



# Metropolitan Development Commission Hearing Examiner (July 11, 2024) Meeting Agenda

## Meeting Details

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

**Date:** Thursday, July 11, 2024

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2024-APP-009 | 1801, 1851, and 2001 West 86th Street, 8301, 8401, 8433, 8402, and 8501 Harcourt Road, 8220, 8240, 8260, 8326, 8330, 8333, 8414, 8424, and 8550 Naab Road**  
Washington Township, Council District #1 and #2  
HD-1 / HD-2  
St. Vincent Hospital and Health, by Brent Bennett

Hospital District One Approval and Hospital District Two Approval to provide for updated campus-wide wayfinding signage.

**\*\*Petitioner request for continuance for cause to August 15, 2024**

- 2. 2024-MOD-009 | 7710 Johnson Road**  
Lawrence Township, Council District #3  
C-S  
7710 Johnson, LLC, by Joseph D. Calderon

Modification of the Commitments, Development Statement and Site Plan related to petitions 99-Z-195, and, as amended with 2006-ZON-810, to provide for display of dumpsters for rent to consumers for home improvement projects.

**\*\*Staff request for continuance for cause to July 25, 2024**

- 3. 2024-MOD-011 | 4001 South Keystone Avenue**  
Perry Township, Council District #19  
C-4  
Aman, LLC, by Tyler Ochs

Modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove "Automobile Fueling Station" and "Automobile and Light Vehicle Wash" from the list of prohibited uses.

**\*\*Automatic Continuance to August 15, 2024, filed by a Remonstrator**

- 4. 2024-ZON-039 | 3803, 3805, 3919, 4051, and 4233 Lafayette Road, 4262, 4266, 4270, and 4360 West 38th Street, 4702, 4750, and 4825 Century Plaza Road**  
Pike Township, Council District #5  
PFFO QOZB LLC, by Alex Intermill and Tyler Ochs

Rezoning of 126.55 acres from the C-4, C-5, and MU-2 (FF) districts to the C-S (FF) district to provide for C-4 and MU-2 permitted uses, plus commercial retail, community center, athletic fields and courts, film production studios, hotels, multi-family dwellings, and educational uses.

**\*\*Automatic continuance to August 15, 2024, filed by Registered Neighborhood Organization**

**5. 2024-ZON-050 | 3739 North Kitley Avenue**

Warren Township, Council District #9  
Patrium LLC, by Luis Gomez

Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.

**\*\*Petitioner request for continuance for cause to July 25, 2024**

**6. 2024-CVR-826 / 2024-CPL-826 | 1150 East New York Street**

Center Township, Council District #13  
D-8

Ronin Highland Park, LLC, by Jynell D. Berkshire

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction five single-family attached dwellings, each with a zero-foot front setback along New York Street (front setback ranging from 10 feet to 19.9 feet required), building height of 46 feet (maximum 40 feet permitted), an 18-foot encroachment into the clear sight triangle of New York Street and an 11-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required).

Approval of a Subdivision Plat to be known as Elevate Highland Park Subdivision, subdividing 0.20-acre into five single-family attached lots.

**\*\*Petitioner request for continuance for cause to August 15, 2024**

**Petitions for Public Hearing**

**PETITIONS TO BE EXPEDITED:**

**7. 2024-ZON-059 (Amended) | 2345 South Arlington Avenue**

Warren Township, Council District #20  
Doris M. Lambert, by Teri L. Hutchison

Rezoning of five acres from the D-A (FF) district to the C-1 (FF) district to provide for office-buffer commercial uses.

**8. 2024-ZON-069 | 2810 and 2814 East Michigan Street**

Center Township, Council District #13  
Arcangel Tellez-Garcia, by David Gilman

Rezoning of 0.221 acres from the C-3 district to the D-8 district to provide for multi-family residential development.

**9. 2024-CVR-821 / 2024-CPL-821 | 815 Grove Avenue**

Center Township, Council District #18  
D-8 (TOD)  
815 Grove, LLC, Paul J. Lambie

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on proposed Lot One, with a seven-foot front setback along Hosbrook Street (front setback ranging from 10 feet to 19.9 feet required), a 3.5-foot corner side yard setback from Grove Street (minimum 8 feet required) and to legally establish an existing single-family dwelling on proposed Lot Two with deficient setbacks.

Approval of a Subdivision Plat to be known as Replat of Lot 362 in Fletcher Stone, Witt, Taylor and Hoyt's Subdivision, subdividing 0.10-acre into two lots, including a vacation of a portion of the abutting alley, along the

northeast portion of proposed Lot Two, ranging from 2.59 feet to 3.19 feet in width (irregular-shaped), from a point 2.87 feet southeast of the right-of-way of Grove Avenue, southeast 33.03 feet, with a waiver of the assessment of benefits.

**10. 2024-CZN-827 / 2024-CAP-827 | 2923, 2925, 2929, 2931, and 2933 North Park Avenue**

Center Township, Council District #8  
City of Indianapolis, Department of Parks and Recreation, by Benjamin Jackson

Rezoning of 0.124-acre from the D-5 district to the PK-1 district for park uses.

Park District One Approval to provide for new playground equipment, a shelter, benches, and an information kiosk.

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

**11. 2024-MOD-006 | 8100 Southeastern Avenue**

Franklin Township, Council District #20  
D-P  
Circle City Property Group, Inc., by William T. Niemier

Modification of Commitments and Site Plan related to 98-Z-63 and 2006-APP-150 to modify:

- a) Commitment 45 to alter the approved site plan to provide for a 10,500-square-foot commercial building;
- b) Commitment 71 to provide for a 10,500 square-foot commercial building (maximum 10,000 square-foot commercial building permitted);
- c) Commitment 75 provide for a flat roof on said proposed 10,500 square-foot commercial building (required only pitched, shingle-roofed structures).

**12. 2024-ZON-060 | 2401 West Morris Street**

Wayne Township, Council District #17  
Amy Lapka

Rezoning of 3.99 acres from the D-5 (FF) and C-4 (FF) districts to the C-7 (FF) district to provide for a landscaping business.

**13. 2024-CAP-822 | 1351 Roosevelt Avenue**

Center Township, Council District #13  
C-S (FF)  
Penn Electric Partners LLC, by Brent Roberts

Modification of the Commitments for 2022-ZON-115 to Modify Commitment #3 to provide for the addition of building signage, roof sign, and architectural canopies, which shall be submitted for Administrator's Approval prior to the issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a 26-foot long, 8.5-foot-tall roof sign. Said roof sign would be supported by a 23.2-foot long, 15.9-foot-tall scaffold structure (not permitted).

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

**14. 2024-ZON-057 | 1709 East 38th Street**

Center Township, Council District #8  
Francis Olanipekun, by Oluwaseun Famosinpe

Rezoning of 2.32 acres from the SU-1 (TOD) district to the C-4 (TOD) district to provide for commercial uses including an event hall.

**15. 2024-ZON-062 | 1025 Jefferson Avenue**

Center Township, Council District #13  
Brookside Commercial, LLC, by Joseph D. Calderon

Rezoning of 0.15-acre from the D-5 district to the SU-38 district to provide for additional surface parking area for a community center and apartments.

**16. 2024-ZON-071 | 1302 East Stop 11 Road**  
Perry Township, Council District #23  
HRE Brothers, LLC, by Michael Rabinowitch

Rezoning of 1.788 acres from the D-A district to the C-3 district to provide for a restaurant and other commercial uses.

**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 [planningoncall@indy.gov](mailto:planningoncall@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) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-APP-009

**Property Address:** 1801, 1851, and 2001 West 86th Street, 8301, 8401, 8433, 8402, and 8501 Harcourt Road, 8220, 8240, 8260, 8326, 8330, 8333, 8414, 8424, and 8550 Naab Road (approximate addresses)

**Location:** Washington Township, Council District #1 and #2

**Petitioner:** St. Vincent Hospital and Health, by Brent Bennett

**Current Zoning:** HD-1 / HD-2

**Request:** Hospital District One Approval and Hospital District Two Approval to provide for updated campus-wide wayfinding signage.

**Current Land Use:** Hospital and Health Services

**Staff Recommendations:** To be determined.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This was continued from the June 13, 2024 hearing to the July 11, 2024 to provide the petitioner time to submit additional information requested by staff and to provide sufficient time for the mailing of new notices for an anticipated amended petition. No new information was submitted to the case file.

This petition should be continued from the **July 11, 2024 hearing to August 15, 2024 hearing** to provide sufficient time to amend the request and mail out new notices.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the August 15, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 11, 2024

**Case Number:** 2024-MOD-009

**Property Address:** 7710 Johnson Road (Approximate Address)

**Location:** Lawrence Township, Council District #3

**Petitioner:** 7710 Johnson, LLC, by Joseph D. Calderon

**Current Zoning:** C-S

**Request:** Modification of the Commitments, Development Statement and Site Plan related to petitions 99-Z-195, and, as amended with 2006-ZON-810, to provide for display of dumpsters for rent to consumers for home improvement projects.

**Current Land Use:** Commercial

**Staff Recommendations:** To be determined.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

Staff will be requesting a **continuance for cause from the July 11, 2024 hearing to the July 25, 2024 hearing** to provide additional time for a revised site plan to be submitted for review since the one submitted to the case file shows the use of an adjacent property, which is not permitted.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition will be continued to the July 25, 2024 hearing.



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Division of Planning  
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 11, 2024

**Case Number:** 2024-MOD-011  
**Property Address:** 4001 South Keystone Avenue  
**Location:** Perry Township, Council District #19  
**Petitioner:** Aman, LLC, by Tyler Ochs  
**Request:** Modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**CONTINUANCE**

A remonstrator has filed an Automatic Continuance, continuing this petition from the July 11, 2024, hearing, to the August 15, 2024, hearing. This will require the Hearing Examiner’s acknowledgement.



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-039

**Property Address:** 3803, 3805, 3919, 4051, and 4233 Lafayette Road, 4262, 4266, 4270, and 4360 West 38<sup>th</sup> Street, 4702, 4750, and 4825 Century Plaza Road

**Location:** Pike Township, Council District #5

**Petitioner:** PFFO QOZB LLC, by Alex Intermill and Tyler Ochs

**Request:** Rezoning of 126.55 acres from the C-4, C-5, and MU-2 (FF) districts to the C-S (FF) district to provide for C-4 and MU-2 permitted uses, plus commercial retail, community center, athletic fields and courts, film production studios, hotels, multi-family dwellings, and educational uses.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**CONTINUANCE**

A registered neighborhood organization has filed an Automatic Continuance, continuing this petition from the July 11, 2024, hearing, to the August 15, 2024, hearing. This will require the Hearing Examiner’s acknowledgement.





**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 11, 2024

**Case Number:** 2024-ZON-050  
**Property Address:** 3739 North Kitley Avenue  
**Location:** Warren Township, Council District #9  
**Petitioner:** Patrium LLC, by Luis Gomez  
**Current Zoning:** D-3 (TOD)  
**Request:** Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** To be determined.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

The petitioner submitted a written request for a **continuance for cause from the July 11, 2024 hearing to the July 25, 2024 hearing** to provide sufficient time to meet the mailing notice.

