



# Metropolitan Development Commission Hearing Examiner (December 1, 2022) Meeting Agenda

## Meeting Details

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

**Date:** Thursday, December 01, 2022      **Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-ZON-056 (Amended) | 3500 Sutherland Avenue | Center Township, CD #9

Monon Development Group, LLC, by Andi M Metzel

Rezoning of 6.8 acres from the D-5 (FW) district to the D-10 (FW) district to provide for a multi-family residential development, consisting of approximately 480 dwelling units.

**Continuance Request by Staff to January 12, 2023.**

2. 2022-ZON-071 (Amended) | 2022-VAR-011 | 7820 West Washington Street | Wayne Township, CD #22

Paige Darline Jensen

Rezoning of 0.53 acre from the D-A and C-5 districts to the C-5 district to legally establish a truck rental and automobile repair.

A variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a truck rental facility (not permitted) and an eight-foot-tall privacy fence (maximum six-foot tall fence permitted).

**Continuance Request by Staff to January 12, 2023.**

3. 2022-ZON-092 | 2022-VAR-010 (Amended) | 3301 North Raceway Road | Wayne Township, CD #6

Sammy and Annie Dotlich, by Joseph D. Calderon

Rezoning of 3.75 acres from the D-4 district to the C-S district to legally establish a commercial/building contractor and to provide for any of the following uses: Artisan Manufacturing; Light Manufacturing; Research and Development; Motorsports Industry; Mini-warehouses; Animal Care Boarding; Veterinarian Services; Artisan Food/Beverage; Farmers Market; Medical or Dental Office, Center or Clinic; Day Care Center; Club or Lodge; Community Center; Vocational, Technical or Industrial School; Religious Use; Greenway; Hair and Body Care Salon Services; Consumer Services or Repair of Consumer Goods; Eating Establishment/Food Preparation; Office Use; and Accessory Uses permitted in the I-1 District.

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

**Continuance Request by Petitioner to December 15, 2022.**

**4. 2022-ZON-124 | 940 West Banta Road | Perry Township, CD #23**

John J. Holzer, Trustee, by David Kingen & Emily Duncan

Rezoning of 6.86 acres from the D-A (FW) (FF) district to the C-1 (FW) (FF) district.

**Continuance Request by Petitioner to December 29, 2022.**

**5. 2022-ZON-126 | 1401 Indiana Avenue and 1426 Rembrandt Street | Center Township, CD #11**

Matchbook Learning Schools of Indiana, Inc., by Joseph D. Calderon

Rezoning of 1.68 acres from the D-5 (RC) (W-1) district to the CBD-2 (RC) (W-1) district.

**Timely Automatic Continuance filed by Petitioner to December 29, 2022.**

**6. 2022-CZN-848 / 2022-CVC-848 | 419 & 441 East Ohio Street, 424 East Wabash Street and 124 & 132 North East Street | Center Township, CD #17**

Moes, LLC / Feroze and Sons, LLC, by David Kingen and Emily Duncan

Rezoning of 0.85 acre from the CBD-2 (RC) and I-3 (RC) Districts to the CBD-2 (RC) district.

Vacation of the first north-south alley west of East Street, being twelve feet in width, from the south right-of-way line of Ohio Street, south 195 feet to the north right-of-way line of Wabash Street, with a waiver of the assessment of benefits.

**Continuance Request by Petitioner to January 26, 2023.**

**7. 2022-CVC-856 (Amended) | **Assessment of Benefits** | 6102 Carvel Avenue | Washington Township, CD #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.

**Continuance Request by Staff to December 29, 2022.**

**8. 2022-CZN-863 / 2022-CVR-863 | 4437 Clark Drive and 4532 Northeastern Ave | Franklin Township, CD #25**

David A. Retherford, Trustee of the Russell E. Flagle Revocable Trust

Rezoning of 2.05 acres from the D-5 (FF) and C-S (FF) districts to the D-5 (FF) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero-feet of street frontage and lot width (minimum 25 feet of street frontage and 50 feet of lot width required).

**Continuance Request by Petitioner and Staff to December 15, 2022.**

**9. 2022-CZN-867 / 2022-CVC-867 | 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue | Warren Township, CD #12**

Baldeep Baidwan by David Kingen and Emily Duncan

Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development.

Vacation of a portion of Greenfield Avenue, ranging from 25 feet wide to 50 feet wide, from the southwest corner of Lot 65 in Witz and Spannuth's Addition, southeast 451.54 feet to the southeast corner of Lot 49 in said subdivision,

Vacation of a portion of Elm Avenue, ranging from 25 feet to 50 feet wide, from the northeast corner of Lot 59 in Witz and Spannuth's Addition, south 528.79 feet to the southeast corner of Lot 61 in said subdivision,



Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southeast corner of Lot 59 in Witz and Spannuth's Addition, west 40.50 feet, to the northwest corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southwest corner of Lot 53 in Witz and Spannuth's Addition, east 182.20 feet, to the northeast corner of Lot 49 in said subdivision, all with a waiver of the Assessment of Benefits.

**Continuance Request by Petitioner and Staff to December 15, 2022.**

**10. 2022-CZN-868 / 2022-CVR-868 | 431 South Shortridge Road | Warren Township, CD #18**

Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan

Rezoning of 2.74 acres from the D-A district to the C-7 district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 20-foot south side transitional yard (40 feet required), a zero-foot east yard (10-foot rear yard required), without the required front-yard landscaping (landscaping required).

**Continuance Request by Petitioner to January 26, 2023.**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**11. 2022-APP-014 | 1902 Ruckle Street | Center Township, CD #11**

Compendium Group, LLC, by Jason Wolfe

Park District Two Approval to provide for a two-family dwelling and a three-car detached garage with the garage encroaching into the clear-sight triangle of 19th Street and an adjacent alley.

**12. 2022-APP-015 | 7510 Fishback Road | Pike Township, CD #1**

Thomas A. & Jill A. Miller

Park District Two Approval to provide for a 54-foot tall addition to a single-family dwelling for an observation room.

**13. 2022-MOD-020 | 4755 Statesmen Drive | Washington Township, CD #3**

Sycamore Springs Partners, LLC, by Adam Dehart

Modification of Site Plan related to 95-Z-53 as modified by 99-AP-9 to legally establish a commercial building and provide for a parking lot expansion.

**14. 2022-MOD-021 | 3125 North German Church Road | Warren Township, CD #14**

Davis Building Group, LLC, by Elizabeth Bentz William

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

**15. 2022-MOD-022 | 5389 Rockville Road | Wayne Township, CD #15**

Rockville Dynasty, LLC, by Michael Rabinowitch

Modification of Commitments related to rezoning petition 2001-ZON-054, to remove Tobacco Store as a prohibited use on Lots 2 and 3.

**16. 2022-ZON-125 | 5212 and 5246 Bluff Road | Perry Township, CD #23**

Burmese American Community Institute, Inc., by Andi M. Metzel

Rezoning of 9.24 acres from the D-A district to the SU-38 district to provide for a community center.

#### **PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

**17. 2022-ZON-027 (Amended) | 7250 North Keystone Avenue | Washington Township, CD #2**

Gerber Collison and Glass

Rezoning of 7.20 acres from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) district to provide for Automobile Service and Repair.

**18. 2022-ZON-063 (Amended) | 4720 Kingsway Drive | Washington Township, CD #9**

MRE Investors, LLC, by Patrick Rooney

Rezoning of 3.28 acres from the C-3 (W-5) district to the C-4 (W-5) district to provide for indoor entertainment / banquet hall.

**19. 2022-ZON-078 | 8965 Rockville Road | Wayne Township, CD #15**

Vu Tran, by Pat Rooney

Rezoning of 0.57 acre from the D-2 district to the C-3 district to provide for retail uses.

**20. 2022-ZON-116 (Amended) | 205 Palmer Street | Center Township, CD #16**

Tom and Hawk Properties, LLC, by Alex Intermill

Rezoning of 1.07 acres from the I-4 district to the C-S district to provide for all C-1 uses; all C-3 uses; all C-4 uses except substance abuse treatment facilities, adult entertainment businesses, adult entertainment businesses (retail), pawn shops, liquor stores or firearm sales; and art galleries, artist studios, art marketplaces and an indoor entertainment venue/banquet facilities.

**21. 2022-ZON-119 | 2525 West 44th Street | Washington Township, CD #8**

Children's Better Health Institute, a division of the Benjamin Franklin Literary and Medical Society, Inc, by Timothy E. Ochs

Rezoning of 22.79 acres from the SU-7 district to the SU-2 district to provide for educational uses.

**22. 2022-CZN-843 / 2022-CVR-843 / 2022-CPL-843 | 10505 Indian Creek Road South | Franklin Township, CD #25**

Six Brothers, Inc., by Pat Rooney

Rezoning of 23.665 acres from the D-A (FF) district to the D-S (FF) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for six single-family detached lots with frontage on a private drive (public street frontage required).

Approval of a Subdivision Plat to be know as Six Brothers Subdivision, dividing 23.665 acres into six lots.

#### **PETITIONS FOR PUBLIC HEARING (New Petitions):**

**23. 2022-CZN-869 / 2022-CVR-869 | 1631 and 1851 West Thompson Road | Perry Township, CD #20**

Truck County of Indiana, Inc., by Timothy E. Ochs

Rezoning of 21.85 acres from the I-4 (FF) district to the C-7 (FF) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Green Factor score of 0.1730 (Green Factor of 0.22 or higher required), with four free-standing signs (maximum two permitted per frontage) along Thompson Road, with 184 feet and 187 feet of separation between signs

(minimum 300 feet required), with two pole signs being 60 feet tall (maximum 20-foot tall pole signs permitted, maximum one pole sign permitted per street frontage).

### **Additional Business:**

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

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

**Case Number:** 2022-ZON-056 (Amended)  
**Address:** 3500 Sutherland Avenue (Approximate Address)  
**Location:** Center Township, Council District #9  
**Petitioner:** Monon Development Group, LLC, by Andi M. Metzel  
**Request:** Rezoning of 6.8 acres from the D-5 (FW) district to the D-8 (FW) district to provide for a multi-family residential development, consisting of approximately 480 dwelling units.

Staff and the Department of Public Works have requested that a traffic study be conducted prior to this petition moving forward. Therefore, this petition should be **continued** to the **January 12, 2023**, hearing. A staff report will be available prior to that hearing.

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## STAFF REPORT

Item 2.

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

**Case Number:** 2022-ZON-071  
**Address:** 7820 West Washington Street (*Approximate Addresses*)  
**Location:** Wayne Township, Council District #22  
**Petitioner:** Paige Darline Jensen  
**Request:** Rezoning of 0.53 acre from the D-A and C-5 districts to the C-7 district to legally establish a towing business, truck rental and automobile repair.

#### **ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER**

On her own motion, the Hearing Examiner continued this petition from the September 29, 2022 hearing to the December 1, 2022 hearing, to provide additional time to amend the request.

The petitioner submitted an incomplete rezoning petition and a variance of use and development standards on November 14, 2022. Staff has been assisting the petitioner in an effort to complete the filing, set it for hearing and send new notice. Consequently, staff would request a **continuance to the January 12, 2023 hearing**.

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

The Hearing Examiner continued this petition from the August 11, 2022 hearing, to the September 29, 2022 hearing, at the petitioner's request to provide time to engage the services of legal counsel.

The petitioner has indicated that the petition would be amended to the C-5 district but no documents or information has been submitted by the petitioner or their representative.

#### **ADDENDUM FOR AUGUST 11, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the July 28, 2022 hearing, to the August 11, 2022 hearing, because the petitioner failed to appear at the hearing.

The petitioner has not responded to staff's attempts to contact her. If no response is received and the petitioner fails to appear at the hearing, staff will request that this petition be dismissed due to lack of prosecution.

#### **July 28, 2022**

The Hearing Examiner acknowledged a timely automatic continuance filed by a remonstrator that continued this petition from the June 23, 2022 hearing, to the July 28, 2022 hearing.

(Continued)

**RECOMMENDATIONS**

Staff **recommends denial** of the request. Staff would, however, support a rezoning to the C-5 District.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE ISSUES**

- ◇ This 0.56-acre site, zoned D-A and C-5, is comprised of two parcels that are developed with a commercial building. The small western parcel (0.08 acre) is zoned C-5 and the larger eastern parcel (0.45 acre) is zoned D-A. It is surrounded by railroad right-of-way to the north, zoned C-5; undeveloped land to the south, across West Washington Street, zoned SU-46 (Airport); railroad right-of-way to the east, zoned I-3; and undeveloped land to the west, zoned C-5.
- ◇ Petition 48-V-65 allowed for a variance of use to repair automobile radiators. Petitions 72-UV1-101 and 74-UV1-140 provided for building additions, minor automobile repairs (including air conditioners), sales of supplies and variances for setbacks.

**REZONING**

- ◇ This request would rezone the site to the C-7 classification (high intensity commercial district) to provide commercial uses. "The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts."
- ◇ 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.
- ◇ The Pattern Book does not provide any guidance related to the rezoning request because recommended commercial uses in this typology are limited to small scale, offices, retailing, and personal or professional services. In fact, the guidelines exclude automotive uses as a recommended land use.

**Violations (VIO22-003344 / VEH22-222509)**

- ◇ VIO22-003344 - A letter, dated May 12, 2022, from the Department of Business and Neighborhood Services notified the property owner and operators of the on-site businesses and identified 11 zoning violations related to the current operations at this site. Three violations relate to the existing signs on the property; one violation for the presence of junk, trash or debris; three violations relate to outdoor storage; three violations relate to the use of the property; and one violation relates to failure to comply with the development standards of the D-A district.
- ◇ VEH22-000509 – A letter, dated May 12, 2022, from the Department of Business and Neighborhood Services notified the property owner and operators of the on-site businesses of a violation related to the storage, maintenance or keeping of any inoperable vehicles outdoors on private property.
- ◇ There are earlier investigations / violations during 2005 related to signage.

**Planning Analysis**

- ◇ This request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood. The 1965 variance of use, however, was granted for repair of automobile radiators. Subsequent variances provided for an expansion of automobile repair and sales of supplies.

(Continued)



- ◇ Following the expansion of automobile repairs, additional services have been added to include vehicle rental, automobile detailing and towing services. All of which are not permitted by the variances or the zoning district or consistent with the Comprehensive Plan recommendation. According to Google Maps, truck / vehicle rental was offered as early as 2007. It is not clear when automobile detailing and towing became services that are now available at this location.
- ◇ Towing operations are included in the definition of a wrecking or salvage facility defined as: “A service in which towing or emergency services are provided to disabled automotive vehicles or equipment. The definition includes activities such as junk or salvage storage or operation; vehicles wrecking and salvage operation; shredder; and vehicle storage (wrecked or inoperable).”
- ◇ Staff believes that a towing service is too intense for this site, given the Plan recommendation and the obvious encroachment of this business into the abutting properties to the west, north and east.
- ◇ Staff would note that towing services would not be a permitted use with the proposed C-7 rezoning. This use is only permitted as a special exception in the I-4 district. Consequently, if this rezoning would be approved, the towing operation would require relocation to an appropriate site.
- ◇ Because of the variances and historical use of the site, staff would support rezoning to the C-5 District but that would not permit the current vehicle / truck rental business or the towing operation. Furthermore, it would appear from aerials depicting encroachment onto abutting properties and photographs from the property inspection that the number of existing uses on this approximately half acre site exceeds the ability of the site to appropriately accommodate for the existing land use without negatively impacting surrounding land uses.
- ◇ For all these reasons, staff recommends denial of the proposed C-7 district but would support rezoning to the C-5 district.
- ◇ If approved, staff would request a commitment requiring submittal of a site plan for Administrator Approval depicting an accurate site boundary, required setbacks, and location of outdoor storage, within 60 days following final approval of the rezoning request. Additionally, the site shall be brought into zoning compliance and all zoning violations corrected by December 31, 2022.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-A / C-5

Commercial uses

**SURROUNDING ZONING AND LAND USE**

North - C-5

Railroad right-of-way

South - SU-46

Undeveloped land

East - I-3

Railroad right-of-way

West - C-5

Undeveloped land

(Continued)

**COMPREHENSIVE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

This portion of West Washington Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 98-foot right-of-way and a proposed 102-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**

**48-V-65; 7818 West Washington Street**, requested a variance of use to utilize the existing structure for repair of auto radiators, **granted**.

**72-UV1-101; 7818 West Washington Street**, requested a variance of use and transitional yard requirement to permit erection of an addition to existing commercial building, with partial off-street parking provided, **granted**.

**74-UV1-140, 78918 West Washington Street**, requested a variance of use to erect an addition to the commercial buildings for minor auto repairs, including air conditioners; a variance of development standards for setbacks; and sales of supplies, **granted**.

**VICINITY**

**2017-MOD-017; 7828 West Washington Street (west of site)**, requested Modification of the site plan and commitments for 2005-ZON-853, as modified by 2015-MOD-016 to terminate Commitment Two of 2015-MOD-016 and to modify Commitment Two of 2005-ZON-853, to substitute the proposed eastern climate-controlled self-storage buildings for storage buildings without climate control, as shown on the site plan dated October 25, 2017, **approved**.

**2015-MOD-016; 7828 West Washington Street (west of site)**, requested modification of commitments and the site plan for 2005-ZON-853, to modify Commitment Two referencing the C-S statement file-dated November 21, 2005, in order to provide for a revised site plan and C-S statement for two, two-story, 57,400-square foot climate-controlled storage buildings and a tree sales area (permits one, 31,250-square foot climate controlled building, five mini-warehouses buildings, containing 60,154 square feet and a tree sales area, **approved**.

(Continued)

**2005-ZON-853 / 2005-VAC-853; 7828 West Washington Street and 1943 and 1950 Brewer Road (west of site)**, requested rezoning of 4.796 acres, being in the D-3 District, to the CS classification to provide for self-storage business and a vacation of Brewer Road from West Washington Street, north to the railroad, **approved**.

**2014-ZON-037; 7910 and 7920 West Washington Street (west of site)**, requested rezoning of 6.2 acres from the C-S District to the C-S classification to provide for a self-storage facility and the uses approved by 2007-ZON-100 (C-1, C-2 and C-4 uses, a school, and a daycare), **approved**.

**99-Z-215; 7936 and 7910 West Washington Street (west of site)**, requested rezoning of 6.36 acres, being in the C-5 and D-A Districts, to the C-S classification to provide for outdoor display and sales of manufactured homes, and permitted C-5 uses, **approved**.

**96-Z-20; 7824 West Washington Street (west of site)**, requested rezoning of 1.0 acre, being in the D-3 District, to the C-5 classification to provide for commercial development, **approved**.

**95-UV2-27; 7936 West Washington Street (west of site)**, requested a variance of use of the Commercial Zoning Ordinance to permit operation of a manufacture homes sales business, with outdoor display and storage of manufactured homes, **granted**.

**91-Z-23; 7936 West Washington Street (west of site)**, requested a rezoning of 2.111 acres from the D-A District to the C-5 classification to provide for commercial use, **approved**.

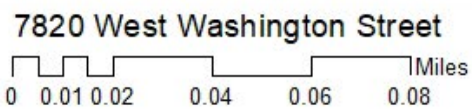
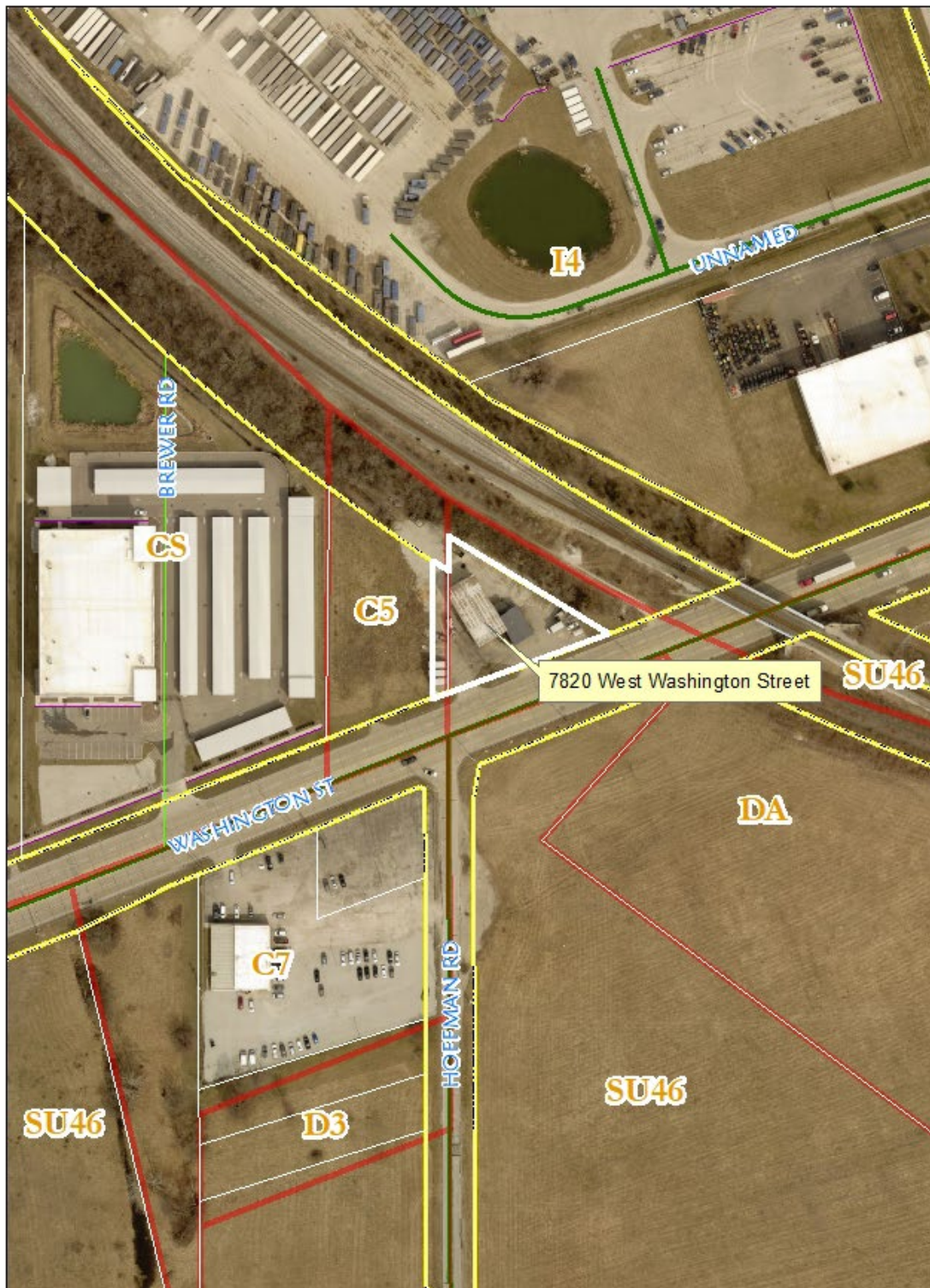
**90-Z-222; 7893 West Washington Street (south of site)**, requested rezoning of 1.56 acres, being in the D-3 District, to the C-7 classification to provide for an office for mobile home sales, **approved**.

**87-Z-75, 7901 West Washington Street, (west of site)**, requested rezoning from the D-3 District to the C-5 classification, **approved**.

**83-UV2-11; 7910 West Washington Street (west of site)**, requested requesting a variance of use to permit an addition to an owner/manage residence quarters/office for a motel, **granted**.

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View looking east along West Washington Street



View looking west along West Washington Street





View of site looking northeast across West Washington Street



View of site looking north across West Washington Street





View of site looking north across West Washington Street



View of site looking north across West Washington Street



## STAFF REPORT

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

**Case Number:** 2022-ZON-092  
**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 C-S district to legally establish a commercial/building contractor and to provide for any of the following uses: Artisan Manufacturing; Light Manufacturing; Research and Development; Motorsports Industry; Mini-warehouses; Animal Care Boarding; Veterinarian Services; Artisan Food/Beverage; Farmers Market; Medical or Dental Office, Center or Clinic; Day Care Center; Club or Lodge; Community Center; Vocational, Technical or Industrial School; Religious Use; Greenway; Hair and Body Care Salon Services; Consumer Services or Repair of Consumer Goods; Eating Establishment/Food Preparation; Office Use; and Accessory Uses permitted in the I-1 District.

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

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 **recommends denial** of this request. However, should the Hearing Examiner recommend approval of this petition, staff asks that the approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 75-foot half right-of-way shall be dedicated along the frontage of Raceway Road, as per the request of the Hendricks County Engineer. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

2. A site plan shall be submitted for Administrator's Approval prior to the issuance of any Improvement Location Permit for the site. The site plan shall meet the development standards of the Ordinance, including transitional yards. No vehicular gates shall be provided to the abutting parcel to the south.

(Continued)

## **STAFF REPORT 2022-ZON-092 (Continued)**

### **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 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.
- ◇ Small scale offices, retailing, and personal or professional services are permitted in the traditional neighborhood typology under the following circumstances:
  1. 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.
  2. Should be located at intersections and limited to an aggregate of one acre per intersection.
  3. Should be limited to areas and parcels with adequate space for required screening and buffering.
  4. Should not include outdoor display of merchandise.
- ◇ The proposed development does not meet the locational criteria in item 2 above.

## 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 (Continued)**

- ◇ This petition would rezone the subject site from D-4 to C-S. 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, C-S requires the petitioner to submit a customized list of land uses and a proposed site and development plan. Future development must then honor both the list of permitted uses and the approved site plan.
- ◇ This petitioner has submitted a long list of permitted land uses that are generally light industrial, institutional, or office-oriented, although some are more commercial-oriented such as animal boarding and restaurants. The submitted site plan is for a commercial building contractor.
- ◇ The site plan indicates a security fence along the south and northeast property lines and paralleling the west property line roughly 150 feet from the Raceway Road right-of-way line. The plan indicates two gates in the south leg of the fence that would permit access to an abutting residentially-zoned parcel. No transitional yard is indicated between the subject site and the parcel to the south. As no commercial or industrial uses should be taking place on the residentially-zoned property to the south, staff recommends that these gates be moved from the site plan and a transitional yard provided.
- ◇ The driveway to the site is nearly four times wider at its connection point to Raceway Road than the City's standards for commercial driveways. It is also unpaved in violation of City Ordinance. The entrance drive should be reduced to 36 feet in width and paved.
- ◇ The site plan does not clearly provide for the use of the site for any of the proposed uses other than a commercial building contractor. Any future development would likely require the filing of a land use petition, either a rezoning or a modification of the site plan.
- ◇ 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.
- ◇ The proposed uses do not meet the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan. Due to the site's location abutting a well-used railroad

track, staff is amenable to light industrial use of the site. However, the request far exceeds those uses permitted in a light industrial district. It includes uses that would draw activity, traffic, and noise in excess of the reasonable expectations of the surrounding residential property-owners.

(Continued)

### **STAFF REPORT 2022-ZON-092 (Continued)**

- ◇ Staff would not want 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.

### **Summary**

The request does not meet the recommendation of the Comprehensive Land Use Plan and would negatively impact nearby residential areas. The site plan does not meet the development standards of the Ordinance and accommodates the use of the abutting residentially-zoned property for non-residential use. For these reasons, staff recommends denial of the petition.

### **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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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.

(Continued)

**STAFF REPORT 2022-ZON-092 (Continued)**

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**.

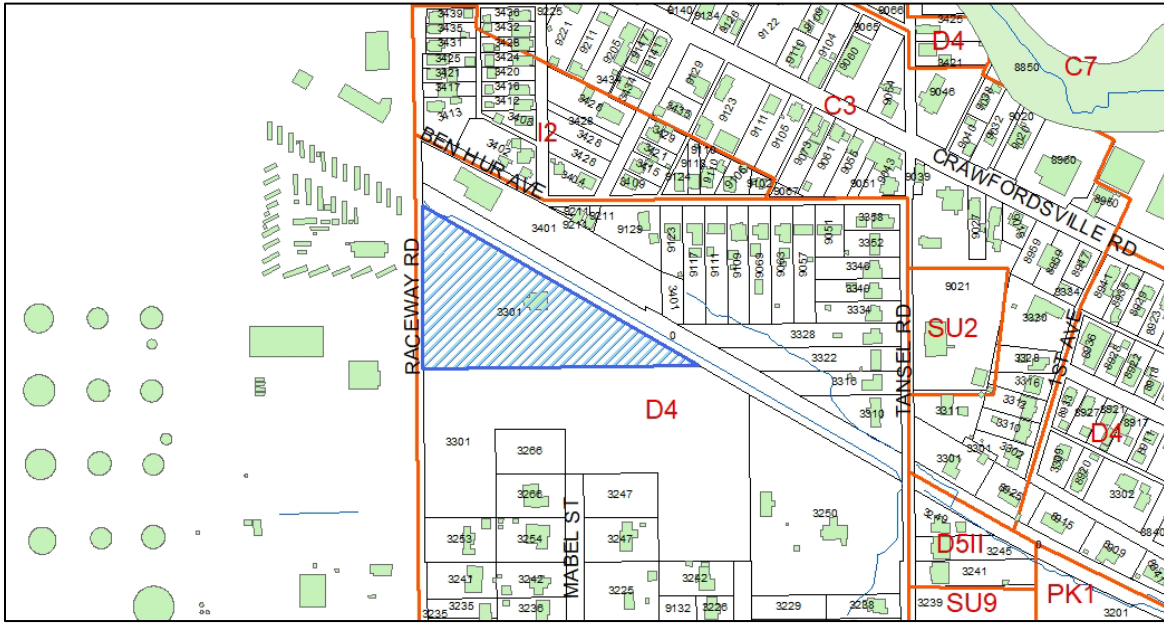
**ZONING HISTORY – VICINITY**

**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

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**STAFF REPORT 2022-ZON-092, Location**



**STAFF REPORT 2022-ZON-092, Aerial photograph (2021)**









## **STAFF REPORT 2022-ZON-092, Development Statement**

### **C-S Development Statement**

**Introduction:** Petitioner and Owner, Sammy and Annie Dotlich, seek to rezone approximately 3.75 acres of property commonly known as 3301 North Raceway Road (the “Subject Property”) as shown on the Concept Plan in order to legally establish the existing use of the Subject Property as a contractor’s operation, and to provide for potential future use of the Subject Property.

**Zoning:** The Subject Property is currently zoned D-4, as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance (“Zoning Ordinance”), although neither the Subject Property nor the adjoining property to the south, and commonly addressed as 3301 North Raceway Road are improved with any residential structures.

Proposed Permitted Primary Uses of the Subject Property as described and defined in Chapter 743, Art II, Table 743-1 in the Zoning Ordinance shall be as follows:

- 1) Commercial/Building Contractor
- 2) The following I-1 uses:
  - a) Artisan Manufacturing
  - b) Light Manufacturing
  - c) All uses under Research and Development
  - d) Mini-warehouses
- 3) The following uses regardless of zoning district:
  - a) Medical or Dental Office, Center or Clinic
  - b) Day Care Center
  - c) Community Center
  - d) Religious Use
  - e) Greenway
  - f) Hair and Body Care Salon or Service
  - g) Financial/Insurance Services
  - h) Consumer Services or Repair of Consumer Goods
  - i) Eating Establishment/Food Preparation
  - j) Office Use: Any Type

Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the I-1 zoning district, for any I-1 primary use of the Subject Property; otherwise, accessory uses shall be limited to those permitted for C-3 primary uses..

Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building or project phase shall be consistent with the Concept Plan tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Signs:

The following sign types shall be permitted on the Subject Property:

- 1) One (1) Monument Sign, at the entrance to the Subject Property
- 2) Wall Signs, Awning, Canopy and Window Signs
- 3) Incidental, Temporary, and Other Signs as would otherwise be permitted in a commercial zoning district

All signs shall meet the requirements for signs otherwise located in an Industrial zoning district.

Phasing of Development:

The Subject Property may be used as generally shown on the site plan submitted with the C-S Rezoning Petition and this C-S Development Statement (the "Existing Plan"); provided, however, prior to applying for an Improvement Location Permit required in conjunction with any redevelopment of the Subject Property, a final site and development plan, consistent with the standards contained in this C-S Statement, shall be tendered for Administrator's Approval.

## **STAFF REPORT 2022-ZON-092, 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")
3. Storage of materials used in connection with off-site projects shall be limited to the areas shown on the Site Plan.
4. Existing areas consisting of dirt and/or debris piles shall be removed promptly following issuance of any required excavation/drainage permits.
5. Owner will apply for a drainage permit for all existing improvement and comply with all terms and conditions of same. Owner will provide a copy of the drainage permit and associated plans to The Town of Clermont.

*MDC's Exhibit B - - page 1 of 6*

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

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

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

COMMITMENTS contained in this instrument shall be effective upon:

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

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S 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, 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 4.

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

**Case Number:** 2022-ZON-124  
**Address:** 940 West Banta Road (approximate address)  
**Location:** Perry Township, Council District #23  
**Petitioner:** John J. Holzer, Trustee, by David Kingen & Emily Duncan  
**Request:** Rezoning of 6.86 acres from the D-A (FW) (FF) district to the C-1 (FW) (FF) district.

### **RECOMMENDATIONS**

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of West Banta Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 6.86-acre site, zoned D-A (FW)(FF) is developed with a single-family dwelling and accessory structures. It is surrounded a single-family dwelling to the north, zoned D-A; multi-family dwellings to the south, across West Banta Road, zoned D-7; a single-family dwelling to the east, zoned D-A (FW)(FF); and railroad right-of-way to the west, zoned D-A.

(Continued)

- ◇ Petition 2022-UV2-026, requested a variance of use and development standards to provide for the operation of a day care and educational facility with a four-foot tall, eight-foot-wide primary freestanding sign with parking areas with a two-foot setback from the rear lot line, a driveway located 20 feet from the western side lot line and a walking path located four feet from the rear lot line. The petition was withdrawn and the rezoning petition filed.

## **REZONING**

- ◇ This request would rezone the site from D-A (FW)(FF) District to the C-1 (FW)(FF). “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.
- ◇ The Comprehensive Plan recommends the Rural or Estate Neighborhood. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”
- ◇ This site also has non-typology recommendations that include floodway and linear park. The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.” The Linear Park recommendation is “intended for public or private property designated for active or passive recreation and is primarily used for the passage of people or wildlife. Examples are greenways, parkways, trails, off-street paths, and conservation areas.”
- ◇ 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. Because the request is for the C-1 district and the uses permitted in the C-1 district are not recommended uses within the rural or estate neighborhood typology, no additional information has been provided related to development of the site.

(Continued)

**Overlays**

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

**Floodway / Floodway Fringe**

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-1 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note the following uses are prohibited in the floodplain:
  - a. Jails;
  - b. Hospitals;
  - c. Assisted living facilities;
  - d. Nursing homes;
  - e. Laboratories;
  - f. Elementary, Middle or High Schools;
  - g. Daycare facilities;
  - h. Fire stations;

(Continued)

- i. Emergency operation centers;
- j. Police facilities;
- k. Truck, train, or bus terminal, storage or maintenance facility;
- l. Wrecking or salvage facility;
- m. Gas, oil or propane storage facility;
- n. Industrial laundry;
- o. Hazardous waste handling or storage facility; and
- p. Other public equipment storage facilities.

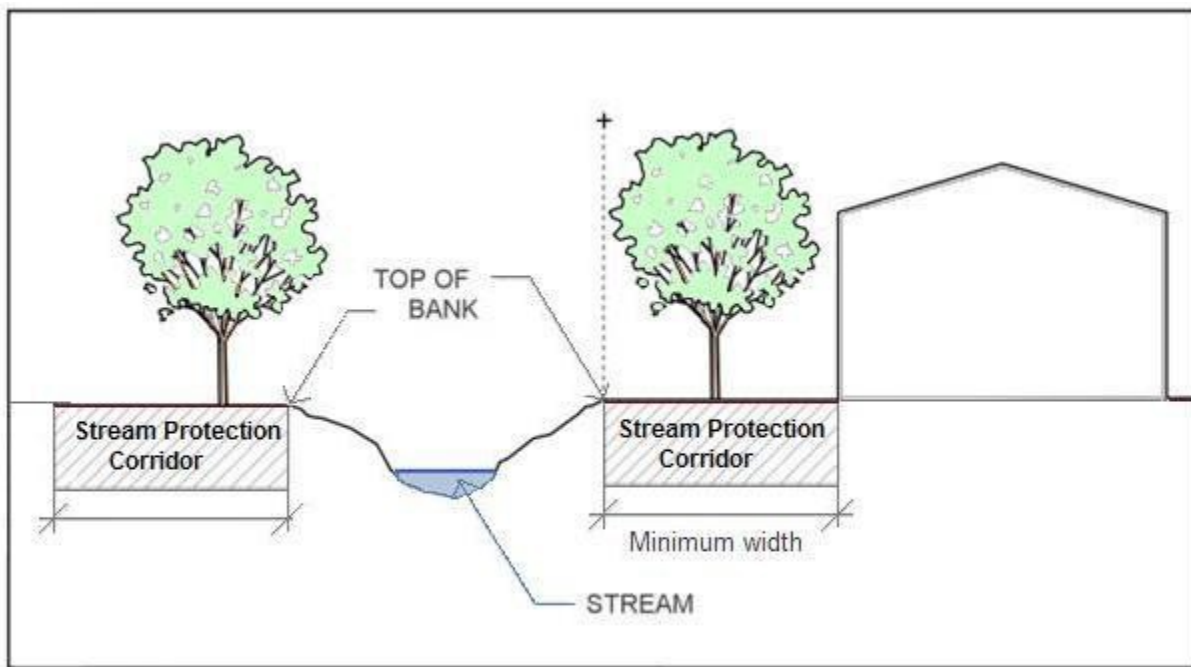
### **Stream Protection Corridor**

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

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”
- ◇ Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”
- ◇ There are two types of categories of Streams: Category One Streams and Category Two Streams. Little Buck Creek is listed as a Category One Stream, which is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

(Continued)

- ◇ Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”
- ◇ There are 32 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.
- ◇ Little Buck Creek is located along the eastern portion of the site and is designated as a Category One stream requiring a 100-foot wide stream protection corridor, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



**Stream Protection Corridor**

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

- ◇ There are significant amounts of natural vegetation and trees located on the eastern portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.

(Continued)



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

### **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 West Banta Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

(Continued)

◇ 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.

### **Planning Analysis**

- ◇ As proposed this request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood typology. Staff would note that the Pattern Book recommends detached housing, working farms, group homes, bed / breakfast and wind / solar farms. The environmentally sensitive overlay, however, removes working farms and wind / solar farms as recommended uses.
- ◇ Based upon the information submitted with the variance of use and development standards as a childcare and educational facility, staff believes the proposed use would not be detrimental to the adjacent land uses and districts that include the railroad right-of-way and heavy commercial to the west (C-7 District) and multi-family dwellings to the south (D-7).
- ◇ If designed appropriately, the C-1 district can serve as a buffer between protected districts and more intense commercial or industrial areas / districts. Future building designs should be more harmonious with residential character of the area and well integrated with the adjacent residential uses.

(Continued)



- Documents submitted with the variance request (2022-UV3-026) include existing site development, proposed site development and a Plan of Operation. This information is not required for rezoning petitions but is included in this report for informational purposes. See Exhibit B (site plans) and Exhibit C (Plan of Operation).
- Furthermore, the stream protection corridor along the eastern portion of the site would provide a buffer for the single-family dwelling that abuts this property along the eastern boundary.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A (FW)(FF) Single-family dwelling / accessory buildings.

SURROUNDING ZONING AND LAND USE

North - D-A (FW)(FF) Single-family dwelling  
South - D-7 (FW)(FF) Multi-family dwellings  
East - D-A (FW)(FF) Single-family dwelling  
West - C-1 Railroad right-of-way

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate typology and non-typology uses that include floodway and linear park.

THOROUGHFARE PLAN

This portion of West Banta Road is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 30-86-foot right-of-way and a proposed 80-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

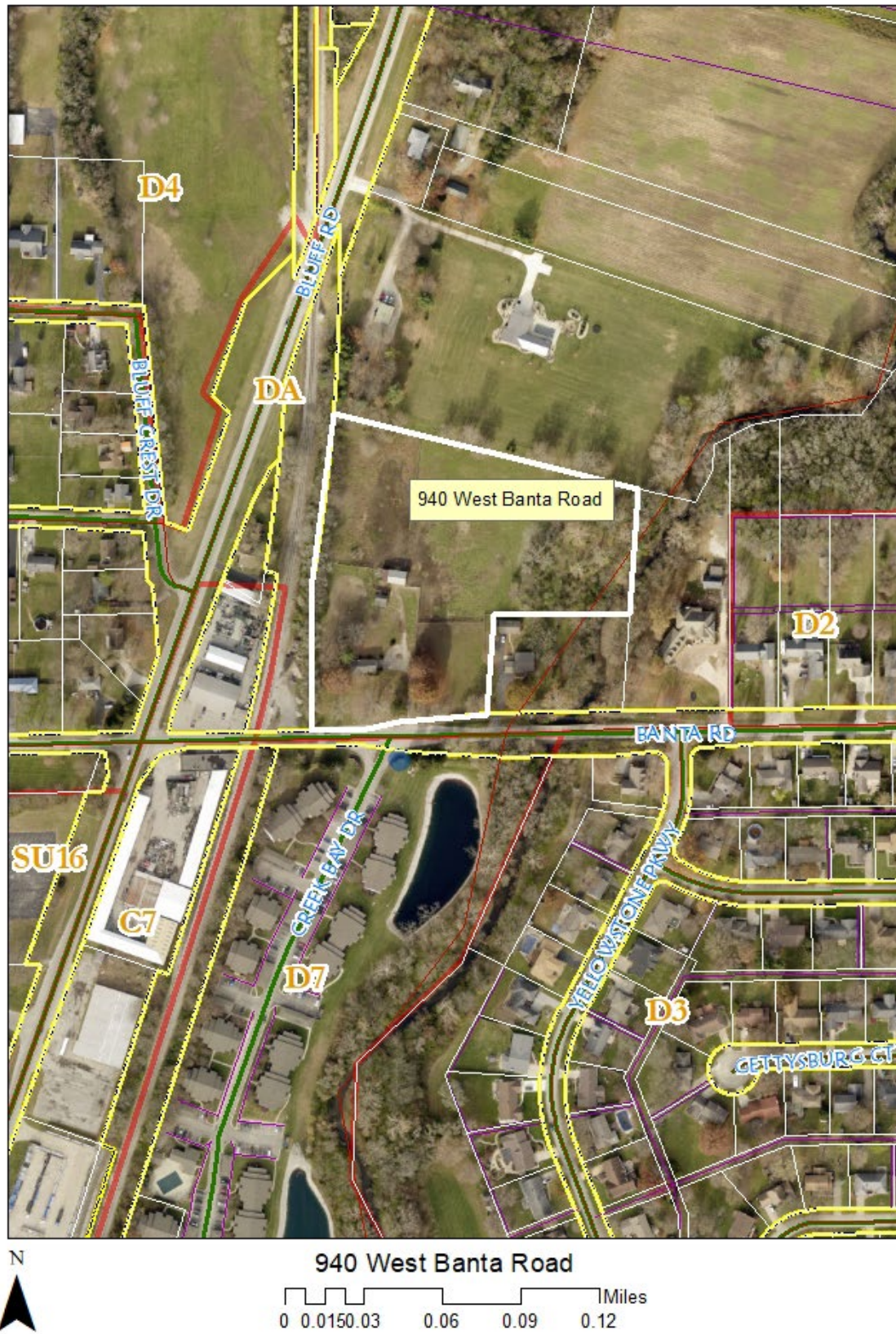
OVERLAY

This site is located within an environmentally sensitive area (100-year floodplain of Little Buck Creek and Forest Alliance Woodlands)

ZONING HISTORY

2022-UV3-026; 940 West Banta Road, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance provide for the operation of a day care and educational facility with a four-foot tall, an eight foot-wide primary freestanding sign with parking areas with a two-foot setback from the rear lot line, a driveway located 20 feet from the western side lot line and a walking path located four feet from the rear lot line, **withdrawn**.

kb \*\*\*\*\*

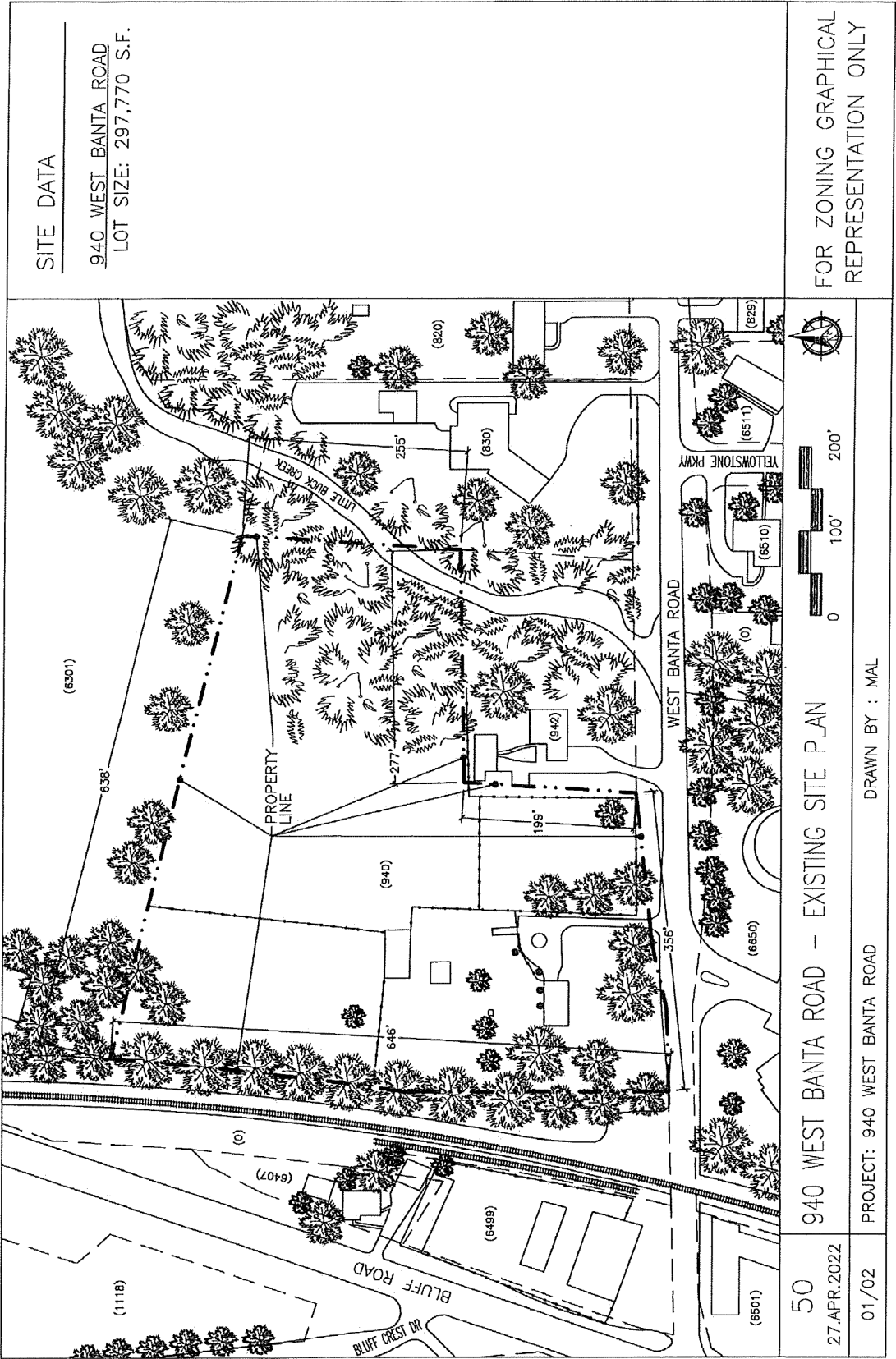


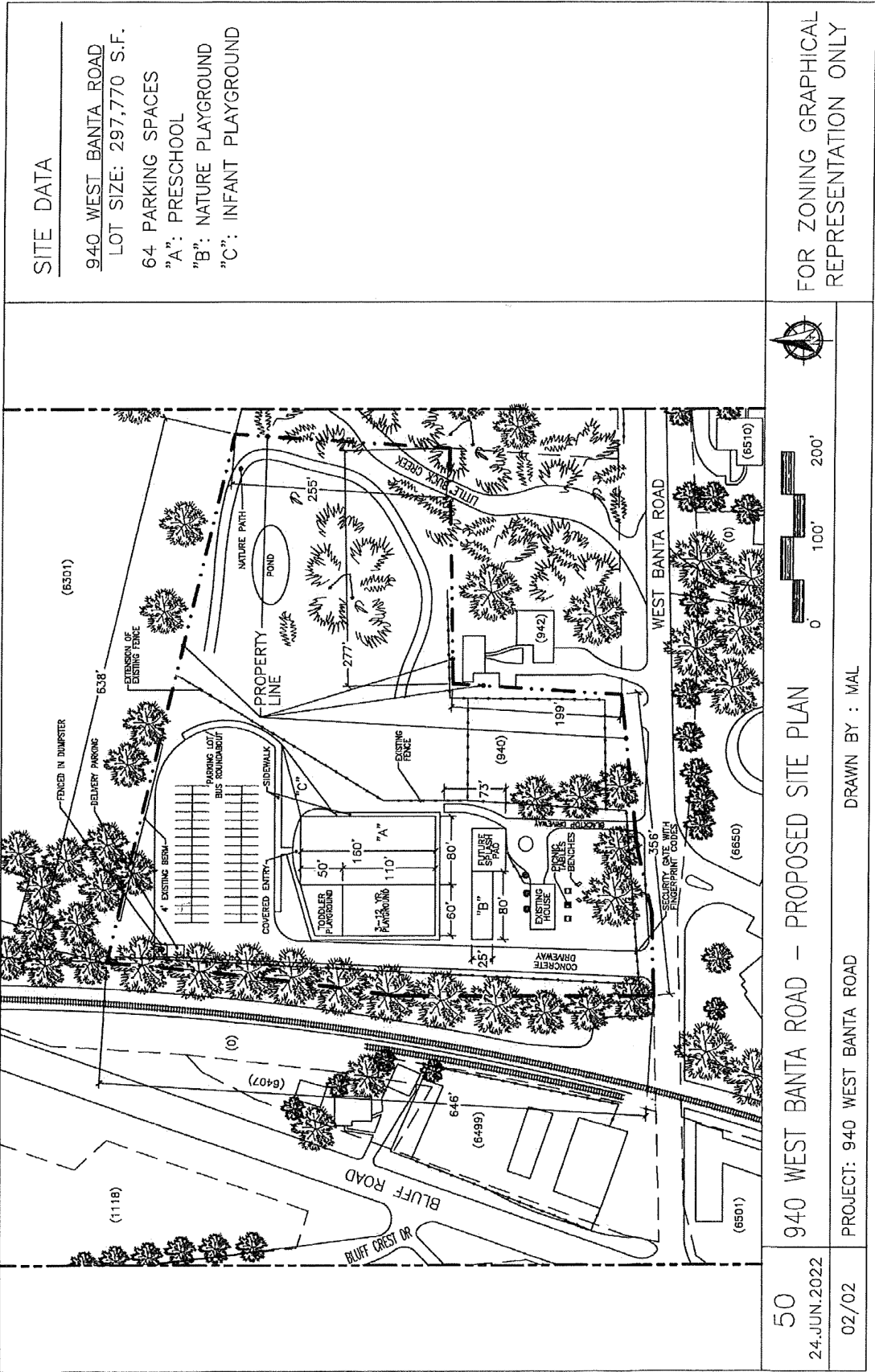
## Heritage Tree Conservation

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

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

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







**940 West Banta Street      Plan of Operation**

- Organization:** Top Notch Early Childhood Educational Preschool
- Address:** 940 West Banta Road Indianapolis, IN 46217
- Capacity:** Licensed for approximately 165 children
- Ages:** 6 weeks -12 years old
- Employees:**
- Three (3) Administrators
  - Three (3) Kitchen Aides / Janitorial Staff
  - Twenty-Five (25) - Thirty (30) full-time & part-time Preschool Teachers
- Parking:**
- Sixty-four (64) parking spaces
  - Bus roundabout
  - Delivery truck parking spot
- Hours of Operation:**
- 7:00 am - 6:00 pm Monday - Friday
  - Closed:
    - Week between Christmas & New Year
    - Thanksgiving (and the following Friday)
    - Martin Luther King Day
    - Labor Day
    - Memorial Day
    - 4th of July
- Amenities:**
- Cafeteria
  - Two (2) indoor gross motor gymnasiums
  - Four (4) age-appropriate playgrounds
- Trash:** Dumpster surrounded by landscaping, per site plan on file
- Sign:** Four-foot x Eight-foot (4'x8') ground sign located near the West entrance
- Security / Safety:**
- Easy emergency exit routes
  - Built-in sprinkler system
  - Video camera surveillance
  - Secured door that will require a personal code or fingerprint to enter the building

v.8/15/22



View looking west along West Banta Road



View looking east along West Banta Road





View of site looking north across West Banta Road



View of site looking north across West Banta Road





View of site looking north across West Banta Road



View of western portion of site looking north





View of western portion of site looking north



View of site looking east





View of site looking north



View of site looking northwest





View from site looking north at abutting neighbor



View from site looking south across West Banta Road



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

**Case Number:** 2022-ZON-126 (Amended)  
**Address:** 1401 Indiana Avenue, 1401, 1405, 1409 and 1426 Rembrandt Street  
(Approximate Addresses)  
**Location:** Center Township, Council District #11  
**Petitioner:** Matchbook Learning Schools of Indiana, Inc., by Joseph D. Calderon  
**Request:** Rezoning of 2.17 acres from the D-5 (RC) (W-1) district to the CBD-2  
(RC) (W-1) district.

