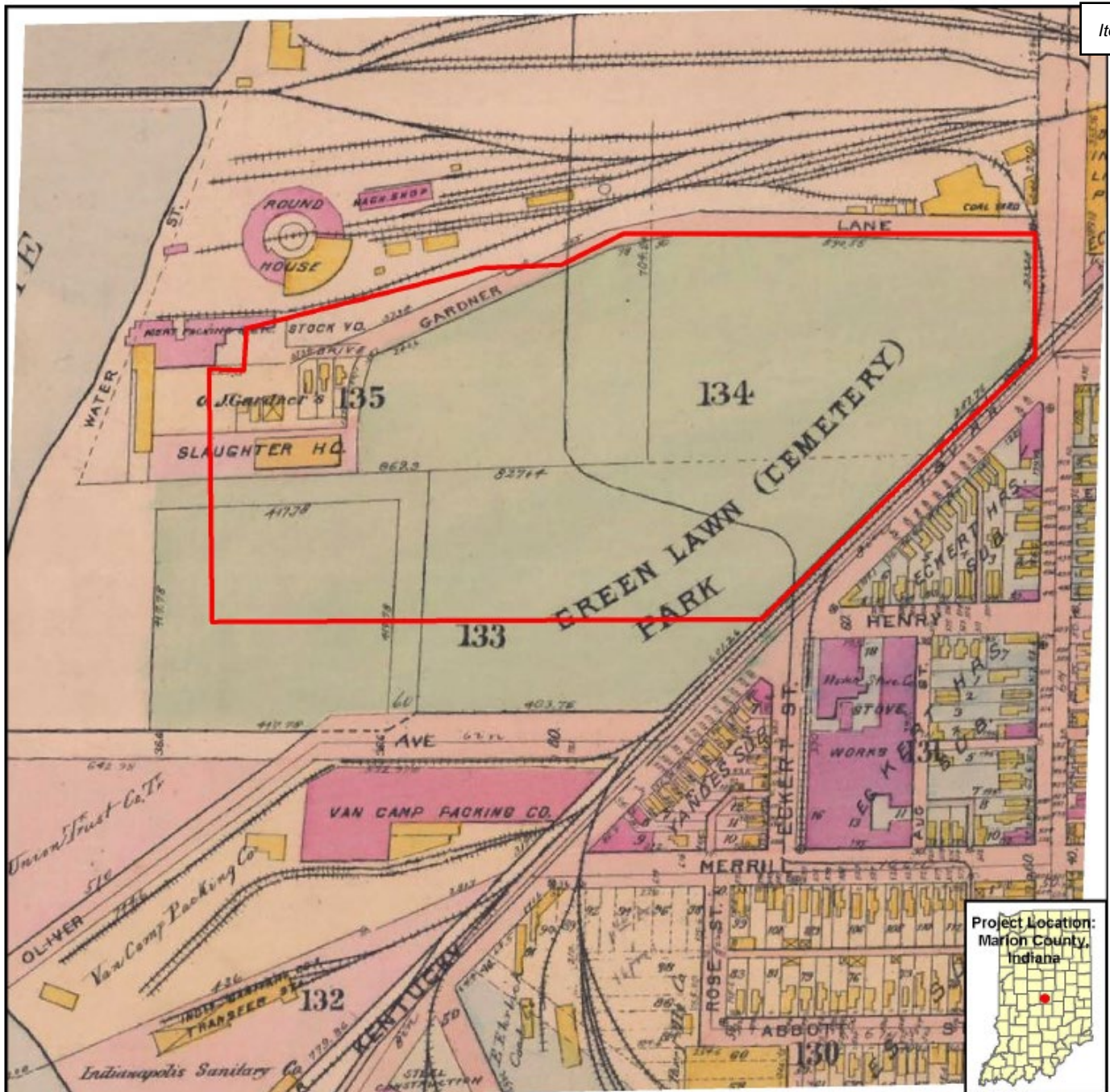
Aerial map



Munsell's map of Indianapolis – 1852

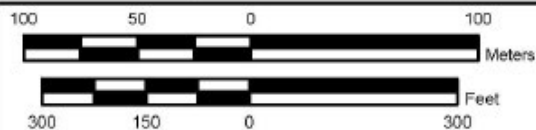


Warner map - 1866



WEINTRAUT & ASSOCIATES, INC.

Use of this map should be limited to planning, and is intended to serve as an aid in graphic representation only.



 Project Area



Baist map - 1908



View of the Diamond Chain building from Kentucky Avenue



Views of the site and building from Kentucky Avenue and west of the building



Views of the western portion of the site and White River



View of the east façade of the building, along West Street



View of center portion of the East façade of the building, along West Street