Staff does not have an objection to this first continuance request by the petitioner.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition will be continued to the July 25, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 11, 2024

**Case Number:** 2024-CVR-826 / 2024-CPL-826  
**Property Address:** 1150 East New York Street (approximate address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Ronin Highland Park, LLC, by Jynell D. Berkshire  
**Current Zoning:** D-8

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction five single-family attached dwellings, each with a zero-foot front setback along New York Street (front setback ranging from 10 feet to 19.9 feet required), building height of 46 feet (maximum 40 feet permitted), an 18-foot encroachment into the clear sight triangle of New York Street and an 11-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required).

Approval of a Subdivision Plat to be known as Elevate Highland Park Subdivision, subdividing 0.20-acre into five single-family attached lots.

**Current Land Use:** Undeveloped

**Staff Recommendations:** To be determined.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

The petitioner submitted a written request for a **continuance for cause from the July 11, 2024 hearing to the August 15, 2024 hearing** to provide additional time to work with staff.

Staff does not have an objection to this first continuance request by the petitioner, which staff will make on behalf of the petitioner.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition will be continued to the August 15, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-059 (Amended)

**Property Address:** 2345 South Arlington Avenue

**Location:** Warren Township, Council district #20

**Petitioner:** Doris M. Lambert, by Teri L. Hutchison

**Current Zoning:** D-A (FF)

**Request:** Rezoning of five acres from the D-A (FF) district to the C-1 (FF) district to provide for office-buffer commercial uses.

**Current Land Use:** Single-family dwelling

**Staff Recommendations:** Approval, subject to the commitments noted below.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the June 13, 2024 hearing, to the July 11, 2024 hearing.

**STAFF RECOMMENDATION**

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

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of South Arlington Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
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.



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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.

## PETITION OVERVIEW

This 5.0-acre site, zoned D-A (FF), is developed a single-family dwelling. It is surrounded by single-family dwellings to the north, zoned D-A (FF); commercial uses to the south zoned C-3 and C-S; a single-family dwelling and undeveloped land to the east, zoned D-A; and vacant land and single-family dwellings to the west, across South Arlington Avenue, zoned C-3 and D-2, respectively.

Petition 2022-ZON-025 requested rezoning to the C-7 district to provide for a commercial contracting business but was withdrawn.

### Rezoning

The request would rezone the site to the C-1 (Office Buffer Commercial) District. “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 suburban neighborhood typology for this site, which does allow for low intense small scale, neighborhood commercial uses that would be limited to lots less than 1.5 acres, with a limited aggregate of 3.5 acres per intersection. Currently, this intersection has over 11.64 acres that are commercially zoned or variances granted for commercial uses. Despite the expansion of commercial uses at this intersection, staff believes this request would serve as a buffer from the more intense commercial uses surrounding this intersection of Arlington Avenue and Southeastern Avenue.

### Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along South Arlington Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.



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### Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which 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 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-3 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Henninger Ditch, including a 500-year unregulated flood plain is located within the northeast portion of the site.

### Tree Preservation / Heritage Tree Conservation

The entire site is covered with natural vegetation and trees. 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 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.)



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The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

#### Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-A (FF)	
<b>Existing Land Use</b>	Single-family dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-A (FF) / Single-family dwelling
	South:	C-3 / C-S / Commercial uses
	East:	D-A / Single-family dwelling / undeveloped land
	West:	C-3 / D-2 / Vacant land / Single-family dwelling
<b>Thoroughfare Plan</b>		
South Arlington Avenue	Primary arterial	Existing 45-foot right-of-way and proposed 119-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes – unregulated 500-year floodplain	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

The 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 – Suburban Neighborhood Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage
  - Hydrological patterns should be preserved wherever possible
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
  - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
  - Should be limited to areas and parcels with adequate space for required screening and buffering.
  - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
  - Should not include outdoor display of merchandise.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.





### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database
- A bike lane along South Arlington Avenue is proposed from Raymond Street to Southeastern Avenue.



## ZONING HISTORY

**2022-ZON-025; 2345 South Arlington Avenue**, requested rezoning of five acres from the D-A district to the C-7 district to provide for a commercial contracting business, **withdrawn**.

### VICINITY

**2023-ZON-001; 5960 Southeastern Avenue (west of site)**, requested rezoning of 0.93 acres from the C-3 district to the C-4 district to provide for a gas station/convenience store, **denied**.

**2020-ZON-071; 6002 Southeastern Avenue (south of site)**, requested rezoning of 0.70 acre from the C-3 district to the C-4 district, **withdrawn**.

**2016-ZON-052; 6011 Southeastern Ave (south of site)**, requested rezoning of two acres from the C-3 district to the C-4 district, **denied**.

**2007-ZON-082; 6011 Southeastern Avenue (south of site)**, requested rezoning of 0.5 acre from the D-A district to the C-3 district, **approved**.

**2004-ZON-048; 6010 and 6020 (east of site)**, requested the rezoning of three acres from the D-A and C-3 districts to the C-3 district, **approved**.

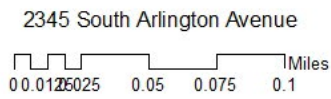
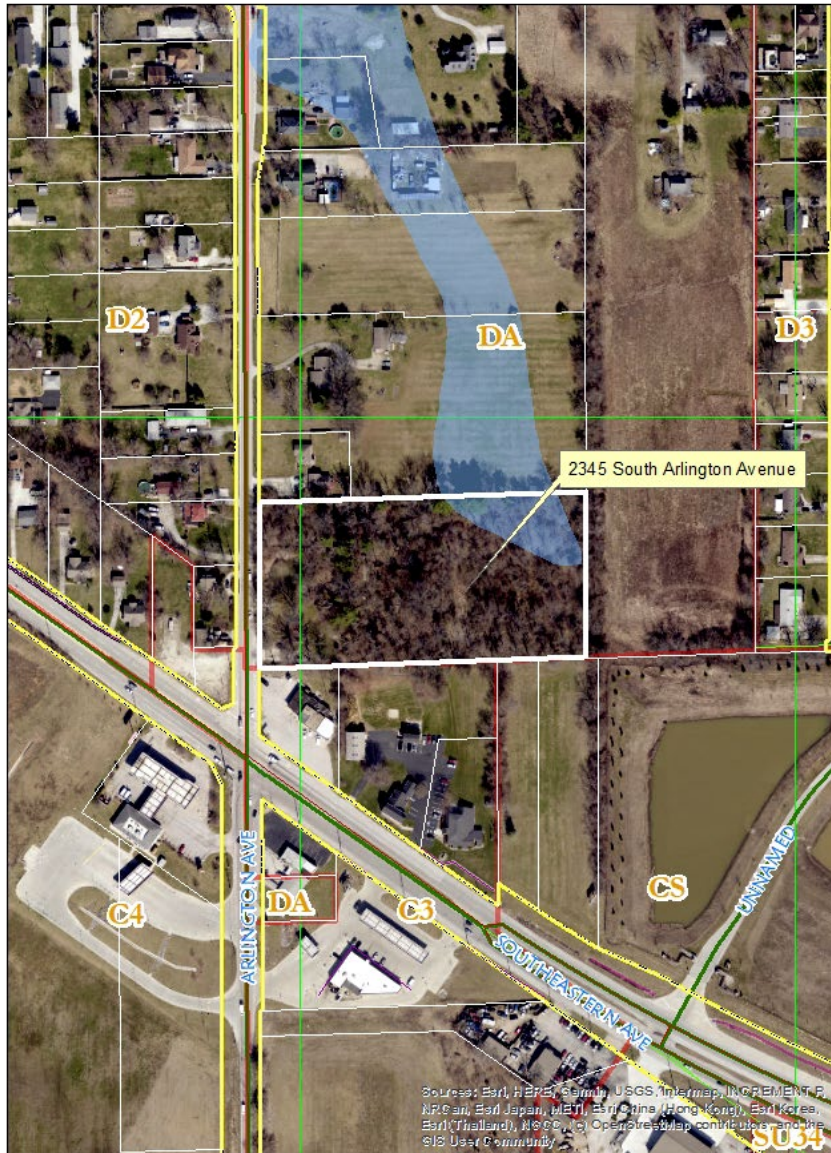
**95-UV1-81; 6020 Southeastern Avenue (east of site)**, requested a variance of use to provide for an office in a dwelling district, **approved**.

**91-UV3-103; 5990 Southeastern Avenue (west of site)**, requested a variance of use to provide for outdoor automobile sales and variances of development standards for deficient landscaping and deficient transitional yards, **approved**.

**85-Z-145; 6011 Southeastern Avenue (south of site)**, requested a rezoning of one acre from the A-2 district to the C-7 classification, **withdrawn**.

**85-UV2-78; 6030 Southeastern Avenue (south of site)**, requested a variance of use to provide for the display and sales of automobiles in a dwelling district, **withdrawn**.

**EXHIBITS**





**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>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 South Arlington Avenue



View looking north along South Arlington Avenue



View of site looking northeast across South Arlington Avenue



View from site looking northwest across South Arlington Avenue



View from site looking west across South Arlington Avenue



View from site looking south at adjacent property



View looking east at intersection of South Arlington Avenue and Southeastern Avenue





**METROPOLITAN DEVELOPMENT COMMISSION** July 11, 2024  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-069

**Property Address:** 2810 and 2814 East Michigan Street (Approximate Addresses)

**Location:** Center Township, Council District #13

**Petitioner:** Arcangel Tellez-Garcia, by David Gilman

**Current Zoning:** C-3

**Request:** Rezoning of 0.221-acre from the C-3 district to the D-8 district to provide for multi-family residential development.

**Current Land Use:** Parking Lot and Undeveloped Lot

**Staff Recommendations:** Approval

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

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

**PETITION OVERVIEW**

**LAND USE**

The 0.221-acre site is comprised of two parcels (1038060 and 1007510) that are in the Near Eastside neighborhood and are part of the Ardelle Addition subdivision. The property addressed as 2810 East Michigan Street is developed with a parking lot and 2814 is an undeveloped lot.

The site is surrounded by vacant commercial buildings west and south, zoned C-3, a two-family dwelling to the east, zoned C-3, and a single-family dwelling to the north, zoned D-5.

**REZONING**

The request would rezone the sites from the C-3 district to the D-8 district for multi-family residential development.

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,



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

**STAFF ANALYSIS**

Because the site will be developed with residential uses, staff is supportive of the D-8 zoning district to allow for additional housing to be developed in an area already present with residential uses.

The proposal for multi-family residential development would align with the Comprehensive Plan recommendation for village mixed-use that incorporates a variety of housing options including small-scale and large-scale multi-family housing.

Staff notified the petitioner that they would need to meet the floor area ratio and livability space ratio when they file for permits in addition to meeting the two-foot setback requirement for minor residential features such as parking pads. The petitioner assured staff that these requirements would be met when they for the Improvement Location Permits.