On November 14, 2022, this petition was amended to include additional land. Staff provided Legal Notice of the amended petition for the December 15, 2022, by request of the petitioner. Therefore, this petition should be **continued** to the **December 15, 2022**, hearing, with notice. A staff report will be available prior to that hearing.

JY

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## STAFF REPORT

Item 6.

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

**Case Number:** 2022-CZN-848 / 2022-CVC-848 (Amended)  
**Address:** 419 and 441 East Ohio Street, 424 East Wabash Street, and 124 and 132 North East Street (*Approximate Addresses*)  
**Location:** Center Township, Council District #17  
**Petitioner:** Moe's, LLC / Feroze and Sons, LLC, by David Kingen and Emily Duncan  
**Request:** Rezoning of 0.35 acre from the I-3 (RC) district to the CBD-2 (RC) district.

Vacation of the first north-south alley west of East Street, being twelve feet in width, from the south right-of-way line of Ohio Street, south 195 feet to the north right-of-way line of Wabash Street, with a waiver of the assessment of benefits.

#### **ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER**

This companion petition was continued from the October 13, 2022, hearing, to the December 1, 2022, hearing. As of this writing, no new information has been submitted to the file.

#### **OCTOBER 13, 2022, HEARING EXAMINER**

#### **RECOMMENDATIONS**

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

Staff **recommends denial** of the vacation request and provides the following motion:

**RECOMMENDED MOTION (Denial):** That the Hearing Examiner find that the proposed vacation is not the public interest; that the Hearing Examiner deny Declaratory Resolution 2022-CVC-848.

Should the vacation request be approved against staff's recommendation, staff provides the following motion:

**RECOMMENDED MOTION (Approval):** That the Hearing Examiner find that proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2022-CVC-848; 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:

(Continued)

**REZONING PETITION / COMPREHENSIVE PLAN**

- ◇ After Legal Notice was provided, the rezoning request was amended to include only the land area that is currently zoned I-3 (RC). Originally, the request included land that was already zoned CBD-2 (RC). The resulting amendment would rezone 0.35-acre to CBD-2 (RC).
- ◇ The subject site contains two lots, with one lot being 12,334 square feet in size , with the other lot, being 3,040 square feet in size. Both lots are improved with a surface parking lot.
- ◇ The Comprehensive Plan recommends City Neighborhood development. City Neighborhood largely consists of multifamily dwellings. However, City Neighborhood areas are dense and walkable with a full range of city services and public amenities. Access to individual parcels is generally by an alley or internal parking structures. City Neighborhood development would also support small- and large-scale commercial uses on the first floor of mixed-use structures.
- ◇ To the north of the site, across Ohio Street, are attached single-family dwellings. Adjacent to the east is a gasoline station, with restaurant space, and an office building. To the south is a parking structure and to the west is a surface parking lot, an event venue, and offices. The site is near very densely developed land and is notably within the Mile Square. The request to rezone to CBD-2 (RC) would be consistent with existing zoning surrounding the site. Since mixed-use development would be an acceptable use within the City Neighborhood recommendation and permitted in CBD-2 (RC), this request would be compatible with the Plan.

**TRANSIT-ORIENTED DEVELOPMENT**

- ◇ The site is within the transit-oriented development (TOD) overlay zone. The Ordinance specifies that sites zoned CBD would not be required to comply with the TOD development standards. However, much of the intent of the TOD, which includes reduced parking and increased pedestrian use, is noted in the Regional Center Design Guidelines and would apply to any new development.

**REGIONAL CENTER OVERLAY DISTRICT**

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed for demolition of an existing commercial structure at 419 East Ohio Street.

**VACATION SUMMARY**

- ◇ This request would vacate an improved alley with direct access of several lots to Ohio Street and an east-west alley to the south. The subject alley is the first north-south alley west of the Ohio Street and East Street intersection. It is located between an office building at 424 East Wabash Street and the gasoline station at 132 North East Street. The alley also provides access to existing surface parking lots at 419 East Ohio Street.

(Continued)

- ◇ The submitted Findings of Fact state that the vacation would 'consolidate five pieces of property and allow for the development of a Regional Center / Cole Noble Historic neighborhood mixed-use project'. 'Furthermore, it will eventually rid the Regional Center and Cole Noble neighborhood of three surface parking lots.'
- ◇ As of this writing, no plans have been submitted for development of this site, other than a proposed demolition of the existing office building, located at 419 East Ohio Street.
- ◇ Alleys provide an important means of access to interior portions of property. The Comprehensive Plan, as noted above, recommends City Neighborhood development. This typology indicates that 'typical access to individual parcels is generally by an alley or internal parking structures'.
- ◇ This alley is improved with brick, which is an indication of its long-standing use. Any proposed development should be designed to use this alley to provide access to the alley to the south and to Ohio Street to the north. Approval of vacation of rights-of-way are required to be 'in the public interest'. There has not been any established reasoning to indicate that this vacation request would be in the public interest.
- ◇ Therefore, staff **recommends denial** of the proposed vacation.

### **Procedure**

- ◇ Neither the Division of Planning nor the Hearing Examiner or Metropolitan Development Commission determine 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 landowner 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 a 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.

### **ASSESSMENT OF BENEFITS**

- ◇ The petitioner has requested a waiver of the Assessment of Benefits. The subject right-of-way is improved, with brick. The City clearly invested in the establishment, use and maintenance of this alley in the past. Therefore, staff would not support a waiver of the assessment of benefits.

(Continued)

**STAFF REPORT 2022-CZN-848 / 2022-CVC-848 (Continued)****GENERAL DESCRIPTION:**

Vacation of the first north-south alley west of East Street, being twelve feet in width, from the south right-of-way line of Ohio Street, south 195 feet to the north right-of-way line of Wabash Street, with a waiver of the assessment of benefits.

**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
DPW, TS:	No answer, retain easement

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

I-3 (RC) and CBD-2 (RC) Compact	One commercial structure and surface parking
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**SURROUNDING ZONING AND LAND USE**

North -	CBD-2 (RC)	Attached single-family dwellings
South -	CBD-2 (RC)	Parking structure
East -	CBD-2 (RC)	Bank
West -	I-3 (RC) and CBD-2 (RC)	Office / event venue

COMPREHENSIVE PLAN	The Comprehensive Plan recommends the site for City Neighborhood development.
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THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that Ohio Street is a primary street, with a 78-foot right-of-way existing and proposed. East Street is a primary street, with a 78-foot right-of-way existing and proposed.
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URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY	The site is located within the Urban mixed-use typology.
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TRANSIT-ORIENTED DEVELOPMENT	The site is located within a transit-oriented development area.
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(Continued)



VACATION EXHIBIT                      File-dated August 1, 2022

FINDINGS OF FACT                      File-dated August 1, 2022

**ZONING HISTORY - SITE**

**2022-REG-055; 419 East Ohio Street**, requested Regional Center Approval for demolition of an existing commercial building, **pending**.

**2019-MOD-003; 124 and 132 North East Street and 441 East Ohio Street**; requested a modification of commitments, related to 2003-MOD-152 to modify commitment one to provide for the sale of alcohol beverages for on-premises consumption in a family restaurant, without carry-out sales, **approved**.

**2010-REG-064; 441 East Ohio Street**, requests Regional Center Approval for wall signs, **approved**.

**2004-DV1-002; 441 East Ohio Street**, requests a variance of development standards of the Sign Regulations, to provide for an 11.9-foot tall, 9.17-foot wide, 107.75-square foot pylon sign, with a three-foot setback from the Ohio Street right-of-way and 4.17-foot setback from the East Street right-of-way, **granted**.

**2003-APP-067; 441 East Ohio Street**, requests Regional Center Approval for a remodeling of a gasoline station and to provide for an 11.9-foot tall, 9.17-foot wide, 107.75-square foot pylon sign, with a three-foot setback from the Ohio Street right-of-way and 4.17-foot setback from the East Street right-of-way, **approved**.

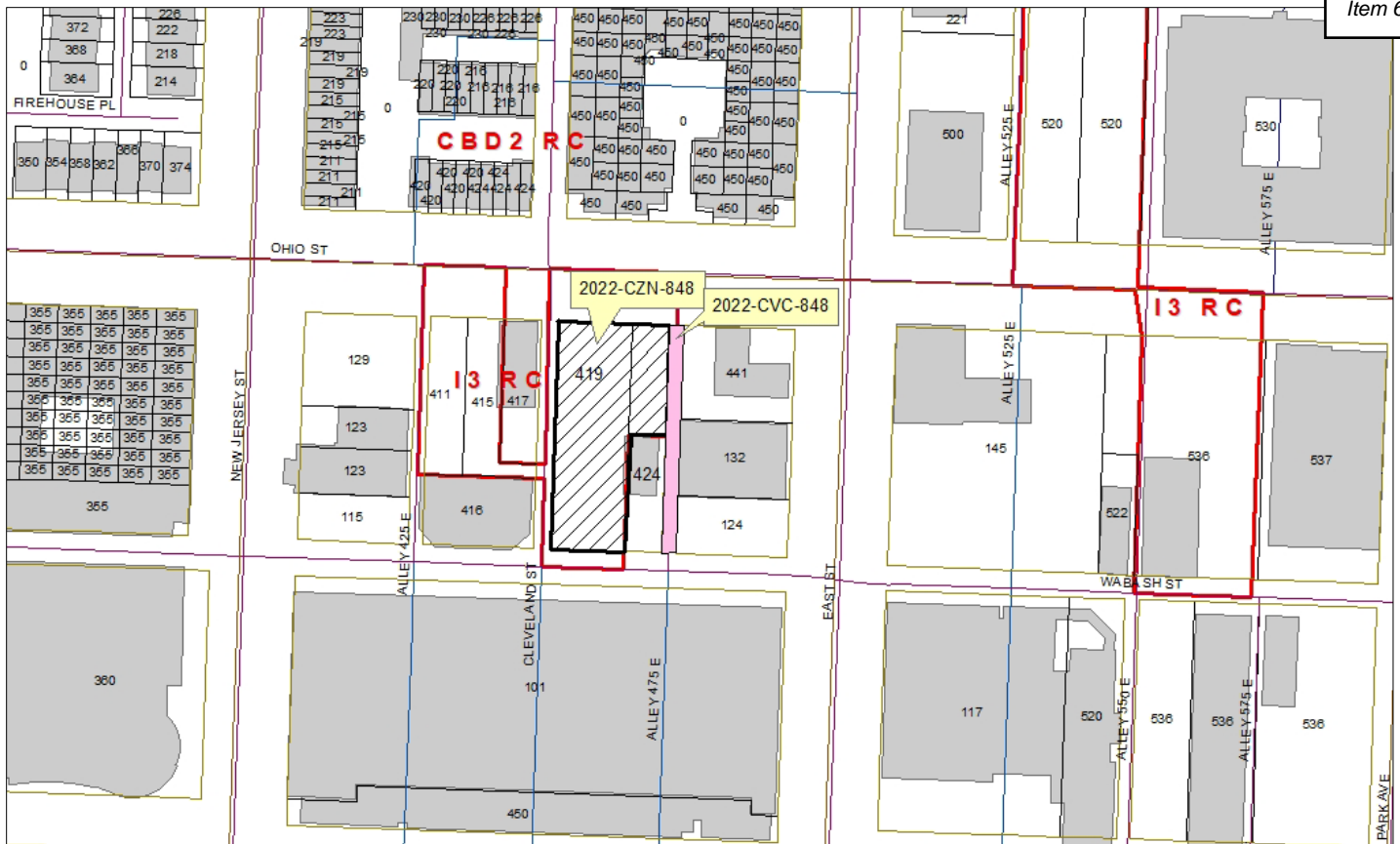
**2003-ZON-152; 441 East Ohio Street and 132 North East Street**, requests a rezoning of 0.32-acre, from the I-3-U (RC) district to the CBD-2 (RC) classification, **approved**.

**ZONING HISTORY - VICINITY**

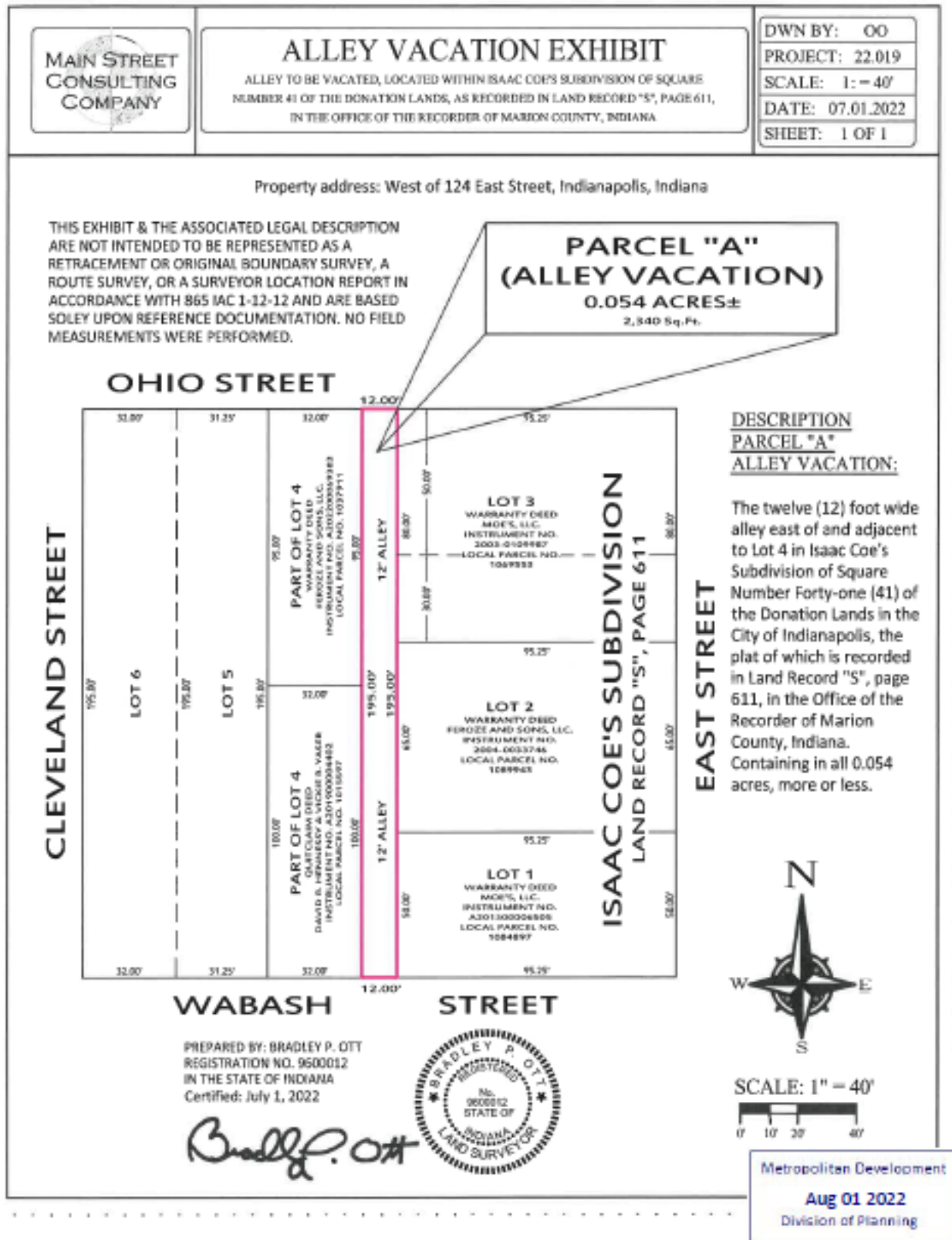
None.

JY

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Zoning and aerial maps of the site and surrounding area - 2022-CZN/CVC-848



Vacation Exhibit - 2022-CZN/CVC-848

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: The vacation would be in the public interest as it will consolidate five pieces of property and allow for the development of a Regional Center/ Cole Noble Historic neighborhood mixed use project. Furthermore it will eventually rid the Regional Center and the Cole Noble neighborhood of three surface parking lots.

**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 \_\_\_\_

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

Metropolitan Development  
**Aug 01 2022**  
Division of Planning

Proposed Findings of Fact – 2022-CZN/CVC-848





View of existing structure at 419 East Ohio Street and the proposed subject alley  
2022-CZN/CVC-848





View of existing building at 419 East Ohio Street and surface parking lots, from the west looking east  
2022-CZN/CVC-848





View of existing building at 419 East Ohio Street and subject alley  
2022-CZN/CVC-848





View of south end of site, looking west  
2022-CZN/CVC-848





View of the subject alley looking north toward Ohio Street  
2022-CZN/CVC-848





Close-up view of existing condition of the subject alley  
2022-CZN/CVC-848



## STAFF REPORT

Item 7.

### 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 61<sup>st</sup> Street and Carvel Avenue, north 280.70 feet.

#### **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 61<sup>st</sup> 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.

(Continued)

**RECOMMENDATIONS**

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

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

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

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:

(Continued)

**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 61<sup>st</sup> Street, zoned D-P; multi-family dwellings to the east, across Carvel Avenue, zoned D-7; and the Monon Trail to the west, zoned D-5.
- ◇ Petition 2021-ZON-043 rezoned the site from the C-1 district to the D-P district to provide for a four-story, 200-unit, multifamily building.

**PLAT APPROVAL**

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

**VACATION**

- ◇ This vacation would vacate a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61<sup>st</sup> 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.

(Continued)

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

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

### **GENERAL DESCRIPTION:**

Street Vacation: Vacation of a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61<sup>st</sup> 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)
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#### **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 61<sup>st</sup> 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.

(Continued)



CONTEXT AREA	This site is located within the compact context area.
OVERLAY	This site is located within the transit-oriented development overlay.
PRIMARY PLAT	File-dated September 27, 2022
VACATION SITE PLAN	File-dated September 1, 2022
VACATION SITE PLAN (AMENDED)	File-dated September 27, 2022
FINDINGS OF FACT	File-dated September 1, 2022

### **ZONING HISTORY**

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

### **VICINITY**

**2007-ZON-129; 5900 Carvel Avenue and 1111 East 61<sup>st</sup> 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**.

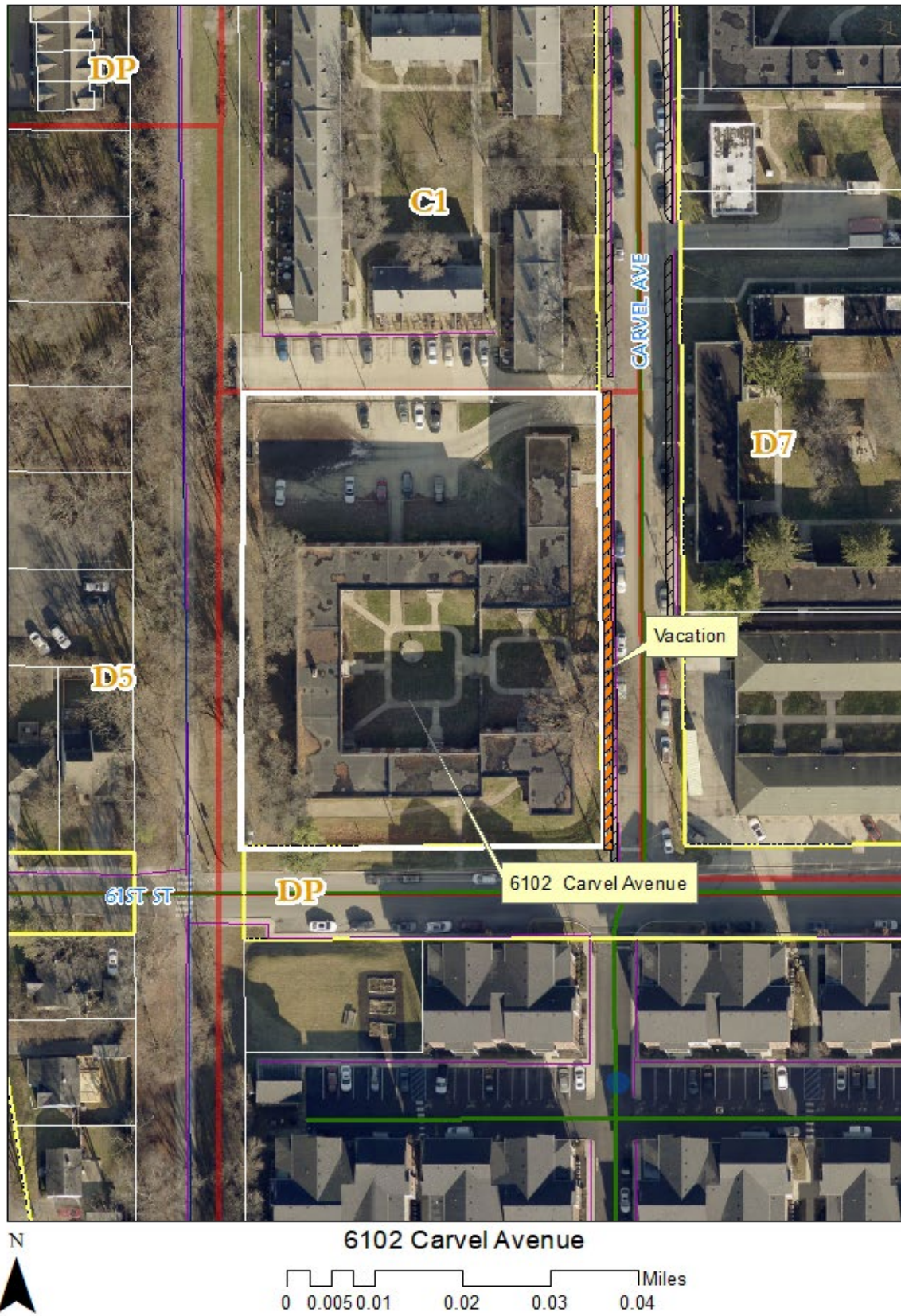
**2005-ZON-146; 6137 Winthrop Avenue (north of site)**, requested rezoning of 1.43 acres from D-5 to D-P to provide for the construction of 28 multi-family dwelling units at a density of 19.58 units per acre, **approved**.

**2002-ZON-008; 5900 Carvel Avenue and 1111 East 61<sup>st</sup> 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**.

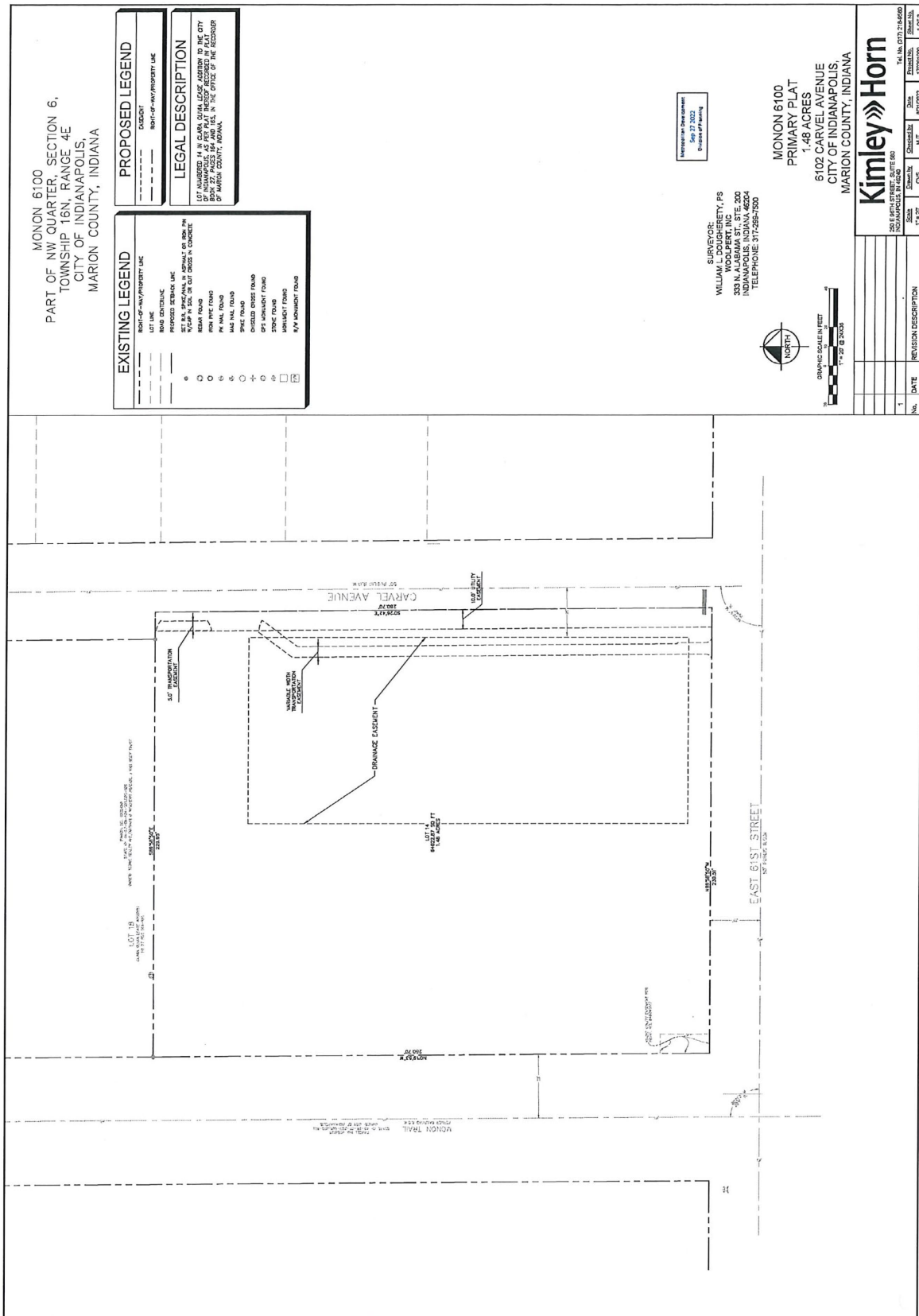
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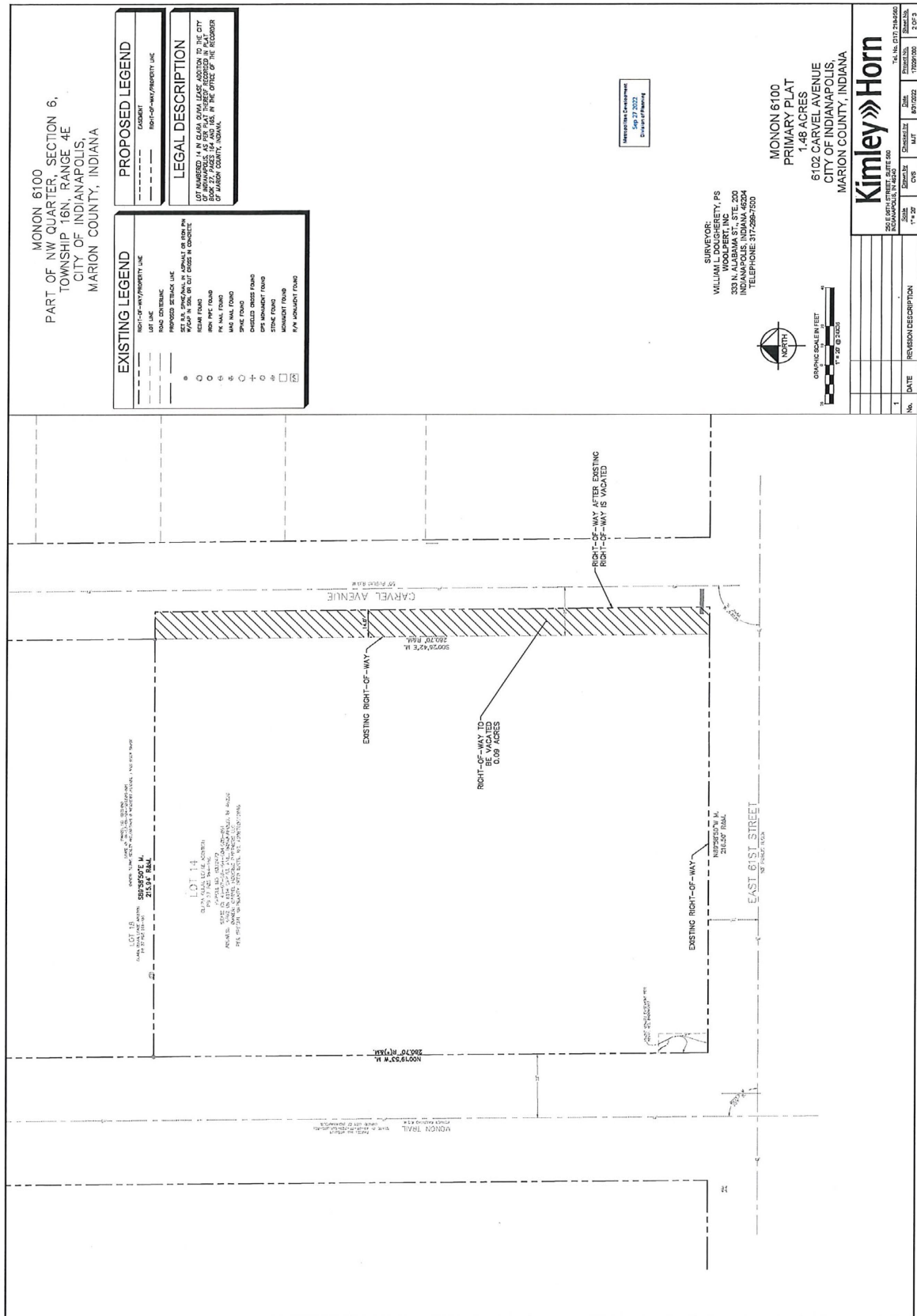
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## Primary Plat

*Item 7.*







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 61<sup>st</sup> Street and Carvel Avenue



View looking north across intersection of East 61<sup>st</sup> Street and Carvel Avenue





View looking south along Carvel Avenue



View looking east at intersection of East 61<sup>st</sup> Street and Carvel Avenue



## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2022-CZN-863 / 2022-CVR-863  
**Address:** 4437 Clark Drive and 4532 Northeastern Ave (*Approximate Address*)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** David A. Retherford, Trustee of the Russell E. Flagle Revocable Trust  
**Request:** Rezoning of 2.05 acres from the D-5 (FF) and C-S (FF) districts to the D-5 (FF) district.  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero feet of street frontage and lot width (minimum 25 feet of street frontage and 50 feet of lot width required).

This petition should be **continued from the December 1, 2022 hearing to the December 15, 2022 hearing** to provide additional time for the petitioner and staff to negotiate.

klh

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## STAFF REPORT

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

**Case Number:** 2022-CZN-867 / 2022-CVC-867  
**Address:** 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue  
*(Approximate Address)*  
**Location:** Warren Township, Council District #12  
**Petitioner:** Baldeep Baidwan by David Kingen and Emily Duncan  
**Request:** Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development.

Vacation of a portion of Greenfield Avenue, ranging from 25 feet wide to 50 feet wide, from the southwest corner of Lot 65 in Witz and Spannuth's Addition, southeast 451.54 feet to the southeast corner of Lot 49 in said subdivision,

Vacation of a portion of Elm Avenue, ranging from 25 feet to 50 feet wide, from the northeast corner of Lot 59 in Witz and Spannuth's Addition, south 528.79 feet to the southeast corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southeast corner of Lot 59 in Witz and Spannuth's Addition, west 40.50 feet, to the northwest corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southwest corner of Lot 53 in Witz and Spannuth's Addition, east 182.20 feet, to the northeast corner of Lot 49 in said subdivision, all with a waiver of the Assessment of Benefits.

The petitioner's representative has requested a **continuance from the December 1, 2022 hearing to the December 29, 2022 hearing** to accommodate the petitioner's travel schedule.

klh

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## STAFF REPORT

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

**Case Number:** 2022-CZN-868 / 2022-CVR-868  
**Address:** 431 South Shortridge Road (*Approximate Address*)  
**Location:** Warren Township, Council District #18  
**Petitioner:** Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan  
**Request:** Rezoning of 2.74 acres from the D-A district to the C-7 district.  
 Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 20-foot south side transitional yard (40 feet required), a zero-foot east yard (10-foot rear yard required), without the required front-yard landscaping (landscaping required).

### **RECOMMENDATION**

Staff **recommends denial** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

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

(Continued)



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

- ◇ This petition requests a rezoning to the C-7 district, which is a high-intensity commercial district. This district is intended for commercial uses that have features such as outdoor storage, sizable merchandise, or outdoor parking and storage of trucks, materials or equipment that make these uses unusually incompatible relative to other commercial uses. These uses should be located near freeway interchanges or on major commercial arterials. This district should not be located in close proximity to retailing, offices or restaurants. It should never be located adjacent to protected districts.
- ◇ The proposed commitments submitted with the request eliminate all uses other than truck and trailer parking. However, truck and trailer parking is considered to fall into the Fleet Terminal land use category of the Ordinance and the C-7 district does not permit fleet terminals. As submitted, this rezoning would have the effect of not permitting any use on the site.
- ◇ The site plan shows what might be 19 truck parking spaces. If they are truck parking space, the maneuvering room for the trucks doesn't appear to be adequate.

**VARIANCE**

- ◇ This petition requests variances of development standards to provide for a 20-foot wide south side transitional yard where a 40-foot wide yard is required, for no east yard where a 10-foot wide rear yard is required, and without the required front-yard landscaping.
- ◇ The purpose of transitional yards is to provide a buffer between a less intense use and a more intense use. The parcel to the south is zoned D-A, which is a dwelling and agricultural district, and would require buffering from a C-7 district under the Ordinance. However, the site is used for neither a dwelling nor agriculture and is solidly wooded. The site is recommended for Office Commercial uses in the Comprehensive Land Use Plan.
- ◇ Rear yards are required for the more intense commercial districts to provide some buffering and open space around these intense uses. In this case the site abuts a rail right-of-way.

(Continued)

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

- ◇ Front yard landscaping is required for a number of reasons including the provision of an attractive streetscape and the screening of intense uses. The site appears to have been originally developed with parking in the rear. By 1972, a parking lot was constructed in the front of the building and partially in the right-of-way. This parking remains.
- ◇ The site plan shows the parking lot remaining in the right-of-way with stones placed in the center of the lot, but outside of the right-of-way. A low hedge is proposed between the parking lot and the building. This would have no effect on screening the parking lot from the street. The Department of Public Works has requested that the parking be removed from the right-of-way. Additionally, staff would recommend that adequate landscaping be provided between the right-of-way and the parking area to provide an effective landscape screen of the parking area.
- ◇ The back parking lot is fenced. The fence is topped with barbed wire. Barbed wire is not permitted under the Ordinance except for livestock and Public Safety properties such as correctional facilities. The barbed wire should be removed.

## **GENERAL INFORMATION**

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

D-A	Metro	Religious use
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### **SURROUNDING ZONING AND LAND USE**

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

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Warren Township (2018) recommends Office Commercial.
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THOROUGHFARE PLAN	Shortridge Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 115-foot existing right-of-way and a 60-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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(Continued)

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

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

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

### **ZONING HISTORY – SITE**

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

### **ZONING HISTORY – VICINITY**

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

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

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

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

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

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

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

(Continued)



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

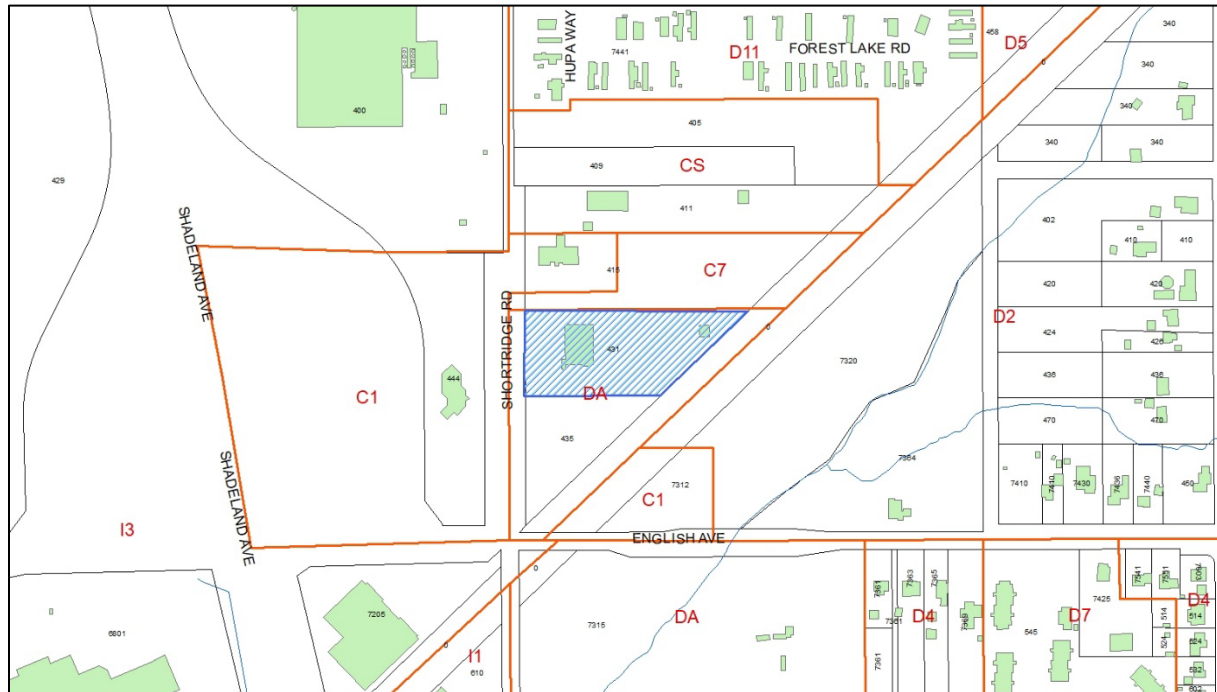
**84-UV1-40; 411 South Shortridge Road (north of site)**, requested a variance of use to provide for retail and repair of commercial search lights, electrical contractor, fabrication, maintenance and sales of radio towers, auto repair and outdoor storage, **approved**.