For these reasons, staff is recommending approval of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Parking Lot and Undeveloped Lot	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-5 Residential (Single-family dwelling)
	South:	C-3 Vacant Commercial Building
	East:	C-3 Residential (Two-family dwelling)
	West:	C-3 Vacant Commercial Building
<b>Thoroughfare Plan</b>		
Michigan Street	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way.



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<b>Context Area</b>	Compact
<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	Yes
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	May 27, 2024.
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Blue Line Transit-Oriented Development Strategic Plan (2018)
- The Near Eastside Quality of Life Plan (2020)
- Infill Housing Guidelines (2021)
- Indy Bike Master Plan 2011.

**Pattern Book / Land Use Plan**

- The Comprehensive Plan recommends village mixed-use development of the sites.
- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.



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- Conditions for All Housing
  - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Detached Housing
  - The house should extend beyond the front of the garage. Garages should be loaded from an alley or sides street when possible and should be detached if located on the side of the house.
- Attached Housing
  - Recommended without additional conditions.
- Small-Scale Multi-Family Housing
  - Mixed-Use structures are preferred.
  - Parking should be either behind or interior to the development.
- Large-Scale Multi-Family Housing
  - Should be located along an arterial or collector street. Mixed-Use structures are preferred. Parking should be either behind or interior to the development.

#### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018),
- The closest station is within ½ south at the intersection of Rural Street and Washington Street (U.S. 40).
- This station area is classified as a district center typology that would have a dense mixed-use hub for multiple neighborhoods with tall buildings, a minimum of three stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and structured parking only with active first floors.

#### **Neighborhood / Area Specific Plan**

- The sites fall within the Near Eastside Quality of Life Plan (2020).
- Priority #1 of the Plan would be to create stronger commercial corridor connectivity to create a connected and accessible community. This specifically mentioned to build stronger and safer connections for cyclists and pedestrians within and to commercial corridors such as 10th Street, Washington Street, New York Street, and Michigan Street. In addition, to extend protected bike lanes on either New York Street or Michigan Street (or both) to improve connectivity between downtown and out towards Irvington.

## Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
  - 1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses: The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
  - 2. Be Consistent with Surrounding Entry Locations: Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
  - 3. Where Appropriate, Include Porches or Stoops: Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
  - 4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood: Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
  - 5. Consider Nearby Roof Styles: The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
  - 6. Fenestration Should Relate to the Surrounding Context: Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
  - 7. Materials Used Should Reflect the Context of the Neighborhood: Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
  - 8. Consider Unique Neighborhood Features: In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.



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**Indy Moves**

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

- The site was part of the Indy Bike Master Plan 2011.
- An on-street bike lane exists along Michigan Street starting at State Avenue to Arlington Avenue.
- Plans are underway to convert Michigan Street from a one-way street to a two-way street. No additional right-of-way dedication was required.



## ZONING HISTORY

### Zoning History - Vicinity

**2020-CZN-827 / 2020-CVR-827; 416-442 North Rural Street** (southwest of the site), Rezoning of 0.98 acre from the D-5 district to the D-8 district to provide for a four-story multi-family building and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 12-foot front setback, 10-foot side setbacks and driveway access from Rural Street (30-foot front setback 23-foot side setbacks (20% of lot width), access from alley only), **approved**.

**2002-ZON-053; 442 and 446 North Rural Street** (southwest of the site), Rezoning of 0.3 acre from the D-5 district to the C-3 classification, **withdrawn**.

**93-Z-15; 530 North Rural Street** (northwest of the site), Rezoning of 0.42 acre, being in the D-5 district, to the C-2 classification to provide for 13 units of elderly housing and a day care facility, **approved**.

**92-Z-116; 527-45 Eastern Avenue and 530-60 North Rural Street** (northwest of the site), Rezoning of 2.133 acres, being in the D-5 district, to the SU- classification to legally establish an existing church, **approved**.

**EXHIBITS**





## SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

### LEGEND

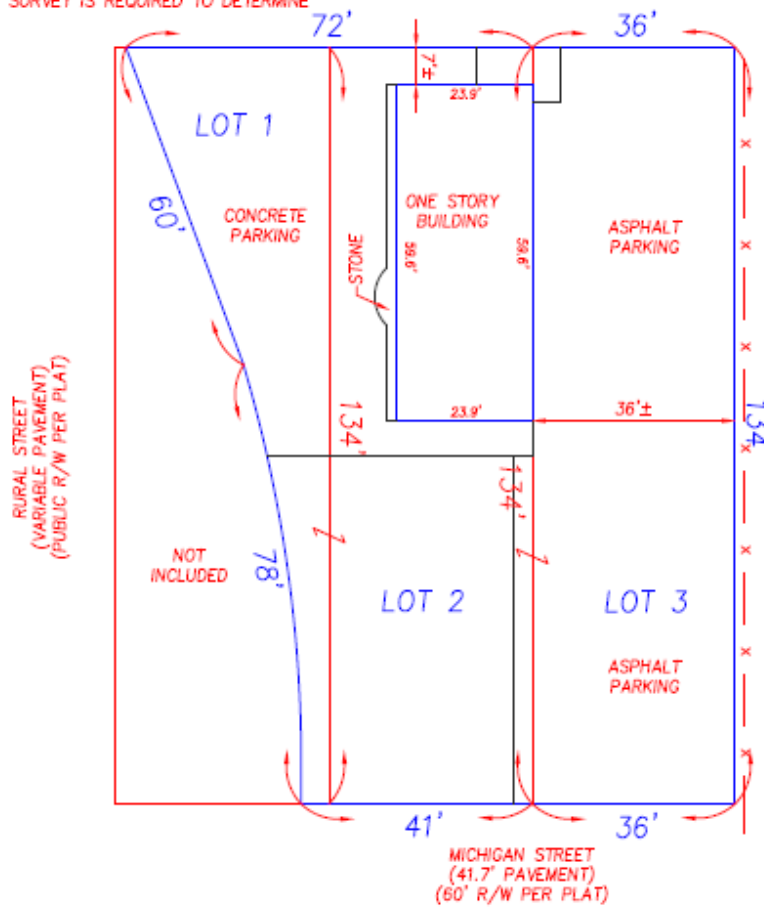
R/W RIGHT-OF-WAY  
x FENCE±

NOTE: DUE TO THE LACK OF QUALIFIED MONUMENTATION FOUND, THE ACCURACY OF THIS REPORT IS LIMITED TO 5'±.

NOTE: FENCE LOCATIONS SHOWN ARE APPROXIMATE. AN ACCURATE BOUNDARY SURVEY IS REQUIRED TO DETERMINE EXACT LOCATIONS.



SCALE: 1"=30'

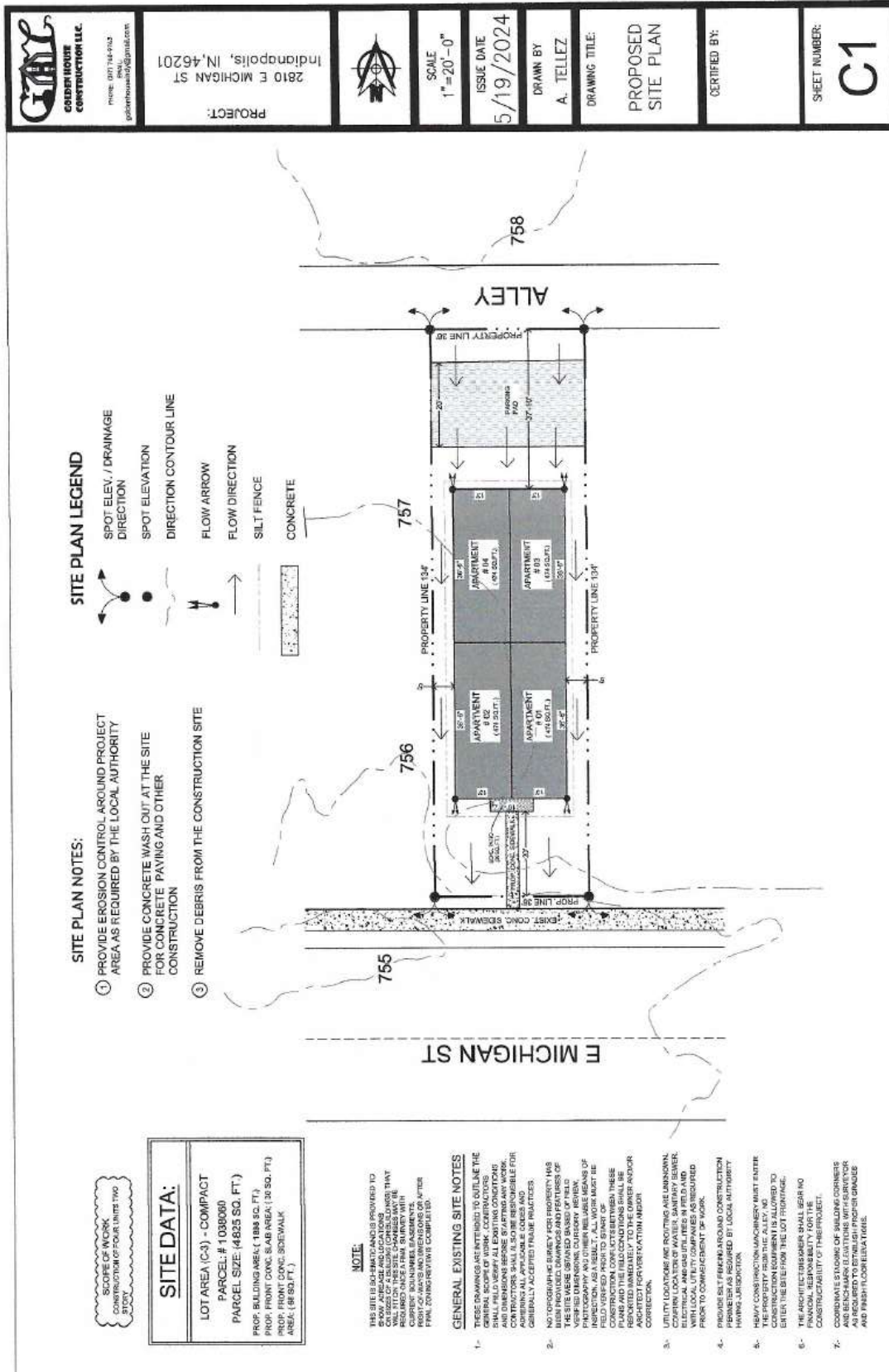


**HAHN SURVEYING GROUP, INC.**  
Land Surveyors  
8925 N. Meridian Street, Suite 120  
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FAX: (317) 846-4298 / (317) 582-0662  
EMAIL: orders@hahnsurveying.com  
www.hahnsurveying.com



CERTIFIED: 03/29/2022

*Chad L. Brown*  
Chad L. Brown  
Registered Land Surveyor,  
Indiana #21100002  
Drawn By: JEC  
Job No.: S22-9425  
Sheet 2 of 3



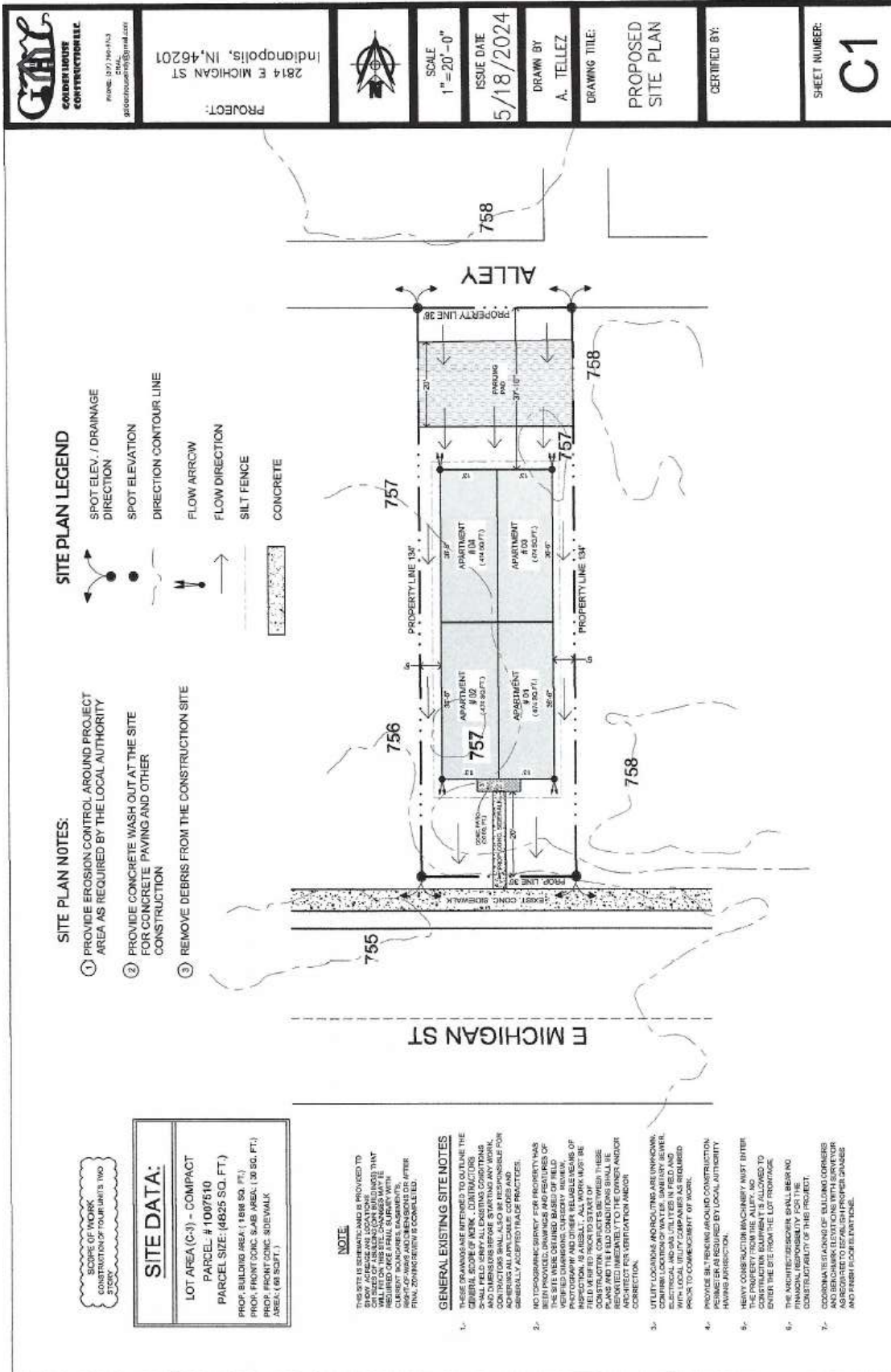




Photo of 2810 East Michigan Street.



Photo of 2810 East Michigan Street looking south from the alley.



Photo of 2814 East Michigan Street.



Photo of 2814 East Michigan Street looking south from the alley.



Photo of the alley north of the subject sites looking west.



Photo of the vacant commercial building west of the site.



Photo of single-family dwellings east of the subject sites.



Photo of the vacant commercial building south of the subject sites.



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CVR-821 / 2024-CPL-821

**Property Address:** 815 Grove Street

**Location:** Center Township, Council District #18

**Petitioner:** 815 Grove, LLC, by Paul J. Lambie

**Current Zoning:** D-8 (TOD)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling on proposed Lot One, with a seven-foot front setback along Hosbrook Street (front setback ranging from 10 feet to 19.9 feet required), a 3.5-foot corner side yard setback from Grove Avenue (minimum 8 feet required) and to legally establish an existing single-family dwelling on proposed Lot Two with deficient setbacks.

**Request:**

Approval of a Subdivision Plat to be known as Replat of Lot 362 in Fletcher Stone, Witt, Taylor and Hoyt's Subdivision, subdividing 0.10-acre into two lots including a vacation of a portion of the abutting alley, along the northeast portion of proposed Lot Two, ranging from 2.59 feet to 3.19 feet in width (irregular-shaped), from a point 2.87 feet southeast of the right-of-way of Grove Avenue, southeast 33.03 feet, with a waiver of the assessment of benefits.

**Current Land Use:** Single-family dwelling

**Staff Recommendations:** Approval, subject to the commitments and conditions noted below:

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on these petitions.

**STAFF RECOMMENDATION**

Approval of the variance 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:

Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Staff recommends that the Hearing Examiner approve and find that the plat, file-dated July 27, 2023, complies with the standards of the Subdivision Regulations, subject to the following conditions:





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1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner final plat.

## PETITION OVERVIEW

This 0.101-acre site, zoned D-8, is developed with a single-family dwelling. It is surrounded by park to the north, zoned PK-1; a hostel to the south, across Hosbrook Street, zoned MU-1; a single-family dwelling to the east zoned D-8 and a single-family dwelling to the west, across Grove Avenue, zoned D-8.

## VARIANCE

This request would provide for the construction of a single-family dwelling on Lot 1 with reduced setbacks, including a seven-foot front setback along Hosbrook Street when the required setback ranges from 10 feet to 19.9 feet and a 3.5-foot corner side yard setback along Grove Avenue when the Ordinance requires a minimum of eight feet.

Because the proposed reduced setbacks would be similar to those in the surrounding neighborhood staff supports the request. Staff would note that despite the reduced corner side yard setback there is no encroachment into the clear sight triangle.



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The existing dwelling on proposed Lot 2 includes a portion of the existing structure that crosses onto the neighboring lot to the southeast. The proposed site plan indicates that this portion of the structure would be demolished.

Staff also supports the deficient setbacks of the existing building because the dwelling has existing for at least 126 years and obviously development standards did not likely exist at the time it was constructed.

### **PLAT / VACATION**

The plat would subdivide the subject site into two lots. The two lots are proposed for two single-family dwellings. The dwelling on Lot 1 would front on Hosbrook Street and the dwelling on Lot 2 would front on Grove Street. Lot 1 would meet the lot area and width requirements for a detached house on a compact lot, but lot area of Lot 2 would be deficient by 546 square feet. Because of the existing dwelling a variance for the lot area would not be necessary but if the existing dwelling would be demolished and new development would occur, a variance for a deficient lot area would be required.

Staff would note that two dwellings existed on this parcel in 1898 so the proposed plat and site plans would be consistent original development of this parcel of land.

### **Traffic / Streets**

Because this is a corner Lot 1 would front on Grove Avenue and Hosbrook Street, with a side yard on Grove Avenue. Lot 2 would front on Grove Avenue. No new streets are proposed as part of this petition.

### **Vacation / Waiver of Benefits**

The existing dwelling encroaches into the abutting alley to the northeast. The area of encroachment is irregular and minor, ranging from a 2.59 - 3.19-foot width and 33.3 feet long. This encroachment has existed since at least 1898 according to the Sanborn Map. Consequently, staff supports the vacation as well as the waiver of the benefits.

### **Sidewalks**

Sidewalks are required and are existing on Grove Avenue and Hosbrook Street. Any damage to the existing infrastructure during development of the site, including sidewalks, would need to be replaced or repaired in compliance with the Department of Public Works standards.

Connecting sidewalks between dwellings and the public sidewalk should be provided. The site plan for the dwelling on Lot 1 would propose a connecting sidewalk, but a sidewalk from the existing dwelling on Lot 2 to the public sidewalk should be provided.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-8	
<b>Existing Land Use</b>	Single-family dwelling	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	PK-1	Park
South:	MU-1	Hostel
East:	D-8	Single-family dwelling
West:	D-8	Single-family dwelling
<b>Thoroughfare Plan</b>		
Grove Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Hosbrook Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Transit Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 3, 2024, and May 16, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	May 3, 2024, and June 13, 2024	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive for Indianapolis and Marion County (2018) is a long-term vision for how Indianapolis and Marion County grows and develops as a healthy, inclusive, resilient, and competitive city.



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- The Comprehensive Plan recommends Traditional Neighborhood typology. “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.”

### Pattern Book / Land Use Plan

The Marion County Land Use Plan Pattern Book (2019)

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 – Traditional Neighborhood Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
  - A mix of housing types is encouraged.
  - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.



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- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- *Detached Housing (defined as detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership).*
  - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.
- *Modified Uses – Transit-Oriented Development Overlay*
  - Removed Uses
    - Detached Housing - Where detached housing already exists, secondary units are encouraged. Detached housing is not recommended as new development
    - Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly
    - Community Farms/Gardens

### Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021)

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “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 Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located within a ½ and ¼ -mile walk of transit stops located at the intersection of Merrill Street and Virginia Avenue (Fletcher Place) and the intersection of Woodlawn Avenue and Virginia Avenue (Fountain Square), both with a District Center typology.



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District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- Minimum of 3 stories at core with no front or side setbacks
- Multi-family housing with a minimum of 5 units
- Structured parking only with active first floor

### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

### **Infill Housing Guidelines**

#### **Infill Housing Guidelines (2021)**

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

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

#### Site Configuration

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

#### Aesthetic Considerations

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

#### Additional Topics

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



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

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

### **Indy Moves**

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



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## ZONING HISTORY

**2019-ZON-115, 1001 Hosbrook Street, (south of site)**, requested rezoning of 0.244 acre from the C-S district to the MU-1 district to provide for a hostel, **approved**.