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

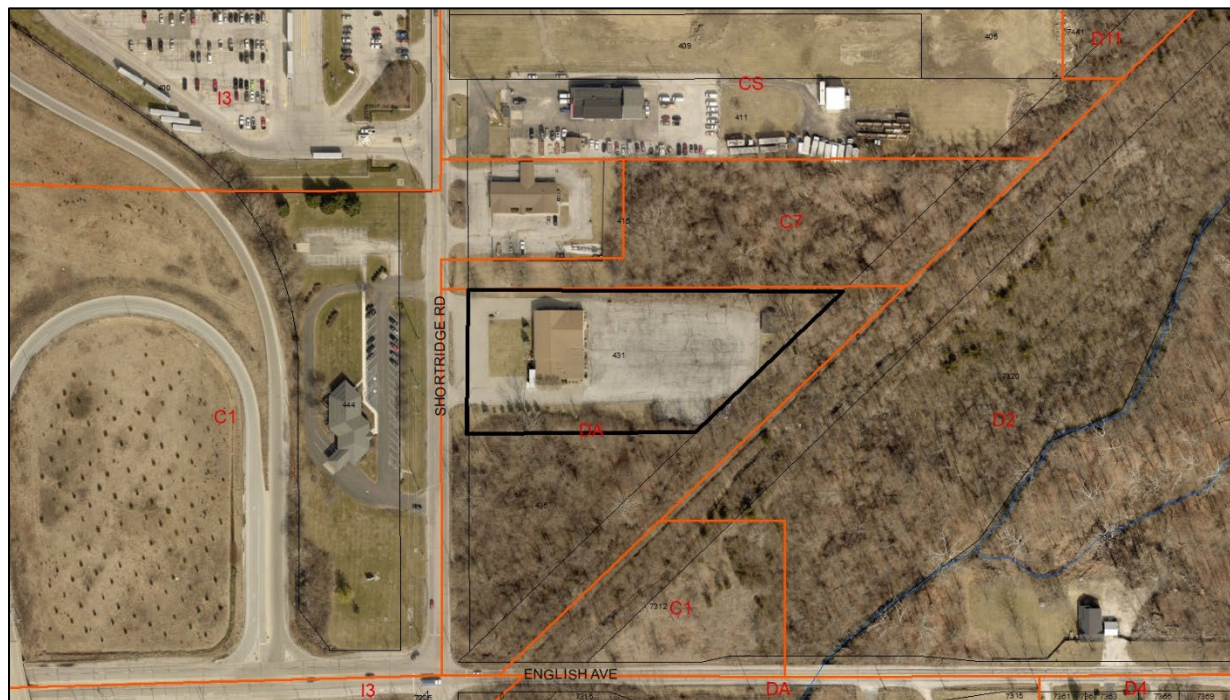
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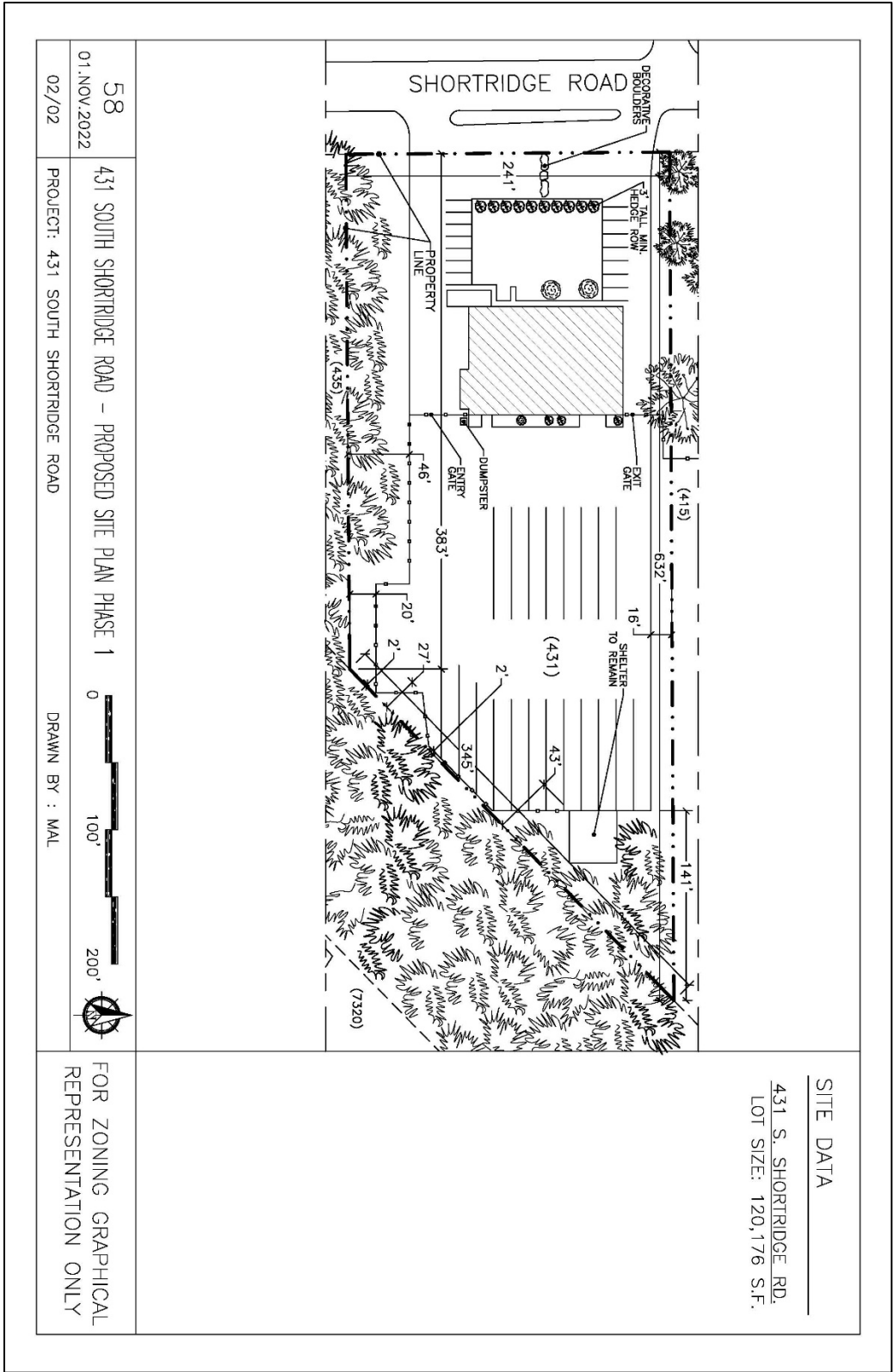
# STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Location



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



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





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

## ATTACHMENT "D":

Petitioner commits to the following:

1. Truck and Trailer parking shall be the only use permitted on the site.
2. No sleeping shall be permitted between 12 midnight and 6 am on the site.
3. No truck and trailer parking shall be permitted in the front and side yards to the subject site.
4. No billboards or off-site advertising signs shall be permitted on the property.
5. No new Electronic Variable Message Signs (EVMS) or new pole signs shall be erected on the subject property.
6. All parking lot areas shall be maintained and kept litter and weed free.
7. Trash containers shall be enclosed on three sides and have gates.
8. The existing tree line along the east and south properties lines of the site shall be preserved and maintained except for trimming of the existing trees and vegetation to continue to provide screening and buffering.
9. Only one ground sign or one pylon shall be permitted on the site.
10. All the additional landscaping with year around evergreens shall be installed prior to the use of the site.
11. No lighting shall be projected off the site

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

Petition Number \_\_\_\_\_

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

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

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

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:

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

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

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

**DECISION**

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

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

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

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



Looking east at the subject site.



Looking east along the northern edge of the site.





Looking east along the southern edge of the site.



Looking west along the southern edge of the site.





Looking north along Shortridge Road.



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





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



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



## STAFF REPORT

Item 11.

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

**Case Number:** 2022-APP-014  
**Address:** 1902 Ruckle Street (approximate addresses)  
**Location:** Center Township, Council District #11  
**Zoning:** PK-2  
**Petitioner:** Compendium Group, LLC, by Jason Wolfe  
**Request:** Park District Two Approval to provide for a two-family dwelling and a three-car detached garage with the garage encroaching into the clear-sight triangle of 19<sup>th</sup> Street and an adjacent alley.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to the site plan, file-dated October 18, 2022, and the relocation of the proposed tree in the front yard to be installed outside the clear sight triangle at the intersection of East 19<sup>th</sup> Street and Ruckle Street.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.12-acre site, zoned PK-2, is undeveloped and surrounded by open space to the north; a single-family dwelling to the south, across East 19<sup>th</sup> Street; a single-family dwelling to the west and a single-family dwelling to the east, across Ruckle Street, all zoned PK-2.
- ◇ This site was included in petition 2004-APP-159 that provided for 36 single-family dwellings, with detached garages, fifty percent of which could contain a dwelling unit on the upper floors.

#### **PARK DISTRICT-TWO APPROVAL**

- ◇ This request would provide for PK-2 approval to provide for a two-family dwelling and a three-car detached garage with the garage encroaching into the clear-sight triangle of 19<sup>th</sup> Street and an adjacent alley.
- ◇ No use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:

(Continued)

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
  - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
  - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
  - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
  - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
  - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
  - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The Comprehensive Plan recommends traditional neighborhood. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

(Continued)

- ◇ As proposed the request for a two-family dwelling with a detached three-car garage would be consistent with development in this area that includes single-family dwellings and two-family dwellings. Additionally, this site was historically developed with two dwellings.
- ◇ The front setback along Ruckle Street would be 18 feet, with five-foot side setbacks along the northern boundary and along East 19<sup>th</sup> Street. The detached garage would encroach into the clear sight triangle approximately four feet at the intersection of East 19<sup>th</sup> Street and the north / south alley. Staff believes the clear sight triangle encroachment would be a minor deviation from the Ordinance that would have minimal impact on safety within this neighborhood.
- ◇ Staff would note that a tree is proposed and located within the clear sight triangle of the intersection of East 19<sup>th</sup> Street and Ruckle Street. Because this tree does not exist, staff believes the tree should be installed a few feet to the north and outside the clear sight triangle. Both East 19<sup>th</sup> Street and Ruckle Street are local streets that generate more traffic than the East 19<sup>th</sup> Street and alley to the west. Consequently, visibility should not be compromised by landscaping.
- ◇ Because the PK-2 District provisions require a superior land development plan, with high functional and aesthetic value, attractiveness and compatibility of land uses, elevations would be required to be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit.

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

PK-2

Undeveloped

**SURROUNDING ZONING AND LAND USE**

North - PK-2

Open space

South - PK-2

Single-family dwellings

East - PK-2

Single-family dwelling

West - PK-2

Single-family dwellings

**COMPREHENSIVE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

This portion of Ruckle 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.

This portion of East 19<sup>th</sup> 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**

There are no overlays for this site.

(Continued)



FINDINGS OF FACT

File-dated October 18, 2022

SITE PLAN

File-dated October 18, 2022

**ZONING HISTORY**

**2022-APP-111, 2032 Ruckle Street (north of site)**, requested Park District Two Approval to provide for the renovation of an existing detached single-family dwelling and a new detached garage/secondary dwelling unit with the entrance of the dwelling unit not visible from a public right-of-way, **approved**.

**2021 APP-015; 2120 Broadway Street (west of site)**, requested Park District Two Approval to provide for a detached garage and secondary dwelling accessory to an existing single-family dwelling, **approved**.

**2021-APP-011; 2001 Broadway Street (west of site)**, requested Park District Two approval to provide for a two-family dwelling with a four-car garage and a single-family dwelling with a three-car garage and secondary dwelling, **approved**.

**2020-APP-005; 2056 Park Avenue (west of site)**, requested Park District Two approval to provide for a two-story, two-family dwelling with a four-car detached garage, **approved**.

**2019-APP-009; 2104 North College Avenue and 660 East 21<sup>st</sup> Street (southeast of site)**, requested Park District Two Approval to provide for three lots with single-family dwellings and attached garages, with access to the west-abutting north-south alley via an access easement with one 4,680-square foot lot at the corner of College and 21<sup>st</sup> Street and two 3,575-square foot lots fronting 21<sup>st</sup> Street, per plans filed, **approved**.

**2018-APP-023; 2134 North Park Avenue (west of site)**, requested Park District Two approval to provide for a two-family dwelling and a four-car garage, **withdrawn**.

**2018-APP-008; 2028 Ruckle Street (south of site)**; requested Park District Two Approval to provide for a two-story addition and garage addition to an existing single-family dwelling, **approved**

**2017-APP-015; 2114 Broadway Street (west of site)**, requested Park District-Two Approval to provide for a single-family dwelling and detached garage, **approved**.

**2017-APP-014; 1920 Park Avenue (west of site)**, requests Park District Two Approval to provide for a single-family dwelling, with a detached garage, containing an additional dwelling, **approved**.

**2017-APP-013; 1918 Ruckle Street (south of site)**, requests Park District Two Approval to provide for a two-family dwelling, with a detached garage, containing an additional dwelling, **approved**.

**2017-APP-009; 1903 Central Avenue (east of site)**, Park District Two Approval to provide for primary and accessory residential uses, including a single-family dwelling and detached garage, **approved**.

(Continued)

**2016-APP-007; 1827 Central Avenue (east of site)**, requested Park District Two Approval to provide for primary and accessory residential development, including a single-family dwelling and a detached garage, **approved**.

**2016-APP-005; 1901 Central Avenue (east of site)**, requests Park District Two Approval to provide for primary and accessory residential development, including a single-family dwelling and a detached garage, **granted**.

**2015-APP-029; 1924 and 1928 Park Avenue (west of site)**, requested Park District Two Approval to provide for the construction of single-family dwellings and detached garages on two existing lots, **approved**.

**2014-APP-001; 614 East 21<sup>st</sup> Street (west of site)**, requested Park District Two approval and modification of the Development Statement for 2007-APP-106 to provide for a dwelling unit on the second floor of the detached garage, **approved**.

**2013-APP-020; 2034 Ruckle Street (north of site)**, requested Park District-Two Approval to provide for an addition to an existing single-family dwelling and to provide for the construction of a two-story detached garage, with a dwelling unit on the second floor, **approved**.

**2011-APP-012; 1914 North Park Avenue (west of site)**, requested Park District-Two approval to provide for single-family dwelling and a parking pad, **approved**.

**2008-APP-060; 1910 North Park Avenue (west of site)**, requested Park District-Two approval to provide for two, two-family dwellings, each having a detached garage, **approved**.

**2007-APP-821; 2054 North Park Avenue (north of site)**, requested Park District-Two Approval to provide for a two-family dwelling and a detached garage, **approved**.

**2007-APP-018; 2125 and 2129 North Park Avenue (west of site)**, requested Park District-Two Approval to provide for three, two-story single-family dwellings, either each having a detached garage or a common garage building for the three dwellings, **approved**.

**2007-APP-106; 2016, 2026, 2030, 2038, and 2042 North College Avenue, 2038 Ruckle Street, and 601 and 614 East 21<sup>st</sup> Street (east and south of site)**; requested Park District-Two approval to provide for eight, two-story single-family dwellings and two-story detached garages, with a dwelling unit on the second floor of no more than four of the detached garages, **approved**.

**2007-APP-031; 2116 North College Avenue (east of site)**, requested Park District Two approval to provide for the conversion of a single-family dwelling into a two-unit dwelling, **approved**.

**2007-APP-004; 1957, 2014, 2022, 2049, and 2059 Ruckle Street, 2120, 2126, 2130, and 2153 North Park Avenue, and 2035 Broadway Street (west and south of site)**, requested Park District-Two Approval to provide for ten single-family dwellings, with detached garages, fifty percent of which could contain a dwelling unit on the upper floor, **approved**.

(Continued)

**2006-APP-849; 1938, 1942, and 1946 North Park Avenue (south of site),** requested Park District-Two Approval to provide for three, two-story single-family dwellings, each with a one-story detached garage, **approved.**

**2006-APP-813 / 2006-PLT-813; 602-614 East 21<sup>st</sup> Street (formerly 2101 and 2111 North Park Avenue) (west of site),** requested Park District-Two Approval and a subdivision plat to provide for the creation of three lots and the construction of a single-family dwelling and attached garage on each lot, **approved.**

**2006-APP-061; 1726, 1828, and 1954 Ruckle Street, 2004 North College Avenue, and 2015, 2019, and 2027 Broadway Street (south and east of site),** requested Park District-Two Approval to provide for eight single-family dwellings, with detached garages, fifty percent of which could contain a dwelling unit on the upper floor, **approved.**

**2006-APP-004; 2016-2026 North Park Avenue (south of site),** requested Park District-Two Approval to provide for a single-family dwelling and detached garage on each of four lots, **approved.**

**2005-APP-164; 2042 North College Avenue (east of site),** requested Park District-Two Approval to provide for a single-family dwelling and a detached garage, **approved.**

**2005-APP-163; 2038 North College Avenue (east of site),** requested Park District-Two Approval to provide for a single-family dwelling and a detached garage, **approved.**

**2004-APP-159; various addresses bound by 19<sup>th</sup> Street, 22<sup>nd</sup> Street, Central Avenue and College Avenue (east of site),** requested Park District-Two Approval to provide for 36 single-family dwellings, with detached garages, fifty percent of which could contain a dwelling unit on the upper floor, **approved.**

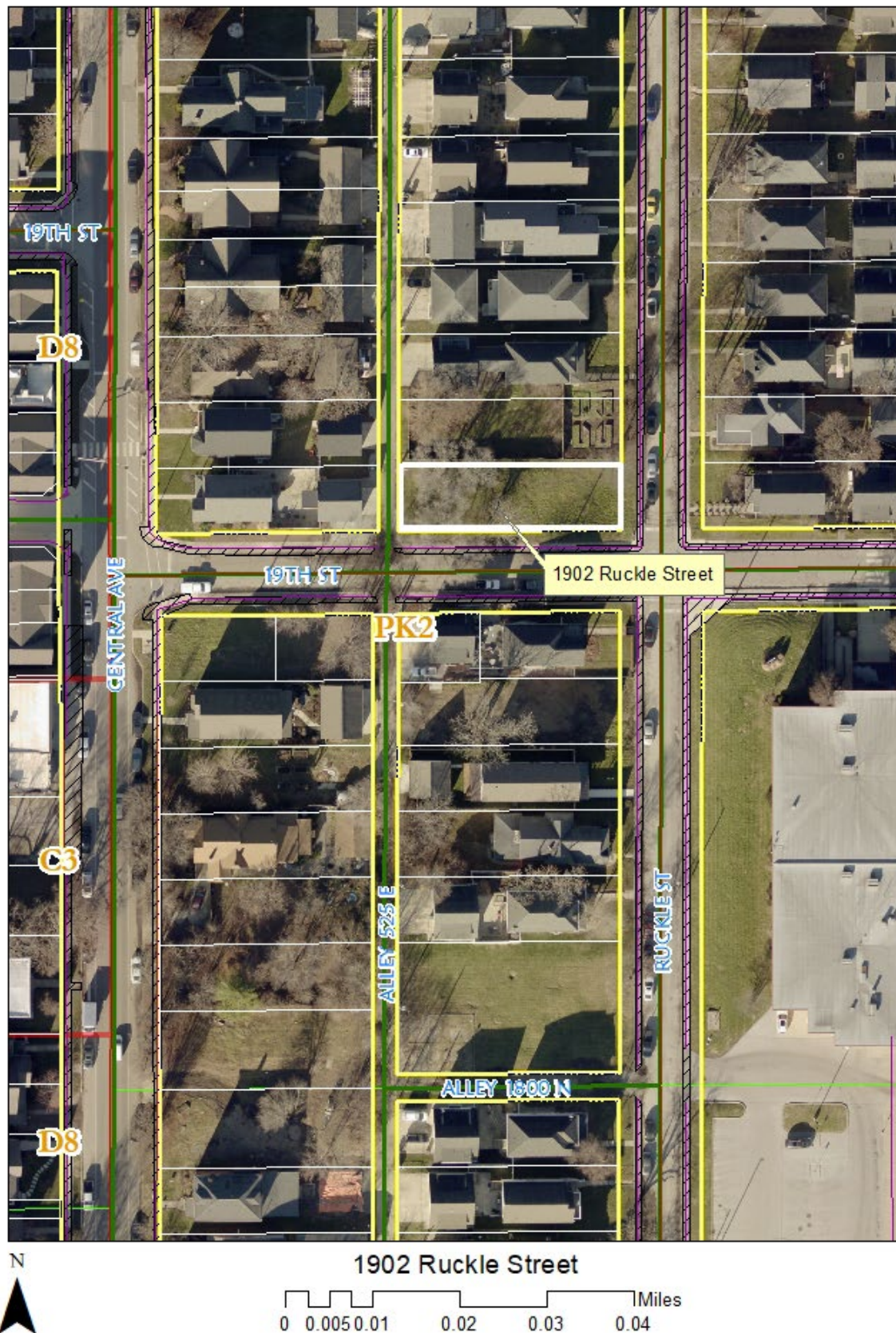
**99-AP-169; 2016-2026 North College Avenue (east of site),** requested Park District-Two Approval to provide for a two-family dwelling with off-street parking, **approved.**

**94-AP-118; 2056-2058 North College Avenue (east of site),** requested Park District-Two Approval to provide for the remodeling of a dwelling into transitional housing, **approved.**

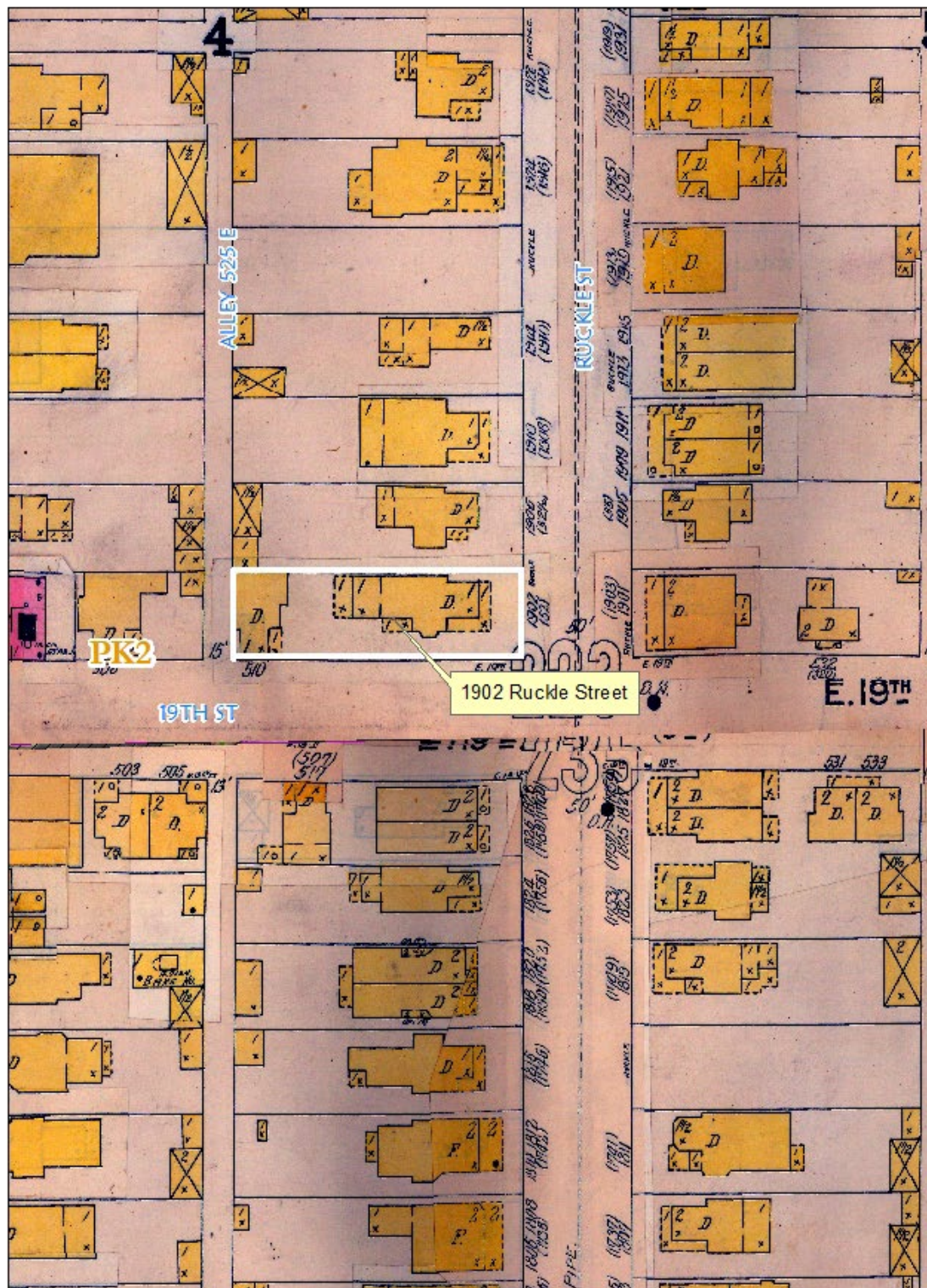
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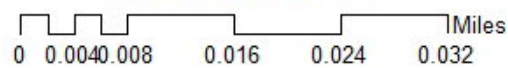








1902 Ruckle Street



Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA  
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL  
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL  
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

**FINDINGS OF FACT**

The Metropolitan Development Commission finds that the site and development plan file-dated \_\_\_\_\_, 20\_\_\_\_

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

The Comprehensive Plan designates this property for Traditional Neighborhood development. The proposed 2-family dwelling unit conforms with that development type.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

The proposed dwelling unit is of a massing and style similar to the surrounding single and 2-family homes in the area.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

The proposed dwelling unit provides 3 off street parking spaces for the dwelling units.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

As a 2-family dwelling, access to the alley will be provided with a driveway.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

The residences will be connected to public utilities in the standard manner.

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F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

The proposed residences and garage follow the pattern of the neighborhood development. The massing of the dwelling units will be similar to other homes in the area.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

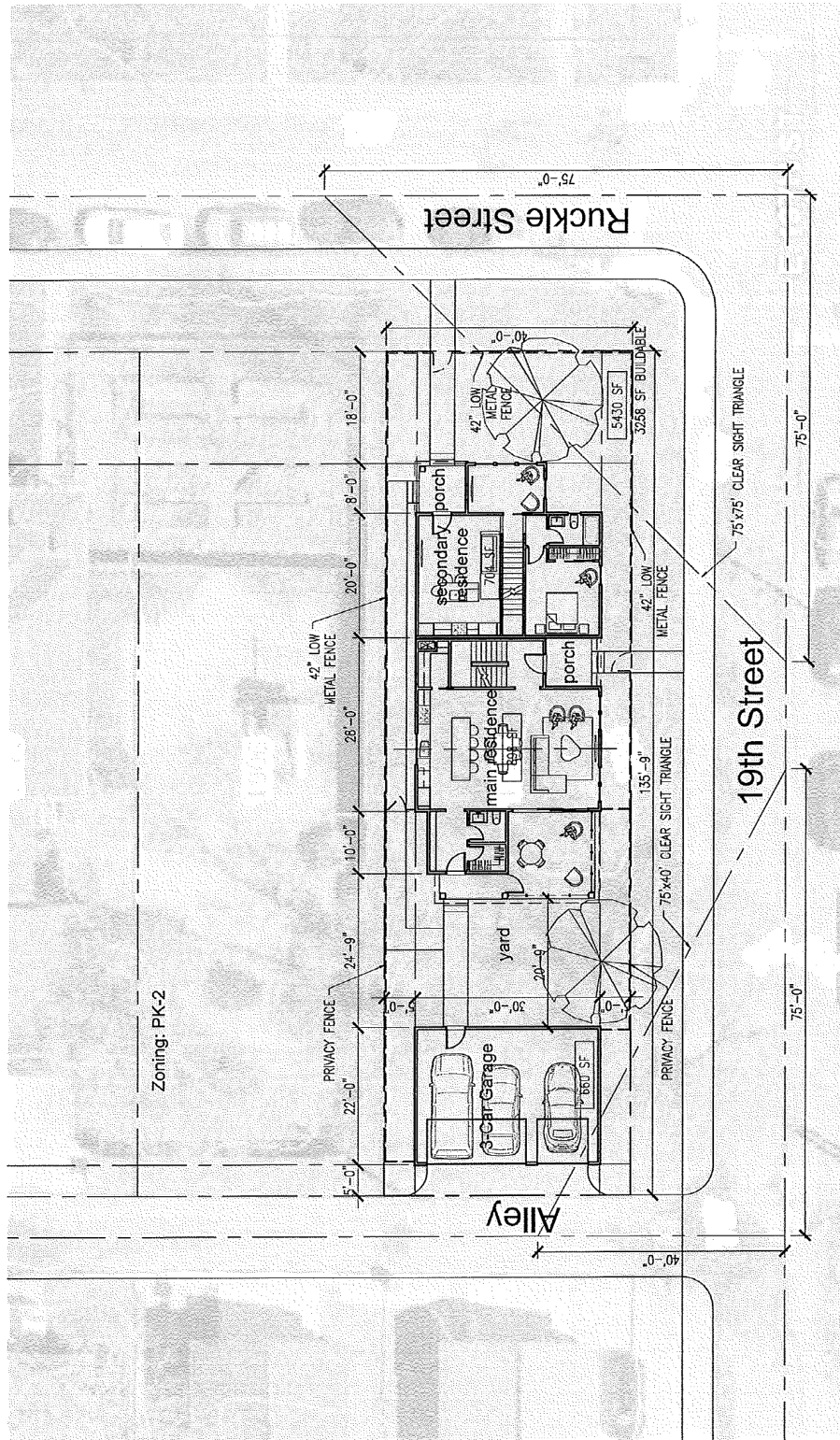
Sidewalks will be provided from the house to both dwelling units.

#### DECISION

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

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

\_\_\_\_\_  
Commission President/ Secretary

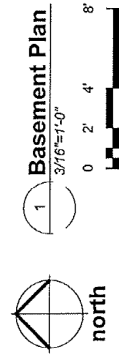
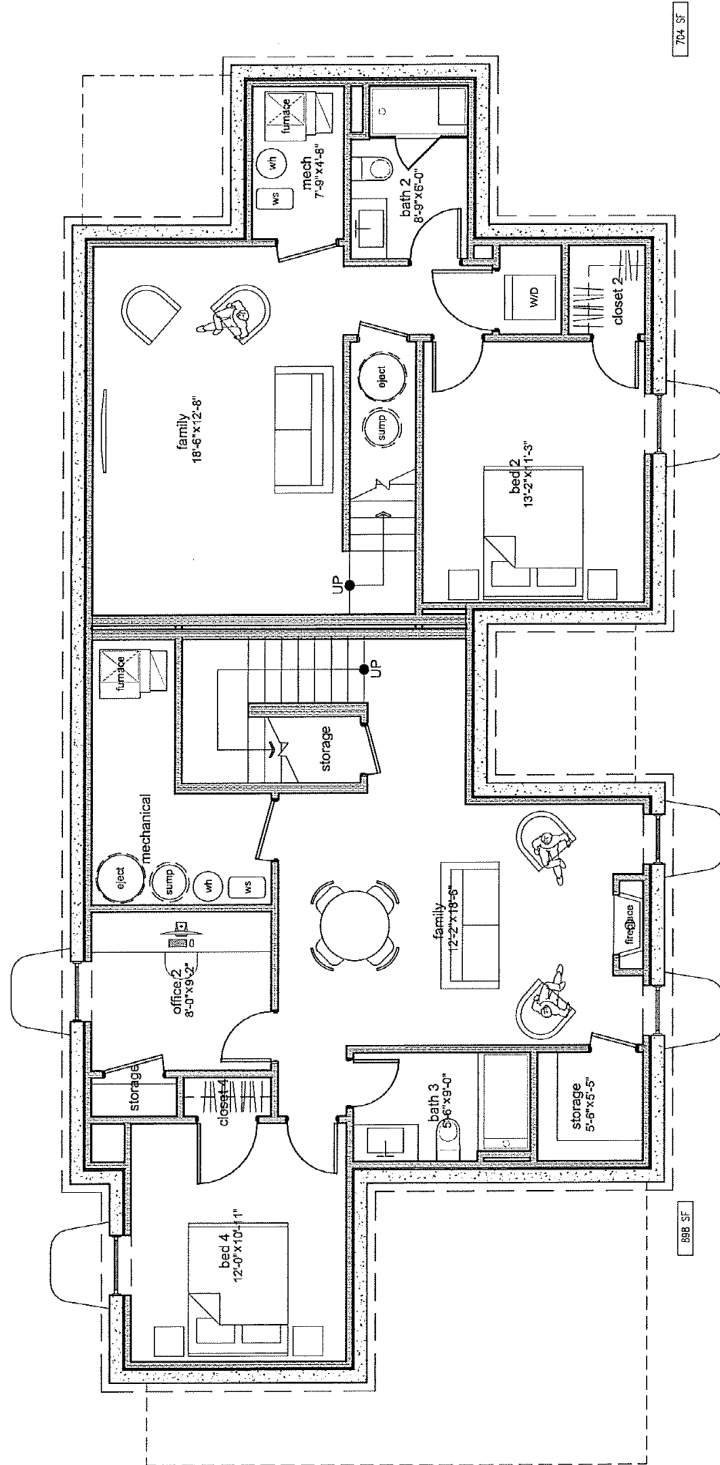


1 Site Plan  
1/16" = 1'-0"



**W&P**  
architecture + design

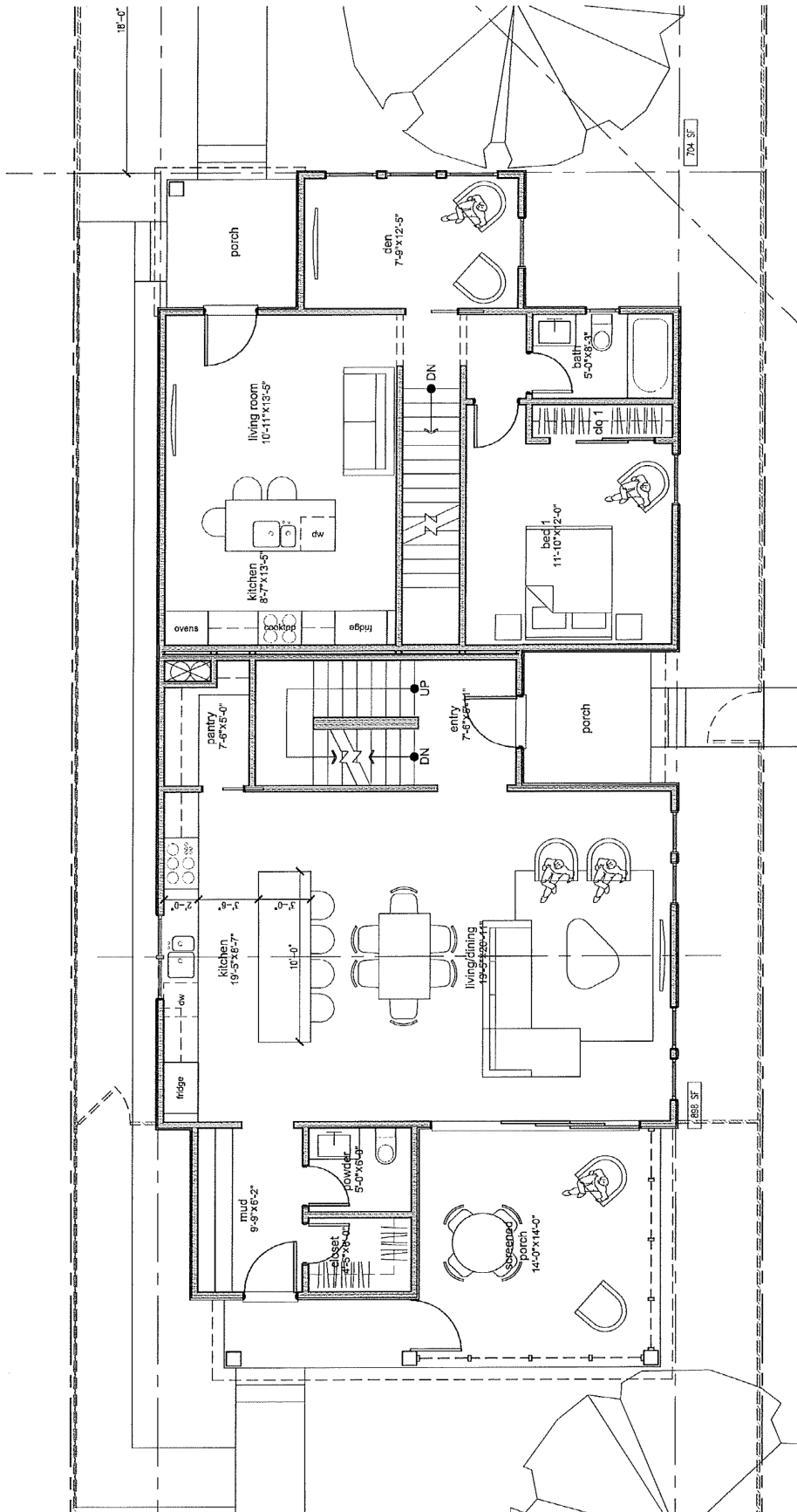
**Blair Residence 001**  
1902 Ruckle Street  
10.18.22  
SD



**W&P**  
architecture + design

**Blair Residence** **100**  
SD  
1902 Ruckle Street  
10.18.22





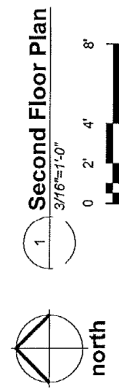
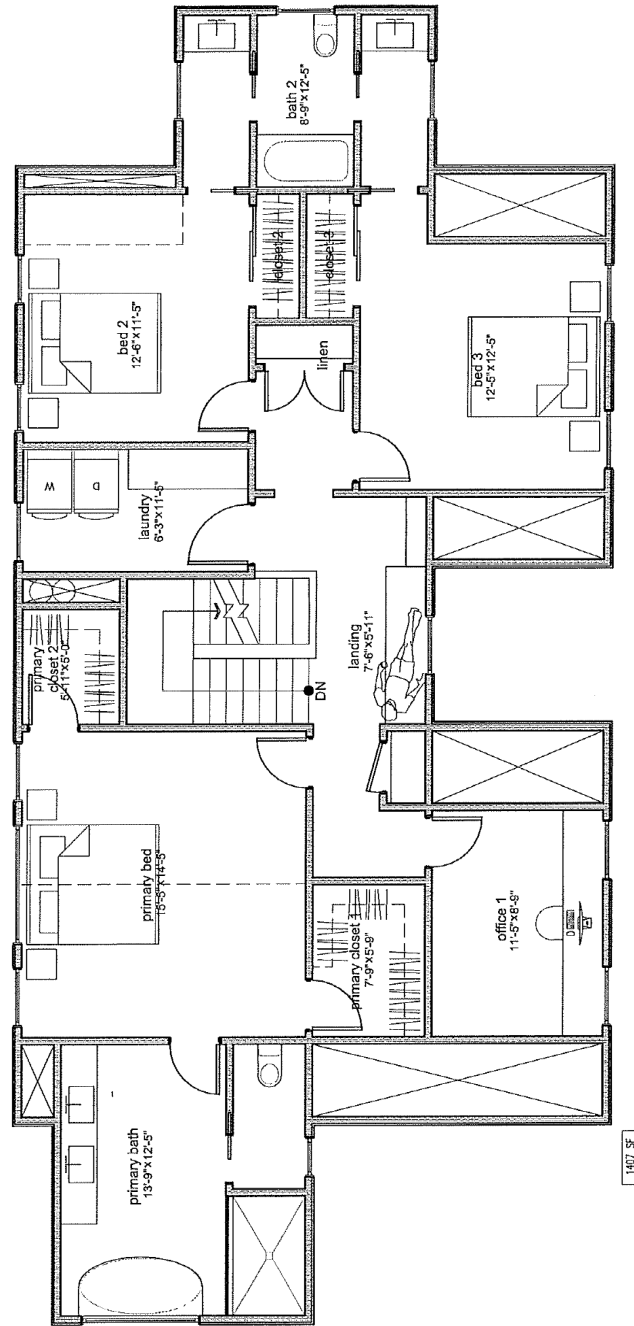
1 First Floor Plan  
3/16"=1'-0"



**W&B**  
architecture + design

**Blair Residence 101**  
SD  
1902 Ruckla Street  
10.16.22

Blair Residence 102<sup>SD</sup>  
1902 Ruckle Street  
10.18.22





View looking north along Ruckle Street



View looking south along Ruckle Street





View of site looking east along East 19<sup>th</sup> Street



View of site looking east from north / south alley





View of site looking north across East 19<sup>th</sup> Street

## STAFF REPORT

Item 12.

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

**Case Number:** 2022-APP-015  
**Address:** 7510 Fishback Road (approximate addresses)  
**Location:** Pike Township, Council District #1  
**Zoning:** PK-2 (FF)  
**Petitioner:** Thomas A. & Jill A. Miller  
**Request:** Park District Two Approval to provide for a 54-foot tall addition to a single-family dwelling for an observation room.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to substantial compliance with site plan and elevations, file-dated October 24, 2022.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE ISSUES**

- ◇ This 24.16-acre site, zoned PK-2, is developed with a single-family dwelling and detached guest house. It is surrounded by single-family dwellings to the north, south and west, all zoned PK-2 and park land to the east, across Fishback Road, zoned PK-1.
- ◇ This site was included in petition 88-Z-206 that requested rezoning from the A-2 District to the PK-2 classification to provide for residential development.

### **PARK DISTRICT-TWO APPROVAL**

- ◇ This request would provide for PK-2 approval to provide for a 54-foot tall addition to the existing single-family dwelling for an observation room.
- ◇ No use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
  - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;

(Continued)



- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
  - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
  - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
  - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
  - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
  - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The Comprehensive Plan recommends rural or estate neighborhood typology. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”
- ◇ This request would provide for construction of a 13-foot by 13-foot, 54-foot-tall tower that would be attached to the north façade of the existing single-family dwelling. Exterior materials would match the dwelling and an elevator would be installed within the tower that would provide access to the second story and an observation room.
- ◇ Despite the height, staff believes the impact of the proposed tower would be mitigated and would not negatively impact surrounding land uses due to the square footage of the addition, the size of the site (approximately 24 acres), the location of tower (approximately 423 feet from Fishback Road, at the shortest distance), and visual buffering provided by the existing natural woodlands in the area.

(Continued)

- ◇ Staff understands that this proposed tower would be for the property owner's personal use and would not be made available to the public. Use of the tower beyond that of personal use would not be supported by staff and would not be an appropriate use.
- ◇ Staff would note that commitments (Instrument Number 880104000) associated with petition 88-Z-206 require that the "State of Indiana, Archeological Department, resolve the issue whether the site is an Indian Burial Ground prior to the issuance of an Improvement Location Permit."

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

PK-2

Single-family dwelling / detached garage

**SURROUNDING ZONING AND LAND USE**

North - PK-2

Single-family dwelling

South - PK-2

Single-family dwelling

East - PK-1

Park

West - PK-2

Single-family dwelling

**COMPREHENSIVE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

This portion of Fishback Road is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and proposed 60-foot right-of-way.

**CONTEXT AREA**

This site is located within the metro context area.

**OVERLAY**

This site is located within an environmentally sensitive area (100-year floodplain of Fishback Creek and Forest Alliance Woodlands)

**FINDINGS OF FACT**

File-dated October 24, 2022

**SITE PLAN**

File-dated October 24, 2022

**ELEVATIONS**

File-dated October 24, 2022

**FINDINGS OF FACT**

File-dated October 24, 2022

(Continued)

**ZONING HISTORY**

**88-Z-206; 7475 Fishback Road**, requested rezoning of 48.724 acres, being in the A-2 and PK-1 districts, to the PK-2 classification to provide for residential development, **approved**.

**VICINITY**

**2000-APP-051; 9035 Wilson Road (north of site)**, requested Park District Two approval for the construction of a single-family dwelling on 3.296-acre lot., **approved**.

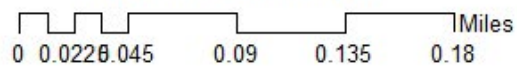
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7510 Fishback Road



Petition Number \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA  
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL  
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL  
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

**FINDINGS OF FACT**

The Metropolitan Development Commission finds that the site and development plan file-dated \_\_\_\_\_, 20\_\_\_\_

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

the plan does not increase the density of the neighborhood.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

no trees will be removed, materials will be high quality, durable, and match the existing house.

The design is inspired by the historic Squaw Island lighthouse. The tower includes an elevator for handicap access to upper floors, accessing bedrooms, bathrooms, and observation room. The upper floors in tower will contain a safe room and an observation room with panoramic views of surrounding hillsides, woodlands and meadows.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

the existing home provides brick sidewalks to the house and tower. The existing driveway is able to accommodate parking of over a half dozen vehicles with ample turn-around area.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

the tower site is accessed from the existing drive entrance. No modification will be necessary to accommodate access to the proposed tower.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

the project contains no plumbing and therefore poses no sanitation issues. The project's footprint is 13'x13'. There should be minimal drainage alterations from existing home. Any additional drainage can be handled by the existing perimeter drains.

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F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

the design features are consistent with those of the existing home. The materials are to be identical to the existing home.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

existing brick sidewalks will serve for pedestrian access to the addition.