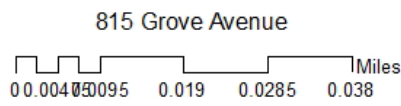
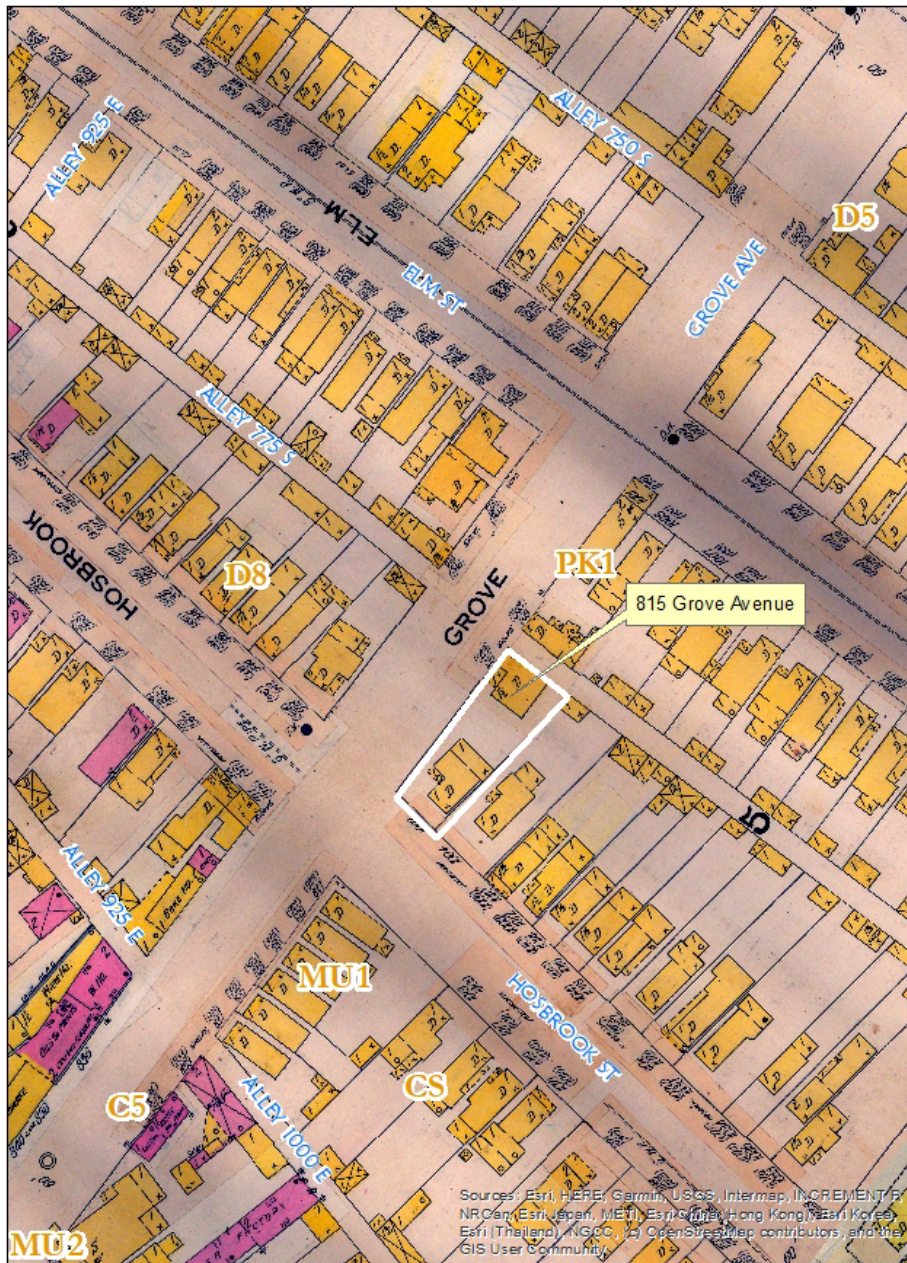
**2013-ZON-015; 1001 Hosbrook Street (south of site)**, requested rezoning of 0.38 acre from the D-8 District to the C-S classification to provide for an antique shop, bed and breakfast, art gallery, single-family, two-family and multi-family dwellings, chiropractor office, business office, event center, woodwind instrument distributor, dressmaking shop, fitness facility, gift shop, gymnastics instruction, interior decorator, live-work studios, music lessons, commercial / off-site parking lot, outdoor flea market, outside dining, personal trainer studio, photographic studio, professional office, tailor, yoga studio and outdoor mini-festival, with music and to provide for the construction of a shed and two-story, 2,304-square foot building with a first-floor garage and a second-floor apartment, **approved**.

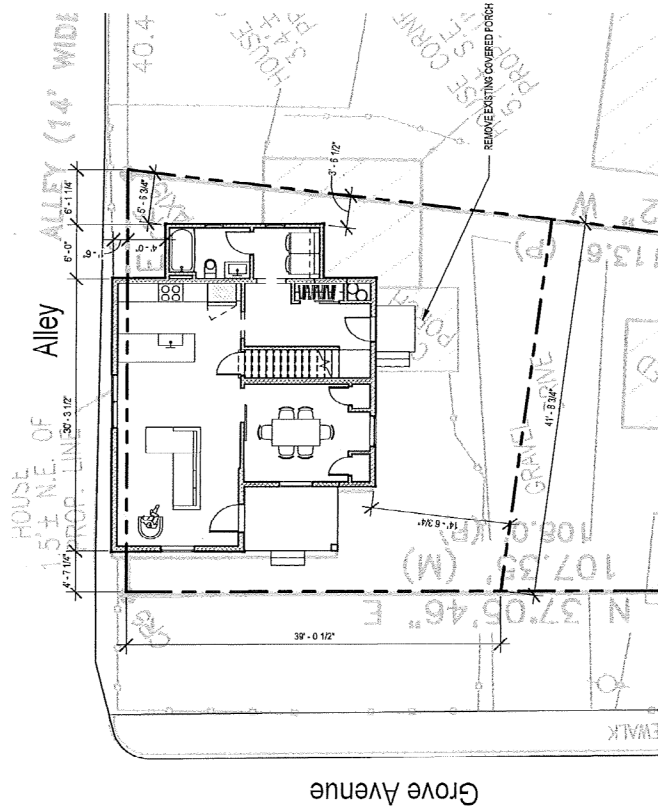
**2010-ZON-059; Various addresses**; requested rezoning of 13 parks from various districts to the PK-1 classification to bring the zoning of those parks into compliance with their use as parks, **approved**.





Sanborn Map 1898





Floor Plan  
**1 Site Plan**  
 1" = 10'-0"



**815 Residence SD001**  
 815 Grove Avenue, Indianapolis  
 05.10.24

**WOVE**  
 ARCHITECTURE + DESIGN





Department of Metropolitan Development  
Division of Planning  
Current Planning

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

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the proposed development will be consistent with the development pattern of the surrounding neighborhood where similar deficient setbacks are common.

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

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

the proposed development will be consistent with the development pattern of the surrounding neighborhood and adequate separation from adjacent properties/buildings will be provided.

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

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

it would prevent utilization of the site in a manner that is consistent with both the development pattern of the neighborhood and the historic use of this particular site that was previously developed with two single-family dwellings.

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

DECISION

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

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

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

## REPLAT OF LOT 362 IN FLETCHER, STONE, WITT, TAYLOR AND HOYT'S SUBDIVISION

### PRIMARY PLAT

PART OF THE S. 1/2, S.E. 1/4, SEC. 12, T.15N., R.3E., CENTER TOWNSHIP, MARION COUNTY, INDIANA  
A REPLAT OF LOT 362 IN FLETCHER, STONE, WITT, TAYLOR AND HOYT'S SUBDIVISION OF OUT LOTS 56, 57, 58 AND  
THE SOUTH HALF OF OUT LOT 91 PER PLAT BOOK 1, PAGES 161-164.

**LEGEND**

1	Lot
2	Block
3	Subdivision
4	City
5	County
6	State
7	Water
8	Right of Way
9	Survey
10	Other

**EXPLANATIONS:**  
1. All dimensions are in feet and inches unless otherwise noted.  
2. All bearings are true bearings unless otherwise noted.  
3. All curves are circular unless otherwise noted.  
4. All areas are in square feet unless otherwise noted.  
5. All bearings and distances are as shown on the plat.

Scale: 1" = 20'  
GRAPHIC SCALE  
1" = 20'  
BASE OF BEARINGS: INDIANA STATE PLATE COMPONENTS, DOT ZONE

**RECORD LEGAL DESCRIPTION:**  
Lot 362 in Fletcher, Stone, Witt, Taylor and Hoyt's Subdivision of Out Lots 56, 57, 58 and the South Half of Out Lot 91 per Plat Book 1, Pages 161-164, Marion County, Indiana.

**RECORD LEGAL DESCRIPTION:**  
The replat of Lot 362 in Fletcher, Stone, Witt, Taylor and Hoyt's Subdivision of Out Lots 56, 57, 58 and the South Half of Out Lot 91 per Plat Book 1, Pages 161-164, Marion County, Indiana.

This replat is being recorded in accordance with the provisions of the Indiana Platting Act, Chapter 36, Article 2, of the Indiana Code, and the provisions of the Indiana Platting Act, Chapter 36, Article 2, of the Indiana Code, and the provisions of the Indiana Platting Act, Chapter 36, Article 2, of the Indiana Code.

**DECLARATION:**  
I, the undersigned, being duly qualified and sworn to as a Notary Public for the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears in my office, and that the same has been duly recorded in my office, and that the same is a true and correct copy of the original plat as the same appears in my office, and that the same is a true and correct copy of the original plat as the same appears in my office.

**NOTARY PUBLIC:**  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
County: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**PLATTING CERTIFICATE:**  
I, the undersigned, being duly qualified and sworn to as a Notary Public for the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears in my office, and that the same has been duly recorded in my office, and that the same is a true and correct copy of the original plat as the same appears in my office, and that the same is a true and correct copy of the original plat as the same appears in my office.

**PLATTING CERTIFICATE:**  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
County: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**PLATTING CERTIFICATE:**  
I, the undersigned, being duly qualified and sworn to as a Notary Public for the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears in my office, and that the same has been duly recorded in my office, and that the same is a true and correct copy of the original plat as the same appears in my office, and that the same is a true and correct copy of the original plat as the same appears in my office.

**PLATTING CERTIFICATE:**  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
County: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



Department of Metropolitan Development  
Division of Planning  
Current Planning

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 area to be vacated has been improved with a private dwelling structure for over a century and should not be needed for  
public use in the future.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 north along Grove Avenue



View looking south along Grove Avenue





View looking east along alley vacation



View of site looking east at intersection of Grove Avenue and alley



View of site looking south along Grove Avenue



View of site looking east along Hosbrook Street



View of site looking east along Hosbrook Street



View of site looking north from Hosbrook Street



View looking east across the intersection of Grove Avenue and Hosbrook Street



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CZN-827 / 2024-CAP-827

**Property Address:** 2923, 2925, 2929, 2931, and 2933 North Park Avenue (approximate addresses)

**Location:** Center Township, Council District #8

**Petitioner:** City of Indianapolis, Department of Parks and Recreation, by Benjamin Jackson

**Current Zoning:** D-5 and PK-1  
Rezoning of 0.124-acre from the D-5 district to the PK-1 district for park uses.

**Request:** Park District One Approval to provide for new playground equipment, a shelter, benches, and an information kiosk.

**Current Land Use:** Park

**Staff Recommendations:** Approval

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the requests.

**PETITION OVERVIEW**

**LAND USE**

The 0.124-acre subject site (parcel 1033158) is zoned D-5 and developed with a playground. The remainder of the subject site (parcels 1033157, 1104005, 1039329, 1064185) is developed with additional playground equipment with the remainder of the site being undeveloped grassland, zoned PK-1.

The park is surrounded by single-family and two-family dwellings west and east, zoned D-5, a single-family dwelling to the north, zoned D-5, and a parking lot to the south, zoned SU-1.

**REZONING**

The request would rezone one parcel from the D-5 district to the PK-1 district for park uses.



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

The PK-1 district allows for parks, playgrounds, greenways and wireless communication facilities.

### **PARK DISTRICT-ONE APPROVAL**

Most of the site is zoned PK-1 with one parcel to be rezoned to the PK-1 district to allow for overall park development. However, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use, 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;
- 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.



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Division of Planning  
Current Planning**

## STAFF ANALYSIS

The proposed updates to the park with new playground equipment, a shelter, benches, and an information kiosk would align with the Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommendation for park use and would be compatible within this residential neighborhood although the site would not be developed for residential use as the eight to 15 residential units per acre recommendation suggests.

Furthermore, rezoning 2923 North Park Avenue to the PK-1 district would assure the entire site can be developed cohesively even though a park or playground is a permitted use in the D-5 district.

For these reasons, Staff is recommending approval of the requests.

## GENERAL INFORMATION

<b>Existing Zoning</b>	PK-1 and D-5	
<b>Existing Land Use</b>	Park	
<b>Comprehensive Plan</b>	Park and eight to 15 residential units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5	Residential (Single-family dwelling)
South:	SU-1	Parking Lot
East:	D-5	Residential (Single and Two-family dwellings)
West:	D-5	Residential (Single and Two-family dwellings)
<b>Thoroughfare Plan</b>		
Park Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 11, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	June 11, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	April 25, 2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	



**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)

**Pattern Book / Land Use Plan**

- Not Applicable to the Site. Please see Mapleton-Fall Creek Neighborhood Land Use Plan (2013) below

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- The subject site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013).
- The plan recommends park development for the entire site except for 2933 North Park Avenue, which is recommend for eight to 15 residential units per acre.
- The proposed park redevelopment would align with this neighborhood plan.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.





## ZONING HISTORY

### Zoning History - Site

**2013-ZON-008; 3019, 3022, 3023 and 3025 Ruckle Street; 3127 and 3131 New Jersey Street, 3130 Central Avenue; 2925, 2929, 2931, 2933, 3022 and 3151 North Park Avenue** (subject site), Rezoning of 1.91 acres, from the D-5 District to the PK-1 classification to provide for park uses, **approved**.

### Zoning History - Vicinity

**2023-ZON-077; 456 South Emerson Avenue** (northeast of site), Rezoning of 0.42 acre from the D-5 district to the C-4 district to provide for commercial uses, **approved**.

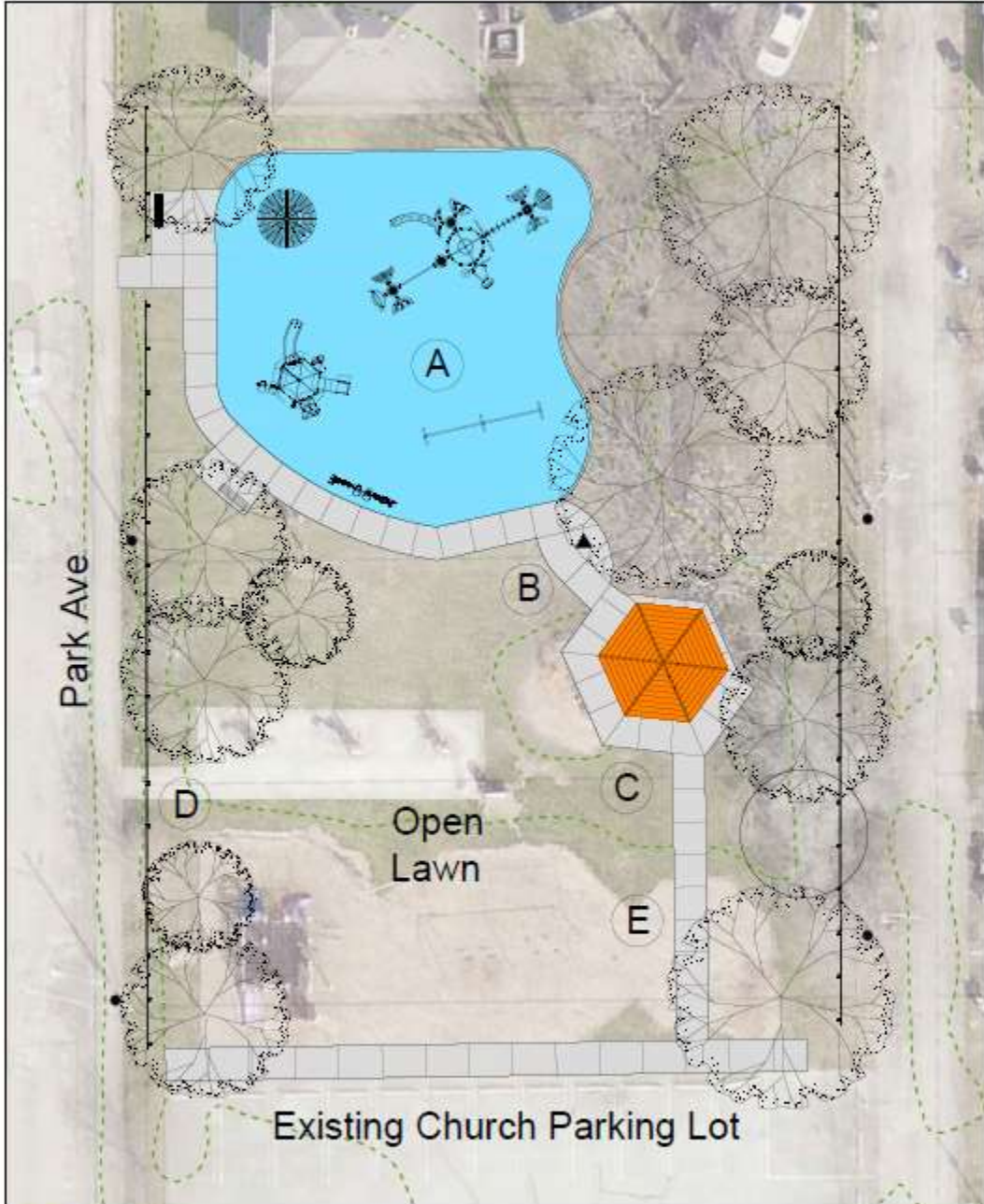
**2004-ZON-837; 2910 North College Avenue** (east of site), Rezoning of 0.66 acre, being in the D-5 District, to the C-3 classification to provide for a carry-out restaurant, **approved**.

**85-Z-130; 609 East 29<sup>th</sup> Street** (south of site), Rezoning of 3.26 acres, being in the D-5 and D-8 districts, to the SU-1 classification, **approved**.

EXHIBITS



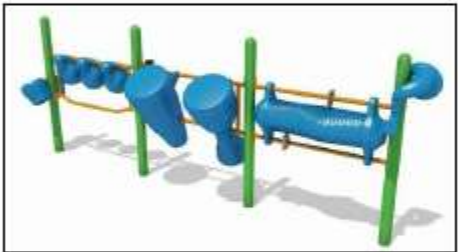
# Mari Evans Park



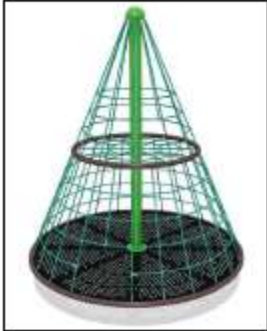
 3.4.2024  
 Not to scale

Concept Plan for Discussion Purposes Only

# Mari Evans Park



**A** Playground Equipment



3.4.2024



Not to scale

Concept Plan for Discussion Purposes Only

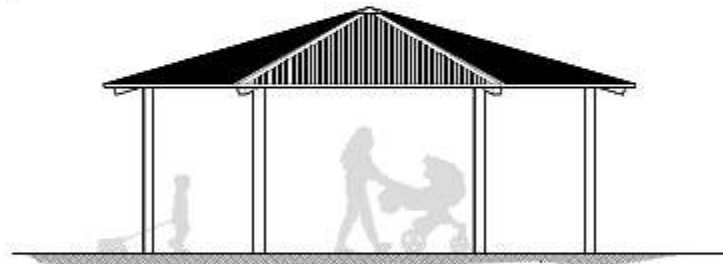
# Mari Evans Park



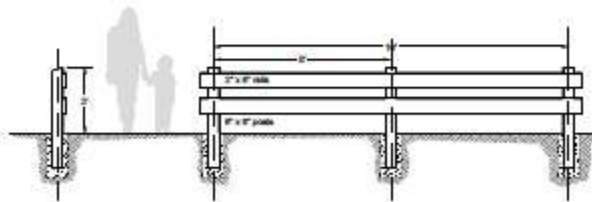
**B** Kiosk



**E** QR Code Signs Linking to Mari Evans Poetry



**C** Shelter



**D** Fence



3.4.2024



Not to scale

Concept Plan for Discussion Purposes Only



**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 property is zoned PK-1 and it provides new recreational opportunities for the citizens of Indianapolis. The new recreational opportunities are a playground, walkways, a new shelter and informational kiosk.

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 plan was developed through a public informational process. Parks staff held two public meetings to gather input from the public and present the plan and received overwhelming support. All elements of this plan are compatible with the PK-1 zoning.

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

The planned walkway in the park connects to the existing sidewalk on Park Avenue. The park will utilize existing street parking on Park Avenue. The internal park walkway also connects at grade to the existing church parking lot on the south side of the park.

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 pedestrian walkway in the park connects to city sidewalk along Park Avenue as well as the existing church parking lot on the south side of the park.

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

Trash cans will be provided for park users to dispose of refuse. There is no water usage proposed. Storm water drainage will be managed on site.



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Current Planning**

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 playground is placed in a topographically flat area and the fall surfacing is ADA accessible. The concrete walk responds to the grade in a way to allow ADA access to all site amenities.

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:

The planned walk inside the path connects at grade to the existing sidewalk along Park Avenue, as well as the church parking lot adjacent to the park on the south side.



Photo of 2923 North Park Avenue.



Photo of the subject site looking east.





Photo of 2925 North Park Avenue.



Photo of 2929 and 2931 North Park Avenue.



Photo of 2933 North Park Avenue.



Photo of the full street frontage of the subject sites.



Photo of the single-family dwellings north of the site.



Photo of the single-family dwellings and a two-family dwelling west of the site.



Photo of the parking lot south of the site.



Photo of the alley east of the site looking north.



Photo of the single-family and two-family dwellings east of the site across the alley.