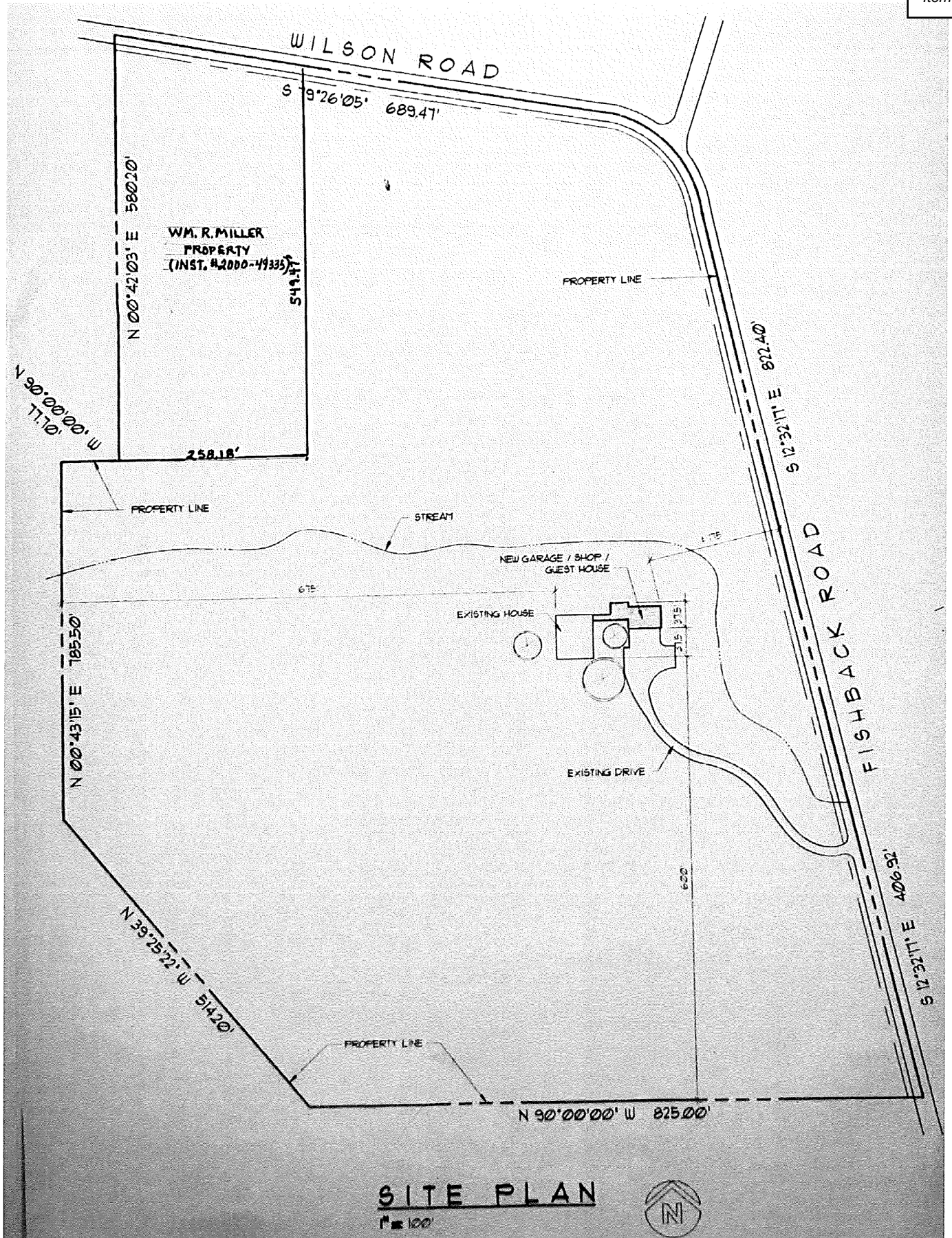
#### DECISION

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

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

\_\_\_\_\_  
Commission President/ Secretary

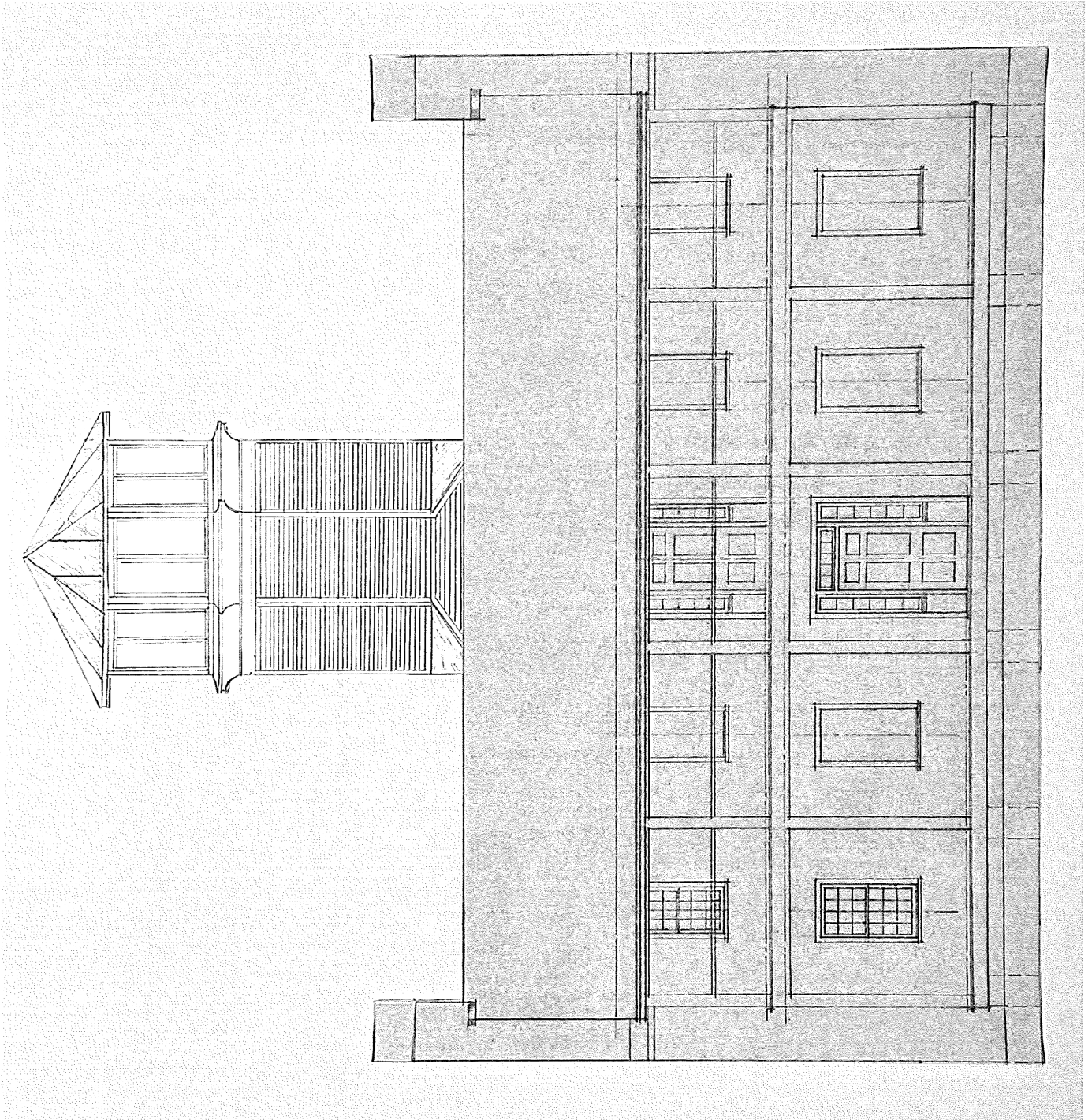




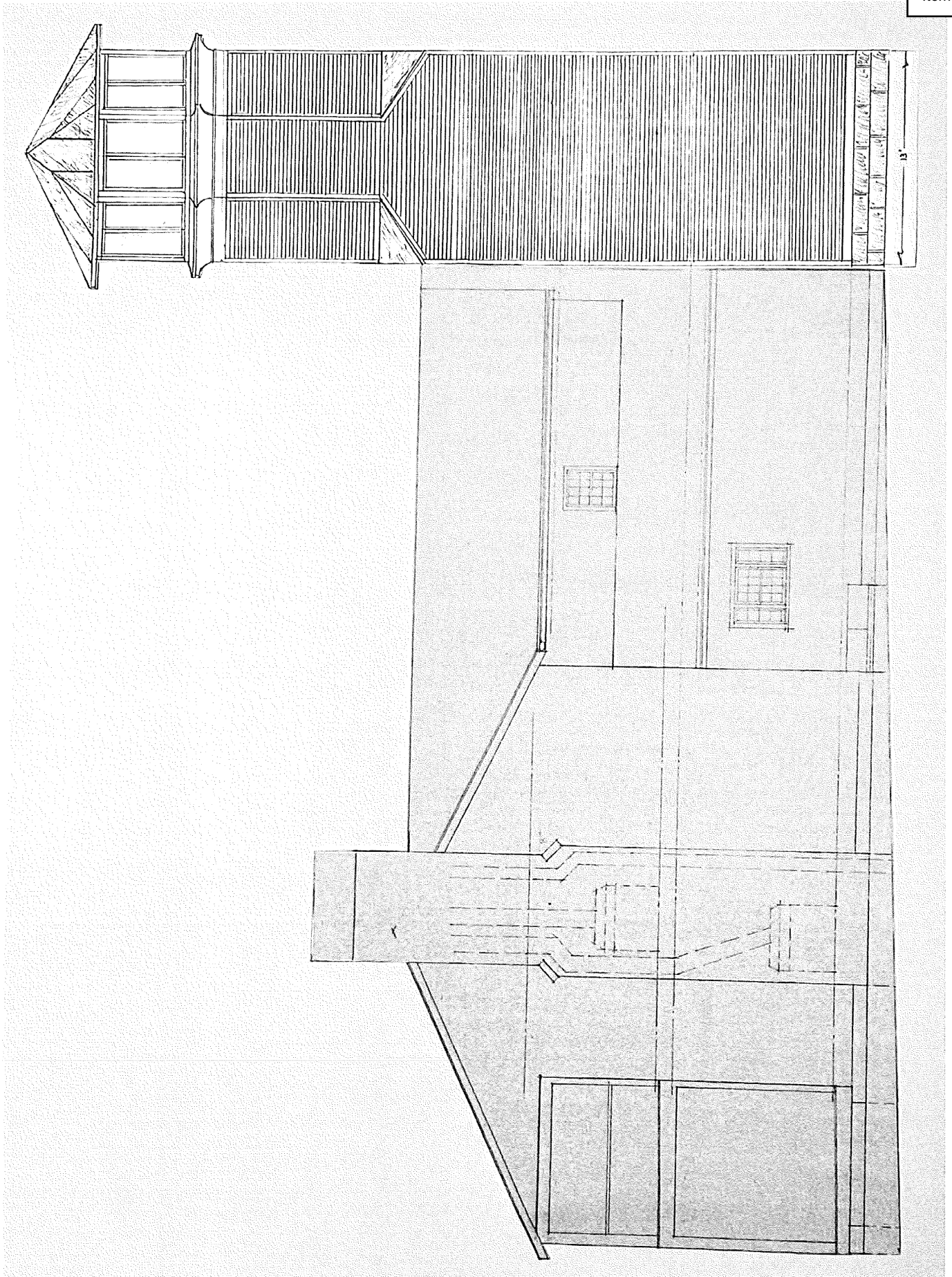


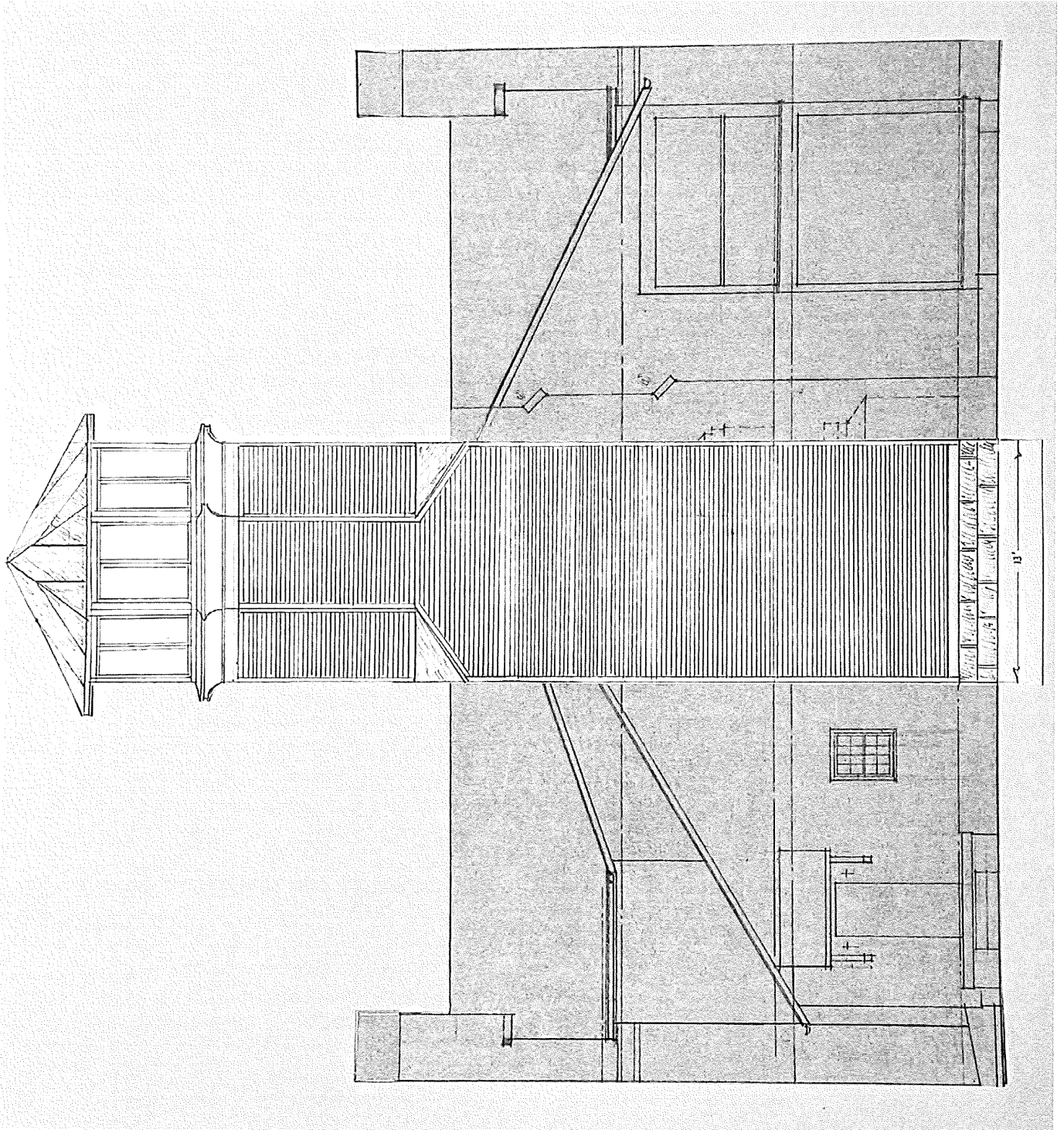




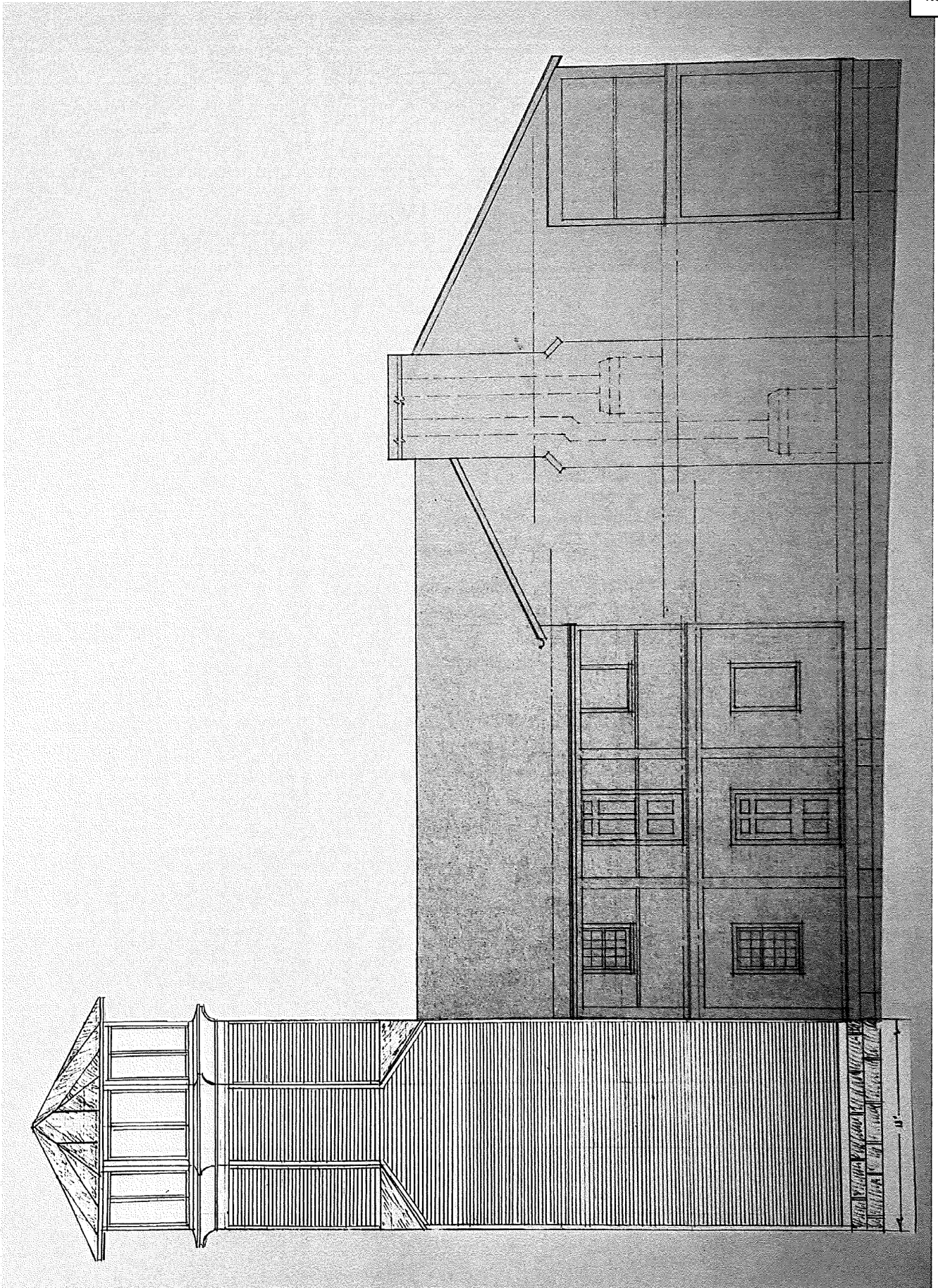




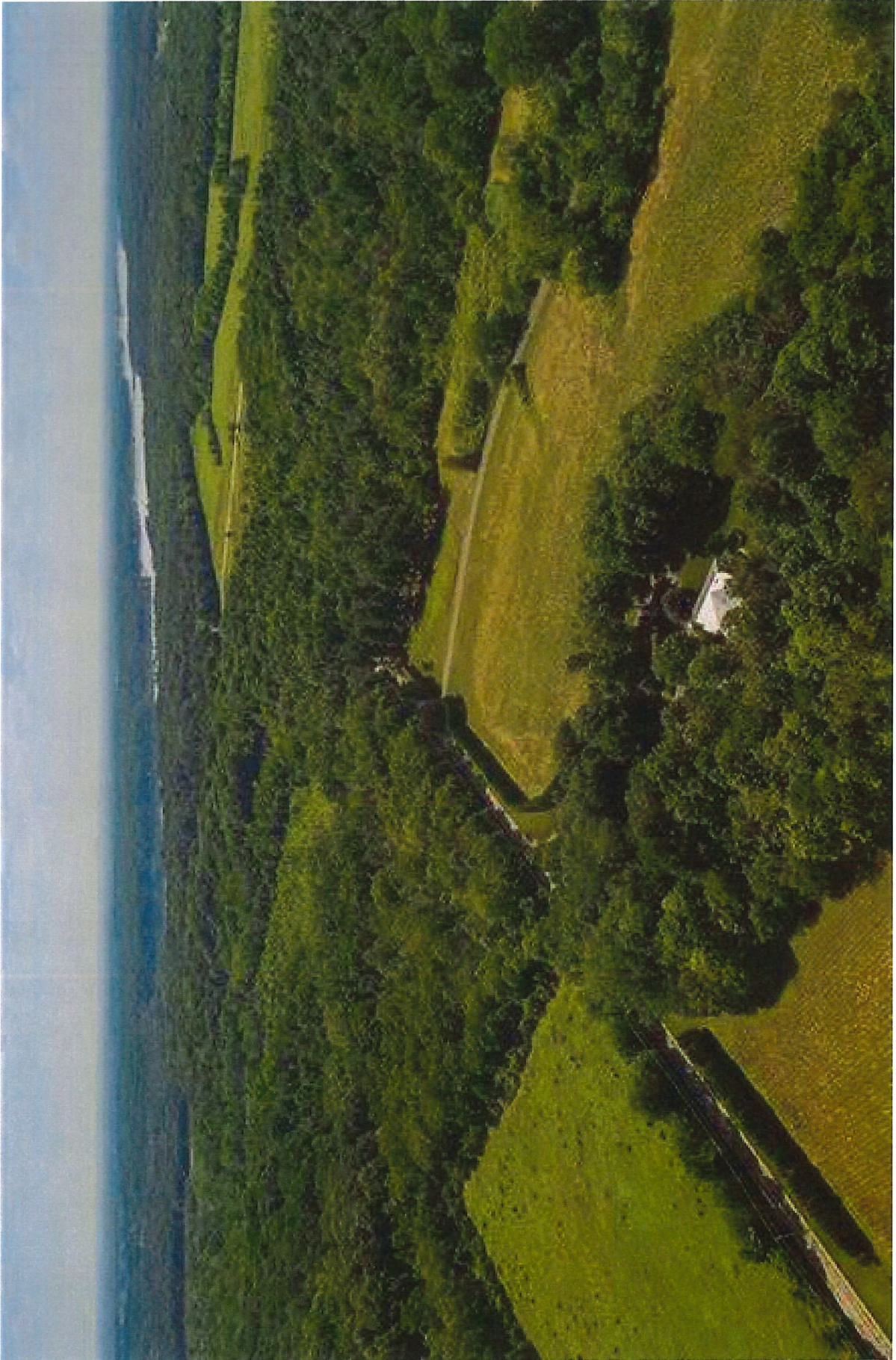




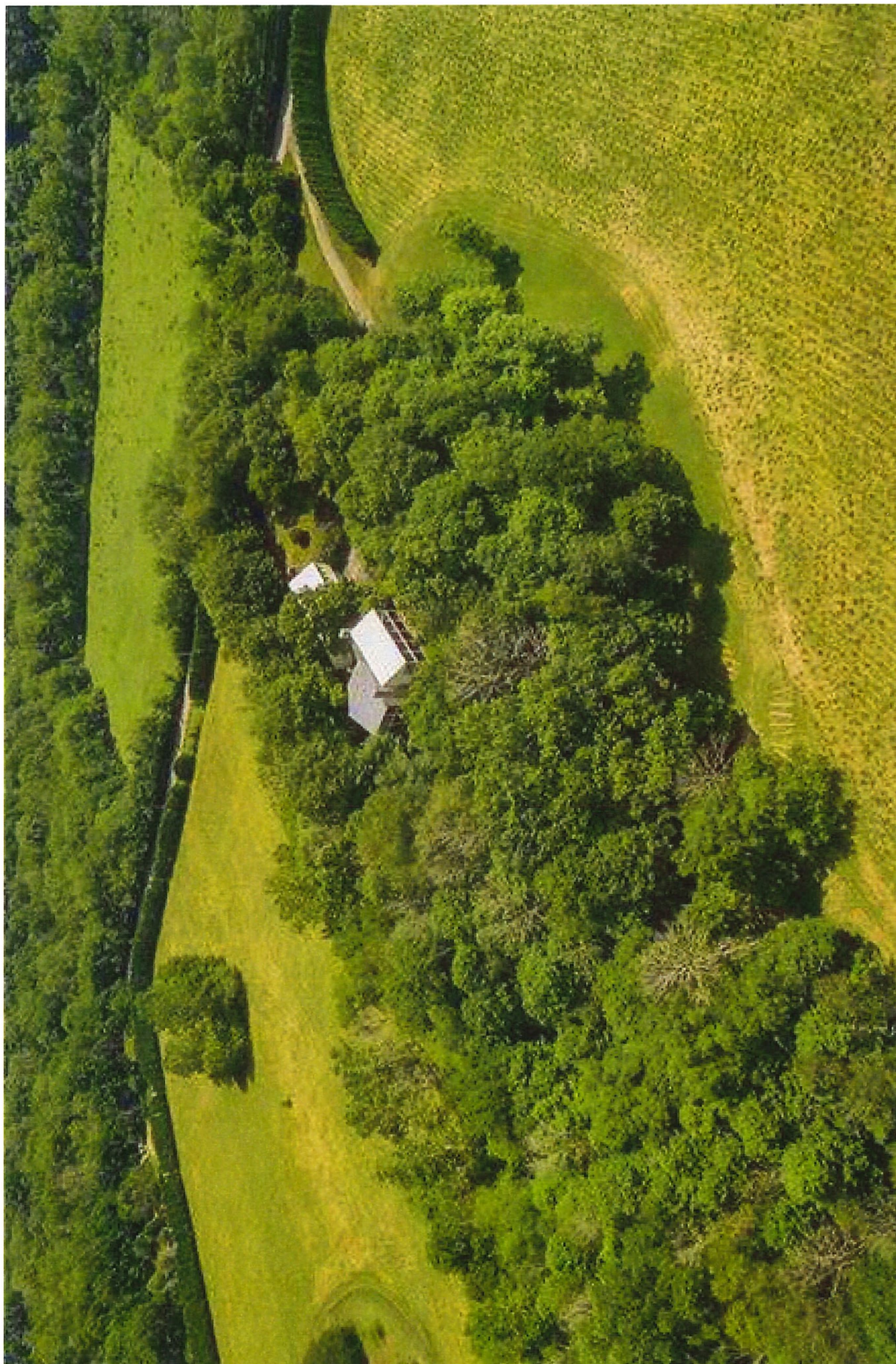
















View of site looking west across Fishback Road (from south to north)



View of site looking west across Fishback Road (from south to north)





View of site looking west across Fishback Road (from south to north)



View of site looking west across Fishback Road (from south to north)

## STAFF REPORT

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

**Case Number:** 2022-MOD-020  
**Address:** 4755 Statesmen Drive (*Approximate Address*)  
**Location:** Washington Township, Council District #3  
**Zoning:** D-P  
**Petitioner:** Sycamore Springs Partners, LLC, by Adam Dehart  
**Request:** Modification of Site Plan related to 95-Z-53 as modified by 99-AP-9 to legally establish a commercial building and provide for a parking lot expansion.

### **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 home to a small office center dating back to the late 1990s and early 2000s.
- ◇ The Comprehensive Land Use Plan recommends Village Mixed-Use for the site. This land use typology is intended for village centers with a mixed-use core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development.

#### **MODIFICATION OF SITE PLAN**

- ◇ This site was part of a 1995 rezoning (95-Z-53) of 128 acres from the SU-3, C-1, and D-A districts to the D-P district to provide a mixed-use development of 322 single-family dwellings, 70 townhouse units and six acres of office and retail development.

(Continued)

## **STAFF REPORT 2022-MOD-020 (Continued)**

- ◇ The D-P district allows a petitioner to request a customized district with its own list of permitted uses, development statement and site plan. Development on the site is then contingent on those items. Proposed development is a D-P district is submitted to the Administrator's Approval process to ensure that it aligns with the development statement and site plan.
- ◇ The subject site was laid out in the original site plan for office development on its southern portion and open space on the northern portion. The originally proposed office development took place in the late 1990s and early 2000s. An additional office building was constructed in the area originally intended for open space. It appears that this building was issued permits without being granted an Administrator's Approval.
- ◇ Recently, an Administrator's Approval was requested for a proposed parking lot to the north of the north building. This action brought to light the need for a modification to the originally approved site plan.
- ◇ The modification of site plan would establish the existing north office building and would provide for a 13-car parking lot on the north side of the building. The site plan also shows a new sidewalk along 82<sup>nd</sup> Street.
- ◇ A parking lot in this location would not be out of character with development in the vicinity.
- ◇ Staff would note that a walkway from the 82<sup>nd</sup> Street sidewalk to the building entrance is required by Ordinance.

## **GENERAL INFORMATION**

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

D-P	Metro	Office building
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### **SURROUNDING ZONING AND LAND USE**

North	D-6II	Multi-family dwelling complex
South	D-P	Single-family dwellings
East	C-S	Retail center
West	D-P	Retail center, office building, two-family dwellings

COMPREHENSIVE LAND USE PLAN	The Washington Township Comprehensive Land Use Plan (2020) recommend Village Mixed-Use.
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(Continued)



## **STAFF REPORT 2022-MOD-020 (Continued)**

### **THOROUGHFARE PLAN**

82<sup>nd</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 141-foot existing right-of-way and a 134-foot proposed right-of-way.

Statesmen Drive is a private street and isn't classified in the Official Thoroughfare Plan for Marion County, Indiana.

### **FLOODWAY / FLOODWAY FRINGE**

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

### **WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

### **STREAM PROTECTION CORRIDOR**

This site is not located in a stream protection corridor.

## **ZONING HISTORY – SITE**

**95-Z-53, DP-3; 8101 Dean Road**, requested the rezoning of 127.6 acres from the SU-3, C-1, and D-A districts to the D-P district to provide for 322 single-family dwellings, 70 townhouse units and six acres of commercial development, **approved**.

**85-Z-175; 5101 East 82<sup>nd</sup> Street**, requested the rezoning of 40 acres from the A-2 district to the D-6II district, **denied**.

## **ZONING HISTORY – VICINITY**

**2022-ZON-026; 4825 East 82<sup>nd</sup> Street (east of site)**, requested the rezoning of 1.6 acres from the C-S district to the C-S district to add Health and fitness facility; gymnasium; instruction in baseball, gymnastics or swimming; trampoline park; or other similar indoor commercial amusement/recreation establishment to the permitted uses and a modification of commitments related to 95-Z-171 as amended by 98-AP-6 to provide for the above uses, **approved**.

**98-Z-87; 5205 East 82<sup>nd</sup> Street (east of site)**, requested the rezoning of 41.2 acres from the C-S district to the C-S district to provide for a veterinary clinic, **approved**.

**95-Z-171; 4825 East 82<sup>nd</sup> Street (east of site)**, requested the rezoning of 45 acres from the D-A, C-1, and C-4 districts to the C-S district to provide for mixed-use office and retail development, **approved**.

(Continued)

**STAFF REPORT 2022-MOD-020 (Continued)**

**90-Z-118; 4625 East 82<sup>nd</sup> Street (west of site)**, requested the rezoning of 5.8 acres from the D-A district to the D-5 district, **denied**.

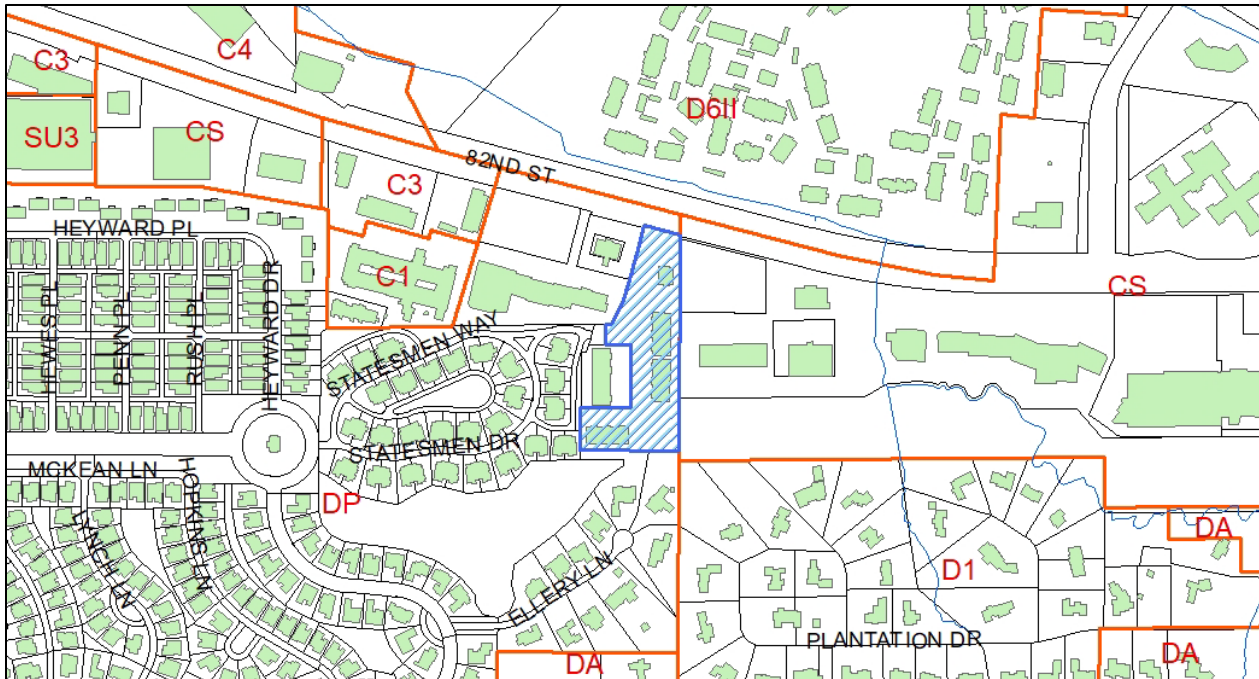
**86-Z-44; 4602 East 82<sup>nd</sup> Street (north of site)**, requested the rezoning of 61.2 acres from the A-2 district to the D-6II district, **approved**.

**85-Z-82; 4602 East 82<sup>nd</sup> Street (north of site)**, requested the rezoning of 82 acres from the A-2 district to the C-S district to provide for multi-family dwellings, offices and retail development, **withdrawn**.

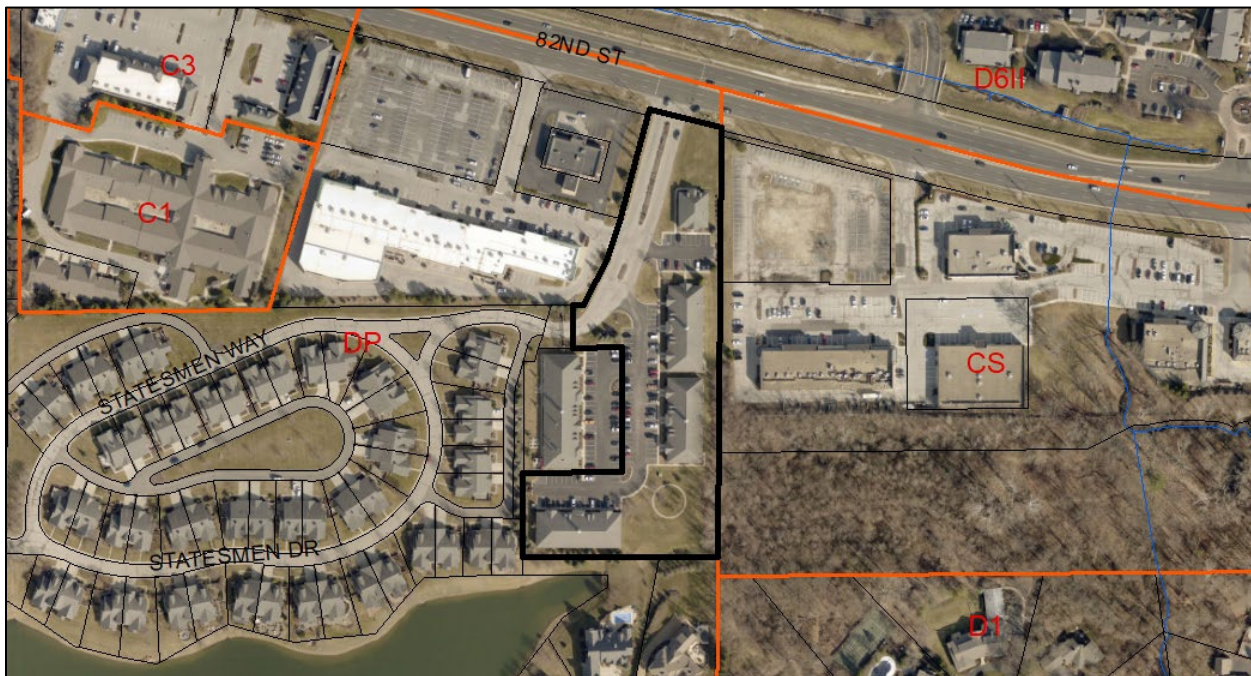
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### STAFF REPORT 2022-MOD-020, Location

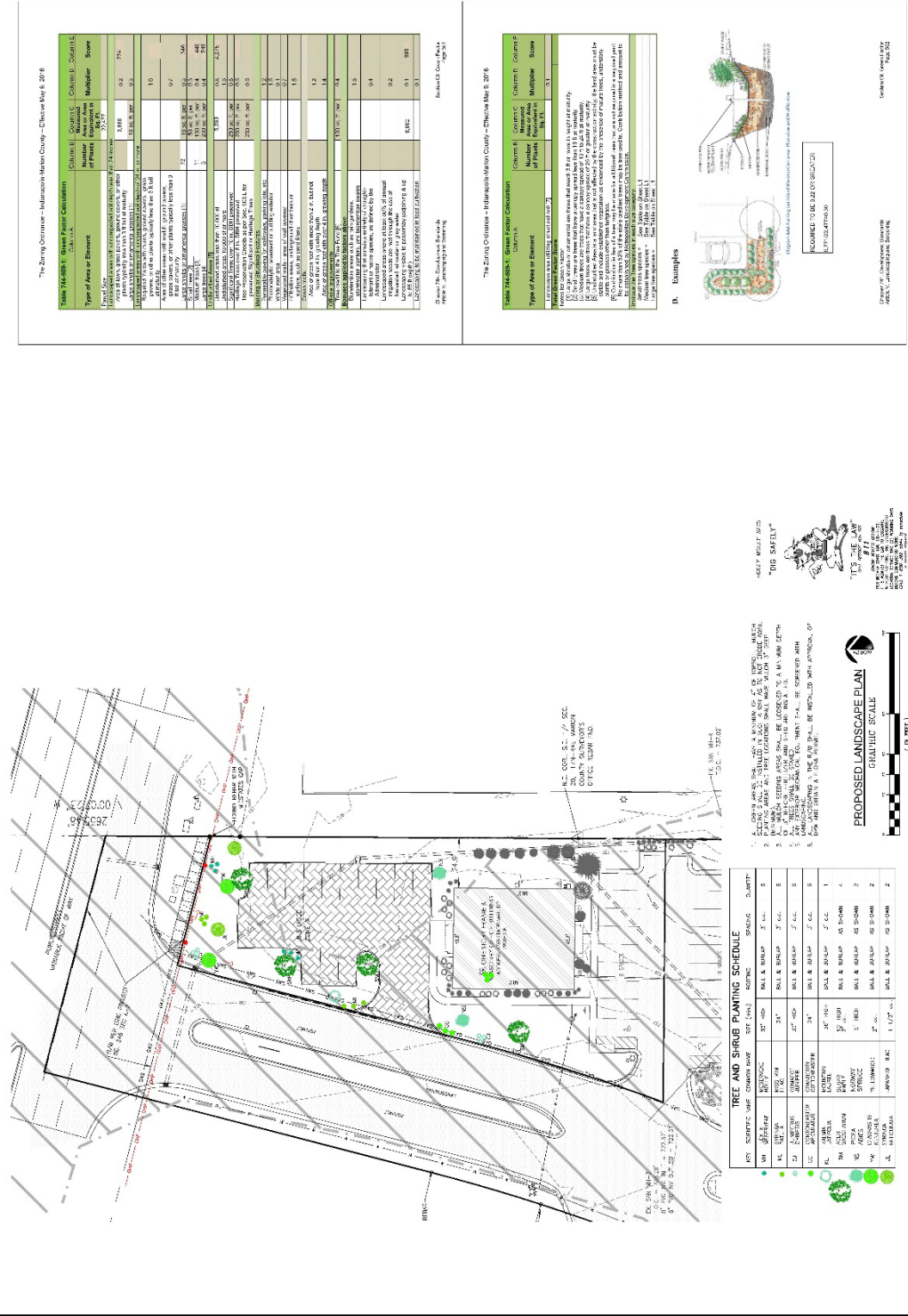


### STAFF REPORT 2022-MOD-020, Aerial photograph (2021)





## STAFF REPORT 2022-MOD-020

[illegible]

**STAFF REPORT 2022-MOD-020, Photographs**



Looking south at the subject site from 82<sup>nd</sup> Street.



Looking south along Statesmen Drive. The subject site is to the left.





Looking east along the north edge of the site where the parking lot is proposed.



Looking south at the southern portion of the site.





Looking south on Statesmen Drive.

## STAFF REPORT

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

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

### **RECOMMENDATION**

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

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is an undeveloped agricultural site. Nearby residential development is a mix of residential plots along 30<sup>th</sup> Street dating back to the 1950s, single-family residential developments dating from the mid-1980s to the present, and multi-family development dating back to the late 1980s to early 1990s. A commercial node on the southeast corner of German Church Road and 30<sup>th</sup> Street was begun in the mid-2000s and continues to develop today. The Grassy Creek Regional Park is nearby to the west.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology envisions primarily single-family dwellings with multi-family dwellings and commercial areas as appropriate. Natural areas such as stream corridors are recommended as focal points or organizing systems for development. Housing density is recommended at one to five dwelling units per acre.

(Continued)

## **STAFF REPORT 2022-MOD-021 (Continued)**

### **MODIFICATION OF COMMITMENTS**

- ◇ This site was rezoned in 2021 from the D-3 district to the D-5II district. The petition was approved subject to 17 commitments, two of which were requested by Staff.
- ◇ This petition would modify Commitment #15. The other commitments would remain as originally approved.
- ◇ Commitment #15 states that “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, trash receptacle enclosure provisions, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year before the units can be rented or leased.”
- ◇ The modification would amend Commitment #15 to state “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year or rented or leased for a minimum of a one-year period.” This removes the requirement for trash receptacle enclosures and the prohibition on renting or leasing units in their first year of occupation.
- ◇ Commitment #15 was the product of negotiations between the petitioner and neighboring organizations without staff’s involvement. As such, staff has no recommendation on the commitment’s modification. However, staff would note that the neighbors’ recommendation in the original petition was based on all the commitments that were submitted and on the reasonable assumption that the site would be developed in accordance with those commitments,

### **GENERAL INFORMATION**

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

D-3	Metro	Undeveloped land
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#### **SURROUNDING ZONING AND LAND USE**

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

**(Continued)**



**STAFF REPORT 2022-ZON-021 (Continued)**

COMPREHENSIVE LAND USE PLAN	The Warren Township Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood.
THOROUGHFARE PLAN	<p>German Church Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial with a 90-foot existing right-of-way and a 119-foot proposed right-of-way.</p> <p>30<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector with a 115-foot existing right of way and an eighty-foot proposed right-of-way.</p>
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

**ZONING HISTORY – SITE**

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

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

**ZONING HISTORY – VICINITY**

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

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

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

**(Continued)**

**STAFF REPORT 2022-ZON-021 (Continued)**

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

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

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

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

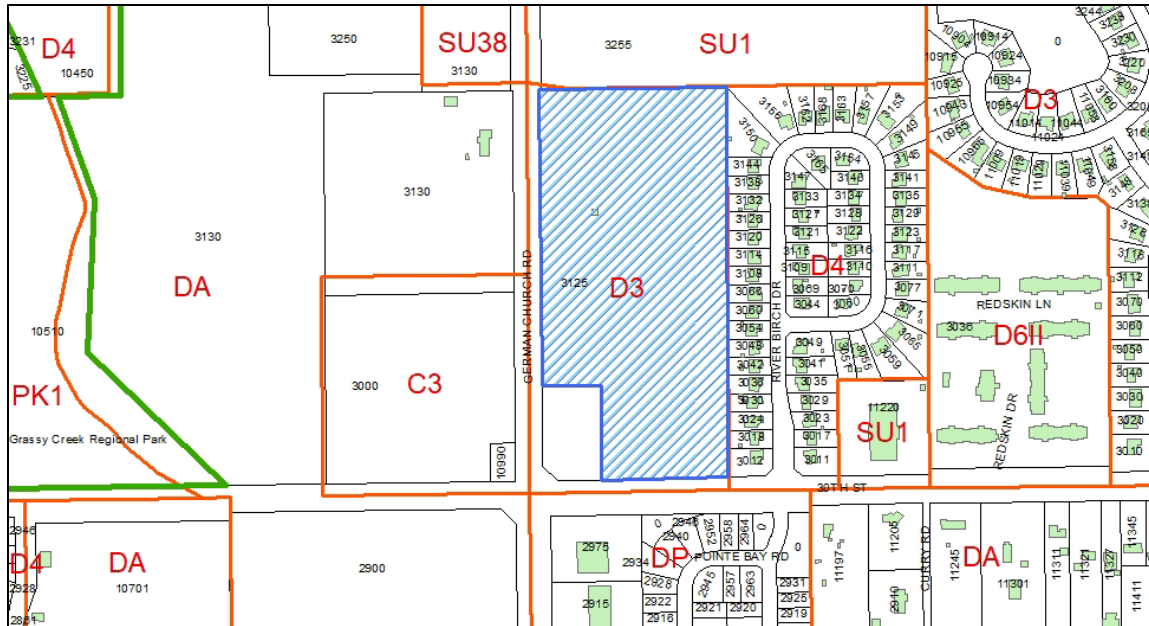
**88-Z-124; 11128 East 30<sup>th</sup> Street (east of site)**, requested the rezoning of 17.5 acres from the A-2 district to the D-4 district, **approved.**

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

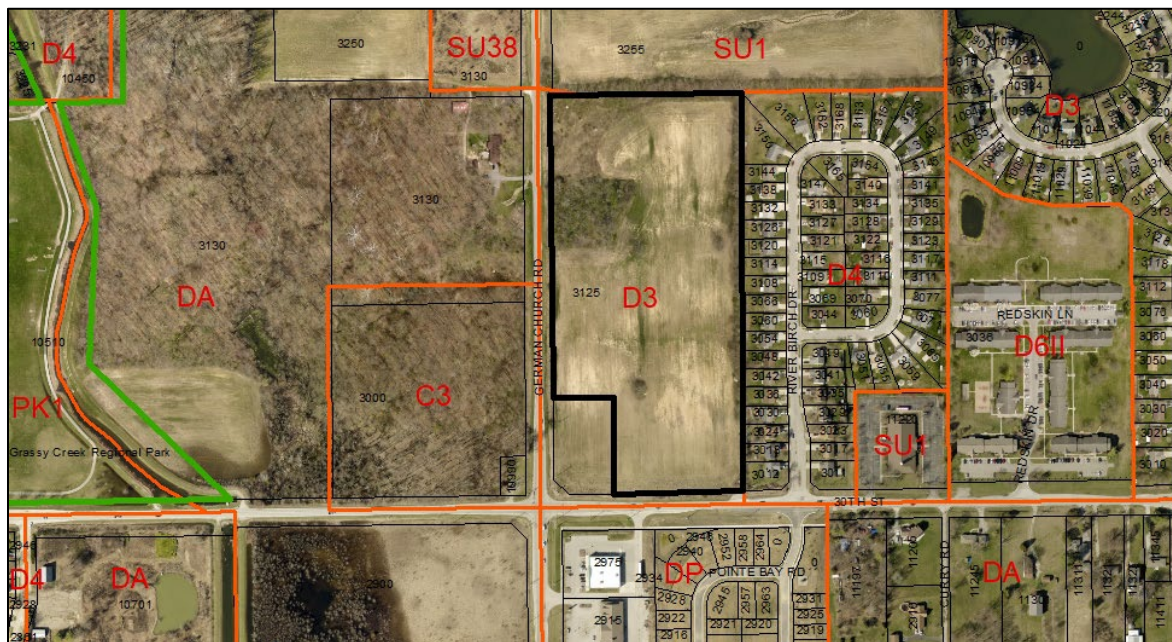
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## STAFF REPORT 2022-ZON-021, Location



## STAFF REPORT 2022-ZON-021, Aerial photograph (2020)





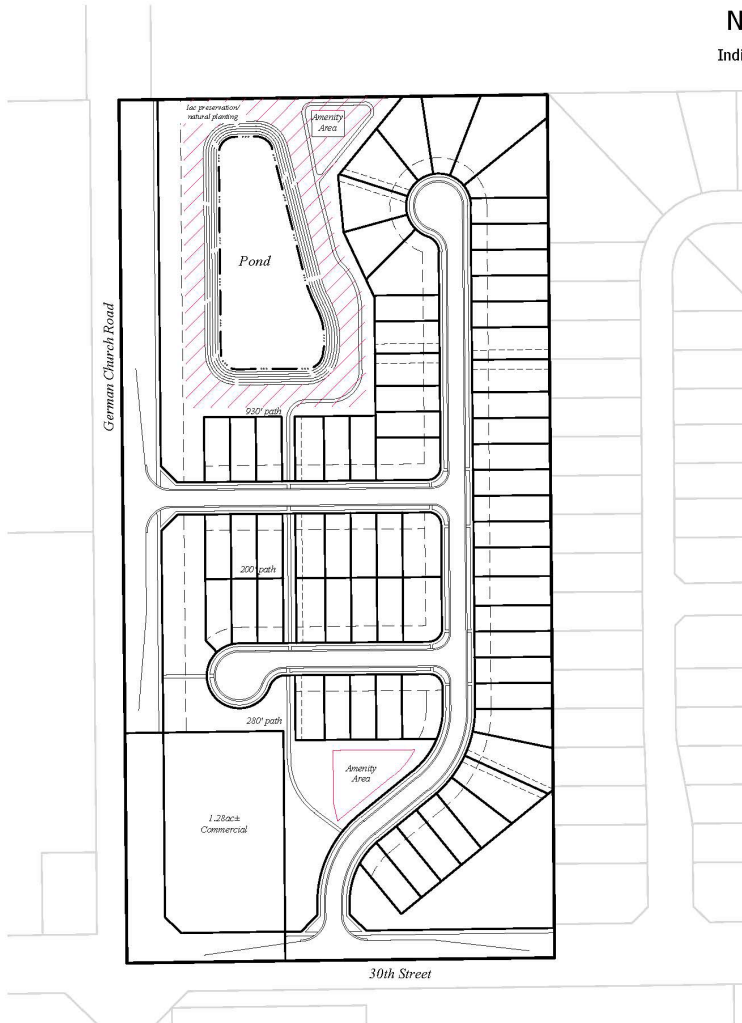
# STAFF REPORT 2022-MOD-021, 2002-ZON-132 Site Plan

CONCEPT PLAN

May 25, 2021

## 30th & German Church

NE Corner  
Indianapolis, Indiana



Single Family  
Option F

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



STOEPPELWERTH

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

**STAFF REPORT 2022-MOD-021, Findings of Fact**Petition Number 2018-CAP-

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

PETITION FOR MODIFICATION OF COMMITMENTS

FINDINGS OF FACT

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

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

DECISION

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

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


**STAFF REPORT 2022-MOD-021, Photographs**



Looking north across 30<sup>th</sup> Street to the subject site.