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-MOD-006  
**Property Address:** 8100 Southeastern Avenue  
**Location:** Franklin Township Council District #20  
**Petitioner:** Circle City Property Group, Inc., by William T. Neimier  
**Current Zoning:** D-P  
Modification of Commitments and Site Plan related to 98-Z-63 and 2006-APP-150 to modify:

- Request:**
- a) Commitment 45 to alter the approved site plan to provide for a 10,500-square-foot commercial building;
  - b) Commitment 71 to provide for a 10,500 square-foot commercial building (maximum 10,000 square-foot commercial building permitted);
  - c) Commitment 75 provide for a flat roof on said proposed 10,500 square-foot commercial building (required only pitched, shingle-roofed structures)

**Current Land Use:** Undeveloped land  
**Staff Recommendations:** No recommendation, but subject to the commitment noted below.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the June 13, 2024 hearing, to the July 11, 2024 hearing.

**STAFF RECOMMENDATION**

No recommendation, but subject to the following commitment being reduced to writing on the Commission's Exhibit "C" form at least three days prior to the MDC hearing:

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



## PETITION OVERVIEW

This 7.471-acre site, zoned D-P, is undeveloped and surrounded by single-family dwellings to the north, zoned D-P; single-family dwellings to the south, across Southeastern Avenue, zoned D-3; undeveloped land to the east, zoned C-4; and a U. S. Postal facility to the west, across Wildwood Farms Boulevard, zoned D-P.

Petitions 98-Z-63, 2006-APP-150, 2022-MOD-001, and 2022-MOD-017 provided for commercial development, identified the number of buildings and their square footage, identified the number of signs, identified the access drives and provided a landscape buffer.

## MODIFICATION

This request would modify commitments and site plan related to 98-Z-63 and 2006-APP-150. The commitments related to the square footage of the buildings and pitched / shingled roofs were originally the result of negotiation between the petitioner and remonstrators during the 1998 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. See Exhibits A through Exhibit D.

As this site is developed, staff would note that provisions related to building transparency and location of drive through lanes should be considered to avoid the need to request variances of development standards as the site is developed.

## Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;



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2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-P	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-P Single-family dwellings
	South:	D-3 Single-family dwellings
	East:	C-4 Undeveloped land
	West:	D-P U.S. Postal facility
<b>Thoroughfare Plan</b>		
Southeastern Avenue	Primary Collector	Existing 100-foot right-of-way and proposed 80-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 22, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	



<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	April 22, 2024 (Modification)

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- 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.”

**Pattern Book / Land Use Plan**

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





### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**2022-MOD-017; 8100 Southeastern Avenue**, requested modification of commitment and site plan related to 98-Z-63, 2006-APP-150, and 2022-MOD-001 to modify a) Commitment 45 to provide for an amended site plan with one 20,000-square foot building (previous commitment required conformance with the previously approved site plan with two 10,000-square foot buildings); b) Commitment 71 to allow a commercial building to exceed 10,000 square feet (not permitted); and c) Commitment 75 to allow for non-pitched, non-shingled roofs (pitched, shingled roofs required), **approved**.

**2022-MOD-001, 8100 Southeastern Avenue (amended)**, requested modification of commitments and site plan related to 98-Z-63 and 2006-APP-150 to modify: a) Commitment 45 to alter the approved site plan to allow for construction of four commercial buildings; b) Commitment 61 to allow four monument signs (two integrated signs permitted), **approved**.

**2006-APP-150; 8110 Southeastern Avenue**, requested approval of a modification of the site plan related to 96-Z-63 to provide for the construction of three commercial buildings, parking and interior access drive and approval to modify commitments related to 98-A-63 to modify Commitment 65 to require a 20-foot landscaping buffer along the boundary between the commercial center and the residential portions of the development, **approved**.

**98-Z-63; 8002 Southeastern Avenue (includes site)**, requested a rezoning of 184.9 acres from D-A and SU-43 to D-P, for residential development, **approved**.

## VICINITY

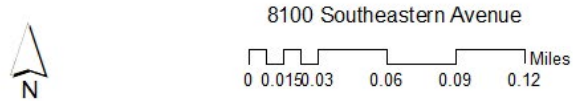
**2021-ZON-109; 8150 Southeastern Avenue (east of site)**, requested rezoning of 24.426 acres from the C-4 district to the D-7 district, **withdrawn**.

**2003-ZON-064; 8250 Southeastern Avenue (east of site)**, requested rezoning 24 acres from D-7 to C-4 to provide for commercial uses, **approved**.

**72-Z-28; 8102 Southeastern Avenue (adjacent to the south)**, requested a rezoning of 18.85 acres from A-2 to C-4, **approved**

**72-Z-27; 8100 Southeastern Avenue (adjacent to the south)**, requested a rezoning of 0.69 acre, from C-3 to C-4, **approved**.

**EXHIBITS**





**EXHIBIT A – 98-Z-63 Commitments**

*Wildwood Farms  
Commitments*

- 34. There shall be no above ground pools permitted
- 35. There shall be no carports permitted within the development.
- 36. No side gravel drives shall be permitted for any single family home.
- 37. All mailboxes within the development shall be constructed of uniform design, materials and colors.
- 38. The trees located within the community common area will be preserved to the greatest extent possible. Appropriate protection measures will be taken during construction.
- 39. At a maximum, seventy-foot (70') half right-of-way shall be dedicated along the entire frontage of both Southeastern and Troy Avenues upon request by the DCAM.
- 40. Any out building shall match the dwelling in color and style and shall have shingled, pitched roofs. No metal accessory buildings shall be constructed.
- 41. The condominiums shall be constructed as one-story units or townhouse type units.
- 42. The developer agrees to erect up to 1000 linear feet of fence to address the concerns regarding the wooded area at the northeast corner of the development at a location within that area as specified / requested by the Franklin Township Civic League within one year of the completion of the first home in the development.
- 43. Any fencing placed on the perimeter residential properties shall be of like style and height. Such fencing shall be either black vinyl-coated chain link or white vinyl clad.
- 44. The condominium area shall be limited to a maximum of six living unit per acre and shall be confined to the area depicted on the site plan file dated May 20, 1998.
- 45. The final site and development plan for the condominium area shall be subject to the review and approval of the Administrator of the Division of Neighborhood and Development Services and shall be submitted at the same time for review by the Franklin Township Civic League.
- 46. Along the northern border of the site, adjacent to Troy Avenue and excluding the wooded park area, a landscape area a minimum of ten feet (10') in width shall be installed to include a mix of evergreen (not to include white pine trees) and deciduous trees. Said trees shall be planted a maximum of 30 feet on center and shall be a minimum of 6 feet in height and a minimum of 2 1/2 inch caliper, respectively, at the time of planting and shall be installed at the time of site preparation for this section
- 47. All landscaping materials shall be taken from the City's "Recommend Tree and Landscaping List for Marion County

Metropolitan Development  
Jan 04 2022  
Division of Planning



*Willowood Farms  
Commitments*

48. The final landscape plan shall be subject to the review and approval of the Administrator of the Division of Neighborhood and Development Services and shall be submitted at the same time for review by the Franklin Township Civic League.

49. All landscaping shall be maintained at all times after planting and the Homeowners Associations shall be responsible for replacement of dead or diseased landscaping.

50. The boulevard connecting Troy and Southeastern Avenues shall be lined with trees as depicted on the attached site plan. Said tree lined boulevard shall be the responsibility of the Homeowners Association.

51. The owner/developer shall make every effort to preserve trees on site, outside the park area to the extent that they are located two feet outside the areas needed for streets, drainage, drives, building pads and infrastructure.

*Commercial Commitments*

52. All buildings shall have all finished facades with the front exterior being primarily brick, stone or masonry with additional architectural components of glass, wood, stucco or other materials. This brick, stone or masonry treatment would compose an approximate minimum of eighty percent (80%) of the facade, excluding windows, doors and other architectural elements. There shall be no concrete block construction utilized. The other facades shall be finished masonry product. Final building plan elevations and site plan shall be submitted for review by the Franklin Township Civic League prior to submission to the City of Indianapolis for permits.

53. No building shall be greater than two-stories in height with second story space used primarily for office and storage use. There shall be no retail use above the first floor.

54. No building shall have its rear elevation oriented to Southeastern Avenue.

55. Building setbacks shall be established using the minimums specified in the C-3 Development Standards portion the Commercial Zoning Ordinance.

56. Business hours of operation shall be limited to the hours of 6:00 a.m. to 12:00 midnight, unless otherwise approved by the FTCL. (This would not preclude someone from working in his or her office outside the normal operating hours.)

57. Trash pick up and business deliveries shall be limited to the hours between 5:00 am and 12:00 midnight.

58. The commercial development shall have access from the interior street system, which also serves the residential development.

59. The commercial development shall be constructed with sidewalks connecting to

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Jan 04 2022  
Division of Planning



Department of Metropolitan Development  
Division of Planning  
Current Planning

*Wildwood Farms  
Commitments*

the residential portion on the development.

- 60. Paving for lighting shall be down to a road light poles beyond the property lines and the commercial development.
- 61. The commercial sites shall be developed as two integrated centers with one integrated freestanding identification sign to serve each center. Integrated center signs shall be limited to twenty-five feet (25') in height. The developer shall develop and submit for approval of the Administrator a sign program for the commercial development. At the same time sign plans are submitted to the City, plans also shall be submitted to Franklin Township Civic League for review and comment. There shall be no roof or neon signs permitted. Signs shall be constructed with brick or masonry bases or other support components. Wall signs for individual businesses shall comply with the Sign Regulations of Marion County with no variance from development standards.
- 62. Any liquor license shall be limited to a sit down restaurant for beer and wine only (which does not provide carry out service and which provides seating area for persons under twenty-one years of age). If more than one liquor license is requested or if a three way liquor license is requested or a restaurant with carry out service is requested or proposed, the application may be submitted for approval only after the proposed user has met with the representatives of the Franklin Township Civic League and received their approval to apply for said license.
- 63. There shall be no development of fast food restaurants. Any drive through facility for a food related service or restaurant must first be approved by the Franklin Township Civic League prior to applying for an Improvement Location Permit.
- 64. The landscaping plan for the commercial area shall include interior and perimeter landscaping of the parking areas. The final landscaping plan shall be submitted to the Administrator of the Division of Neighborhood and Development Services for review and approval and shall be submitted for review at the same time to the FTCL.
- 65. There shall be a twenty foot (20') landscaping buffer established and maintained along the boundaries between the commercial centers and the single family and condominium residential portions of the proposed development. Landscaping shall include a mix of deciduous, evergreen and ornamental trees, planted at the time of site preparation.
- 66. A landscaping buffer a minimum of ten feet (10') in width shall be established and maintained along the entire Southeastern Avenue frontage. Landscaping shall include a mix of deciduous, evergreen and ornamental trees, planted at the time of site preparation being a minimum of 2 1/2 caliper inches in size, 6 feet in height, and 1 1/2 caliper inches in size, respectively. A minimum of ten trees shall be planted on each side of the boulevard, along the Southeastern frontage. Said landscape buffer shall be installed prior to the construction of any homes within the residential portion of the project.