Looking northwest at the intersection of 30<sup>th</sup> Street and German Church Road.





Looking south on Pointe Harbour Drive from 30<sup>th</sup> Street.



Looking north on River Birch Drive from 30<sup>th</sup> Street.

## STAFF REPORT

Item 15.

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

**Case Number:** 2022-MOD-022  
**Address:** 5389 Rockville Road (*Approximate Address*)  
**Location:** Wayne Township, Council District #15  
**Zoning:** C-S  
**Petitioner:** Rockville Dynasty, LLC, by Michael Rabinowitch  
**Request:** Modification of Commitments related to rezoning petition 2001-ZON-054, to remove Tobacco Store as a prohibited use on Lots 2 and 3.

### RECOMMENDATIONS

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

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### LAND USE ISSUES

- ◇ This 1.36-acre site, zoned C-S is developed with a one-story commercial strip center. It is surrounded by a self-storage facility to the north, across Rockville Road, zoned C-S; single-family dwellings to the south, zoned D-2; commercial uses to the east, zoned C-4; and commercial uses to the west, zoned C-S.

#### MODIFICATION

- ◇ This request would modify commitments related to rezoning petition 2001-ZON-054, to remove Tobacco Store as a prohibited use on Lots 2 and 3. See Exhibit A.
- ◇ Petition 2001-ZON-054 rezoned the site (including the abutting parcel to the west) to provide for commercial uses, including offices, restaurants, and automotive tire and wheel sales. Commitments associated with this rezoning included a list of prohibited uses. Petition 2005-ZON-021 rezoned the abutting parcel to the west from the C-S district to the C-S classification to provide for an automotive interior replacement and repair business.
- ◇ The commitments eliminating certain uses were originally the result of negotiation between the petitioner and remonstrators during the 2001 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

(Continued)

- ◇ The Comprehensive Plan recommends Community Commercial typology. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces..”
- ◇ The 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.
- In master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.

#### *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)*

- Outdoor display of merchandise should be limited. If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- 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.

#### **Plan of Operation**

- ◇ The Plan of Operation, file-dated October 26, 2022, describes the products that would be available for purchase and the hours of operation. See Exhibit B.
- ◇ As described, this business operation would be consistent with the Comprehensive Plan recommendation of community commercial.

(Continued)



GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Commercial strip center

SURROUNDING ZONING AND LAND USE

North -	C-S	Self-storage facility
South -	D-2	Single-family dwellings
East -	C-4	Commercial uses
West -	C-S	Commercial uses

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.
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THOROUGHFARE PLAN	This portion of Rockville Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 112-foot right-of-way and a proposed 88-foot right-of-way.
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CONTEXT AREA	This site is located within the metro context area.
--------------	---

OVERLAY	This site is not located within an overlay.
---------	---

PLAN OF OPERATION	File-dated October 26, 2022
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ZONING HISTORY

**2001-ZON-054; 5391 – 5397 Rockville Road**, requested rezoning of 2.93 acres from the D-2 District to the C-S classification to provide for commercial uses, including offices, restaurants, and automotive tire and wheel sales, **approved**.

**2005-ZON-021; 5397 Rockville Road**, requested rezoning of 0.858 acre, being in the C-S District, to the C-S classification to provide for an automotive interior replacement and repair business, **approved**.

(Continued)

**VICINITY**

**85-Z-133 / 85-CV-17; 5383 Rockville Road (east of site)**, requested rezoning of 0.31 acre from the D-2 District to the C-4 classification to provide for additional parking for a restaurant; and a variance of development standards of the transitional yard requirements along the west and south property line, **approved and granted**.

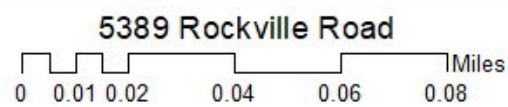
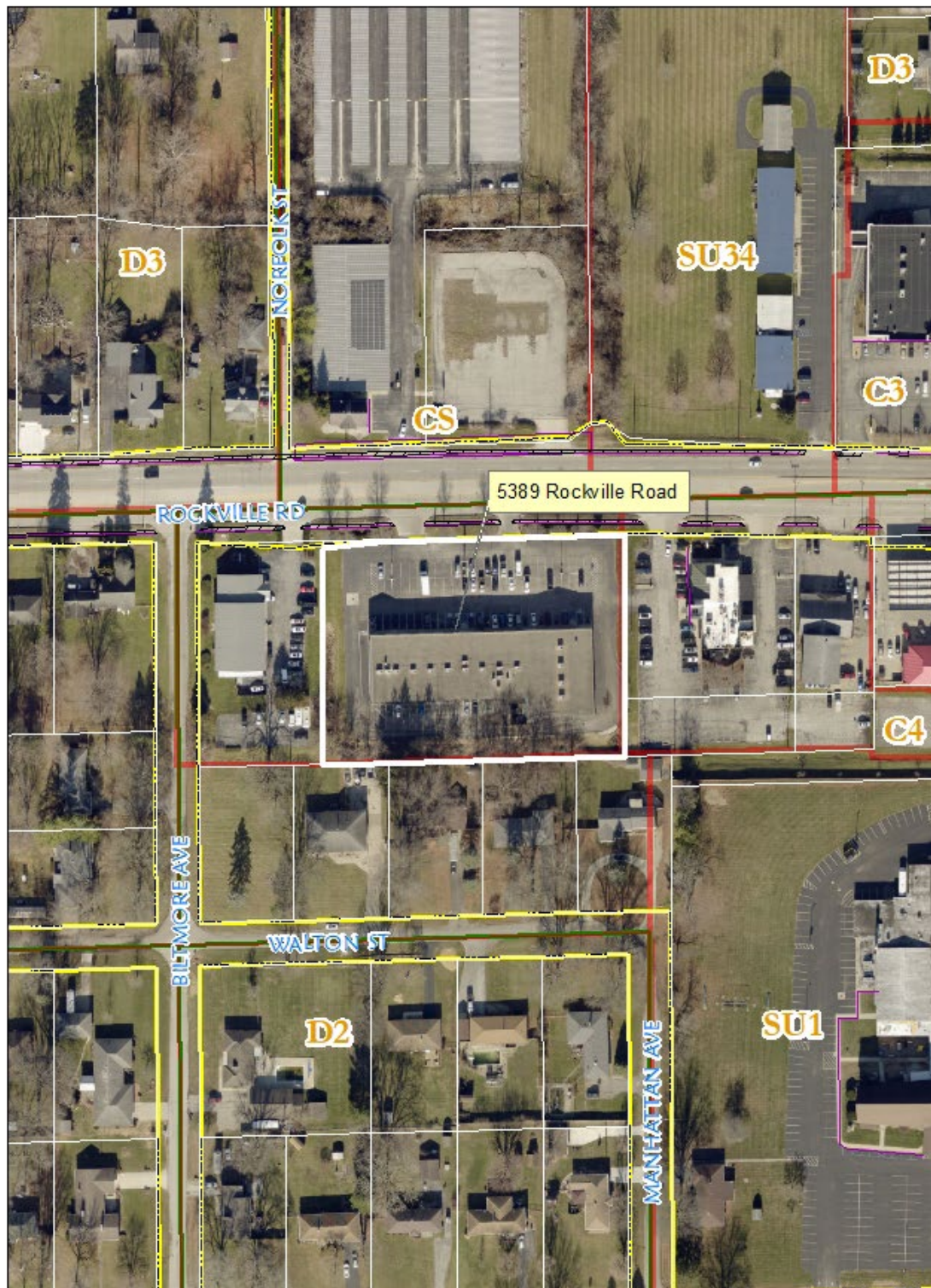
**77-Z-110; 5385 Rockville Road (east of site)**, requested rezoning of 1.07 acres, being in the D-2 District, to the C-4 classification to provide for a restaurant, **approved**.

**77-V1-79; 5383 Rockville Road (east of site)**, requested a variance of development standards to erect a restaurant with drive-through component within 100 feet of a residential district, **granted**.

**73-Z-80; 5396 Rockville Road (north of site)**, requested rezoning of 17.24 acres, being in the D-3 District, to the C-4 classification, to provide for retail commercial development, **approved**.

kb

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2001-ZON-054

9

## 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. 36-7-4-613 or I.C. 36-7-4-614, 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 Attachment "B" for legal description)

## Statement of COMMITMENTS:

- 1 The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
- 2 (See Attachment "C" for additional commitments.)

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein for a period not to exceed fifteen years; 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 #2001-ZON-054 by the City-County Council changing the zoning classification of the real estate from the D-2 zoning classification to a C-S zoning classification; or

MDC's Exhibit B -- page 1



07/24/01 01:05PM WANDA MARTIN MARION CTY RECORDER JHM 25.00 PAGES: 5

Inst # 2001-0126968

(b) the adoption of approval petition #N/A by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S 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. Greater Garden City Civic Association, Inc.

The undersigned hereby authorizes the Division of Neighborhood Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2001-ZON-054.

IN WITNESS WHEREOF, owner has executed this instrument this 26<sup>th</sup> day of June, 2001.

Signature: Mickey A. Cole  
Mickey A. Cole

STATE OF INDIANA )

) SS:

COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared Mickey A. Cole, the owner of the real estate, who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this

26<sup>th</sup> day of June, 20 01

Suzanne M. Bowes

Notary Public

SUZANNE M. BOWES

Printed Name of Notary Public

My Commission expires: 4/6/08

My County of residence: Marion

This instrument was prepared by Philip A. Nicely, Bose McKinney & Evans LLP, 600 E. 96th Street, Suite 500, Indianapolis, IN 46240

MDC's Exhibit B -- page 2

## ATTACHMENT "A"

**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

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

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

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



Revised: June 11, 2001  
June 14, 2001

**ATTACHMENT "C"**  
**ADDITIONAL COMMITMENTS**  
**FOR**  
**5391-5397 ROCKVILLE ROAD**

1. These commitments shall control the use and development of the three lots of real estate described in Attachment "B" ("Lot 1," "Lot 2," and "Lot 3").
2. The permitted uses on Lot 1 shall be limited to C-1 uses, except that the following C-1 uses shall not be permitted:
  - Auditorium, Assembly Hall
  - Community, Multi-service, Neighborhood or Senior Citizens Center
  - Blood Donor Stations
  - Membership Organization or Club, any type
  - Radio Station, office or studio
  - Television Station, office or studio
  - Public and Semi-Public Uses
  - Schools/Educational Services
3. The permitted uses on Lot 2 shall be limited to C-3 uses, except that the following C-3 uses shall not be permitted:
  - Check Cashing or Validation Store
  - Coupon or trading stamp redemption service
  - Drinking Place (bar or tavern)
  - Emergency Shelter
  - Gasoline Service Station
  - Tattoo Parlor
  - Post Office
  - Bait and Tackle Shop
  - Liquor Store (Package)
  - Pawn Shop
  - Tobacco Store
  - Trading Stamp Center
  - Social Club, Membership
  - Furniture and Appliance Rental
  - Automobile Oil Change or Lubrication Shops



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4. The permitted uses on Lot 3 shall be limited to C-4 uses, except that the following C-4 uses shall not be permitted:
- Check Cashing or Validation Service
  - Coupon or trading stamp redemption store
  - Drinking Place (bar, tavern, cabaret, nightclub)
  - Emergency Shelter
  - Tattoo Parlor
  - Post Office
  - Bait and Tackle Shop
  - Liquor Store (Package)
  - Pawn Shop
  - Tobacco Store
  - Trading Stamp Center
  - Social Club, Membership
  - Adult Entertainment Business
  - Auction Rooms
  - Bed and Breakfast Inn
  - Fire Station
  - Fraternal Lodge
  - Indoor Commercial Amusement/Recreation Establishments
  - Massage Parlor
  - Substance Abuse Treatment Facility
  - Plasma (Blood) Center
  - Firearms/Gun Sales
  - Fireworks Sales
  - Flea Market
  - Rooming and Boarding Houses
  - Automobile Oil Change or Lubrication Shops - as a primary use
5. Cross easements for access and parking shall be permitted such that points of access to Rockville Road may serve more than one Lot and parking for a use may be located on a Lot other than the Lot where a building containing the use is located.
6. Reasonable attempts will be made to retain all existing healthy trees located within required transitional yards and landscape strips. Reasonable attempts will be made to retain selected existing healthy trees on the interior of each Lot while recognizing that construction of a building with required parking requires using a large percentage of each Lot. However, existing landscaping shall not be disturbed on any Lot until construction of a building is to commence on a Lot, unless necessary to provide utility or drainage facilities to another Lot.
7. Any automotive tire and wheel sales facility constructed on Lot 3 shall be consistent with the building elevation attached hereto as Exhibit A, unless an alternative elevation equal to or better than the Exhibit A elevation is otherwise approved by the Administrator. The plans for any such alternative elevation for an automotive tire and wheel sales facility shall be submitted to the President of the Garden City Civic Association, Inc. for review and

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comment a minimum of seven (7) calendar days prior to the submittal of said alternative plans to the Administrator.

8. The paint colors for any automotive tire and wheel sales facility constructed on Lot 3 shall be limited to neutral and/or earth tone colors.
9. The number of access points to Rockville Road will be limited to three (3) for the entire Real Estate. There shall be no access to Biltmore Avenue from Lot 1.
10. All identification signs constructed on Lot 1 shall comply with C-1 sign regulations.
11. All wall identification signs for any automotive tire and wheel sales facility constructed on Lot 3 shall be limited to white letters only and any illumination of the signs shall be internal. Any identification sign on the front, or north, facade of this facility shall be limited to "A-1."
12. All free-standing security lighting shall be shoe-box type down lighting. All wall-pac security lighting shall have full cutoff shields, which allow no light above a horizontal plane.
13. No outdoor sales or outdoor operations (work) shall be permitted for any automotive tire and wheel sales facility constructed on Lot 3.
14. Any automotive tire and wheel sales facility constructed on Lot 3 shall close for business no later than 6:00 PM each work day.
15. The existing sign for A-1 Tire & Wheel located at 5315 Rockville Road will be repaired within sixty (60) days of the final approval of this petition, 2001-ZON-054.
16. No billboard type outdoor advertising signs shall be permitted on the Real Estate.
17. Any automotive tire and wheel sales facility constructed on Lot 3 shall have either horizontal siding on the front (north) elevation above the canopy roof or a brick or stone veneer on the front (north) elevation below the windows.

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**Sarah Trading Inc****5389 Rockville Rd Suite 700, Indianapolis, IN, 46224****Plan of Operation****Description of Business**

Smoke & Vape retail shop provides tobacco products and related accessories as well as fashion accessories such as carry-on bags, wallets, chains, t-shirts, etc. to the community at a very competitive price.

**Owners Information:**

Name : Rizwan Haider

Phone: 317-371-0852

Year in Business: 1 year.

Number of employees in a shift : 1

Owner's Background: I am an immigrant who moved to the USA 7 years ago and got my USA citizenship 2 years ago. I began working as an accountant in a tobacco distribution company, and I always wanted to do my own business. I saw a great opportunity/need in this community for a tobacco/vape shop. I am very much involved in the day-to-day operations of my store, and I am learning the needs of the community based on interacting with my customers. So far I have received positive response and online reviews about my store. I have 3 dedicated, knowledgeable employees who help me in operating my store.

**Typical Hours of Operation**

Monday – Saturday 10:30 a.m. – 9:00 p.m.

Sunday 12:00 p.m – 8:00 p.m



View looking west along Rockville Rpad



View looking east along Rockville Road





View of site looking along the western property boundary



View of site looking southeast





View looking south along the eastern property boundary



View of site looking southwest





View from site looking north across Rockville





View from site looking north across Rockville



View from site looking north across Rockville





View from site looking east

## STAFF REPORT

Item 16.

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

**Case Number:** 2022-ZON-125  
**Address:** 5212 and 5246 Bluff Road (*Approximate Addresses*)  
**Location:** Perry Township, Council District #23  
**Petitioner:** Burmese American Community Institute, Inc., by Andi M. Metzel  
**Request:** Rezoning of 9.24 acres from the D-A district to the SU-38 district to provide for a community center.

### **RECOMMENDATIONS**

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of Bluff Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 9.24-acre site, zoned D-A, is comprised of three parcels developed with single-family dwellings and accessory structures. It is surrounded by single-family dwellings, accessory structures and agricultural uses to the north, zoned D-A; open space to the south, zoned D-A; single-family dwellings to the east, across Bluff Road, zoned D-A; and railroad right-of-way to the west, zoned D-A.

(Continued)

- ◇ Petition 96-UV3-101 legally established three dwelling units on one lot with one of the units being a 980-square foot mobile home.

**REZONING**

- ◇ This request would rezone the site from the D-A district to the SU-38 (Community Center) district. “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, as hereinafter provided.”
- ◇ The Comprehensive Plan recommends suburban neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- ◇ The 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.

(Continued)



*Large-Scale Schools, Places of Worship, Community- Serving Institutions/Infrastructure, 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 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.
- Should be located within one-half mile of a bus or rapid transit stop, unless there is no bus service within the institution's service area.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

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

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

(Continued)

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

### **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 Bluff Road. This dedication would also be consistent with the Marion County

### **Indiana Fire Code**

- ◇ This site would also be subject to, but not limited to, the following Indiana Fire Code provisions:

Indiana Fire Code 2014

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

### **Detailed Project Description**

- ◇ The detailed project description, file-dated October 26, 2022, provides details on the intended community to be served, the types of services and programs that would be offered, and the physical environment within which to provide these services and programs.

(Continued)

Planning Analysis

- ◇ As proposed this rezoning would be consistent with the Comprehensive Plan recommendation of suburban neighborhood as a large-scale community-serving institution located on a primary arterial.
- ◇ As development occurs Administrator Approval of development plans would be required to assure compatibility with the surrounding neighborhoods with the appropriate buffering and screening of parking and service areas to minimize impact on surrounding land uses. The Ordinance provides that the development standards required for the C-3 district would be the applicable guide in reviewing development plans.
- ◇ For these reasons staff supports this request, subject to commitments related to right-of-way dedication and a tree preservation plan.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A Single-family dwellings / accessory structures

SURROUNDING ZONING AND LAND USE

North - D-A Single-family dwelling / accessory structures  
South - D-A Single-family dwelling / accessory structures  
East - D-A Single-family dwelling / accessory structures  
West - D-A Railroad right-of-way

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

THOROUGHFARE PLAN This portion of Bluff Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 50-foot right-of-way and a proposed 80-foot right-of-way.

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

OVERLAY This site is not located within an overlay.

SITE PLANS File-dated October 26, 2022

PROPOSED DEVELOPMENT PLAN File-dated October 26, 2022

(Continued)



**ZONING HISTORY**

**96-UV3-101; 5212 Bluff Road**, requested a variance of use and development standards of the Dwelling districts Zoning Ordinance to legally establish three dwelling units in three separate dwelling structure on one lot, with one of the units being a 980-square foot mobile home, **granted**.

**VICINITY**

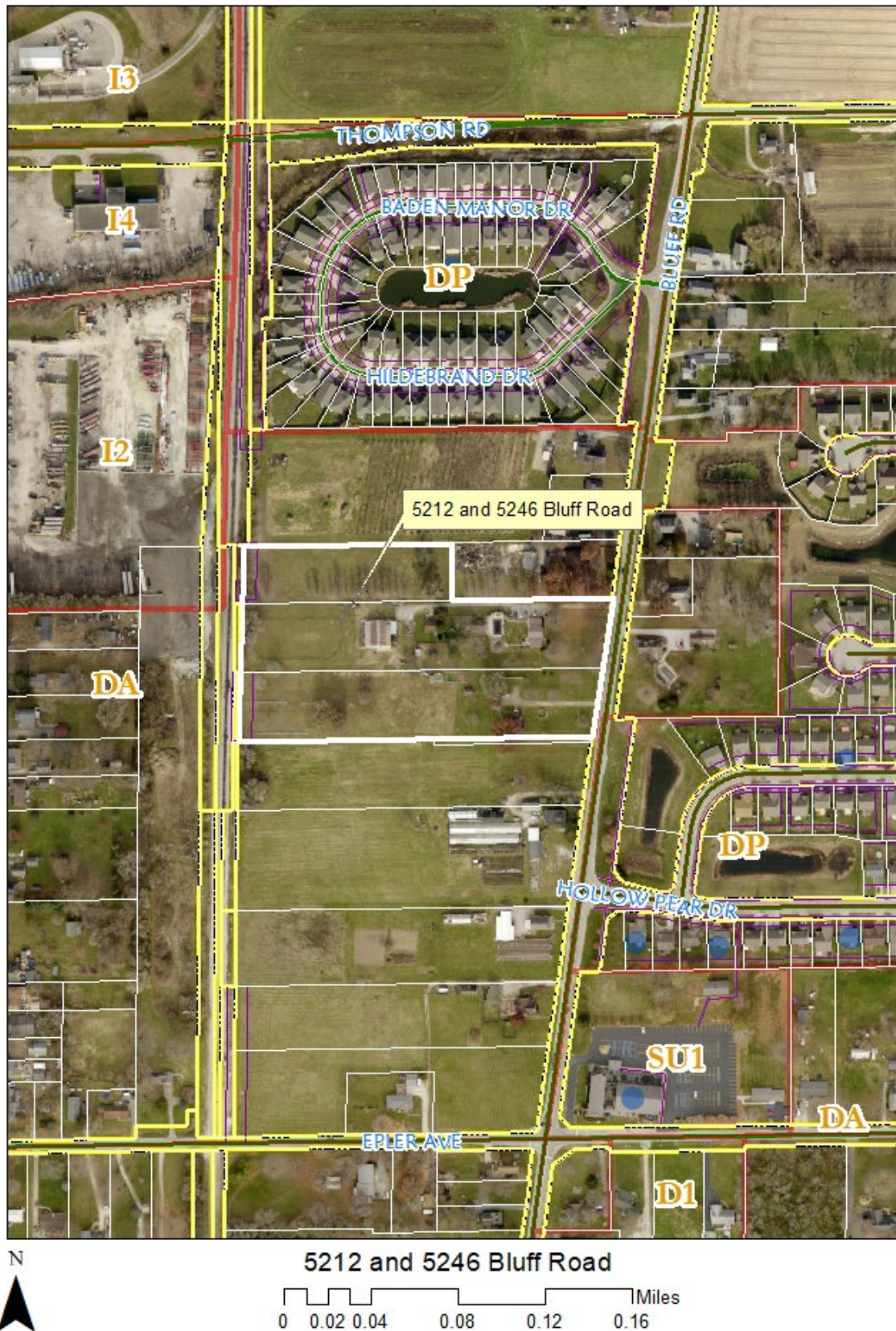
**95-HOV-89; 5235 Bluff Road, (south of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a covered porch, with a 27-foot front setback from Bluff Road, **granted**.

**87-UV3-8; 5220 Bluff Road (south of site)** requested a variance of use to provide for the manufacturing of signs in an existing building, **granted**.

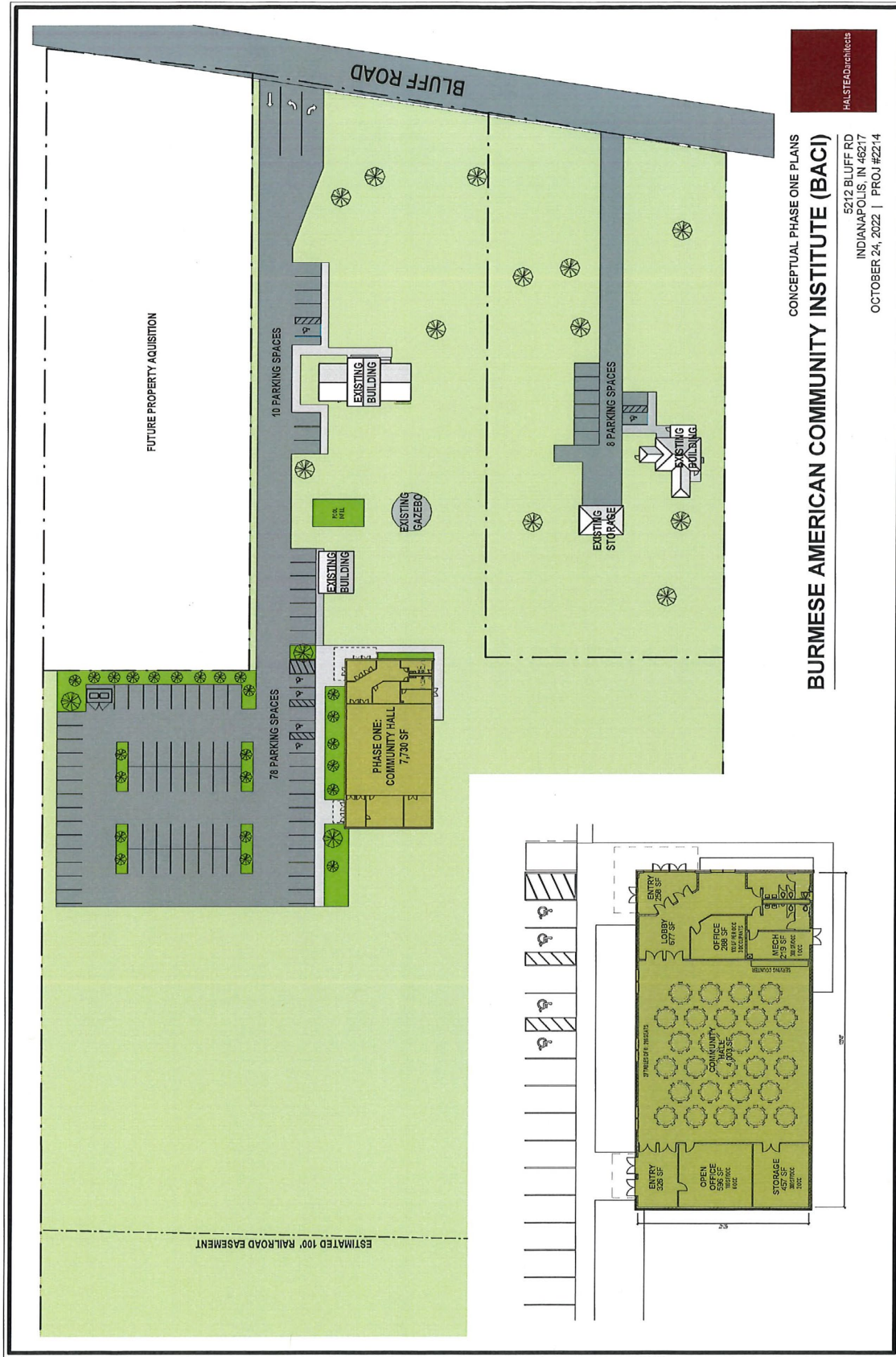
**73-UV2-165; 5220 Bluff Road (south of site)**; requested a variance of use to provide for a plumbing business and a variance of development standards to construct a pole barn and single-family dwelling with reduced setbacks and signage, **granted**.

kb

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*Establishing a Home for BACI  
Creating a Community Center Campus to  
Serve the Community*

***BACI's mission is to build a thriving, self-sufficient, and sustainable, integrated Burmese Community through advocacy, education, and employment.***

## A History of Serving the Community

Founded in 2011, the Burmese American Community Institute (BACI) is a non-profit organization that provides human services, social services, and educational and vocational support to the Burmese and newcomer community in greater Indianapolis. While the term "Burmese" refers to the people from Burma, BACI is unique for serving a wide array of refugees from eight diverse major ethnic groups in Burma: Chin, Kachin, Shan, Karenni (or Kayar), Karen, Mon, Arakan (or Rakhine), Bama (or Burman).

The BACI supports community members regionally, nationally, and globally through strategic partnerships and advocacy to connect, educate, and serve the community.



Since its inception, BACI has assisted more than 17,000 individuals through its diverse programs, including:

### Employment & MicroEnterprise

We assist newcomers with their employment, training, small business start-up assistance as they become self-sufficient and allow them to give back to their communities and contribute to economic growth.

### Upward College Program

The Upward College Program is an innovative year-round program with a comprehensive program design that assists area high school students with their college readiness and success.

### Summer Programs

CRLD is a highly interactive, fun program, focuses on four core areas of learning and engagement, while the Scholars Program focuses on a scientific method of PAR research—solution oriented policy action.

### Civic and Cultural Education

We provide English & Citizenship classes and assist newcomers with their naturalization process, including filing forms N400, G-28 etc. as well as help the community members, to become civically engaged citizens.

### INDY

We help newcomers with their integration process and in effort to meet their needs by connection and information sharing through various channels, including newsletter, email mailing list, social media, referrals, and others means.

### Technical Assistance Program

We help small businesses, faith-based organizations, and community-based organizations with their organization registration, organizational development, bylaws, business plan, program design and more.

### Advocacy Program

BACI advocates for successful integration of newcomers through education, employment, naturalization and civic engagement, refugee protection, the advancement of the Burmese-American community, peace and democracy in Myanmar.

### Civic Participation & Community Engagement

We work with the community members and partners, creating avenue, such as cultural festivals, special engagement events, voter's education talk and others whereby increasing citizen's participation and civic engagement activities.

### Special Projects

BACI collaboratively work with service providers and partners to implement the special projects that benefit the community, they include research projects, service projects, integration projects, citywide, statewide, nationally and internationally.

Additionally, responsive to the emerging needs in light of the COVID-19 and global crisis, BACI has been providing basic needs assistance to the community and services to assist Burmese, Afghans, and Ukrainians refugee/parolees through national and local partnerships.



## Our Vision for Serving the Community

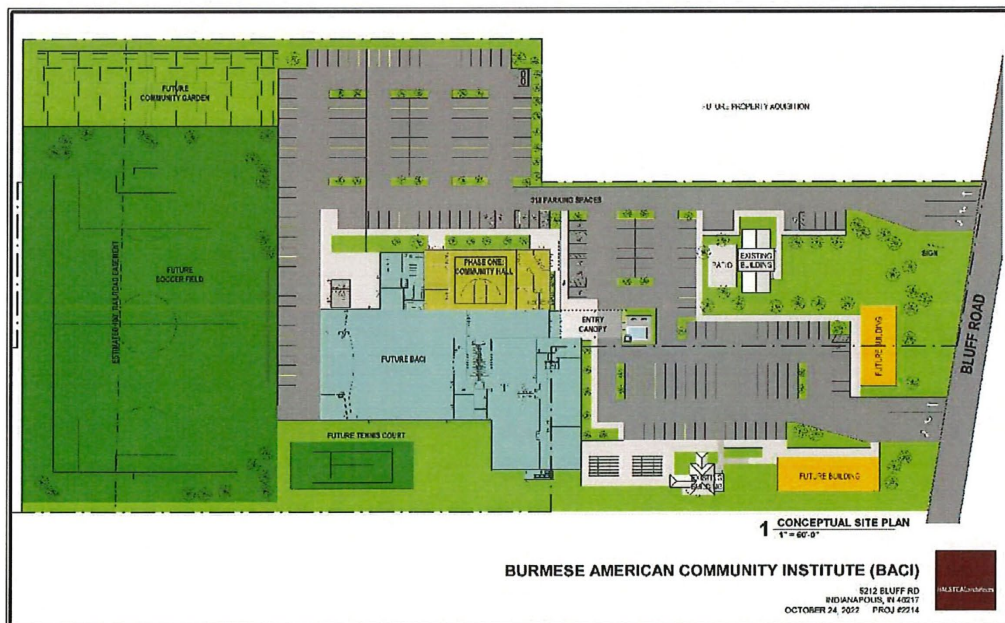
More than 40,000 Burmese refugees have settled in Indiana, and over 27,000 call Indianapolis home. They predominantly live on the south side of Indianapolis, with smaller communities on the north and west sides of the city. Looking at the ongoing crisis in Burma and observing the trends of the refugee resettlement and other factors, the Burmese population and newcomers community in Indianapolis are expected to grow quite rapidly.

These refugees count on BACI for services and advocacy. BACI has leased office space in the Perry Township Government Center since 2013, leaving them to rely on partnerships and contractual agreements to host programs across a large area. Access to transportation limits some program participants' ability to take full advantage of needed services.

BACI has developed a phased approach to creating a Community Center Campus that will effectively continue serving the community as a central location where BACI's programs will be delivered and space made available to provide services for Burmese entrepreneurs. The phases of the vision include:

- Phase I:** Acquisition of properties at 5212 and 5246 Bluff Road, construction of a community hall for events and educational activities, and relocation of some BACI's administrative offices.
- Phase II:** Construction of a gymnasium, multi-purpose space that can seat up to 1,000 people, tennis court, and a community garden as well as larger administrative offices and educational space, including computer lab, training space, education classrooms, and others.
- Phase III:** Construction of entrepreneurial space for small businesses and economic development activities.
- Phase IV:** Explore the possibility of additional constructions for service and program expansion.

### BACI COMMUNITY CENTER CAMPUS MASTER PLAN





## Community Impact & Outcomes of a BACI Campus

The newly developed Burmese Community Center Campus will allow us to engage in the following three main components in line with the BACI strategic plan 2021-2026, including:

- Enhance and grow existing programs and services: BACI will sustain and strengthen its social and educational services to the Burmese and newcomer population in central Indiana with their self-sufficiency and integration, as well as assist youth in college readiness and future success.
- Offer new programs and services: BACI will expand in new service areas that complement current programs and services and serve clients and stakeholders.
- Improve operational effectiveness and capacities: BACI will increase its effectiveness by increasing staff and exploring possibilities for a new office/community center. It will continue strengthening collaborations within the Indianapolis community, schools, funders, and partners.

Some of the expected outcomes and impact of a BACI Community Center Campus include:

- **Thousands of individuals** will be served annually at the BACI Community Center Campus.
- **300 youth** will be served each year through the Upward College Program, an innovative year-round program with a comprehensive program design that assists area high school students with their college readiness and success.
- An additional **700 K-12 students** will be served with various services, including one-time services such as assisting them with 21<sup>st</sup> Century Scholarship, Mentorship, Leadership Development, STEM, academic, social, and sports clubs.
- **100 children** will be provided childcare services and Pre-k schooling.
- **2,000 individuals** will be served through the Civic and Cultural Education Program (CCEP), which provides English & Citizenship classes and assist newcomers with their naturalization process, including filing forms N400, G-28, etc., as well as help the community members to become civically engaged citizens.
- **1,500 individuals** will be served through Employment & MicroEnterprise that assist newcomers with their job placement, job fairs, gainful employment, and training, as they become self-sufficient and allow them to give back to their communities and contribute to economic growth.
- In collaboration with post-secondary institutions, the BACI Career Pathways and Professional Development (CPPD) will train **100 young adults** over the next five years with job certification training in Indiana's high-growth fields identified as Next Level Jobs. This will provide an estimated economic return of over \$2 million annually.
- **30 small businesses** will receive Technical Assistance and Small Business Incubation.
- Over **500 individuals** will receive assistance with basic needs assistance such as affordable housing access, access to nutritional and healthy food, transportation, physical, behavioral health, and mental health services.

- More than **1,000 people** will be served through the community garden and food pantry on the BACI Community Center Campus.
- **400 participants** a year will be served through Refugee Resettlement and Placement Program, welcoming refugees and immigrants worldwide and assisting them with their integration.
- Over **100 youth** will participate in the BACI Upward College Summer Scholars Program/Center for Research, Policy and Innovation (CRPI) not only to help prepare the youth to succeed in their higher education but to help solve some of the most pressing issues and problems confronting the local Burmese-American community and broader society as a whole with a global perspective through a scientific method of research—Participatory Action Research. The researchers then provide solution-oriented policy action recommendations to the stakeholders to help address these fundamental problems for sustained change for the common and the greater good.
- More than **500 visitors** per year will visit the museum to learn about the people, history, diversity, and ethnicity of Myanmar and ASEAN.
- **Provide a home for partnerships and collaboration**, for activities like the **Myanmar Initiative**. Recognizing the challenges Myanmar is facing and the opportunity it offers and the unique position that BACI is in, collaborating with like-minded organizations, agencies and higher educational institutions in Indiana and USA, BACI will continue to promote strong ties between Hoosiers and the American people and the people of Myanmar and Southeast Asia through comprehensive and creative approaches including economic investments, cultural exchange and educational programs—teaching, learning and training opportunities, capacity building and professional development for teachers and emerging leaders, technical assistance for the development of constitution and institutions—with a view to laying strong foundations for democracy whereby supporting peace, sustainable development, and prosperity there in reciprocally beneficial ways and in a win-win.
- The BACI Community Center will also:
  - Serve as a hub for health fairs, various service fairs, connections, referrals, and information, helping newcomers with their integration process and meeting their needs by connection and sharing information through multiple channels, including newsletter, email mailing list, social media, referrals, and other means.
  - Serve as a hub for advocacy activities—advocating for a cohesive, vibrant, and integrated community at several levels—individual needs, community needs, and societal needs, as well as global needs to some extent.
  - Host at least **10 arts, cultural and musical performances** by Burmese community members.
  - Community members will use the space for community meetings and gatherings.
  - Serve as host to **youth and community members** for their sports and physical activities through soccer games, volleyball games, basketball, tennis, and other sports activities.

## Burmese American Community Institute Leadership

BACI's Board of Directors reflects its original philosophy, values, and efforts to ensure the organization's leadership includes different groups within the incoming community from Burma/Myanmar and the mainstream community. The board consists of individuals from diverse backgrounds intellectually, professionally, and personally, and like-minded persons passionate about assisting the incoming individuals with their long-term integration and sustained development. BACI is also developing a Community Center Campaign Advisory Board of 25-50 carefully selected individuals representing a diverse group of people who will contribute financially, bring more donors, and provide advice as the center continue to develop.

### Board of Directors

Dr. Ro Dinga - Chairman IUPUI, Mizo Society of America/Indiana Chin Community of Indiana	San Hlei Thang - Vice-Chairman FSSA	Anthony Gerard Adrian – Acting Secretary Eli Lilly and Company
Rev. Robert Biak Cung, Treasurer Living Chin Christian Church	Elly Kreutzer PNC Bank	Dr. Bruce Ray IUPUI, Retired
U Jeru Southport High School	Nguncer Bualteng Mang Tha Real Estate	Bonnie Kane Retired teacher, Burmese-American advocate
Lian Cin, Former Chairman Indiana Chin Baptist Church		Elaiza Vahnne, MPA BACI Executive Director

### Board of Advisors

Rev. Dr. Stephen Kio Indiana Chin Baptist Church	Rev. Thang Mang Indiana Lautu Evangelical Church	Rev. Dr. Val Thang North America Matu Christian Church
Zapeng Sakhong Chin Evangelical Baptist Church	Matthew P. Schomburg State of Indiana	Leslie Lenkowsky, Indiana University
Ruby Sing Ph.D. candidate and educator	David Williams Indiana University	Dr. Fengyi Kuo IUPUI

# BACI



**Burmese American Community Institute**

*Advocating • Connecting • Educating • Serving*

4925 Shelby Street, Ste 200 Indianapolis, IN 46227

[www.TheBACI.org](http://www.TheBACI.org)



## Our Impact on People

The BACI programs and service continue to impact the lives of many in Central Indiana. Since its inception, we have been able to serve over 17,000 unduplicated persons. The following is some of the selected individual success stories:

**Sarah BTC Mang** participated in the BACI Upward College Program during high school and went to Indiana University Bloomington on a full-tuition scholarship. Sarah continued her education, earning a Master of Public Health (MPH) degree from Chamberlain University in Fall 2021.

Sarah is working as a service coordinator at the Central Indiana First Steps. She develops strong relationships with families, therapists, and eligibility teams within a designated territory and coordinates therapy services. She is also serving our community through BACI as a part-time Lead Instructor of English and Citizenship Class at the BACI Civic and Cultural Education Program (CCEP) Program that empowers new Americans with security in their rights and liberties by providing English and Citizenship instruction, including rights and responsibilities education.

**Julie Mawi** is one of the first women to participate in the BACI's first federally funded Childcare Microenterprise Development Program (CMED), where over 15 Burmese refugee women were trained to become licensed childcare home-based service providers. The program sought to ensure that culturally and linguistically appropriate and competent childcare services were provided, beyond assisting these women in actively participating in the workforce and contributing to the community's economic activities. Ms. Mawi has 44 children currently enrolled at her three home-based childcare with a long waiting list.

"I am grateful to the BACI for giving me the opportunity and guiding me to become a licensed childcare service provider. I will not be here without the support of BACI," said Julie Mawi while donating \$5000 in February from her childcare "Chinsuh" towards the BACI Burmese Community Center buildings.

**Jenni Thang** participated in the 2016 Upward College Summer Research Scholars Program during her high school year. The experience allowed her to gain further interest in research and publish in two journal publications. She is now serving in the program as a Group Research Leader and is currently a Ph.D. student at Purdue University.

**Emily Sung**, a Lilly Endowment Community Scholarship recipient, was recently hired as ELA Teacher at Southport Middle School. "Thank you for all the help throughout my high school, college, and even after! My time with BACI has helped me greatly in many ways. I am really grateful for it," said Emily, who participated in the BACI UCP for four years and interned with us for two summers.

**Cung Ling and Hlawn Nei Thang**, a couple who became naturalized citizens through the BACI Civic and Cultural Education Program, said they are excited to exercise their rights and liberties as they cast their votes in the 2020 Presidential elections. CCEP empowers new Americans with security in their rights and liberties by providing English and Citizenship instruction, rights and responsibilities education, and Green card and Citizenship application assistance.

The BACI Civic and Cultural Education Program, in collaboration with its partners, promotes civic engagement and community participation and has served over **7,000** individuals since its inception.

## Exhibit A

### Heritage Tree Conservation

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

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

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





View looking south along Bluff Road



View looking north along Bluff Road





View of site looking west across Bluff Road

## STAFF REPORT

Item 17.

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

**Case Number:** 2022-ZON-027 (amended)  
**Address:** 7250 North Keystone Avenue (approximate addresses)  
**Location:** Washington Township, Council District #2  
**Petitioner:** Gerber Collison and Glass  
**Request:** Rezoning of 7.20 acres from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) district to provide for Automobile Service and Repair.

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

The Hearing Examiner continued this petition from the July 28, 2022 hearing, to the September 15, 2022 hearing, at the request of the petitioner.

No new information has been submitted to the file.

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

The Hearing Examiner continued this petition from the June 9, 2022 hearing, to the July 28, 2022 hearing, at the request of the property owner.

No new information has been submitted to the file.

#### **ADDENDUM FOR JUNE 9, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the May 23, 2022 hearing, to the June 9, 2022 hearing at the request of staff to provide time for staff to contact the petitioner for an update.

Staff contacted the petitioner and understands they are in the process of providing an amended request that would include a reduction in the acreage that is requested to be rezoned. No information has been submitted to the office but staff will provide updated comments at the hearing.

#### **ADDENDUM FOR MAY 23, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the April 28, 2022 hearing, to the May 23, 2022 hearing, at the request of staff.

Staff has not received any contact from the petitioner or their representative.

Staff continues to recommend denial for the previous stated reasons but would reiterate that if the area proposed to be rezoned would be reduced to only the area occupied by the building and the adjacent parking, staff would reconsider the request. Furthermore, staff no longer requests a donation of any portion of the site.

(Continued)

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

The Hearing Examiner continued this petition from the March 24, 2022 hearing, to the April 28, 2022 hearing, to provide additional time for the petitioner to determine whether a reduction in the acreage to be rezoned would be acceptable. If so, an updated legal description would be prepared and submitted to the file.

At the time of this update, no information has been submitted to the office for review. As noted, staff would reconsider the request if the acreage to be rezoned would be decreased, thereby eliminating the undisturbed area within the southwest portion of the site from this request. The area would remain a D-4 district.

**March 24, 2022****RECOMMENDATIONS**

Staff **recommends denial** of the request. However, if the southwest portion of the site would be donated to the Department of Parks and Recreation, staff would reconsider the request.

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE ISSUES**

- ◇ This 7.20-acre site, zoned D-4 and C-4 (FW)(FF) is developed with an automobile service and repair business. It is surrounded by single-family dwellings and commercial uses to the north, zoned D-4 and C-3, respectively; undeveloped land and commercial uses to the south, zoned D-A and C-5, respectively; commercial uses to the east, across North Keystone Avenue, zoned C-4; and single-family dwellings and park to the west, zoned D-4 and PK-1.
- ◇ Petition 89-UV1-44 provided for outdoor display and sale of vehicles with a 10-foot front setback.

**REZONING**

- ◇ This request would rezone the site from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) classification to provide for automobile service and 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."

(Continued)



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

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

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

#### **Floodway / Floodway Fringe**

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

(Continued)

- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note, except for a small portion of the access drive along Ruth Drive, the entire site lies within the 100-year floodplain.

Planning Analysis

- ◇ The 1989 variance of use permitted outdoor display and sale of vehicles. The current use as an automobile vehicle service and repair operation has been operating illegally since the conversion occurred. Admittedly, the zoning boundary bisects the building with the C-4 district located along North Keystone Avenue frontage. Staff believes that zoning classification is appropriate along this commercial corridor but expanding that C-4 district boundary to the west that abuts a residential neighborhood, and a park would not be appropriate.
- ◇ During a site visit staff observed a large area of stored vehicles awaiting repair. If approved, vehicle storage could be expanded to the west and south, which would have a substantially negative impact on the residential neighborhood and park. Additionally, staff would note that the Pattern Book recommends against outdoor storage if adjacent to residential uses and living typologies.
- ◇ In staff’s opinion, the request would not be consistent with the Comprehensive Plan recommendation of community commercial because of the proximity of the adjacent land uses to the west.
- ◇ The Department of Parks and Recreation has requested a donation of a portion of the site that would be contiguous to and integrated with the park to the west. See Exhibit A.
- ◇ If this donation would occur, staff would reconsider the request because it would limit the amount of outdoor storage and offer more open green space for the residents.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-2 / C-4 (FF)(FW) Commercial uses

SURROUNDING ZONING AND LAND USE

North -	D-4 / C-3	Single-family dwellings / commercial uses
South -	D-A / C-5	Undeveloped land / comomercial uses
East -	C-4	Commercial uses
West -	D-4 / PK-1	Single-family dwellings / park

(Continued)

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.
THOROUGHFARE PLAN	This portion of North Keystone Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 145-foot right-of-way and a proposed 124-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is not located within an overlay.
FLOODWAY / FLOODWAY FRINGE	This site is located within the 100-year floodplain.

### **ZONING HISTORY**

**89-UV1-44; 7250 North Keystone Avenue**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor display and sales of vehicles, with a 10-foot front setback, **granted**.

**88-Z-136; 7250 North Keystone Avenue**, requested the rezoning of 3.268 acres, being in the C-3 (FF) District to the C-5 (FF) classification, **approved**.

### **VICINITY**

**2005-ZON-179; 7216 North Keystone Avenue (south of site)**, requested rezoning of 3.6 acres, being in the SU-34 (FW)(FF) and D-A (FW) Districts, to the C-4 (FW)(FF) classification to provide for community-regional commercial uses, **approved**.

**2004-UV3-046; 7215 North Keystone Avenue (south of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1,440-square foot greenhouse and a 400-square foot temporary sales tent (not permitted) related to an existing landscaping lawn and garden center, **granted**.

**2001-ZON-036; 2100 East 71<sup>st</sup> Street (south of site)**, requested the rezoning of 10.696 acres from the D-A District to the SU-16 classification to provide for athletic fields and related accessory uses, **withdrawn**.

**98-HOV-50G; 7101 North Keystone Avenue (south of site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of beverage vending machines on gasoline pump islands (required placement against the wall of the primary building), **granted**.

(Continued)



**98-V3-89; 7246 North Keystone Avenue (south of site)**, requested a variance of development standards of the Wireless Communications Zoning Ordinance, to provide for a 20-foot height increase to an existing 100-foot monopole tower, located within 500 feet of a protected district (maximum 70 feet in height permitted), **granted**.

**98-UV2-35; 2102 East 71<sup>st</sup> Street (south of site)**, requested a variance of use of the Special Districts Zoning Ordinance to provide for a telecommunications facility (not permitted) consisting of a monopole tower being 180 feet in height and a 12 by 20-foot equipment building, **granted**.

**98-UV1-29; 7246 North Keystone Avenue (south of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a telecommunications facility (not permitted, with a cellular communications tower, being 100 feet in height (maximum 22 feet in height permitted at the proposed tower location), **granted**.

**93-Z-128; 2507 East 72<sup>nd</sup> Street (south of site)**, requested rezoning of 0.29 acre from the D-5 District to the SU-9 classification to provide for construction of a fire station, **approved**.

**91-UV3-51; 7215 North Keystone Avenue (south of site)**, requested a variance of use of the Dwelling District Zoning Ordinance to permit the placement of a cellular commercial facility and a 185-foot monopole tower, **granted**.

**91-UV2-2; 2301 East 71<sup>st</sup> Street (south of site)**, requested a variance of use and development standards to provide for the reconstruction of a restaurant, which would serve alcohol within 100 feet of a dwelling district, **granted**.

**89-UV1-33; 7215 North Keystone Avenue (east of site)**; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a landscaping lawn and garden center with lawnmower sales and service, and seasonal plant and firewood sale, **granted**.

**87-Z135; 7102 North Keystone Avenue (south of site)**, requested rezoning of 1 acre being in the SU-34 District, to the C-3 classification to provide for a restaurant, **approved**.

**86-HOV-111; 7220 North Keystone Avenue (south of site)**, requested a variance of development standards of the Sign Regulations to provide for an eight-foot increase in the height of an existing advertising sign, **granted**.

**86-HOV-23; 7215 North Keystone Avenue (south of site)**, requested a variance of development standards of the Sign Regulations to provide for the use of 2.917 by 38.917-foot electronic message panel attached to an existing advertising pole sign, **granted**.

**85-UV2-20; 7209 North Keystone Avenue (south of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the retail sales of swimming pool equipment and accessories, **granted**.

**85-UV2-5; 7216 North Keystone Avenue (south of site)**, requested a variance of use of the Special Use Districts Zoning Ordinance to provide for an addition to an existing health spa, **granted**.

(Continued)

**84-UV1-18; 7215 North Keystone Avenue (south of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale and outdoor display of lawn and garden products, including supplies, equipment, flowers, shrubs, small trees, firewood, and Christmas trees, **granted**.

**84-Z-135; 7209 North Keystone Avenue (south of site)**, requested rezoning of 0.96 acre, being in the D-5 District to the C-3 classification to provide for commercial development, **approved**.

**83-UV2-109; 7201 North Keystone Avenue (south of site)**, requested a variance of use and development standards of the Sign Regulations to allow the erection of a pole sign in the required 5-foot setback at 0 feet from a diagonal right-of-way line, seven feet from the Keystone Avenue right-of-way extended and 11.5 feet from the 72<sup>nd</sup> Street right-of-way, **granted**.

**74-UV3-27; 7201 North Keystone Avenue (south of site)**, requested a variance of use and development standards to allow for the construction of a pizza restaurant with carry-out and beer sale, **granted**.

**69-V4-104; 7216 North Keystone Avenue (south of site)**, requested a variance of use to provide for a pole sign for an existing health spa, **granted**.

kb

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View looking south along North Keystone Avenue



View looking north along North Keystone Avenue





View of site looking south



View of site looking south





View of site looking southeast



View of site looking north



View from site looking south

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

**Case Number:** 2022-ZON-063 (Amended)  
**Address:** 4720 Kingsway Drive (*Approximate Addresses*)  
**Location:** Washington Township, Council District #9  
**Petitioner:** MRE Investors, LLC, by Patrick Rooney  
**Request:** Rezoning of 3.28 acres from the C-3 (W-5) district to the C-4 (W-5) district to provide for indoor entertainment/banquet hall.

**ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the October 13, 2022 hearing to the December 1, 2022 hearing, with notice, at the request of a remonstrator.

Except for the Affidavit of Notice submitted on November 8, 2022, no new information has been submitted to the file.

**ADDENDUM FOR OCTOBER 13, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the September 15, 2022 hearing, to the October 13, 2022 hearing, at the request of the remonstrator's representative.

Prior to the September 15, 2022 hearing, the petitioner's representative agree to amend the request from the C-5 (W-5) district to the C-4 (W-5) district and submit an amended Plan of Operation, file-dated September 14, 2022, that eliminates any and all outdoor recreation and entertainment. The outdoor recreation and entertainment uses are not permitted in the C-4 district. Consequently, all proposed activities (except for outdoor dining) would be indoors.

Because the petitioner agreed to eliminate the outdoor recreation and entertainment uses and rezone to the C-4 (W-5) district, staff **recommends approval** subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The site shall be developed in accordance with the site plan and floor plans, file-dated August 5, 2022, and the Plan of Operation, file-dated September 14, 2022.
2. A landscape plan shall be submitted prior to the issuance of an Improvement Location Permit (ILP) that complies with the Ordinance and installed prior to any on-site public activity.
3. A right-of-way shall be dedicated along the frontage of North Keystone Avenue, in accordance with Exhibit A, 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)



4. The following uses shall be prohibited:
- Gas station
  - Liquor store
  - Adult entertainment
  - Pawn shop
  - Automobile / vehicle sales
  - Automobile / vehicle repair shop
  - Adult entertainment business (retail)
  - On-going fireworks sales
  - Heavy general retail
  - Local power generating facility
  - Wireless communications facility
  - Automobile and light vehicle wash
  - Accessory and temporary uses to include
    - Automobile rental station
    - On-going outdoor display and sales
    - Temporary outdoor display and sales
    - Temporary firework sales
    - Temporary outdoor event

**September 15, 2022**

The Hearing Examiner continued this petition from the June 9, 2022 hearing, to the July 14, 2022 hearing, to provide time for the petitioner's representative to submit additional information related to the proposed uses, at the request of staff.

The Hearing Examiner continued this petition from the July 14, 2022 hearing, to the July 28, 2022 hearing, at the request of the petitioner's representative.

The Hearing Examiner continued this petition from the July 28, 2022 hearing, to the August 11, 2022 hearing, to provide time for the petitioner's representative to submit additional information related to the proposed uses, at the request of staff.

The Hearing Examiner acknowledged an automatic continuance filed by a remonstrator that continued this petition from the August 11, 2022 hearing, to the September 15, 2022 hearing.

**RECOMMENDATIONS**

Staff **recommends denial** of the request. If the request would be amended to the C-4 district, staff would consider recommending approval, subject to certain commitments related to the dedication of right-of-way, prohibited uses, landscape plan, floor plans and Administrator Approval of a more detailed Plan of Operation.

(Continued)

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE ISSUES**

- ◇ This 3.28-acre site, zoned C-3 (W-5) is developed with multi-story commercial office building. It is surrounded by an office building to the north, zoned SU-7 (W-5) commercial office buildings to the south, across Willow Brook Parkway, zoned, zoned C-3 (W-1); a commercial office building to the east, zoned C-3 (W-5); and commercial uses to the west, across North Keystone Avenue, zoned C-5 and C-7 (W-5).

**REZONING**

- ◇ This request would rezone the site from C-3 (Neighborhood Commercial) (W-5) District to the C-5 (General Commercial) (W-5) classification to provide for indoor entertainment / banquet hall. “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”
- ◇ The Comprehensive Plan recommends Office Commercial typology. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

*Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments exceeding two acres should include pedestrian amenities for passive and active recreation internal to the development.

(Continued)

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

- Pedestrian connections between buildings should be provided.
- Street connections to perimeter roads should be provided.

### **Department of Public Works**

- ◇ The Department of Public Works, Greenways Section, has requested the dedication and conveyance of right-of-way in accordance with Exhibit A to provide for the development of the proposed Nickle Plate Trail.
- ◇ If approved, staff would request approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing.

A right-of-way shall be dedicated along the frontage of North Keystone Avenue, as per the request of the Department of Public Works (DPW), Greenways Section (See Exhibit A). 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).

### **Plan of Operation**

- ◇ The amended Plan of Operation, file-dated September 8, 2022, states that the building would be renovated to provide for an event center on the first floor, with office and retail tenant spaces on the second through fifth floors. The rooftop would be renovated to provide for a restaurant, with outdoor seating and music.
- ◇ Additionally, Plan of Operation states there would be outdoor entertainment consisting of music associated with the rooftop restaurant that would consist of a DJ or solo artist would play nightly background music for dinner guests between 5:00 p.m. and 12:00 a.m. (midnight).
- ◇ The Plan also indicates that the petitioner would commit to prohibit the following uses:
  - Gas station
  - Liquor store
  - Adult entertainment
  - Pawn shop
  - Automobile / vehicle sales
  - Automobile / vehicle repair shop
- ◇ Hours of Operation would be:
  - Sunday through Thursday – 6:00 a.m. to 12:00 a.m. (midnight)
  - Friday and Saturday – 6:00 a.m. to 2:00 a.m.

(Continued)



- ◇ Event attendance would be a maximum of 500 people per event, with an average of 250 people per event and an average of eight events per month which would primarily occur on Friday and Saturday evenings.

### **Wellfield Protection Secondary Zoning**

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ “Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”
- ◇ All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.
- ◇ “No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

(Continued)

- ◇ The subject site is located within the W-5 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

## **Planning Analysis**

- ◇ As proposed, the request would not be consistent with the Comprehensive Plan recommendation of office commercial. As noted above The Pattern Book guidelines state outdoor operations should be minimal in the commercial office typology but it appears from the documents that outdoor space would be available along a majority of the eastern and southern building façades. Furthermore, the outdoor rooftop music / entertainment would not be appropriate and would negatively impact the surrounding office uses to the north, east and south.
- ◇ Staff is concerned with the portion of the request for rooftop outdoor entertainment (music) associated with the restaurant that would play nightly background music for dinner guests between 5:00 p.m. and 12:00 a.m. (midnight). This proposed use would require the C-5 district that allows for outdoor recreation and entertainment [defined as “an open area offering entertainment or sports, athletics or games of skill to the general public. This definition includes facilities such as golf courses, swimming pools, baseball/softball fields; live entertainment or performances; boat and canoe rentals (as accessory use to a fishing lake operation); fishing lake operations (commercial or private); go cart raceways; scenic railroads; and drive-in theaters. This definition does not include Sports Stadium.”] This zoning designation would also permit other disruptive uses that would not be appropriate for this site due to the negative impact on adjacent property owners.
- ◇ Floor plans, file-dated August 5, 2022, proposes an event center on the first floor, with outdoor seating at the southeast and northeast corners of the existing building; second, third, fourth and fifth floor would be tenant spaces for offices and retail uses; and the rooftop would provide for a 4,931-square foot restaurant, with 2,250 square feet for outdoor seating.
- ◇ If approved, staff would request that approval be subject to the floor plans, file-dated May 5, 2022.
- ◇ If the request would be amended to the C-4 district, which permits indoor recreation and entertainment, staff would reconsider the recommendation. Staff would, however, note that the Ordinance requires that “sound associated with any indoor recreation and entertainment establishment shall not be audible outside of the building in which the activity is occurring.”

(Continued)

- ◇ Additionally, Section 391-302 (C) (2), Unlawful Noise; of The Revised Code of the Consolidated City and County states:

(c) In addition to the foregoing, any person who performs any of the acts enumerated in this subsection, or who causes or allows the performance of any of such acts in or upon any property owned, occupied, or controlled by him, shall be in violation of this section.

(2) Machines and devices for producing sound. Playing, using, or operating, or permitting to be played, used, or operated, any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any machine or device for producing or reproducing sound in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect. The operation of any such machine or device in a manner that produces sound plainly audible to a person with normal hearing:

- a. From any place other than the property on which the sound source is located when the machine or device is being operated between the hours of 10:00 p.m. and 7:00 a.m.;
- b. From a distance greater than seventy-five (75) feet from the sound source of the machine or device when it is located in any public street or public place of the city; or
- c. In any public conveyance other than a taxicab or jitney, except for a person who is voluntarily listening to the machine or device through earplugs; shall be prima facie evidence of a violation of this subsection, except when a permit granted therefor for some special occasion is in effect.

- ◇ If approved, staff would also request that the following uses be prohibited, in addition to those prohibited uses identified by the petitioner:

- Adult entertainment business
- On-going fireworks sales
- Heavy general retail
- Local power generating facility
- Wireless communications facility
- Automobile and light vehicle wash
- Automobile and vehicle storage or auction
- Accessory and temporary uses to include
  - Automobile rental station
  - On-going outdoor display and sales
  - Temporary outdoor display and sales
  - Outdoor storage and operations
  - Temporary firework sales
  - Temporary outdoor event

- ◇ During the site visit, staff observed the lack of appropriate and required landscaping. If approved, staff would request that a prior to the issuance of an Improvement Location Permit (ILP), a landscape plan that complies with the Ordinance, including parking lot landscaping, shall be submitted for Administrator Approval.

(Continued)



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

C-3

Commercial office uses (vacant)

**SURROUNDING ZONING AND LAND USE**

North - SU-7 (W-5)

Commercial office uses

South - C-3 (W-1)

Commercial office uses

East - C-3 (W-5)

Commercial office uses

West - C-5 (W-5) / C-7 (W-5)

Commercial uses

**COMPREHENSIVE LAND USE  
PLAN**

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

**THOROUGHFARE PLAN**

This portion of Kingsway Drive 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.

This portion of Willowbrook Parkway is designated in the Marion County Thoroughfare Plan as a local street with an existing 80-foot right-of-way and a proposed 50-foot right-of-way.

**CONTEXT AREA**

This site is located within the compact metro area.

**OVERLAY**

This site is not located within an overlay.

**SITE PLAN / FLOOR PLANS**

File-dated August 5, 2022

**RENDERINGS**

File-dated August 5, 2022

**PLAN OF OPERATION**

File-dated August 8, 2022

**PLAN OF OPERATION (AMENDED)**

File-date September 8, 2022

**PLAN OF OPERATION (AMENDED)**

File-dated September 14, 2022

**WELLFIELD PROTECTION  
DISTRICT**

The site is located with the Fall Creek (W-5) Well Protection District.

(Continued)

**ZONING HISTORY**

**2022-ZON-046; 4801 Kingsway Drive (north of site)**, requested rezoning of 6.87 acres from the C-3 (FF) (W-5) district to the MU-2 (FF) (W-5) district to provide for multi-family development, **approved**.

**2008-ZON-007; 4760 Pennwood Drive (south of site)**, requested rezoning of four acres from the C-3 (W-1) (W-5) District, to the D-6II (W-1) (W-5) classification to provide for multi-family residential uses, **approved**.

**2008-ZON-007; 4760 Pennwood Drive (south of site)**, requested a rezoning of four acres, from the C-3 (W-1) (W-5) District, to the D-6 (W-1) (W-5) classification to provide for multi-family residential uses, **withdrawn**.

**2007-ZON-856 / 2007-VAR-856; 4734 Round Lake Road (south of site)**, requested rezoning of 21 acres, from the D-7 District, to the C-2 classification to provide for high-intensity office-apartment uses and a variance of Development Standards of the Commercial Zoning Ordinance to provide for four dumpster enclosures in front of the established front building line along Allisonville Road, five dumpster enclosures in front of the established front building line along Pennwood Drive, a dumpster enclosure with its open side viewable from Allisonville Road and two dumpster enclosures with a zero-foot north transitional side setback, **withdrawn**

**2003-UV3-025, 2508 Willowbrook Parkway (south of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for the location of a homeless terminal care facility, **approved residential use. Approved**

**90-Z-88; 4760 Kingsway Drive (south of site)**, requested rezoning of 1.0 acre, being in the C-3 District, to the C02 classification to conform zoning with the Keystone Avenue Corridor Study, adopted August 1986, **withdrawn**.

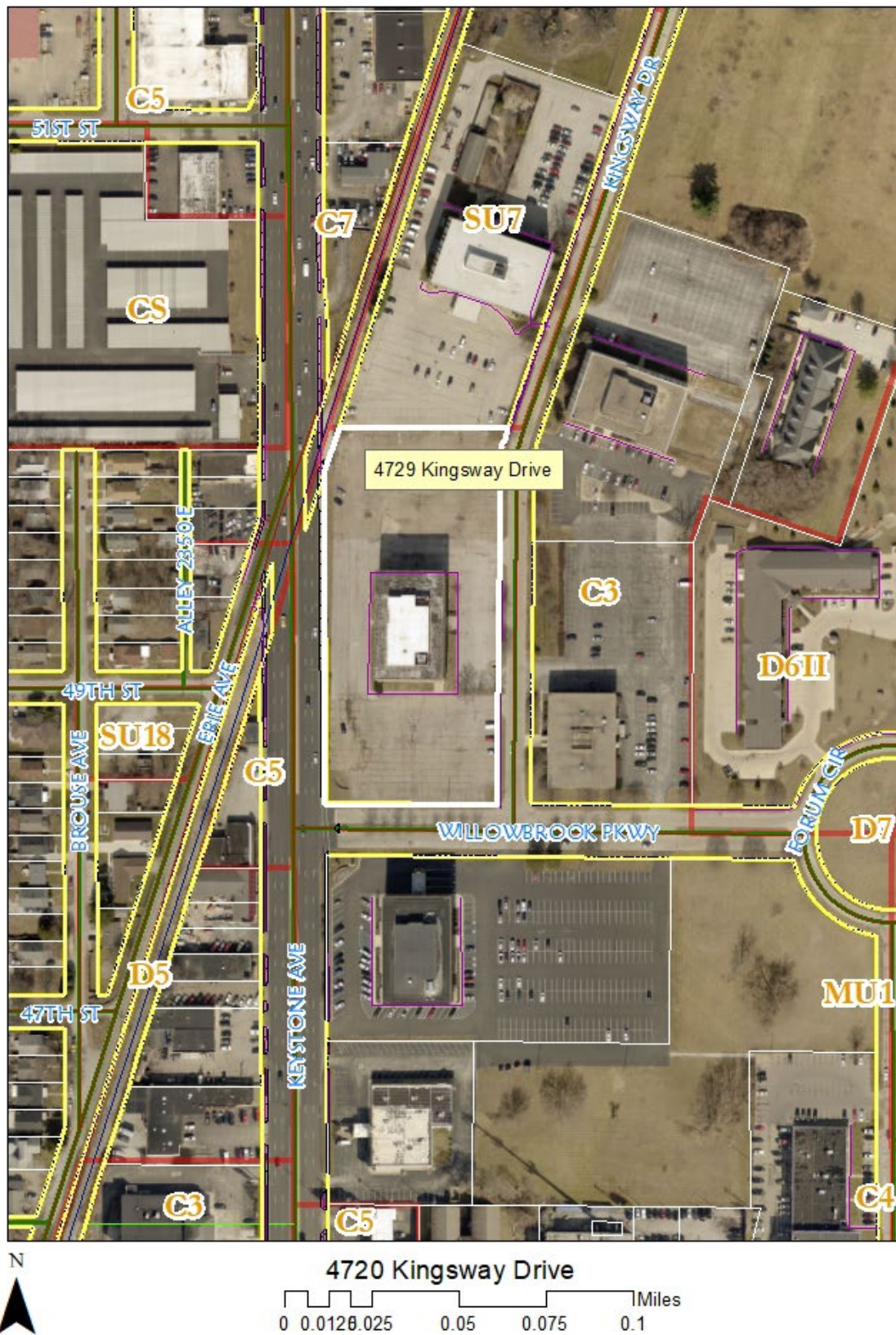
**89-Z-238; 4740 Kingsway Drive (south of site)**, requested rezoning of 4.15 acres, being the C-3 District, to the SU-7 classification, to provide for a headquarters facility and rehabilitation center, **approved**.

**89-Z-29; 5020 North Keystone Avenue (west of site)**, requested rezoning of 11.0 acres, being in the D-5 and C-7 Districts, to the C-5 classification to conform to the Keystone Avenue Corridor Plan, **approved**.

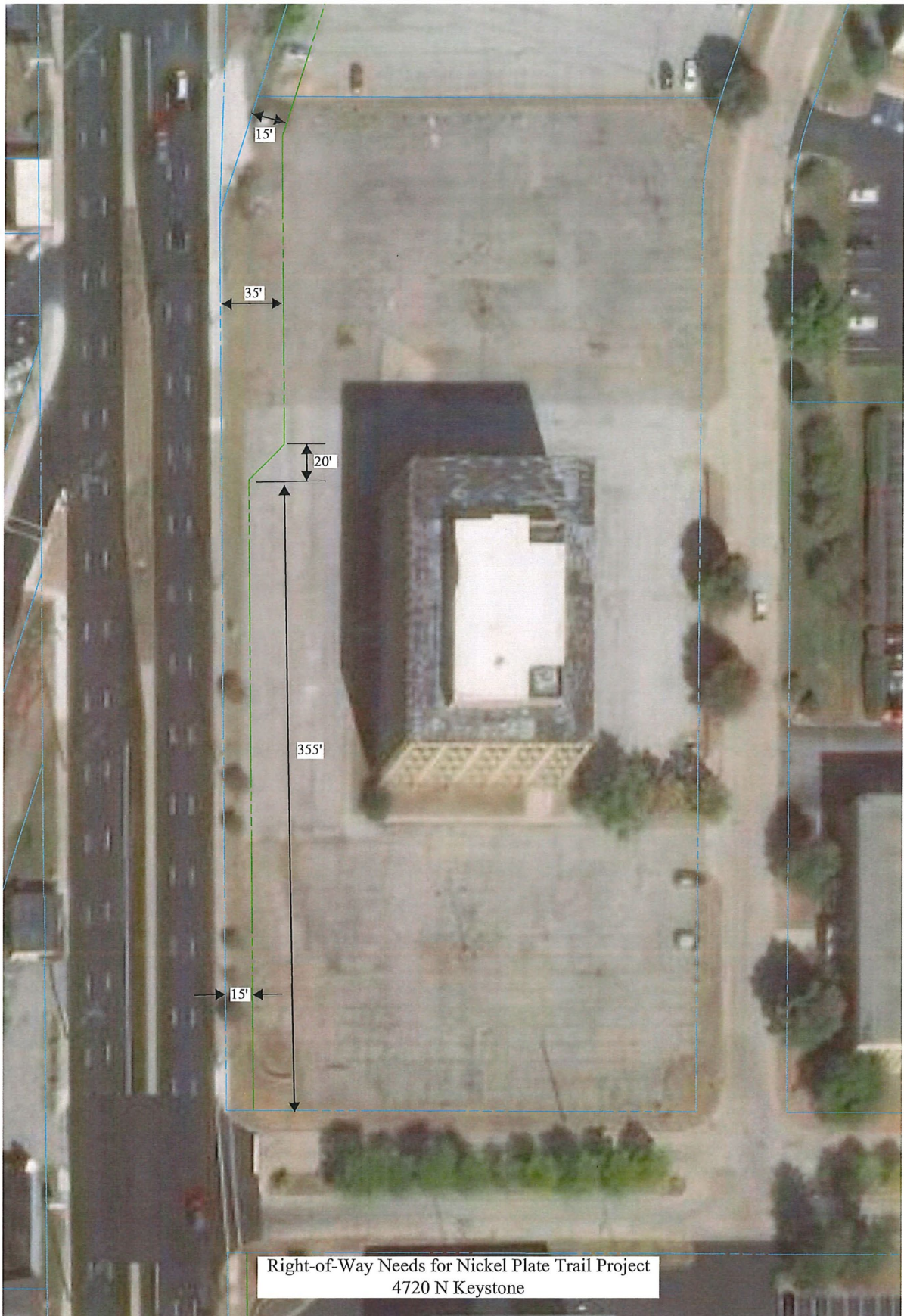
**87-Z-77; 4760 Pennwood Drive (south of site)**, requested rezoning of 12.63 acres, being in the D-3 to the C-2 classification to provide for apartments, **withdrawn**.

kb

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**PLAN OF OPERATIONS**

The Owner shall remodel the existing building located on the subject property as depicted in the renderings and floor plans submitted herewith. The Owner shall remodel the first floor to be used as an event center with outdoor seating on the ground level being used in conjunction therewith. The Owner shall remodel the second floor, third floor, fourth and fifth floor for office and retail tenant space. The owner shall remodel the rooftop for a restaurant by converting the existing rooftop equipment room to a restaurant and using the remainder of the rooftop for outdoor seating.

The hours of operation for the building will be 6 am to midnight on Sunday through Thursday, and 6 am to 2 am on Fridays and Saturdays. The event center will have a maximum of five hundred (500) people per event and an average of two hundred fifty (250) people per event. The average number of events will be eight (8) events per month with the majority of events occurring on Friday and Saturday evenings.

Once the remodel is completed, the owner as landlord shall lease out each floor or relevant portion thereof to different tenants. As further described in the Commitments, the Owner agrees that the following shall be prohibited uses which the subject property shall not be used for: gas station; liquor store; adult entertainment business; pawn shop; automobile/vehicle sales; automobile/vehicle repair shop; on-going firework sales; heavy general retail; local power generating facility; wireless communications facility; automobile and light vehicle wash; automobile and vehicle storage or auction; or any of the following accessory and temporary uses: automobile rental station; ongoing outdoor display and sales; temporary outdoor display and sales; outdoor storage and operations; temporary firework sales; and temporary outdoor event

Metropolitan Development

SEP 14 2022

Division of Planning

**PLAN OF OPERATIONS**

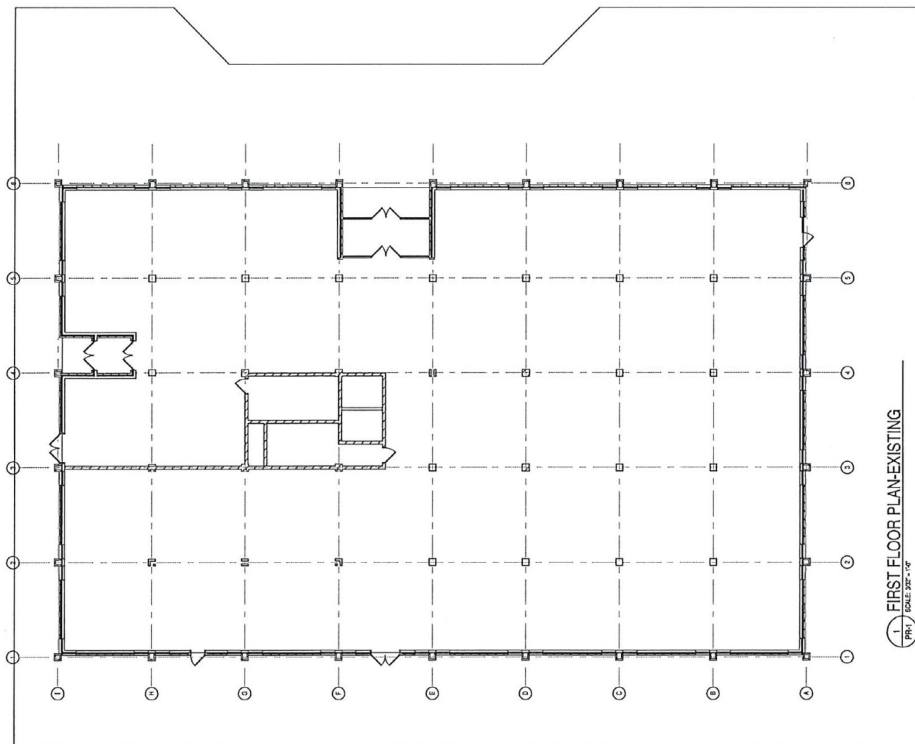
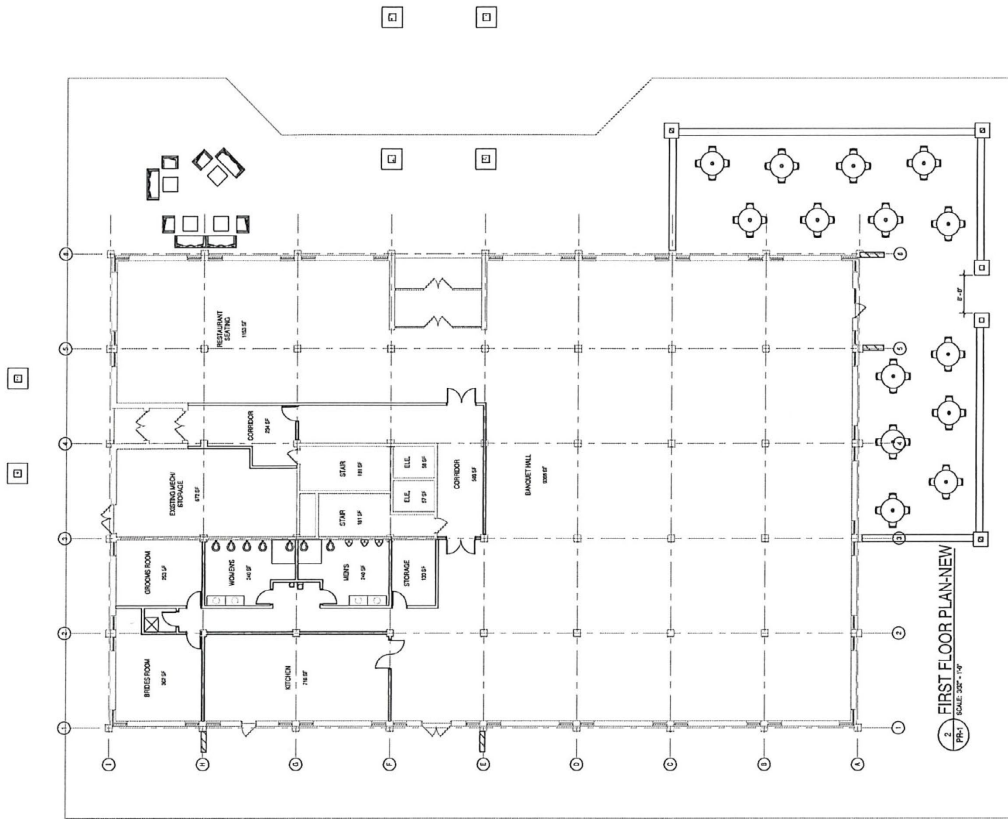
The Owner shall remodel the existing building located on the subject property as depicted in the renderings and floor plans submitted herewith. The Owner shall remodel the first floor to be used as an event center with outdoor seating on the ground level being used in conjunction therewith. The Owner shall remodel the second floor, third floor, fourth and fifth floor for office and retail tenant space. The owner shall remodel the rooftop for a restaurant by converting the existing rooftop equipment room to a restaurant and using the remainder of the rooftop for outdoor seating with small portion being set up for a DJ or solo artist to play light background music for dinner guests nightly between 5 pm and midnight.

The hours of operation for the building will be 6 am to midnight on Sunday through Thursday, and 6 am to 2 am on Fridays and Saturdays. The event center will have a maximum of five hundred (500) people per event and an average of two hundred fifty (250) people per event. The average number of events will be eight (8) events per month with the majority of events occurring on Friday and Saturday evenings.

Once the remodel is completed, the owner as landlord shall lease out each floor or relevant portion thereof to different tenants. As further described in the Commitments, the Owner agrees that the following shall be prohibited uses which the subject property shall not be used for: (i) gas station; (ii) liquor store; (iii) adult entertainment; (iv) pawn shop; (v) automobile/vehicle sales; and (vi) automobile/vehicle repair shop.

**Metropolitan Development****Sep 08 2022****Division of Planning**

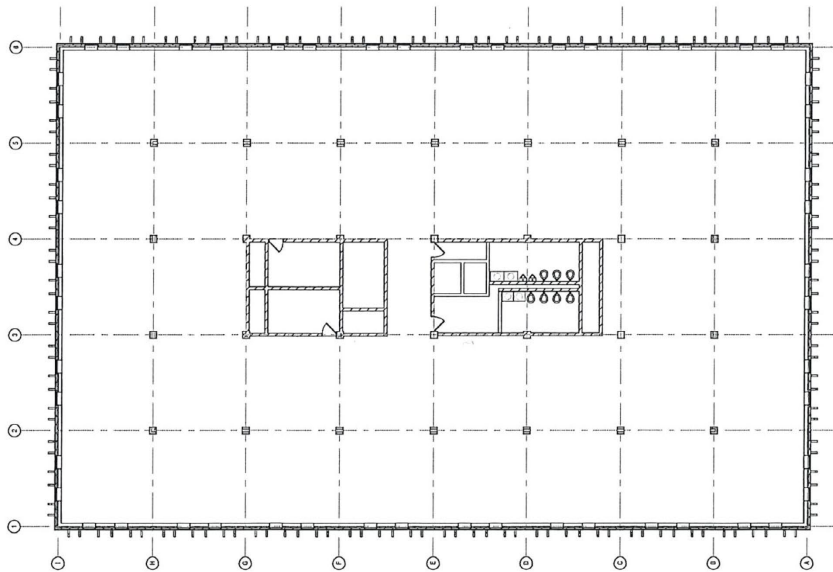




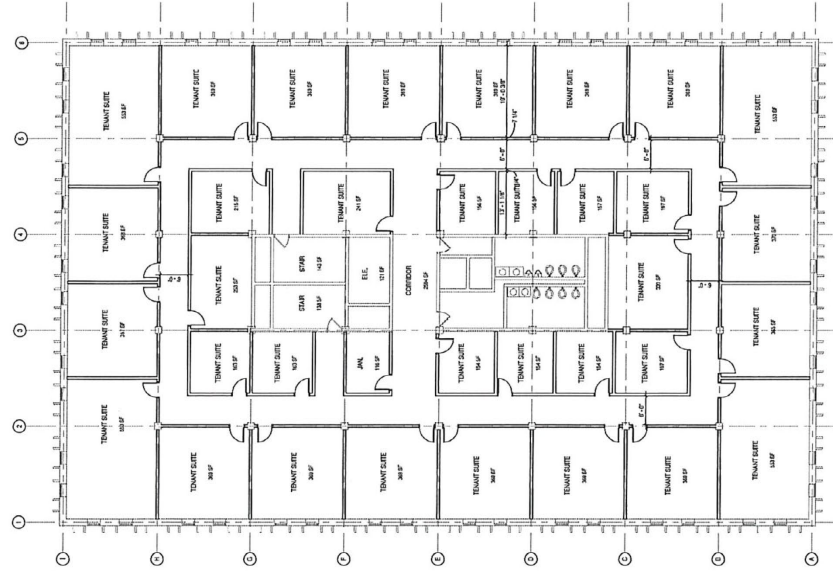
22009  
4720 Kingsway  
Indianapolis, IN | 07/07/2022

FORGE ARCHITECTURE  
Architect  
Date: 07/07/2022  
Drawing of: 22009

**FORGE**  
ARCHITECTURE



1. THIRD FLOOR-EXISTING  
SCALE: 1/8" = 1'-0"



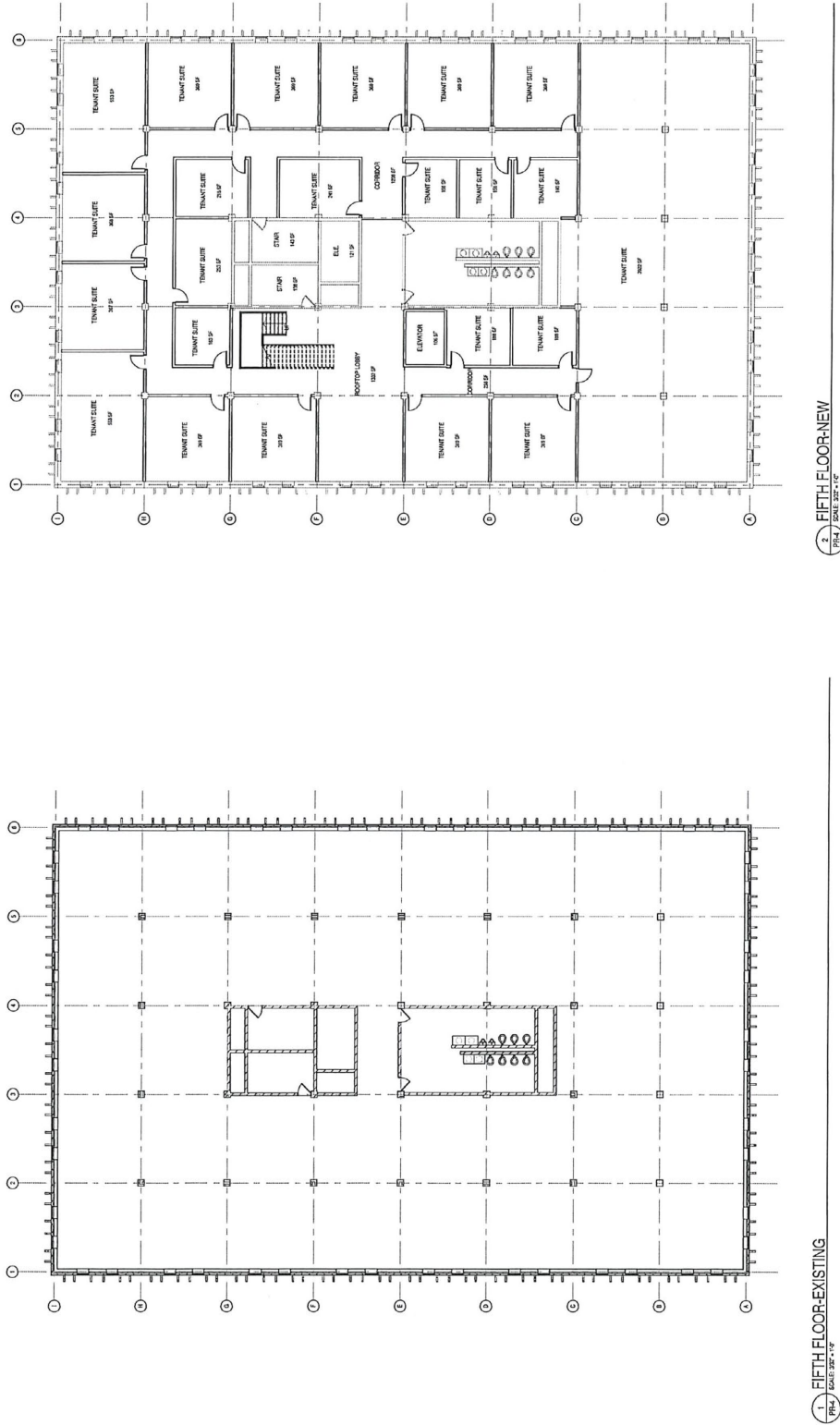
2. THIRD FLOOR-NEW  
SCALE: 1/8" = 1'-0"



4720 Kingsway  
Indianapolis, IN | 07/07/2022

Version: 1.0  
Aug 05, 2022  
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22009



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4720 Kingsway  
Indianapolis, IN | 07072022

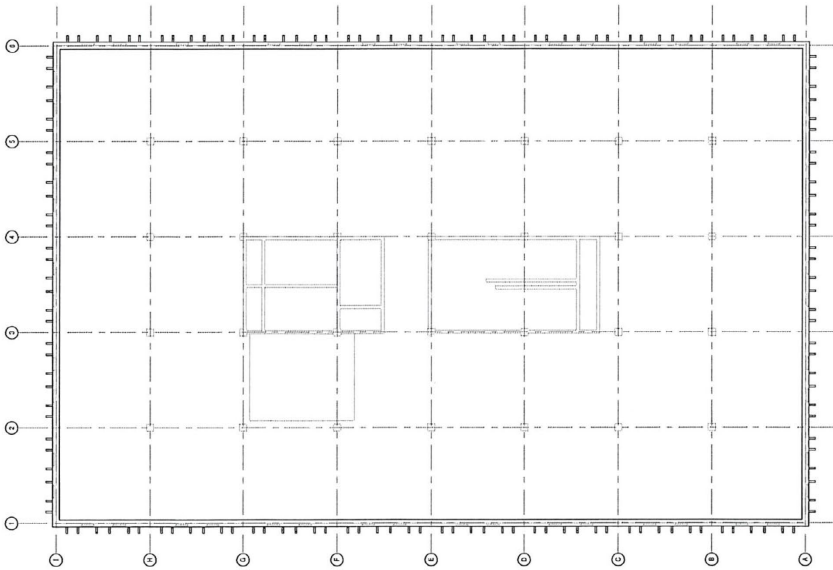
Maple Hill Development  
Aug 08 2022  
2-nd floor of existing



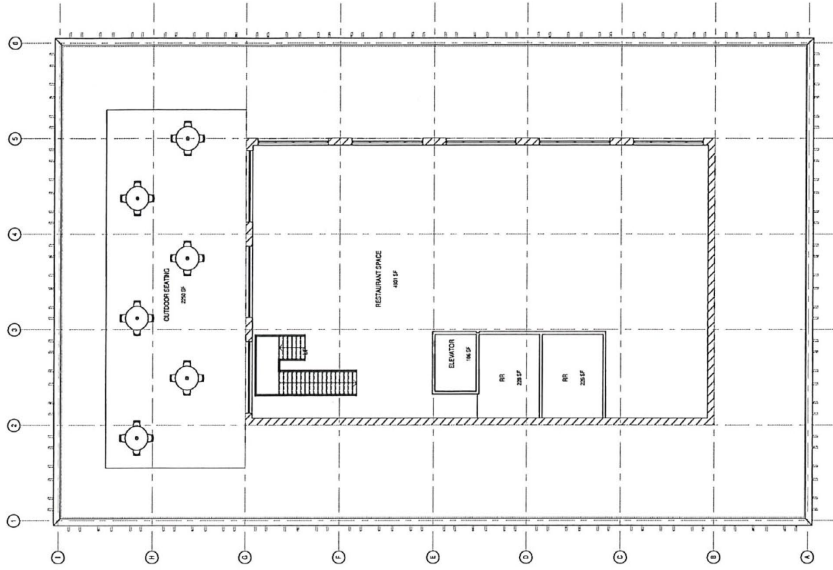
22009  
4720 Kingsway  
Indianapolis, IN | 07/07/2022



Revised: 07/07/2022  
By: [Signature]  
Checked: [Signature]



1 ROOF PLAN-EXISTING  
PR-3 SCALE 3/8" = 1'-0"



2 ROOF PLAN-NEW  
PR-2 SCALE 3/8" = 1'-0"



220022  
4720 Kingsway  
Indianapolis, IN 46201-9921

Architectural Services  
Interior Design  
Exterior Design

**FORGE**  
ARCHITECTURE





22009

4720 Kingsway  
Indianapolis, IN 46204-1921

Architectural rendering  
Aug 02, 2022  
Exterior of building

**FORGE**  
ARCHITECTURE





View looking west across the intersection of Willowbrook Parkway and Kingsway Drive



View of site looking north across Willowbrook Parkway





View of site looking north across the intersection of Willowbrook Parkway and Kingsway Drive



View of site looking northwest across Kingsway Drive





View from site looking southeast



View of site looking southwest





View of site looking southeast at western building facade



View from site looking northeast at adjacent office buildings



View from site looking north along Kingsway Drive

## STAFF REPORT

Item 19.

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

**Case Number:** 2022-ZON-078  
**Address:** 8965 Rockville Road (Approximate Addresses)  
**Location:** Wayne Township, Council District #15  
**Petitioner:** Vu Tran, by Pat Rooney  
**Request:** Rezoning of 0.57 acre from the D-2 district to the C-3 district to provide for retail uses.

#### **ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER**

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

#### **ADDENDUM, FOR OCTOBER 13, 2022, HEARING EXAMINER**

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

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

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

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

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

#### **July 28, 2022**

#### **RECOMMENDATIONS**

Staff **recommends denial** of the request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

(Continued)



**LAND USE ISSUES**

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

**REZONING**

- ◇ This request would rezone the site from D-2 District to the C-3 classification (neighborhood commercial district) to provide for retail uses. “The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

*Conditions for All Land Use Types*

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

(Continued)

*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.

## **Planning Analysis**

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

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

(Continued)

**GENERAL INFORMATION**

## EXISTING ZONING AND LAND USE

D-2

Single-family dwelling

## SURROUNDING ZONING AND LAND USE

North - C-4

Undeveloped land

South - D-2

Single-family dwellings

East - D-2

Single-family dwelling

West - C-4

Single-family dwelling

COMPREHENSIVE LAND USE  
PLAN

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

## THOROUGHFARE PLAN

This portion of Rockville Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 155-foot right-of-way and a proposed 102-foot right-of-way.

## CONTEXT AREA

This site is located within the metro context area.

## OVERLAY

There is no overlay for this site.

**ZONING HISTORY**

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

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

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

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

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

(Continued)



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

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

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

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

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

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

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

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

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

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

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

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

kb

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View looking east along Rockville Road



View of site looking southeast across Rockville Road





View of site looking south across Rockville Road



View of site looking south across Rockville Road

## STAFF REPORT

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

**Case Number:** 2022-ZON-116 (Amended)  
**Address:** 205 Palmer Street (*Approximate Address*)  
**Location:** Center Township, Council District #16  
**Petitioner:** Tom and Hawk Properties, LLC, by Alex Intermill  
**Request:** Rezoning of 1.07 acres from the I-4 district to the C-S district to provide for all C-1 uses; all C-3 uses; all C-4 uses except substance abuse treatment facilities, adult entertainments businesses, adult entertainment businesses (retail) pawn shops, liquor stores or firearm sales; and art galleries, artist studios, art marketplaces and an indoor entertainment venue/banquet facilities.

The petitioner requested and was granted a continuance from the November 10, 2022 hearing to the December 1, 2022 hearing to provide time to amend the request. The amended petition lacks the required site plan and thus is incomplete. Unless a site plan is submitted in time for review prior to the hearing, this petition should be **continued from the December 1, 2022 hearing to the December 15, 2022 hearing**.

An Automatic Continuance was filed by the petitioner continuing this petition from the October 13, 2022 hearing to the November 10, 2022 hearing.

### **RECOMMENDATION**

Staff **recommends denial** of this request as filed. Staff would be **likely to recommend approval of this petition if it was amended to remove C-4 uses and indoor entertainment venue/banquet facilities** from the list of permitted uses and was narrowly tailored to art gallery, artist studios and art marketplace uses. Should this petition be approved, staff requests that the approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 24-foot half right-of-way shall be dedicated along the frontage of Palmer Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

(Continued)

## **STAFF REPORT 2022-ZON-116 (Continued)**

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic mapping shows that in the late 1800s, the subject site was the location of the Indianapolis Hominy Mill. Industrial buildings on the site have expanded and contracted over time. The current configuration of buildings dates from at least 1972. The residential subdivision to the south and west was platted in 1890 as Fenneman's Highland Home Addition and has been a single-family dwelling area since that time.
- ◇ The site was once easily accessible from Madison Avenue via Palmer Street, but in the late 1950s/early 1960s Madison Avenue was lowered and the intersection with Palmer Street was eliminated. A pedestrian bridge was constructed over Madison Avenue. The site is now accessible by vehicle only along narrow local streets.
- ◇ The 2018 Comprehensive Land Use Plan recommends Village Mixed-Use for the site. This land use typology is intended for village centers with a mixed-use core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development.

#### **ZONING**

- ◇ This petition would rezone the subject site to the C-S district. The C-S district allows a petitioner to develop a custom list of permitted land uses. The C-S district requires a development statement and site plan. A site plan has not been submitted with this petition. This petition should not be heard until a site plan is submitted and staff has time to review it.
- ◇ The custom list of permitted land uses submitted with this petition would allow for wide array of uses: all C-1 uses; all C-3 uses; all C-4 uses except substance abuse treatment facilities, adult entertainments businesses, adult entertainment businesses (retail) pawn shops, liquor stores or firearm sales; and art galleries, artist studios, art marketplaces and indoor entertainment venue/banquet facilities.
- ◇ The C-1 district provides for offices and for personal professional services. The C-3 district provides for an extensive range of neighborhood-serving retail sales.

(Continued)



## **STAFF REPORT 2022-ZON-116 (Continued)**

- ◇ The C-4 zoning district provides for a wide range of commercial uses, many that attract customers from a wide region or are heavy traffic generators. The Ordinance notes that C-4 districts “require excellent access from major thoroughfares.” Some typical C-4 uses that this petition would permit are nightclubs and cabarets, outdoor recreation and entertainment, carwashes, automobile and motorcycle repair, gas stations, and fireworks sales. None of the uses listed above are appropriate at this site because of the amount of traffic generated and the proximity to dwellings.
- ◇ The petitioners have indicated that the immediate purpose of the rezoning petition is to provide for provide for an art gallery, artist studios, art marketplace and an indoor entertainment venue/banquet facility. Art galleries are permitted in all commercial districts and in the MU-2 district. Art marketplace is a permitted primary use in all commercial districts except the C-1. It is also permitted in the MU-2 district. Entertainment venues and banquet facilities are permitted in the C-4, C-5, and C-7 districts. They are not permitted in the MU-1 and MU-2 districts.
- ◇ Access to the site is on narrow, local, residential streets that are not suitable for uses that generate a significant amount of traffic, such as event spaces. For example, the most obvious access to the site from Madison Avenue is via Talbott Street. Although Talbott Street carries two-way traffic, it is only 24 feet wide and with on-street parking on both sides. As such, there is only one travel lane.
- ◇ It is staff’s opinion that the site is suitable for the relatively low impact uses of art gallery, artist studios, art marketplace. However, the site is not conducive to uses that generate significant traffic or generate noise such as many of the C-4 uses that this request would permit.
- ◇ The site is unusually shaped and situated and its structures have a limited set of likely uses. The request would be a better fit for the site if the list of permitted uses was amended to remove all C-4 uses and indoor entertainment venue/banquet facilities. This modification would be responsive to the poor access and very close proximity to single-family dwellings and would be far more appropriate than the current request.

## **GENERAL INFORMATION**

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

I-4                      Compact                      Vacant industrial building

(Continued)

## **STAFF REPORT 2022-ZON-116 (Continued)**

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

North	I-4	Electric motor repair shop
South	I-4	Single-family dwelling
East	I-4	Railroad, Madison Avenue
West	C-1, D-5	Single-family dwellings, vacant lot

**COMPREHENSIVE LAND USE PLAN** The Center Township Comprehensive Plan (2018) recommends Village Mixed-Use.

**THOROUGHFARE PLAN** Palmer Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 41-foot existing right-of-way and a 48-foot proposed right-of-way.

Delaware Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with an existing right-of-way ranging from 50 to 78 feet and a 48-foot proposed right-of-way.

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

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

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

### **ZONING HISTORY – SITE**

**None**

### **ZONING HISTORY – VICINITY**

**2021-DV2-031; 1622 South Delaware Street (west of site)**, requested a variance of development standards to provide for deficient open space, **approved**.

**2020-ZON-036; 118 Palmer Street and 1527 to 1543 South Talbott Street (northwest of site)**, requested the rezoning of 0.57 acre from the C-1 district to the MU-2 district, **approved**.

(Continued)

**STAFF REPORT 2022-ZON-116 (Continued)**

**2020-ZON-022; 1649 & 1653 Delaware Street (south of site)**, requested the rezoning of 0.6 acre from the I-4 district to the D-5 district, **approved**.

**2015-CZN-804 / 2015-CVR-804; 1420 Madison Avenue (north of site)**, requested the rezoning of 1.87 acre from the C-3C and C-4 districts to the C-3C district and a variance of development standards to provide for excessive building height, **approved**.

**2009-ZON-025; 1400 Madison Avenue (north of site)**, requested the rezoning of two acres from the C-4 district to the C-3C district, **approved**.

**2006-ZON-109; 1400 Madison Avenue (north of site)**, requested the rezoning of two acres from the I-4-U district to the C-4 district, **approved**.

klh

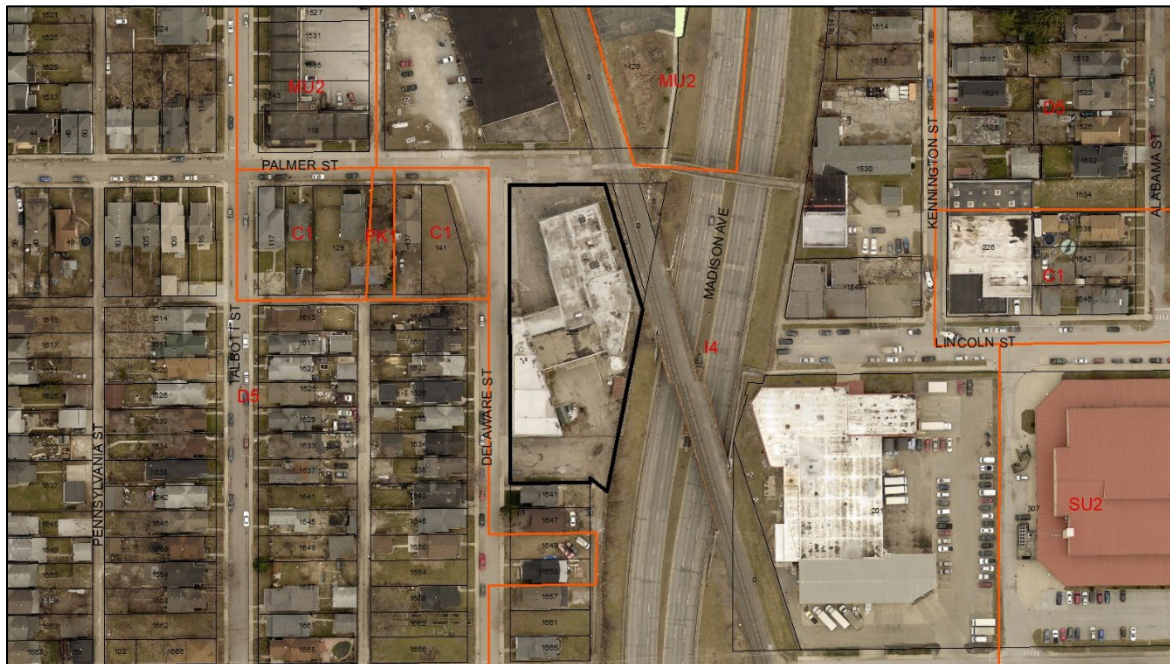
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## STAFF REPORT 2022-ZON-116, Location



## STAFF REPORT 2022-ZON-116, Aerial photograph (2021)



**STAFF REPORT 2022-ZON-116, Photographs**



Looking south at the subject site from Palmer Street.



Looking southeast at the Delaware Street façade of the building.





Looking northeast at the southwest corner of the building.



Looking at the southeast corner of the building. Note the barbed wire and unenclosed trash receptacle.





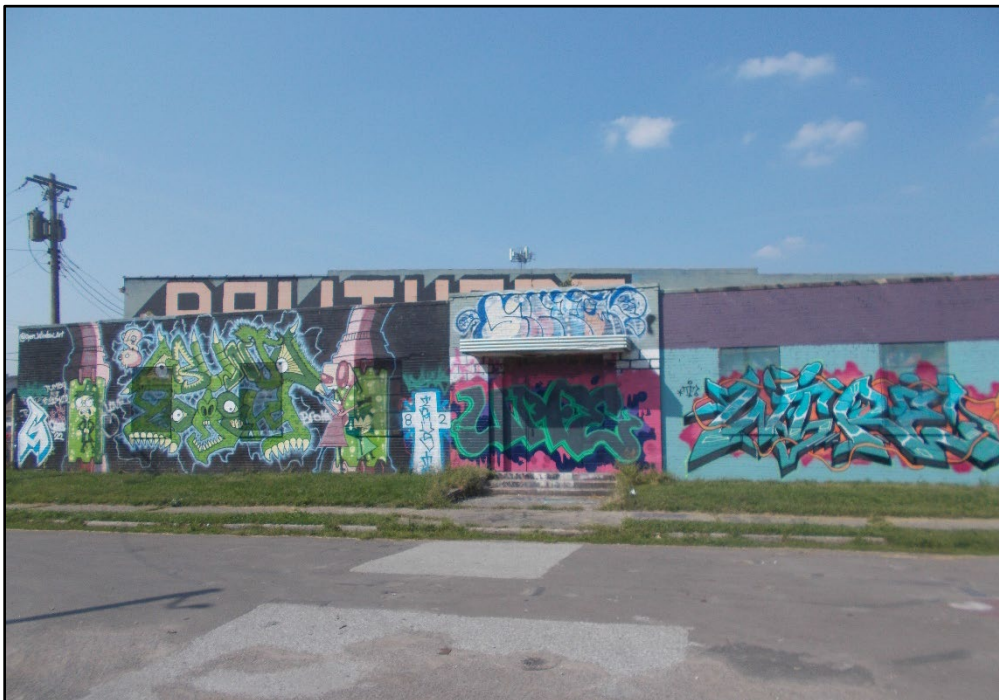
Looking west across Madison Avenue at the site.



Looking east from the dead-end of Palmer Street to the pedestrian bridge over Madison Avenue.



Looking west on Palmer Street.



Looking north across Palmer Street at the neighbor to the north.





Looking north on Delaware Street.



Looking across the south portion of the site at the neighbors to the south. No transitional yard is provided.





Looking south on Delaware Street from the intersection of Delaware and Palmer streets.



Looking north on Talbott Street, a primary access route to the site. Note that only one travel lane is available when cars are parked on both sides of the street.

## STAFF REPORT

Item 21.

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

**Case Number:** 2022-ZON-119  
**Address:** 2525 West 44<sup>th</sup> Street (*Approximate Address*)  
**Location:** Washington Township, Council District #8  
**Petitioner:** Children's Better Health Institute, a division of the Benjamin Franklin Literary and Medical Society, Inc, by Timothy E. Ochs  
**Request:** Rezoning of 22.79 acres from the SU-7 district to the SU-2 district to provide for educational uses.

### RECOMMENDATIONS

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of West 44<sup>th</sup> Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 22.79-acre site, zoned SU-7 (charitable, philanthropic and not-for-profit) is comprised of 12 parcels and developed with a single-family dwelling, accessory structures, athletic fields / courts and open space. It is surrounded by single-family dwellings to the north across West 44<sup>th</sup> Street, zoned D-2; agricultural uses and single-family dwellings to the south, zoned D-A and D-1, respectively; single-family dwellings to the east, zoned D-1; and single-family dwellings and agricultural uses to the west, zoned D-2 and D-A, respectively.

(Continued)

**REZONING**

- ◇ This request would rezone the site from SU-7 district to the SU-2 classification to provide for educational 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, as hereinafter provide.” The SU-2 District only permits schools and “accessory uses and structures, subordinate, appropriate and incidental to the school use.”
- ◇ The Comprehensive Plan recommends Rural or Estate Neighborhood typology for the western portion of the site. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”
- ◇ The Comprehensive Plan also recommends large scale park, a non-typology land use, defined as being over 10 acres, for the eastern portion of this site.
- ◇ 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. The recommended land uses for this typology is detached housing, working farms, group homes, bed / breakfast and wind or solar farms. The Pattern Book, however, removes working farms and wind or solar farms as recommended uses in environmentally sensitive areas.

**Overlays**

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

(Continued)



- ◇ The ES overlay on this site is located along the eastern boundary and at the southwest corner of the site and is designated as high-quality woodlands by the Forest Alliance organization.

### **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 West 44<sup>th</sup> Street, a primary collector. This dedication would also be consistent with the Marion County Thoroughfare Plan.

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

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

(Continued)

**Planning Analysis**

- ◇ As proposed this request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood and large-scale park because a school is not a recommended land use in the rural or estate neighborhood.
- ◇ Initially the school would be based within the existing single-family dwelling at the northwest corner of the site, with no immediate plans for new construction. It should be noted, however, that any expansion of the existing physical facilities would require submittal of a site and development plan for Administrator Approval.
- ◇ The school would offer K-12 academic, arts, athletics and character development program. The full program would initially offer K-5 / 6 programs with expansion occurring as demand would allow.
- ◇ Staff believes that during the early stages of this program, impact on surrounding land uses would be minimal. As enrollment in the school increases and new facilities are constructed, however, consideration should be given to the impact of the development on the surrounding residential neighborhood and the preservation of the woodlands.
- ◇ It would be important to provide adequate setbacks and architectural integration with the surrounding neighborhood related to, but not limited to, building height, building mass and exterior materials. Parking lots should be well buffered and landscaped to minimize the impact on the adjacent properties. Athletic facilities should be well buffered and activities scheduled to minimize the impact of lighting and amplification of public address systems.
- ◇ Additionally, appropriate infrastructure (including sidewalks) should be installed to adequately provide for the increased traffic in the area. West 44<sup>th</sup> Street is a two-lane primary collector that may require the installation of accel / decel lanes and / or by-pass lanes as the traffic generated by the proposed use increases because of increased enrollment.
- ◇ Because the Comprehensive Plan recommends a large-scaled park for the eastern portion of the site, staff believes this area should remain open to preserve the open space and existing woodlands. By limiting development in this area, the proposed use would be consistent with the Plan recommendation.

(Continued)

**GENERAL INFORMATION**

## EXISTING ZONING AND LAND USE

SU-7

Single-family dwelling / athletic facilities / accessory buildings / open space

## SURROUNDING ZONING AND LAND USE

North - D-2

Single-family dwellings

South - D-A / D-1

Agricultural Single-family dwellings

East - D-1

Single-family dwellings

West - D-2

Single-family dwellings

## COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate neighborhood typology and a large-scaled park.

## THOROUGHFARE PLAN

This portion of East 44<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 42-foot right-of-way and a proposed 80-foot right-of-way.

## CONTEXT AREA

This site is located within the metro context area.

## OVERLAY

This site is located within an environmentally sensitive area (Forest Alliance Woodlands)

## SITE PLAN

File-dated September 29, 2022

## PROJECT DESCRIPTION

File-dated September 29, 2022

**ZONING HISTORY**

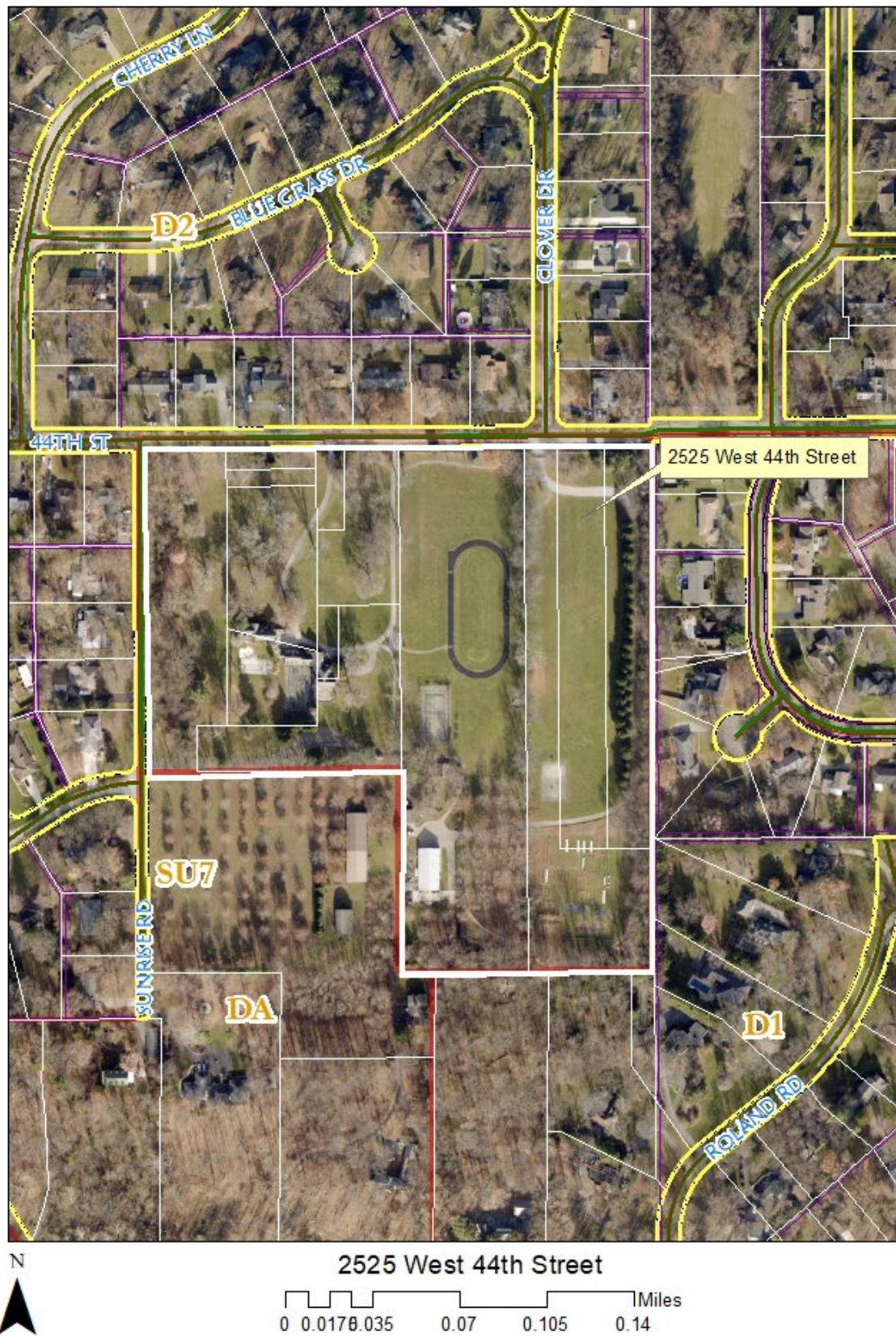
**2011-ZON-032; 2525 West 44<sup>th</sup> Street**, requested rezoning of 22.79 acres, from the D-A and D-1 Districts, to the SU-7 classification to provide for a fitness farm where children are taught fitness, sports, wellness, gardening and tree planting utilizing the existing improvements including tennis courts, pool, basketball court, running track, trails, dwelling, log cabin and playhouse, **approved**.

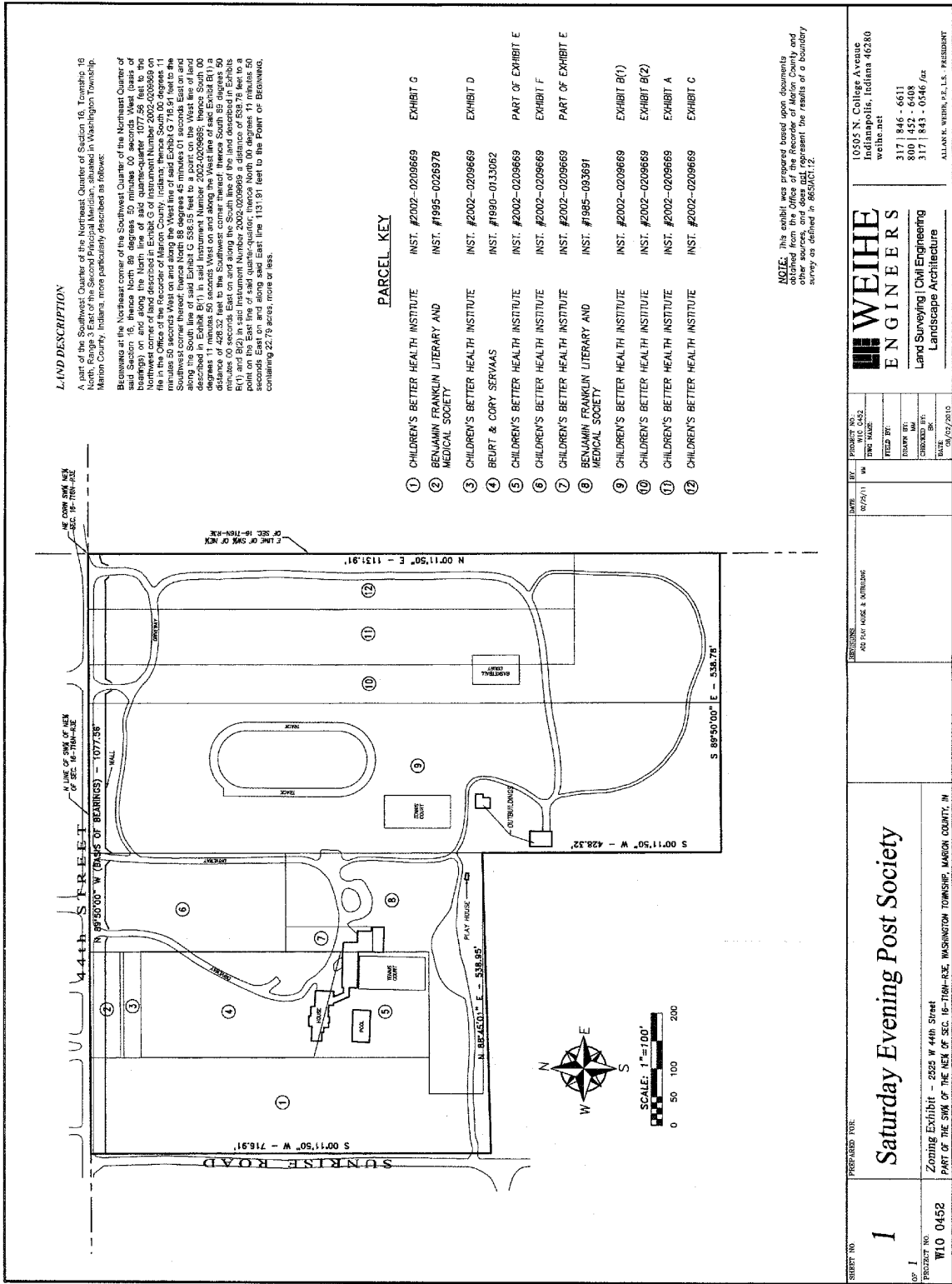
**89-UV2-14; 2425 West 44<sup>th</sup> Street** requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 12,000-square foot, 42-foot tall barn as a recreational facility for charitable events, **withdrawn**.

kb

\*\*\*\*\*







## Heritage Tree Conservation

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

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

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



## *The Classical School (TCS)*

### Description

**The Classical School** is an independent school offering a K-12 academic, arts, athletics and character development program, taking the child from the rudiments of learning and sound behavior to the highest level of thought and character.

### Mission

The mission of **TCS** is to develop internationally competitive and highly effective citizens through a timeless American classical education, rich in content in both the humanities and sciences, offering broad exposure to the arts, requiring daily strenuous physical activity, and with a strong emphasis on moral character, resilience, and civic responsibility.

### Virtues

**TCS** places equal emphasis on the development of the intellect and personal character of its students. To this end, the school will focus on instilling the following virtues in our students to guide them throughout their lives:

**Courage Compassion Honesty Perseverance Respect Self-discipline**

### Founders

- David Amstutz – Former Head of School, St. Richard's Episcopal School
- Jim Fadely – Former Director of College Counseling at Brebeuf Jesuit Preparatory School & University High School of Indiana; Executive Director, Russell & Penny Fortune Foundation
- Jock Fortune – Businessman & Chairman, Russell & Penny Fortune Foundation

### Why We Are Founding TCS

Benjamin Franklin, when asked what sort of government the delegates to the Constitutional Convention had created, is reported to have answered, "A Republic, if you can keep it." *This is why we are founding **The Classical School**!* While the United States has experienced many struggles that can be fairly criticized, we must develop more citizens and leaders who will commit to the difficult work of continuously improving upon the remarkable successes of our country. We must better prepare our children not only to "keep" our remarkable Republic, but to continually strive to "form a more perfect union".

### Timeline

**TCS** currently expects to open a K-5/6 program in a temporary location in the Fall of 2023. The school will then add grade levels as demand allows. Searches are currently underway for a temporary facility and real estate to build a permanent facility.

### Curriculum

Our curriculum is best described as American classical (also called democratic classical) and can be traced back to the American Founders and the Great Books movement led by University of Chicago President Robert Maynard Hutchins. We expect to license Hillsdale College's K-12 Curriculum (see below) and use this as the basis for our academic program, with modifications by our Academic Advisory Group. This American classical approach will be overlaid on a traditional preparatory school framework.

HILLSDALE COLLEGE

K-12 Curriculum Overview

An American Classical Education

Grammar School (1-4)

Upper School (5-12)

	ELEMENTARY SCHOOL: K-4					MIDDLE SCHOOL: 5TH-8TH GRADE			HIGH SCHOOL: 9TH-12TH GRADE				
	Kindergarten	1	2	3	4	5	6	7	8	9	10	11	12
MATH						Singapore Math Dimensions			Algebra I	Geometry	Algebra II	Trigonometry/Precalculus	Calculus
SCIENCE					Life, Physical, & Earth Science		Intro to Life & Chemical Sciences	Conceptual Physics		Biology	Chemistry	Physics or Other Advanced Science	Astronomy or Other Advanced Science
LITERATURE				Classic Children's Literature, Sayings & Phrases, Poetry				Classic Literature & Poetry		Ancient Literature	Medieval & British Literature	American Literature	Modern Literature
HISTORY & CIVICS				American History & Geography, Memorization & Recitation of American Documents									
				World History & Geography			America to 1877	America 1877-Present		Ancient World to 500 AD	Economics	Moral & Political Philosophy	American Government
READING, WRITING, & SPEAKING		Writing, Spelling, & Reading Literacy Essentials: Phonics				Grammar & Composition				Logic & Rhetoric		Elective	Senior Thesis
FOREIGN LANGUAGES			French or Spanish			Greek & Latin Roots	Latin Ia	Latin Ib	Latin II	Latin III		Advanced Latin or Other Foreign Language Elective	
								Wheelock's Latin					
FINE ARTS						Fine Arts (Art & Music History, Art & Music Appreciation, Studio Art, Music Theory)							
PHYSICAL EDUCATION						Physical Education						Physical Education, Fine Arts, or Other Electives	

\* Fewer schools may choose to offer composition instead of formal logic.

\*\* Recommended course of study.

Updated 2/2024

<sup>1</sup> Fewer schools may choose to offer composition instead of formal logic.  
<sup>2</sup> Recommended course of study.

Updated 8-20

## School Calendar

TCS will follow a traditional school year calendar, opening the school year shortly after Labor Day and concluding around Memorial Day. We expect to have a long Fall break weekend in October, a typical Thanksgiving break, two-week vacations for Christmas and spring break (late March/early April), and a teacher conference day both in the fall and spring.

## Tuition

Like many parents, we've been alarmed by the very high costs of many independent schools in Indianapolis. Our plan is to charge roughly half the cost of the most expensive schools in town, somewhere in the \$12K range. We are also exploring the use of vouchers, which would allow more students to attend. For the school to prosper, a well-supported Annual Fund will also be required.

## Teachers

From our many years in independent school education, we have a group of strong, like-minded teachers who are excited to teach in this environment.

## What's Next?

With our school model coming into focus, we now must determine if there is sufficient interest from prospective families (students) and donors. We are working on a website, and we ask that you help us spread the word with both groups.

## What is American Classical Education?

*Classical education is a sound and time-tested means of leading students towards intellectual, moral, and civic virtue.*

Grounded in Human Nature - Classical education begins with reflection upon the common humanity of its students. All young people require formation, but they innately represent all the potential that makes human beings so unique and remarkable. They can speak, which means they are both social and capable of knowing. They are possessed of will and are therefore capable of doing good. They wonder, and they are moved by beauty. These common characteristics point to the virtues and vices that are common to all human beings, and classical education leads students to know, practice, and love the virtues.

Real Content - A classical education takes a content-rich approach to the study of important subjects. As students mature in the curriculum, classical education teaches them to ask and venture answers to the big questions, then goes further to consider how those questions might be answered persuasively and beautifully. Classical education regards both the humanities and the sciences as equally important, because wonder about human nature and the natural world is essential to the human condition, and that knowledge of both leads us towards wisdom and happiness.

Moral Formation - Happiness is not merely an intellectual condition, but a moral one, and classical education attends closely to the moral development of its students. According to both simple observation and millennia-old traditions of literature and philosophy, classical educators understand that moral character is built on a foundation of habit and imitation. This foundation is later justified and reinforced by reason and intellect, but it does not start that way. Classical education begins by instilling good habits, proceeds by offering examples worthy of emulation, and continues with robust examination of moral philosophy.

Thoughtful Patriotism - As Americans, students are inheritors of a civic tradition whose central idea is human equality, a truth apparent in our common humanity, and an idea that allows for our common liberty and mutual pursuit of excellence. To use the language of our founding, America's foundational ideas and institutions were born of reflection and choice, not accident and force. It is essential that our students learn these ideas and how their country has sought to live up to its founding ideals. Their training in civic virtue is also a fulfillment of their human nature, for as Aristotle teaches, man is a political animal who can only access the heights of virtue through participation in a just political community. Through practice, affection, and knowledge, classical education educates citizens with a refined and rational love of their country, the necessary basis for civic virtue.

The project of classical education is engaged in a community that is working together in the bonds of mutual affection towards truth and virtue. Its methods and texts are often ancient, but are informed by modern knowledge, experience, and circumstances. Its intent is to form graduates befitting of their charge, who regardless of their future professions or aspirations seek to perpetuate intellectual, moral, and civic virtue in themselves and future generations. It is an education appropriate to our humanity, and essential for good government and the happiness of mankind.

*Taken from Hillsdale College K12 Education at <https://k12.hillsdale.edu/Classical-Education/>*





View looking west along West 44<sup>th</sup> Street



View looking east along West 44<sup>th</sup> Street





View of site looking southwest from entrance drive



View of site looking west from eastern drive





View of site looking west from eastern drive



View of site looking north from southern drive





View of site looking north from southern drive



View of site looking north from southern drive





View of site looking north from southern drive



View of site looking south from southern drive





View of site looking south from southern drive



View of site looking west along southern drive



## STAFF REPORT

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

**Case Number:** 2022-CZN-843 / 2022-CVR-843 / 2022-CPL-843  
**Address:** 10505 Indian Creek Road South (*Approximate Address*)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Six Brothers, Inc., by Pat Rooney  
**Requests:** Rezoning of 23.665 acres from the D-A (FF) district to the D-S (FF) district.

**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for six single-family detached lots with frontage on a private drive (public street frontage required).**

**Approval of a Subdivision Plat to be known as Six Brothers Subdivision, dividing 23.665 acres into six lots.**

#### October 13, 2022

This petition was continued for cause at the request of the petitioner from the September 15, 2022 hearing to the October 13, 2022 hearing to allow time for potential revisions to the plans submitted to address staff concerns. Staff continues to **recommend denial** of these companion petitions; however, if approved, some of the commitments proposed by staff are addressed below:

Revised site plans and a revised plat were received that show that the private drive proposed will align with the driveway on the north side of Indian Creek Road South, that the drive will be paved, and it includes a five-foot-wide pedestrian pathway. The cul-de-sac with a landscape island will provide for a 28-foot-wide drive for adequate maneuvering of trucks or emergency vehicles. Refer to revised plans at the end of this report.

#### September 15, 2022

This petition was continued for cause at the request of the petitioner from the August 11, 2022 hearing to the September 15, 2022 hearing to allow time for potential revisions to the plans submitted to address staff concerns. No new information has been received at the time of publishing this report. Staff continues to **recommend denial** of these companion petitions.

#### August 11, 2022

### RECOMMENDATIONS

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

If approved against staff's recommendation, staff requests a commitment that any development on site shall connect to public water and sewer utilities.

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

If approved against staff's recommendation, staff requests the following commitments:

1. The private drive must be paved.
2. The private drive shall align with the access drive on the north side of Indian Creek Road South.

(Continued)

**2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 STAFF REPORT (Continued)**

3. The private drive must include sidewalks or an equivalent paved pedestrian path.
4. A maintenance agreement for the private drive must be established among the residents of the subdivision.
5. The private drive cul-de-sac must provide the minimum turning radius for emergency vehicles, including fire trucks.

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

If approved against staff's recommendation, staff requests that the plat, file-dated October 4, 2022, be approved within the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
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 D-A and is undeveloped. The land use plan recommendation for this site is Rural or Estate Neighborhood and Suburban Neighborhood.
- ◇ This petition would rezone the property to the D-S district, which has a minimum lot size of one acre. The D-S district is not required to connect to public utilities.
- ◇ This petition would subdivide the property into six lots for development of a small residential subdivision of single-family dwellings.

(Continued)

**2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 STAFF REPORT (Continued)****REZONING**

- ◇ This request would rezone this property from the D-A district to the D-S district. The D-A district permits single-family and agricultural uses, and it has a minimum lot area of three acres. The proposed D-S district similarly is intended for single-family uses on lots with a minimum of one acre, with large front yard setbacks—determined by average setback.
- ◇ The comprehensive plan recommendation for this location is rural or estate neighborhood. The D-S district would be consistent with this recommendation; however, staff would suggest that this site is appropriate for denser development, similar to the properties northeast and northwest of site. Staff is recommending denial of the rezoning because the site has the development potential for greater density.
- ◇ Staff would also note that the D-S district is not required to connect to public utilities, but public utilities exist along Indian Creek Road South. Generally, subdivision developments are compelled to provide connections to public utilities by developing denser districts. Public utilities, such as water and sewer, reduce the impact of environmental harm to the community; therefore, where these utilities exist nearby, connections to them result in a more desirable use of land. Staff would also suggest a denser district, such as the D-2 district, would not prevent larger lots as the ordinance does not have a lot area maximum, but would require development to provide utilities.
- ◇ If the rezoning to D-S is approved against staff's recommendation, staff requests a commitment that any development on site shall connect to public water and sewer utilities.

**VARIANCE**

- ◇ This petition would provide for six single-family detached lots with frontage on a private drive. The ordinance requires that all residential lots must have frontage on a public street- only alleys may be private. The requirement for public streets ensures that each lot has access via a public right-of-way that is constructed in compliance with engineering standards adopted by the Department of Public Works.
- ◇ A compliant right-of-way ensures that streets are built to suit the type of traffic expected for the land use, and that these streets provide adequate size, width, and turning radii for emergency vehicles, such as firetrucks, and service vehicles, such as trash pick-up trucks.
- ◇ Dedicated public streets are maintained by the Department of Public Works, removing the burden of repair and maintenance from individual property owners and/or homeowners associations.
- ◇ Subdivisions often attempt to dedicate private streets to the city after they are built so that they will be maintained by the Department of Public Works. However, since private streets are not required to meet engineering standards, the department often will not accept a private street. This may lead to issues among subdivision residents with maintenance, which would be avoided by constructing a public street. Therefore, staff is recommending denial of the variance.
- ◇ Staff would note that the proposed private drive does not align with the access drive on the north side of Indian Creek Road. It is best practice to have these drives directly across from one another rather than offset. This would create a safer traffic pattern for vehicles turning on and off Indian Creek Road.

(Continued)



**2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 STAFF REPORT (Continued)**

- ◇ Staff would also note that a gate is proposed on the private drive. A private drive is not prohibited from installing a gate, but staff would note that this could be an issue for emergency services. Staff would suggest that a gate should not be installed.
- ◇ If approved against staff's recommendation, staff requests the following commitments:
  1. The private drive must be paved.
  2. The private drive should align with the access drive on the north side of Indian Creek Road South.
  3. The private drive must include sidewalks or an equivalent paved pedestrian path.
  4. A maintenance agreement for the private drive must be established among the residents of the subdivision.
  5. The private drive cul-de-sac must provide the minimum turning radius for emergency vehicles, including fire trucks.

**PLAT**

- ◇ The plat would subdivide the subject site into six lots to provide for six single-family dwellings, as well as common areas. Each lot would be approximately 2.5 acres.
- ◇ This plat would meet the standards of the D-S district and zoning variances, if approved. This plat does not meet the standards for the current D-A zoning.

**SIDEWALKS**

- ◇ Sidewalks are required along the Indian Creek Road South frontage.

**TRAFFIC / STREETS**

- ◇ Lots One through Six would be accessed via a private drive. This access is proposed to be 75-feet wide. The private drive would be approximately 1,300 feet long and end in a cul-de-sac.
- ◇ If the variance for a private drive is denied, a waiver for the cul-de-sac length is required.

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

D-A	Metro	Undeveloped
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**SURROUNDING ZONING AND LAND USE**

North	D-A / SU-2	Residential / School
South	D-A	Residential / Agriculture
East	D-A	Residential
West	D-A	Residential

COMPREHENSIVE LAND USE PLAN    Suburban Neighborhood & Rural or Estate Neighborhood

(Continued)

**2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 STAFF REPORT (Continued)**

THOROUGHFARE PLAN	Indian Creek Road South is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 40-foot existing right-of-way and an 80-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	Floodway and 100-Year Floodplain on southeast corner surrounding mapped stream Wildcat Brook
WELLFIELD PROTECTION DISTRICT	Not Applicable
PRELIMINARY PLAT	File-dated July 1, 2022
REVISED PRELIMINARY PLAT	File-dated October 4, 2022
FINDINGS OF FACT	File-dated July 1, 2022
SITE PLAN	File-dated July 1, 2022
REVISED SITE PLAN	File-dated October 4, 2022

**ZONING HISTORY – SITE**

None

**ZONING HISTORY – VICINITY**

**2005-ZON-174, 10505 East Edgewood Avenue**, rezoning from the D-A district to the SU-2 classification to provide for construction of a middle school, **approved**.

**2020-ZON-045, 10000 Indian Creek Road South**, rezoning from the D-A district to the D-4 classification, **approved**.

**2021-PLT-011, 7713 Gold Rush Drive**, Approval of a Subdivision Plat to be known as Harvard Green at Camby Village, dividing 4.32 acres into 29 single-family dwelling lots.

**2020-ADM-093, 10440 Indian Creek Road South**, additions to Junior High School in the SU-2 district, **approved**.

**2016-HOV-013, 6620 Acton Road**, Variance to provide for a detached garage, with a 15-foot side setback, **approved**.

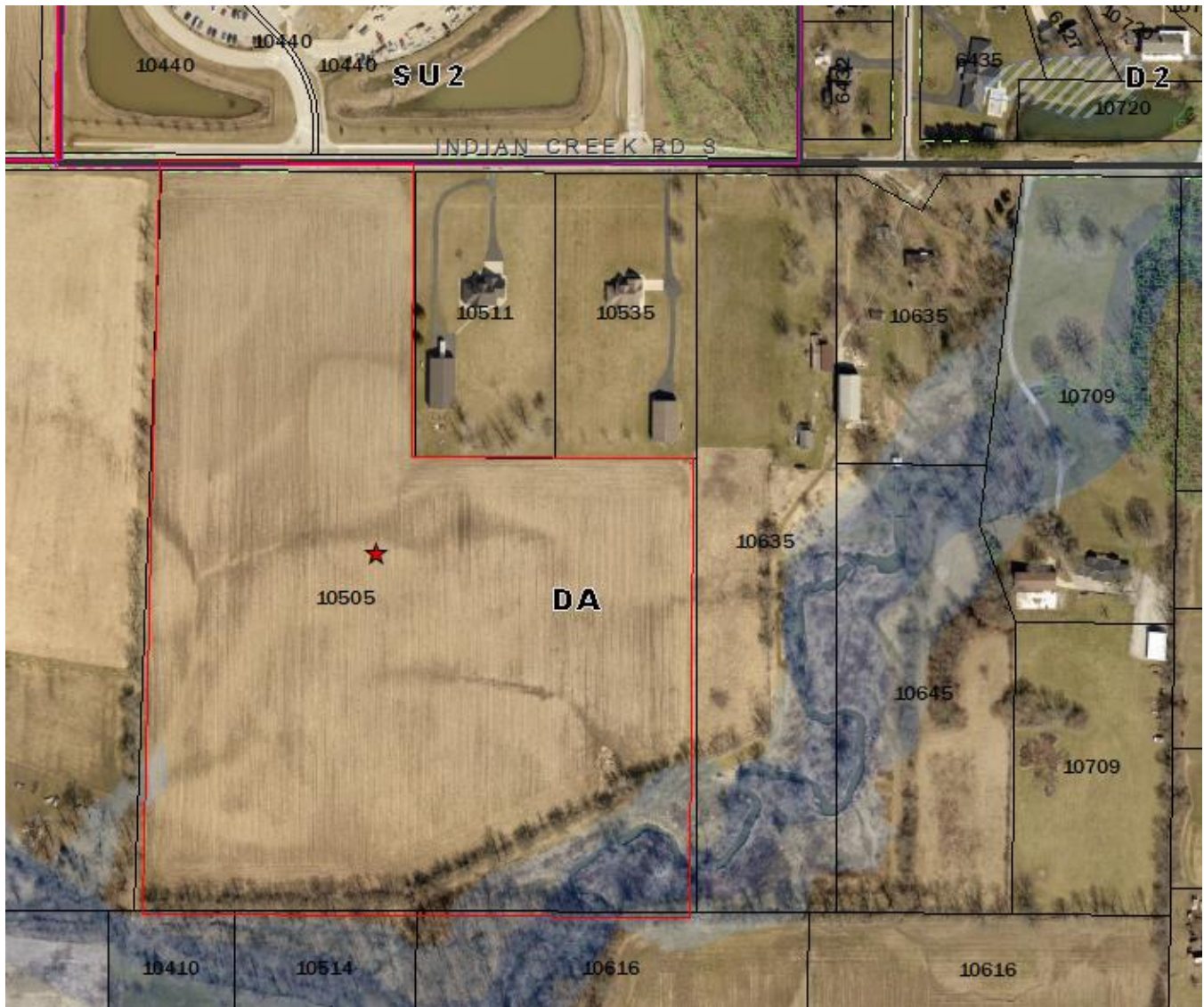
**2014-DV1-043, 10262 East Southport Road**, variance to provide for the construction of 832-square foot attached garage addition, with a 10.7-foot side setback (minimum 15-foot side setback required) and a 1,440-square foot horse barn, a) creating an accessory building area of 3,001 square feet or 232.4% of the main floor area of the primary dwelling and accessory use area of 3,961.3 square feet or 306.7% of the total floor area of the primary dwelling, and b) to legally establish a shed with a 3.8-foot west side setback, **approved**.

**98-UV2-63, 6620 Acton Road**, variance to provide for a pallet repair business in the D-A district, **approved**.

AR

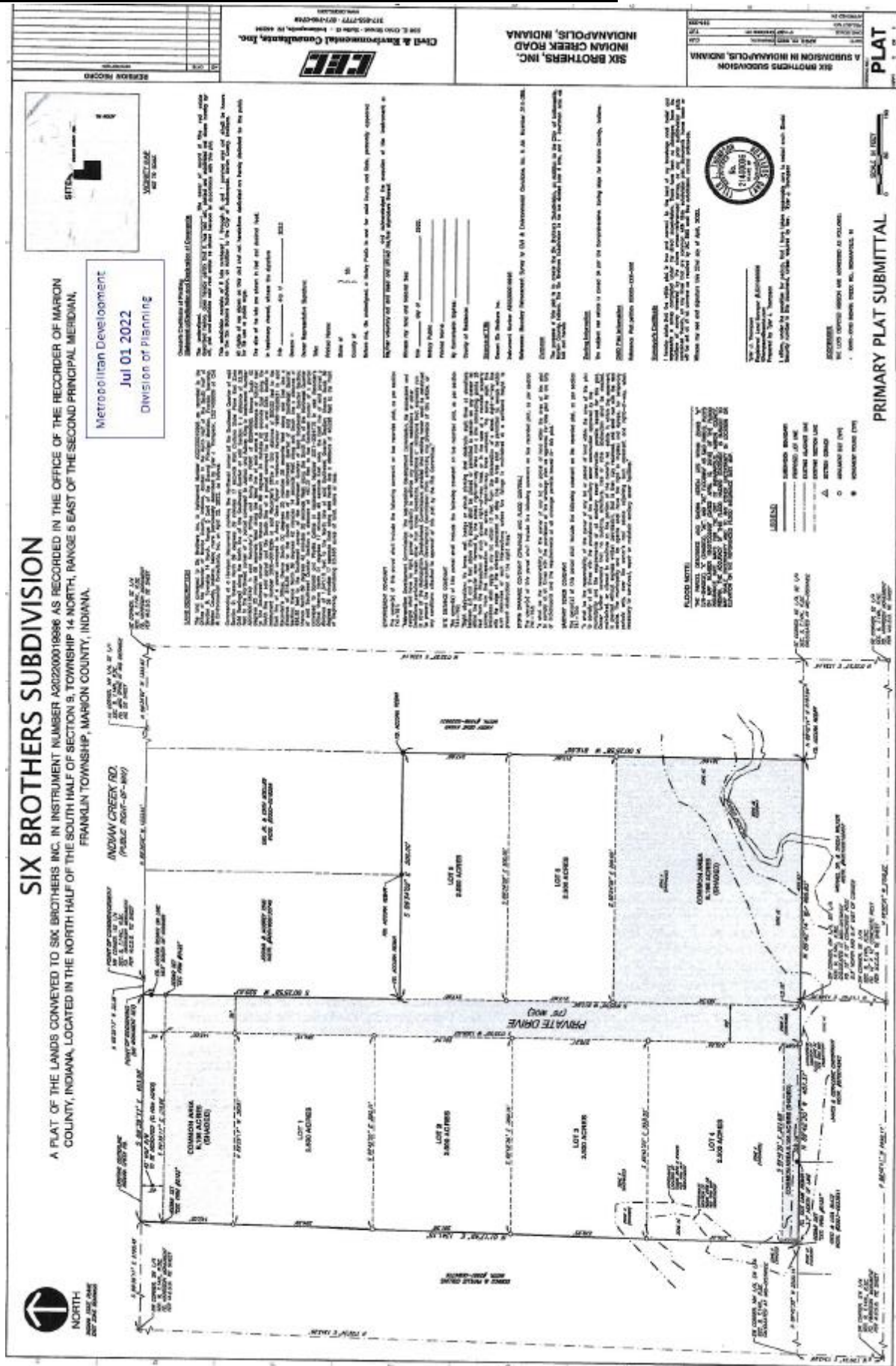
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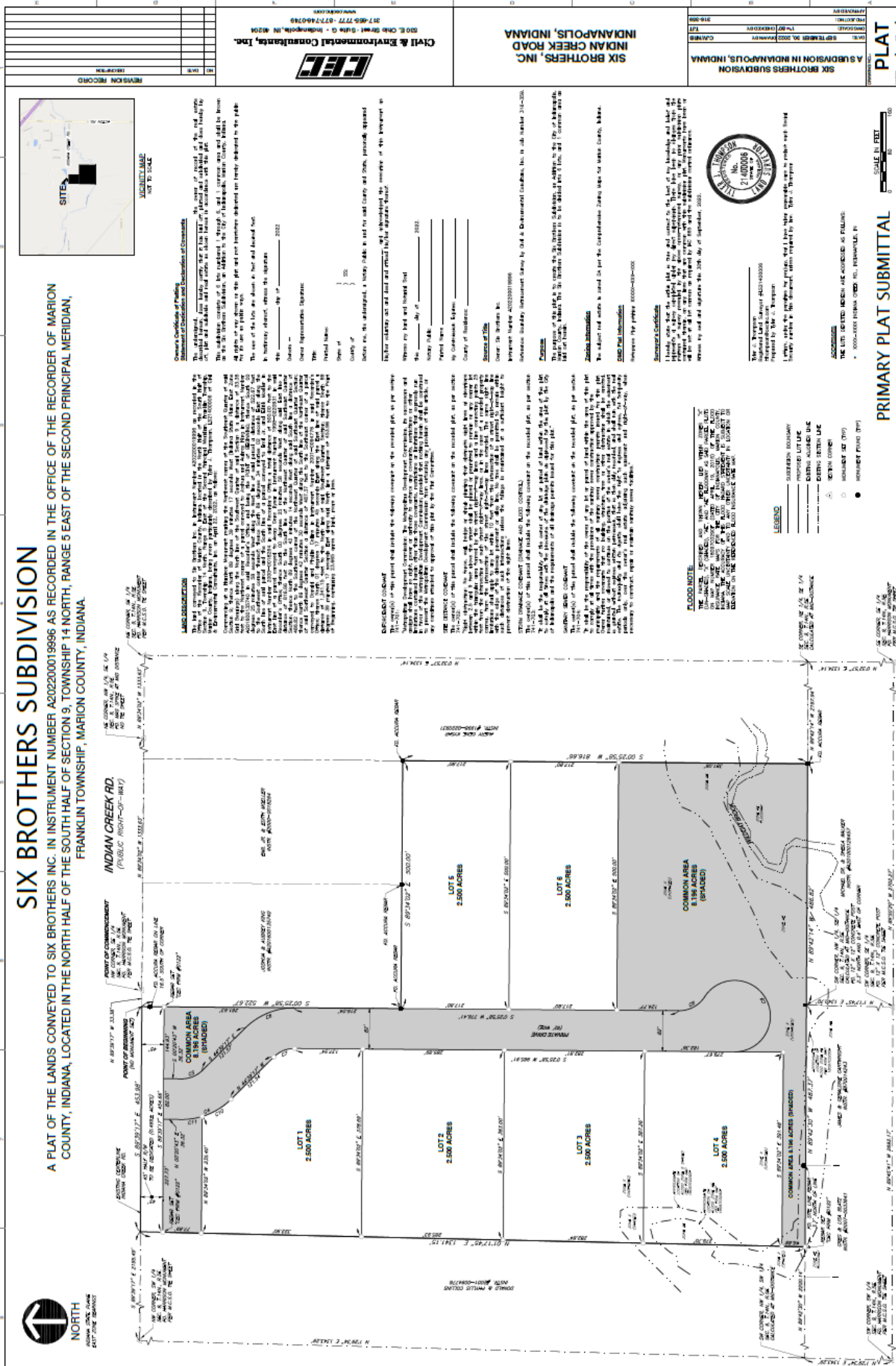
**2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 Area Map**





2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 Preliminary Plat





**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 private drive will be built to specifications adequate for IFD's trucks and all other emergency vehicles to use the private drive, and there will be a no knock box installed on the gate to provide access to IFD and any other emergency responders.

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:

If the variance is granted the neighborhood will be developed pursuant to the site plans with six homes each costing over \$500,000 so that the value of the subject property and adjoiners will increase significantly.

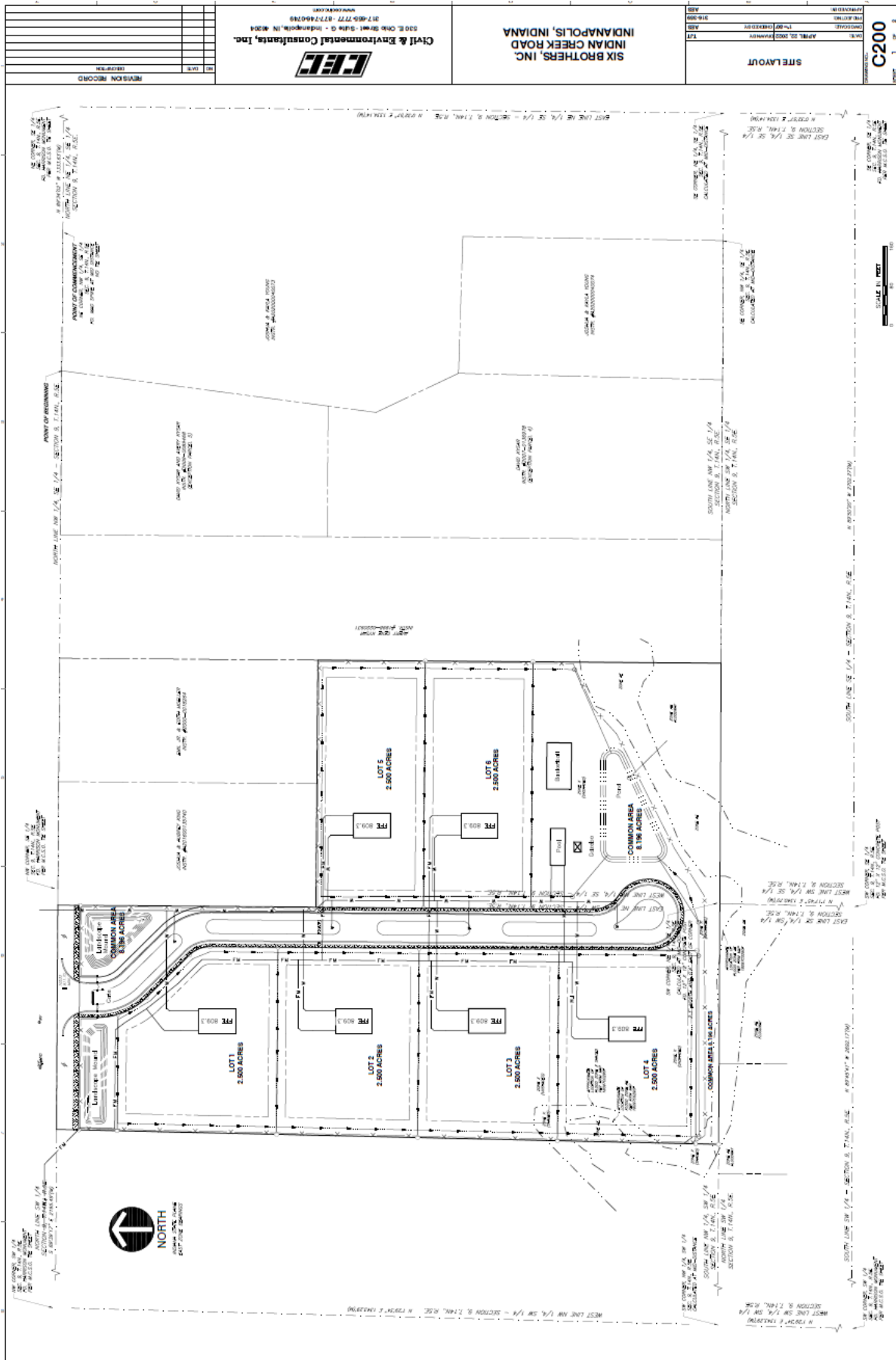
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

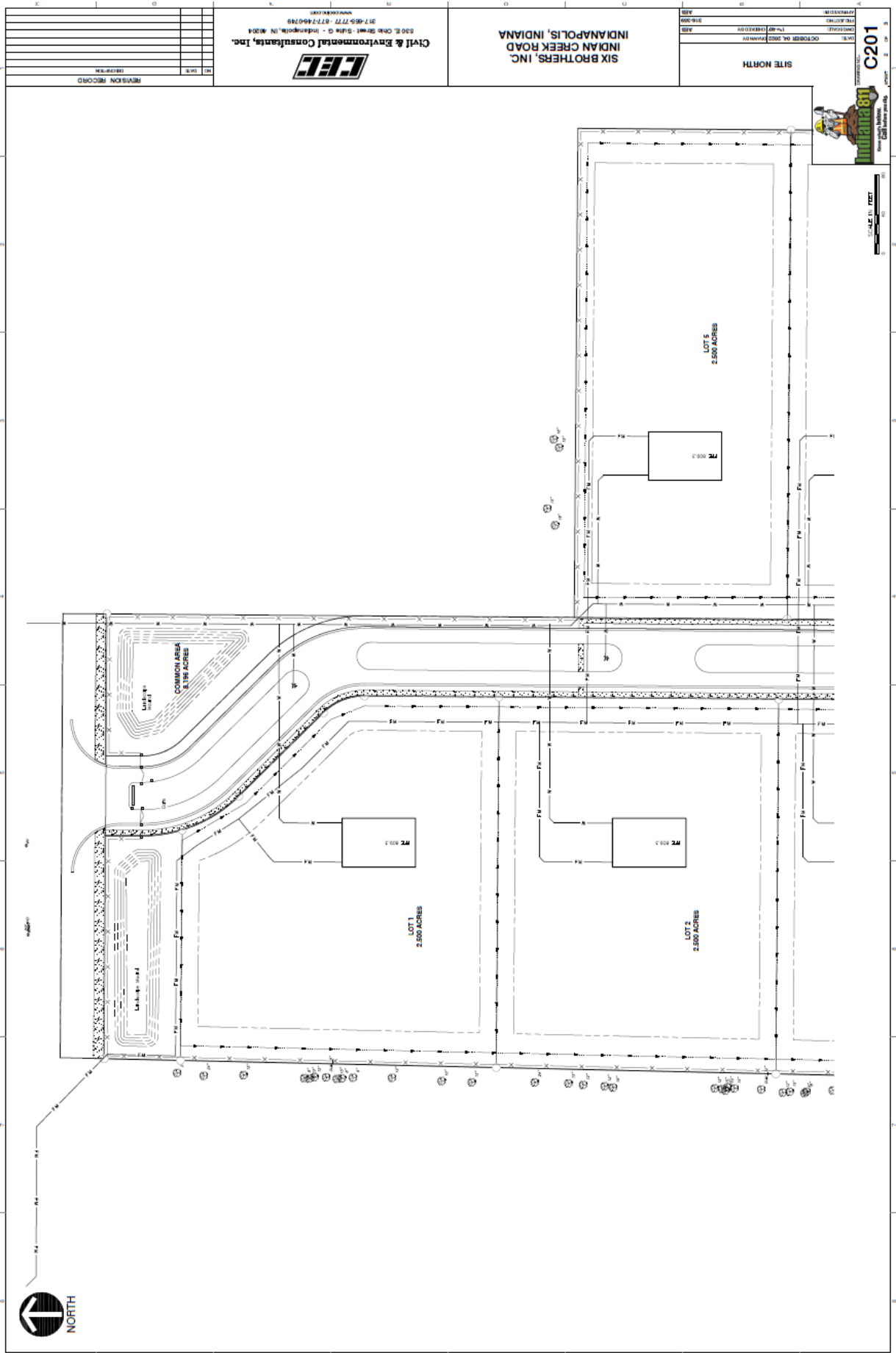
If the street was open to the public then students the school on the north side of Indian Creek Rd wick is directly across from the subject property would be constantly walking, driving, and loitering in the subdivision.



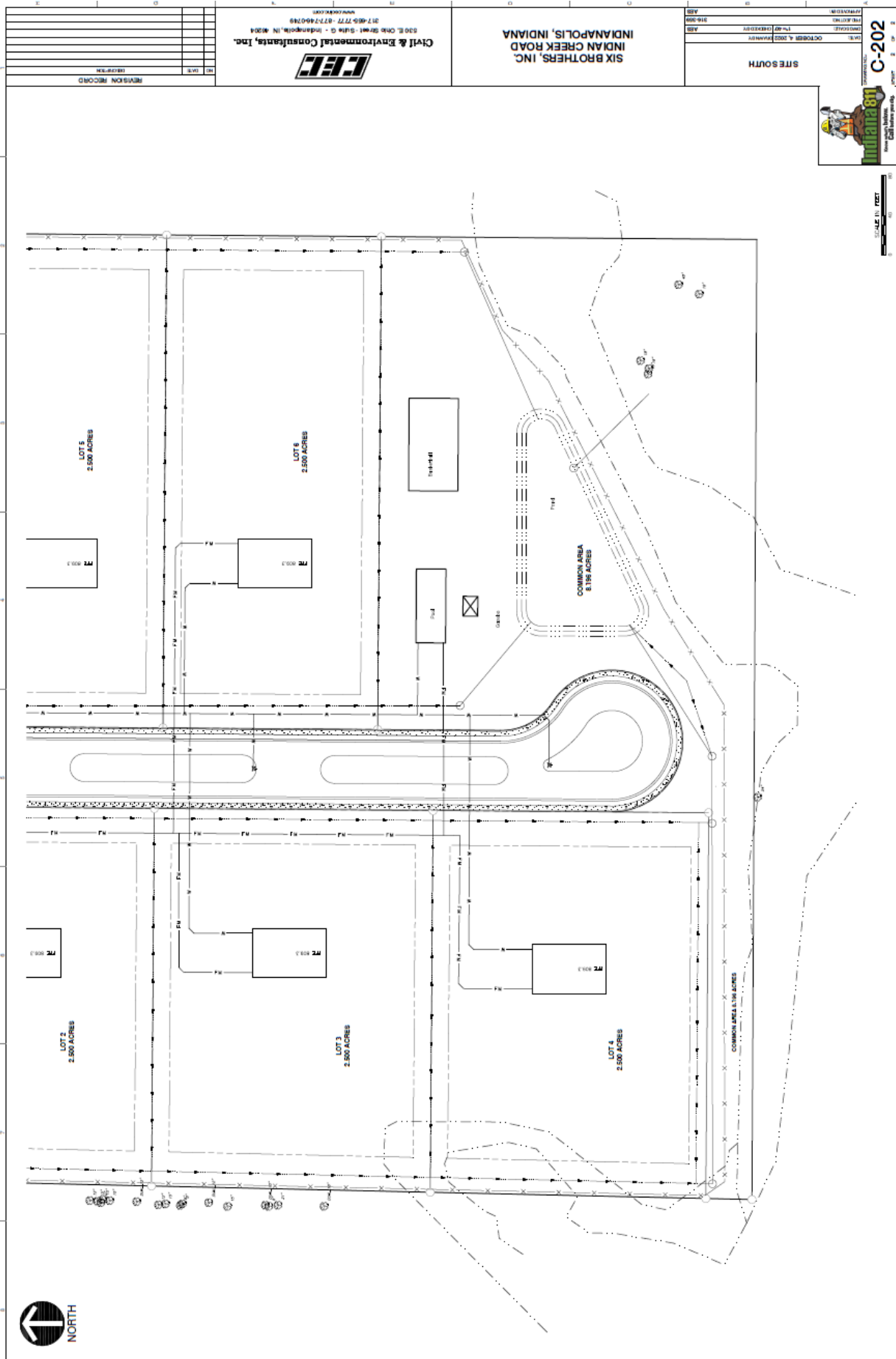


2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 Revised Site Plan









**2022-CZN-843 / 2022-CVR-843 / 2022-CPL 843 Petitioner Exhibit****DEVELOPMENT PLAN**

Six Brothers Inc (“**Petitioner**”) own the real property commonly known as 10505 Indian Creek Rd S, Indianapolis, IN (the “**Subject Property**”). This rezoning petition is being filed as a simultaneous petition with a Plat Petition which provides for the subdivision of the lot into the six lots and the “Common Areas.” Petitioner plans to redevelop Subject Property with six residential houses on six separate lots. The remainder of the Subject Property shall be Common Areas, which shall contain: the private drive, pool, basketball court, gazebo, and retention pond/drainage facilities, all as further depicted in the Site Plan and the Plat. CEC has completed the survey and engineering work through the date hereof and CEC will provide all engineering work necessary to ensure proper drainage along with the hookup to and/or extension of the main sewer line as necessary to serve the Subject Property.

Given the proximity to Franklin Township Middle School, Petitioner would like to have a gate at the end of the private drive. Since there are many similar gated communities nearby, Petitioner feels that this is a reasonable request. The gate would be constructed pursuant to the exhibit submitted simultaneously herewith. Petitioner has already discussed this with IFD and shall continue to work with IFD to have a “No Knock Box” installed on the gate, and the private drive has been designed to provide adequate turning radius for IFD’s trucks as well any other vehicles.

**2022-CZN-828 / 2022-CPL-828 Photographs**

Subject site viewed from neighbor's driveway east of site





Subject Site viewed from Indian Creek Road South



School north of site



## STAFF REPORT

Item 23.

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

**Case Number:** 2022-CZN-869 / 2022-CVR-869  
**Address:** 1631 and 1851 West Thompson Road (*Approximate Addresses*)  
**Location:** Perry Township, Council District #20  
**Petitioner:** Truck County of Indiana, Inc., by Timothy E. Ochs  
**Request:** Rezoning of 21.85 acres from the I-4 (FF) district to the C-7 (FF) district.  
  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Green Factor score of 0.1730 (Green Factor of 0.22 or higher required), with four free-standing signs (maximum two permitted per frontage) along Thompson Road, with 184 feet and 187 feet of separation between signs (minimum 300 feet required), with two pole signs being 60 feet tall (maximum 20-foot tall pole signs permitted, maximum one pole sign permitted per street frontage).

### **RECOMMENDATIONS**

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

Staff **recommends denial** of the variance of development standards requests.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 21.85-acre site, zoned I-4 (FF), is developed with a truck and trailer dealership. It is surrounded by heavy commercial uses to the north, across West Thompson Road, zoned C-S; industrial uses to the south, zoned I-3 and I-4 (FF); undeveloped land, SR 37 right-of-way and industrial uses to the east, zoned I-3 (FF) and I-4, respectively; and industrial uses to the west, zoned I-3 (FF).
- ◇ This site has been the subject of five rezoning petitions beginning in 1983 involving commercial and industrial uses. See Zoning History

(Continued)

**REZONING**

- ◇ This request would rezone the site from I-4 (FF) District to the C-7 (FF) classification to provide for multi-family development uses. “The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.”
- ◇ The Comprehensive Plan recommends Heavy Commercial typology. “The Heavy Commercial typology provides for consumer-oriented general commercial and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.”
- ◇ 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:

*Heavy Commercial Uses*

- Should be located along an arterial or collector streets

*Removed Uses in Environmentally Sensitive Areas (ESA)*

- Heavy Commercial Uses
- Surface Parking
- Structured Parking
- Wind or Solar Farms

(Continued)

## **Overlays**

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas (the 100-year floodplain of White River). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

## **Planning Analysis**

- ◇ As proposed the rezoning to the C-7 district would be consistent with the Comprehensive Plan recommendation of heavy commercial. The Pattern Book, however, indicates that this use should be located on an arterial or collector street and recommends this use be removed when located within an environmentally sensitive area.
- ◇ The uses on this site have existed in some form since 1983 and before the current Zoning Ordinance and the Pattern Book recommendations. Consequently, the lack of being located along an arterial or collector street would be a minor deviation from the Ordinance. Furthermore, it is less than 600 feet from SR 37 to the east, which is classified as a primary arterial street.
- ◇ The Pattern Book also recommends that heavy commercial uses be removed as a recommended land use within an environmentally sensitive area. The environmentally sensitive area on this site is small area located at the northeast corner of the site and east of a retention pond, resulting in minor impact of this use upon the environmental sensitive area overlay.

## **VARIANCES OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a Green Factor score of 0.1730 when the Ordinance requires a Green Factor of 0.22 or higher. Because no landscape plan was submitted, it is difficult to determine whether additional landscaping could be installed that would, in fact, contribute to the overall existing landscaping. During the site visit staff observed areas along the frontage that could be supplemented with additional landscaping, thereby increasing the Green Factor. Consequently, staff does not support this variance.

(Continued)



- ◇ This request would provide for four free-standing signs when the Ordinance allows for a maximum of two signs along a frontage. Additionally, the four proposed signs would not comply with the required minimum separation of 300 feet. If approved the signs would only have a separation of 184 and 187 feet, which would result in proliferation of signs that the Ordinance attempts to control. Doubling the number of permitted signs within a short distance can cause confusion and negatively impact permitted existing signs on surrounding properties.
- ◇ This request would also provide for two 60-foot-tall pole signs that exceed the permitted height of 20 feet and doubles the number of signs that are permitted along a street frontage.
- ◇ Freestanding signs in limited numbers can significantly assist the motoring public identify destinations. However, unnecessarily tall signs without necessary separation tend to distract, confuse and disorient motorists while losing the effectiveness of commercial messages in a harsh sea of poles, colors, logos and words.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-4	Truck and trailer dealership
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SURROUNDING ZONING AND LAND USE

North -	C-S	Heavy commercial uses
South -	I-3 / I-4 (FF)	Industrial uses
East -	I-4	Undeveloped land / SR 37 right-of-way / industrial uses
West -	I-3	Industrial uses

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of West Thompson Road is designated in the Marion County Thoroughfare Plan as a local street with an existing 130 / 80-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 located within an environmentally sensitive area (100-year floodplain of Fall Creek)

(Continued)

SITE PLAN	File-dated October 27, 2022
SIGN ELEVATIONS	File-dated October 27, 2022
FINDINGS OF FACT	File-dated October 27, 2022

**ZONING HISTORY**

**94-Z-45; 1631 West Thompson Road**, requested rezoning of 22.97 acres, being in the I-4-S District, to the C-7 classification to provide for commercial development and uses, **approved**.

**89-Z-150; 1851 West Thompson Road**, requested rezoning of 19.4 acres, being in the I-4 S/FF District to the C-7 classification to provide for truck and tractor sales and service including parts sales and body repair, **approved**.

**84-AP-190; 1851 West Thompson Road**, requested modification of commitments approval to permit the relocation of a landscape strip, **approved**.

**84-Z-197 1851 West Thompson Road**, requested rezoning of 21.9 acres, being in the SU-23 (GSB) Districts, to the I-4 S classification to provide for the expansion of a motor truck terminal, **approved**.

**83-Z-241; 1751 West Thompson Road**, requested rezoning of 20 acres, being in the I-3-S District, to the I-4 S classification to provide for a motor truck terminal, **approved**.

**VICINITY**

**2022-ZON-045; 1600 West Thompson Road (east of site)**, requested rezoning of 3.22 acres from the C-4 (FF) district to the I-3 (FF) district to provide for semi-truck/trailer parking, **approved**.

**2014-ZON-074; 1600 West Thompson Road (east of site)**, requested rezoning of 3.22 acres from the I-3-S district to the C-4 district, **approved**.

**2009-ZON-057; 5204, 5206, and 5216 South Harding Street (east of site)**, requested rezoning of 5.33 acres, being in the C-S (W-5) District, to the C-S (W-5) classification to provide for wholesale and retail landscape supply operations and two single-family dwellings, or C-3 uses and/or a hotel, **approved**.

**2007-ZON-851 / 2007-APP-851; 5202, 5206, and 5216 South Harding Street (east of site)**, requested rezoning of 5.33 acres from C-S to C-S to provide for an extended stay hotel and C-3 uses, **approved**.

**2007-ZON-051; 5191 Harding Lane (east of site)**, requested rezoning of 0.933 acre from I-2-S to C-7 to provide for high-intensity commercial uses, **approved**.

(Continued)

**2005-ZON-060; 1720 West Thompson Road (west of site)**, requested rezoning of 21.43 acres from the C-S (FF) district to the C-S (FF) district to permit truck sales in addition to existing uses, **approved**.

**98-Z-225; 4950 Harding Lane (east of site)**, requested rezoning of 2.5 acres from C-4 to C-7, **approved**.

**98-Z-23; 1421 West Thompson Road (east of site)**, requested a rezoning of 20.50 acres from I-2-S to C-7, **approved**.

**96-Z-231; 5160 South Harding Street (east of site)**, requested a rezoning of 3.22 acres from I-2-S(FF) to C-7(FF), **approved**.

**94-HOV-17; 1720 West Thompson Road (west of site)**, requested a Variance of Development Standards of the Sign Regulations to provide for three illuminated awning signs, with sign copy displaying entrance and services offered, **approved**.

**94-V3-1; 1151 West Thompson Road (east of site)**, requests a variance of development standards to permit the construction of a warehouse/office with 50.2 feet of public street frontage, **approved**.

**93-Z-121; 1421 West Thompson Road (east of site)**, requests rezoning of 20 acres, being in the I-2-S/FF Districts, to the I-3-S/FF classifications to provide for the construction of a truck terminal, **approved**.

**93-V3-21; 4835 Harding Court (east of site)**, requested a variance of development standards of the Sign Regulations to permit the placement of a 258 square foot pole sign with a total height of 75 feet, **approved**.

**92-SE3-5; 1720 West Thompson Road (west of site)**, requested a Special Exception of the Commercial Zoning Ordinance to provide for more than four arcade machines, **approved**.

**92-V1-23; 1245 Harding Court (east of site)**, requested a variance of development standards of the Sign Regulations to permit the placement of an advertising sign with a total height of 47 feet, **approved**.

**90-Z-151; 1420 West Thompson Road (east of site)**, requested rezoning of 1.0 acre, being in the C-7/FP Districts, to the SU-9/FP classification to provide for the construction of a fire station, **approved**.

**90-Z-12; 5202 South Harding Street (east of site)**, requested rezoning of 5.315 acres from I-2-U to C-S to provide for mixed-use commercial development including the following uses: hotel/motel, office complex, fast-food services, convenience store, restaurant/bar, package liquor store, commercial retail sales, storage building with outdoor storage, truck plaza, gasoline service station, manufactured home sales, bank, general contractors, family entertainment center, movie theater, medical office, drug store, and day care, **approved**.

(Continued)



**89-UV1-30; 5202 South Harding Street (east of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for an addition to an existing building and the construction of five additional buildings for model homes and a sales office, **approved**.

**89-Z-128; 1720 West Thompson Road (west of site)**, requested rezoning of 21.43 acres from the I-3-S (FF) district to the C-S (FF) district to provide for a truck transportation center, **approved**.

**89-Z-75; 5003 South Harding Street (east of site)**, requested rezoning of 5.73 acres, being in the I-2-S District, to the C-4 classification to provide for commercial uses, **approved**.

**86-Z-216; 1131 West Thompson Road (east of site)**, requested rezoning of 7.3 acres, being in the I-2-S/FP Districts, to the I-4-S/FP classifications to provide for a steel fabrication business, **approved**.

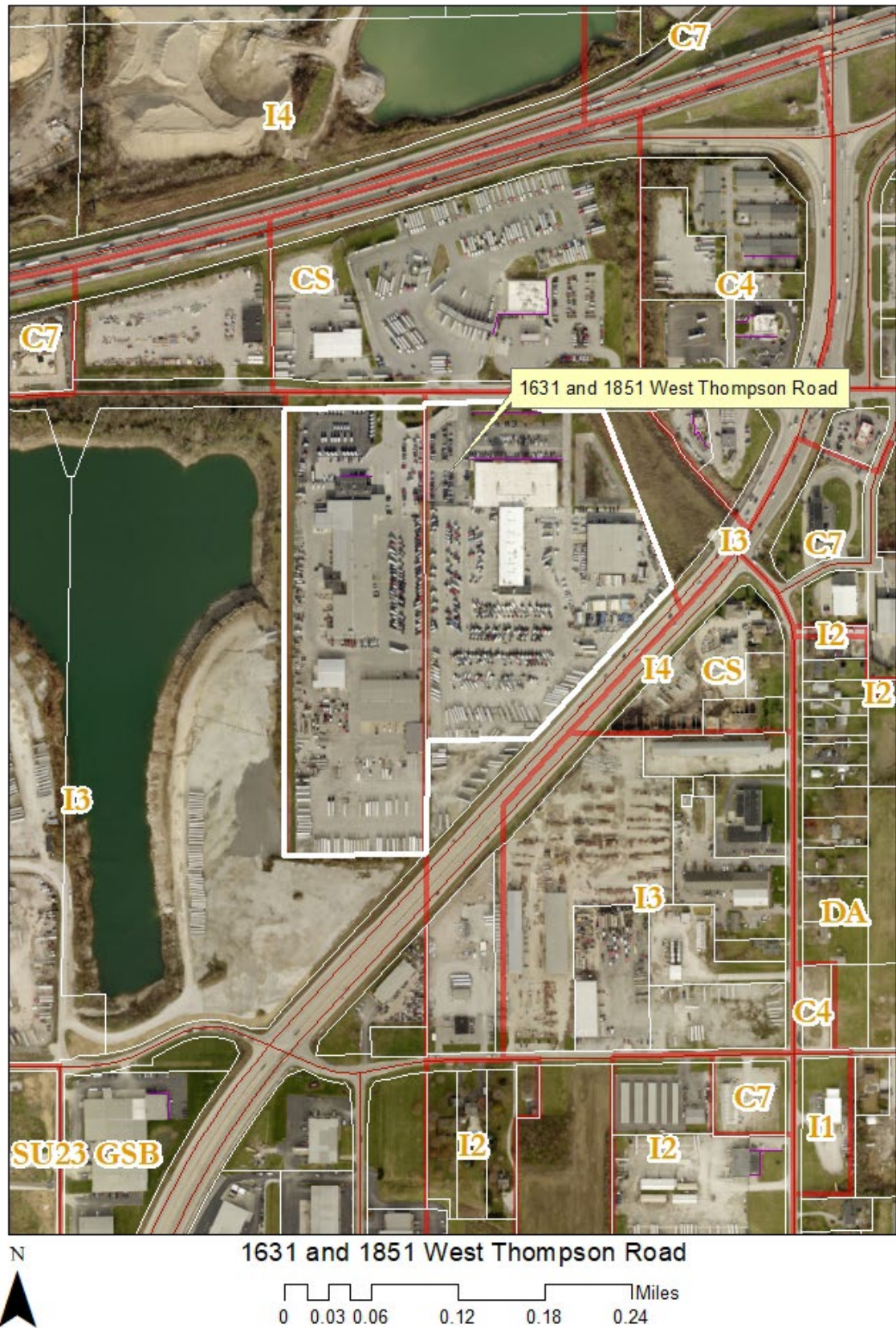
**86-CV-33; 1131 West Thompson Road (east of site)**, requested a variance of development standards to permit a steel fabrication business, without required street frontage, **approved**.

**86-Z-164; 1421 West Thompson Road (east of site)**, requested rezoning of 20.68 acres, being in the SU-19 District, to the I-2-S classification to provide for industrial uses, **approved**.

**73-Z-37, 1541 West Thompson Road (east of site)**, requested rezoning of 5.41 acres from the I-3-S district to the C-4 classification, **approved**.

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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**

III(a)

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

The sites are already nearly entirely covered with buildings or concrete, so no existing trees will be removed or any significant green area destroyed. The decreased Green Space does not cause a safety issue, and the presence of so many trucks and trailers creates an environment where pedestrians are not desirable in close proximity to the areas where they are stored on site.

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

There are no residential uses within 2,000 feet of the properties, and SR 37, I-69 and I-465 are or will shortly be between the properties and any use other than heavy commercial or industrial uses, which will not be impacted by the reduction in the Green Factor.

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

Other than employee vehicles, the site is heavily and nearly exclusively used for trucks, many of which are 72 feet long and require extensive turning radius. The existing site is not large enough to allow internal planting areas that would have satisfied the Green Factor because they would have interfered with the necessary parking areas and the turning radii needed for many of the trucks and trailers.

**DECISION**

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

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

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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**

I(a)

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

The addition of one free standing sign to a property that has approximately 655 feet of frontage will not impact detrimentally impact the public. Given the location of all three signs, none of the signs will cause any sight obstructions to drivers. Moreover, there are no residential uses within 2,000 feet of the signs, and SR 37, I-69 and I-465 are between the signs and any use other than heavy commercial or industrial uses. The signs will not contain any offensive information or material.

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

There are no residential uses within 2,000 feet of the signs, and SR 37, I-69 and I-465 are between the signs and any use other than heavy commercial or industrial uses, which will not be impacted by the presence of the signs. The signs make no noise, odor, dust or vibration.

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

This is an existing truck parts and repair operation that was intentionally located off of State Road 37, close to I-465. The construction of I-69 over a half mile to the west and the relegation of SR 37 to a local street causes new signage that is visible from the Interstates to be necessary. The two monument signs are necessary because they provide directions to truck drivers entering the site at each access point. These monument signs, however, are not adequate to advertise the business to anyone other than a truck that has already decided to visit the business, which means a third sign is needed.

**DECISION**

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

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

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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**

I(b)

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

The two signs located within 187 feet of each other are very different signs. One will be visible only when on Thompson Road and the other when a drive is located further away, which means they will not cause a conflict to drivers. Moreover, none of the signs will cause any sight obstructions to drivers. The signs will not contain any offensive information or material.

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

There are no residential uses within 2,000 feet of the signs, and SR 37, I-69 and I-465 are between the signs and any use other than heavy commercial or industrial uses, which will not be impacted by the presence of the signs. The signs make no noise, odor, dust or vibration.

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

This is an existing truck parts and repair operation that was intentionally located off of State Road 37, close to I-465. The construction of I-69 over a half mile to the west and the relegation of SR 37 to a local street causes new signage that is visible from the Interstates to be necessary. The two monument signs are necessary because they provide directions to truck drivers entering the site at each access point. These monument signs, however, are not adequate to advertise the business to anyone other than a truck that has already decided to visit the business, which means a third sign is needed. The monument signs must be at the entrances, given their content, and the pole sign has been moved as far away from the closest monument sign as possible.

**DECISION**

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

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

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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**

I(c)

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

The increased height of the sign does not impact the public's health, safety, welfare or convenience. The signs will not cause any sight obstructions to drivers, nor will it contain any offensive information or material.

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

There are no residential uses within 2,000 feet of the sign, and SR 37, I-69 and I-465 are between the signs and any use other than heavy commercial or industrial uses, which will not be impacted by the presence of the signs. The signs make no noise, odor, dust or vibration.

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

This is an existing truck parts and repair operation that was intentionally located off of State Road 37, close to I-465. The construction of I-69 over a half mile to the west and the relegation of SR 37 to a local street causes new signage that is visible from the Interstates to be necessary. A sign that complied with the existing height limitation would not be visible from the nearby interstates. The target audience of the business are those persons who use the interstates, especially those that unexpectedly require parts or service to repair of truck.

**DECISION**

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

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

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\_\_\_\_\_  
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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**

II(a)

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

The increased height of the sign does not impact the public's health, safety, welfare or convenience. The signs will not cause any sight obstructions to drivers, nor will it contain any offensive information or material.

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

There are no residential uses within 2,000 feet of the sign, and SR 37, I-69 and I-465 are between the signs and any use other than heavy commercial or industrial uses, which will not be impacted by the presence of the signs. The signs make no noise, odor, dust or vibration.

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

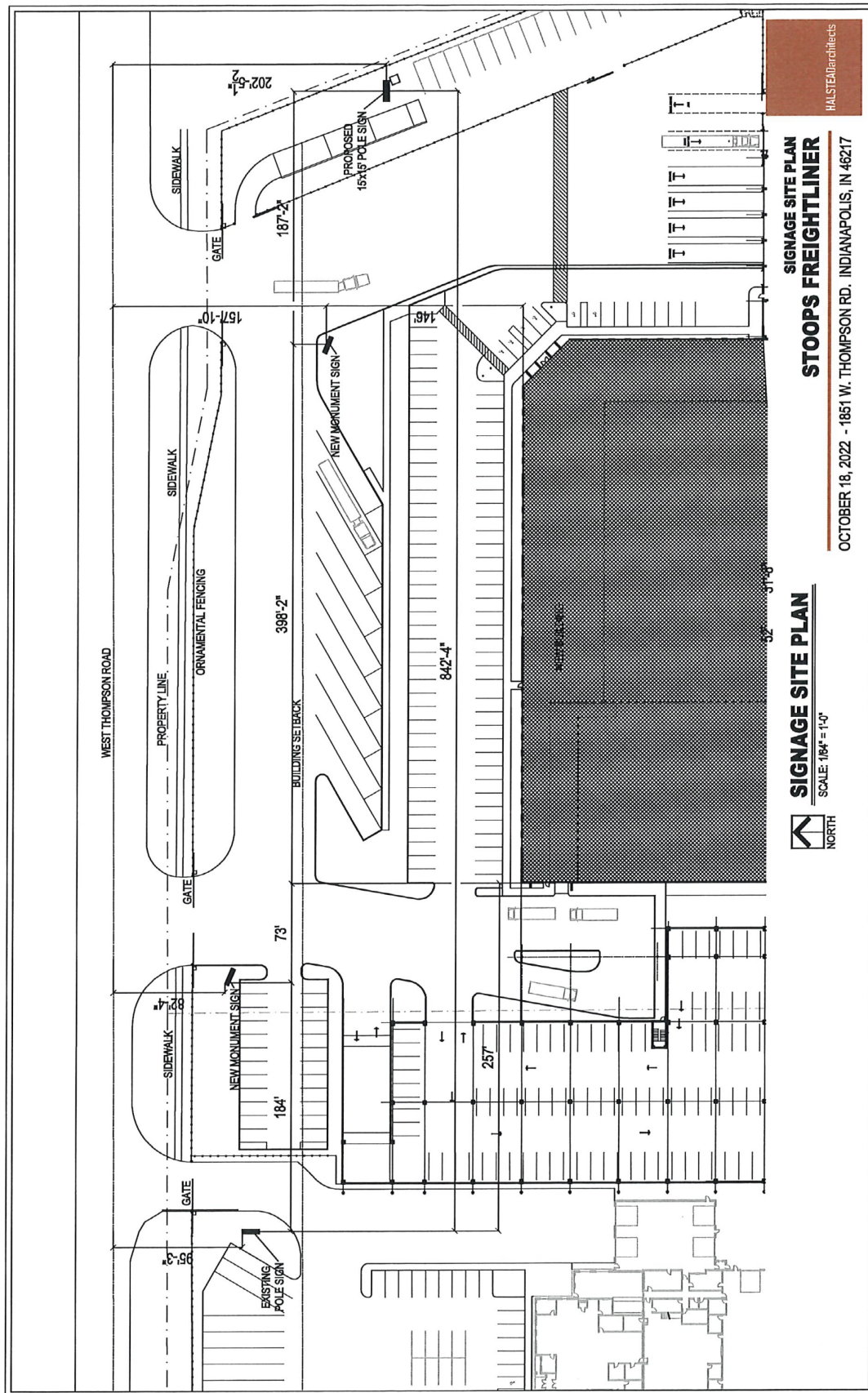
This is an existing truck parts and repair operation that was intentionally located off of State Road 37, close to I-465. The construction of I-69 over a half mile to the west and the relegation of SR 37 to a local street causes new signage that is visible from the Interstates to be necessary. A sign that complied with the existing height limitation would not be visible from the nearby interstates, and online advertisement is not adequate as the sole means of exposure.

**DECISION**

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

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

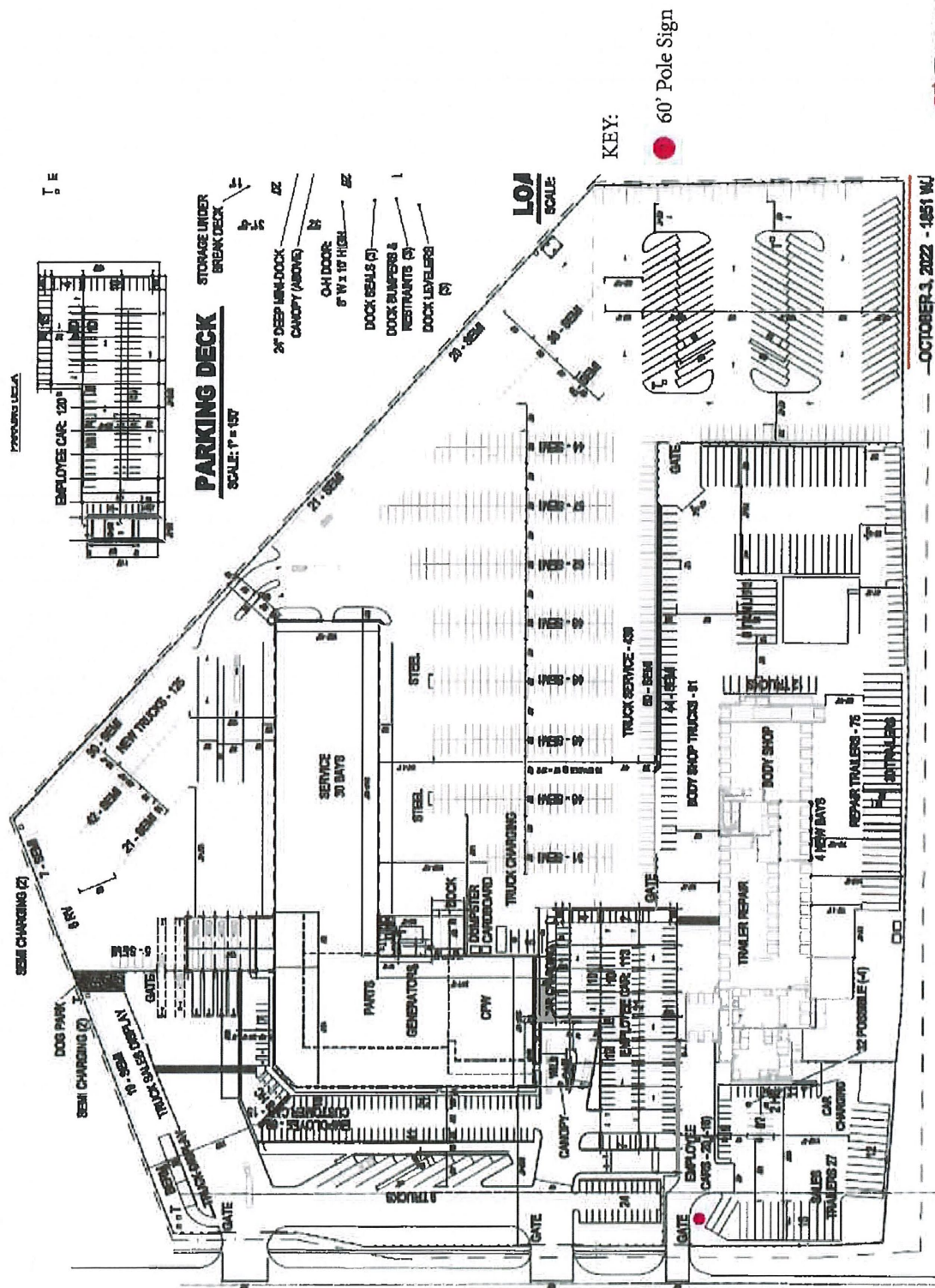
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## INDIANAPOLIS TRUCK LOCATION - EXTERIOR SIGNS OVERVIEW



OCTOBER 3, 2022 - 10:51 AM

**LStoops**  
IMPROVEMENT - QUALITY - INTEGRITY  
AFFORDABLE TRUST COMPANY

Location:	Stoops - Indianapolis	
Address:	1851 W. Thompson Rd., Indianapolis, IN 46217	
Project:	Exterior Signage - Trailers Pole Sign	
Revision:	1	Date: 06.24.2022
<b>DIMENSIONS</b>		
Sign Face:	20' x 8'	Sign Face Sq. Ft.: 160
Overall Height:	60'	

<b>SIGN DESCRIPTION</b>	
Colors Used:	<ul style="list-style-type: none"><li>▪ 2 Flex Faces</li><li>▪ Internally Illuminated LED</li><li>▪ Double Sided</li></ul>
	PMS 186 C
	PMS 202 C
	Black
	White

SCALED DRAWING OF SIGN FACE



Location: <u>Stoops - Indianapolis</u>	Revision: <u>3</u>	Date: <u>10.10.2022</u>
Address: <u>1625 W. Thompson Rd., Indianapolis, IN 46217</u>	<b>DIMENSIONS</b>	
Project: <u>Exterior Signage - Freightliner Pole Sign</u>	Sign Face: <u>15' w x 15' h</u>	Sign Face Sq. Ft.: <u>225</u>
	Overall Height: <u>60'</u>	

<b>SIGN DESCRIPTION</b>	
Colors Used:	<ul style="list-style-type: none"><li>▪ 2 Flex Faces</li><li>▪ Internally Illuminated LED</li><li>▪ Double Sided</li></ul>
<div><div></div> PMS 485 C</div> <div><div></div> Black</div> <div><div></div> White</div>	



SCALED DRAWING OF  
SIGN FACE



Location: Stoops - Indianapolis

Address: 1625 W. Thompson Rd., Indianapolis, IN 46217

Project: Exterior Signage - Monument Sign

Revision: 4      Date: 10.17.2022

**DIMENSIONS**

Sign Face: 6' w x 6' h      Sign Face Sq. Ft.: 36

Overall Height: 8' with base

SIGN DESCRIPTION	
Colors Used:	<ul style="list-style-type: none"><li>▪ 2 Flex Faces</li><li>▪ Internally Illuminated LED</li><li>▪ Double Sided</li></ul>
	PMS 186 C
	PMS 202 C
	Black
	PMS 9043 C

SCALED DRAWING OF SIGN FACE

FRONT



BACK



Location: Stoops - Indianapolis

Address: 1625 W. Thompson Rd., Indianapolis, IN 46217

Project: Exterior Signage - Monument Sign

Revision: 3      Date: 10.10.2022

DIMENSIONS

Sign Face: 6' w x 6' h      Sign Face Sq. Ft.: 36

Overall Height: 8' with base

SIGN DESCRIPTION

Colors Used:

PMS 186 C

PMS 202 C

Black

PMS 9043 C

▪ 2 Flex Faces

▪ Internally Illuminated LED

▪ Double Sided

SCALED DRAWING OF SIGN FACE

FRONT

PARTS WILL CALL

AUTO/VAN  
PARKING

EMPLOYEE  
PARKING

BACK

*Thank you*  
for your business!

288









View looking west along West Thompson Road



View looking west along West Thompson Road





View looking east on West Thompson Road



View looking east along West Thompson Road





View of site looking south



View from site looking southeast





View of site looking southwest



View of site looking south





View of site looking southeast



View from site looking northeast across West Thompson Road





View from site looking northwest across West Thompson Road



View from site looking north across West Thompson Road