Metropolitan Development  
Jan 04 2022  
Division of Planning



Department of Metropolitan Development  
Division of Planning  
Current Planning

EXHIBIT B – 2006-APP-150 Commitments

2007-0177106

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:

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. Owner shall agree to the commitments as identified in the attached Exhibit C for petition 2006-APP-150.
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # \_\_\_\_\_ by the City-County Council changing the zoning classification of the real estate from a \_\_\_\_\_ zoning classification to a \_\_\_\_\_ zoning classification; or
  - (b) the adoption of approval petition # 2006-APP-150 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 DP zoning classification or until such other time as may be specified herein.

||:                      |||                      |                      |



Department of Metropolitan Development  
Division of Planning  
Current Planning

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2006-APP-150

IN WITNESS WHEREOF, owner has executed this instrument this 31 day of October, 2007.

X Signature: Thomas A Grant Signature: \_\_\_\_\_  
 Printed: THOMAS A GRANT Printed: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared THOMAS A GRANT, owner(s) 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  
31 day of October, 2007  
David Gilman  
 Notary Public  
DAVID GILMAN  
 Printed Name of Notary Public  
 My Commission expires: 7-14-09  
 My County of residence: HENDRICKS

|| | | | |





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

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

An exempt person shall mean the following:

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

||: || || | |



EXHIBIT C  
 REZONING COMMITMENTS  
 FOR  
 2006-APP-150

1. A sidewalk shall be constructed along Southeastern Avenue.
2. Sidewalks shall be installed from Southeastern Avenue to the commercial uses.
3. Deciduous overstory trees shall be planted 20 feet on-center, with a minimum size of three (3) inch caliber six inches above grade.
4. A landscape plan shall be submitted for Administrator's Approval, prior to the issuance of Improvement location permit. The landscape plan shall indicate size, species and placement of landscaping. Trees planted shall not include pear, crabapple or blue spruce variety.
5. A six foot solid wall fence shall be installed along the north property boundary, with all landscaping to be placed on the north side of the fence.
6. A 70 foot half right-of-way shall be dedicated along Southeastern Avenue as per the request of the department of Public Work Transportation Section (DPW). 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 DPW has requested that the right-of-way be granted within 60 day of approval.

||.

|| || :

| |



Department of Metropolitan Development  
Division of Planning  
Current Planning

Exhibit C - 2022-MOD-001 Commitments

A202200041943

04/07/2022 01:36 PM  
KATHERINE SWEENEY BELL

MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 8

By: DG

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

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

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

Legal Description: SEE ATTACHED.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Petitioner agrees to obtain a Heritage tree inventory report from a certified arborist. This report shall be submitted for Administrator Approval prior to any site preparation activities on this property. This report shall show the location and characterization of Heritage trees on this property and state if any of these trees will be impacted.
2. Commitment No. 45 under 98-Z-63/98-DP-10, as amended under 2006-APP-150, recorded as Instrument No. 2007-0177106, is hereby amended such that the Amended Site Plan, filed in these proceedings on February 18, 2022, a copy of which is attached hereto and incorporated herein, is hereby approved and development of this property shall be substantially consistent therewith including the approximate size and location of the four proposed commercial buildings.
3. Commitment No. 61 under 98-Z-63/98-DP-10, as amended under 2006-APP-150, recorded as Instrument No. 2007-0177106, is hereby amended such that four monument signs, in the approximate locations shown on the attached Amended Site Plan and as shown on the attached sign diagram are allowed, instead of two integrated center signs.
4. \_\_\_\_\_

MDC's Exhibit C -- page 1 of 8



8

5. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2022-MOD-001.

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. \_\_\_\_\_
4. \_\_\_\_\_

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # 2022-MOD-001 by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this 15<sup>th</sup> day of March, 2022.



Department of Metropolitan Development  
 Division of Planning  
 Current Planning

Signature: [Signature]  
 Printed: Donald J. Tharp, Member  
 Title /  
 Organization  
 Name: ONRA, L.L.C.

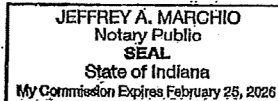
Signature: \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Title /  
 Organization  
 Name: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared Donald J. Tharp, a Member of ONRA, L.L.C., an authorized agent of 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 15<sup>th</sup> day of March, 2022.

[Signature]  
 Jeffrey Marchio, Notary Public  
 Commission Expires: 2-25-2026



County of Residence: Marion Commission No.: 710850

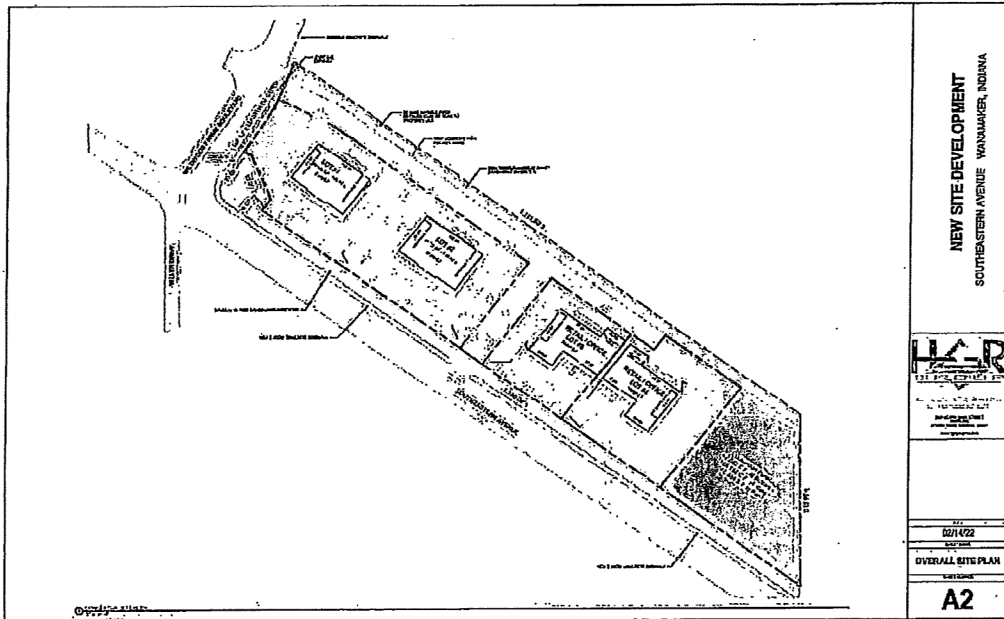
I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. /s/ William T. Niemier

This instrument was prepared by William T. Niemier, Attorney at Law, 6910 N. Shadeland Avenue, Suite 200, Indpls, IN 46220 317-459-3878.

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the 6th day of April, 20 22.

[Signature]  
 Vice Secretary, Metropolitan Development Commission  
 Bruce Schumacher

**AMENDED SITE PLAN**



MDC's Exhibit C -- page 8 of 8

DESIGN, RE-BRANDING, FABRICATION, INSTALLATION

Check us out on the web: [E.S.T.-Signs.com](http://E.S.T.-Signs.com)

**MONUMENT SIGN DIAGRAM**

SIGN SPECIFICATIONS:  
 STRUCTURE: 24" x 48" x 48"  
 ADDRESS: 2576  
 ADDRESS: White wood 17 feet mounted  
 Address wood background white letters  
 White wood 17 feet high  
 Reverse bottom structure support form  
 INSTALLATION / DIMENSION:  
 2576  
 17 feet high  
 48" x 48" x 48"  
 Contact to view: [www.pearlco.com](http://www.pearlco.com)

CUSTOMER: [redacted]  
 TYPE: [redacted]  
 LOCATION: [redacted]  
 COUNTY: [redacted]  
 SALES REP: [redacted]  
 MAKE: [redacted]  
 DATE: 10/2002  
 SCALE: 1/2"  
 FILE: [redacted]

MONUMENT SIGN DIAGRAM



Department of Metropolitan Development  
Division of Planning  
Current Planning

Exhibit D - 2022-MOD-017 Commitments

**A202200123823**

**11/16/2022 04:00 PM**  
**KATHERINE SWEENEY BELL**  
**MARION COUNTY IN RECORDER**  
**FEE: \$ 35.00**  
**PAGES: 6**  
**By: JN**

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

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

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

**Legal Description:** SBE ATTACHED LEGAL DESCRIPTION

**Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:**

1. Petitioner's Site Plan dated 5.18.22 and filed on 9.14.22 is APPROVED as required by Commitment 45 in 98-Z-63/98-DP-10, which commitments are recorded as Instrument Number 202200041943, including three commercial buildings.
2. Commitment No. 71 in 98-Z-63/98-DP-10 is modified to allow one 20,000 square foot commercial building.
3. Commitment No. 75 in 98-Z-63/98-DP-10 is modified to allow flat roofs on the commercial buildings instead of primarily pitched, shingled roofs.
4. Petitioner agrees to install only three (not four as previously approved) monument signs at this property.
5. \_\_\_\_\_

MDC's Exhibit C -- page 1 of 3







Department of Metropolitan Development  
Division of Planning  
Current Planning

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

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2022-MOD-017.

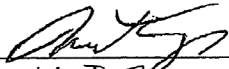
These COMMITMENTS may be enforced jointly or severally by:

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. \_\_\_\_\_
4. \_\_\_\_\_

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # 2022-MOD-017 by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this 10<sup>th</sup> day of November, 2022.

Signature:   
 Printed: Donald J. Tharp  
 Title: Member  
 Organization Name: ONRA, L.L.C.

Signature: \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Organization Name: \_\_\_\_\_



Department of Metropolitan Development  
Division of Planning  
Current Planning

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

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

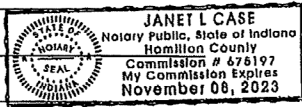
Witness my hand and Notarial Seal this 10<sup>th</sup> day of November, 2022.

*Janet L Case*  
Notary Public

*Janet L Case*  
Printed Name of Notary Public

My Commission expires: *11-08-23*

My County of residence: *Hamilton*



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

This instrument was prepared by William T. Niemier, Attorney at Law, 6910 N. Shadeland Avenue, Suite 200, Indianapolis, IN 46220.

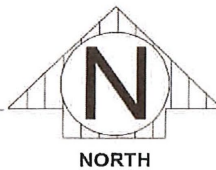
This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the 16<sup>th</sup> day of November, 20 22.

*Brigid Robinson*  
Acting Secretary, Metropolitan Development Commission  
~~*Bruce Schumacher*~~  
*Brigid Robinson*

**DOLLAR TREE - WANAMAKER, INDIANA**  
8100 SOUTHEASTERN AVENUE, INDIANAPOLIS, INDIANA



① CONCEPTUAL SITE PLAN  
1" = 160'-0"



03/21/2024

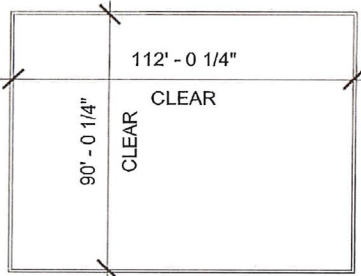
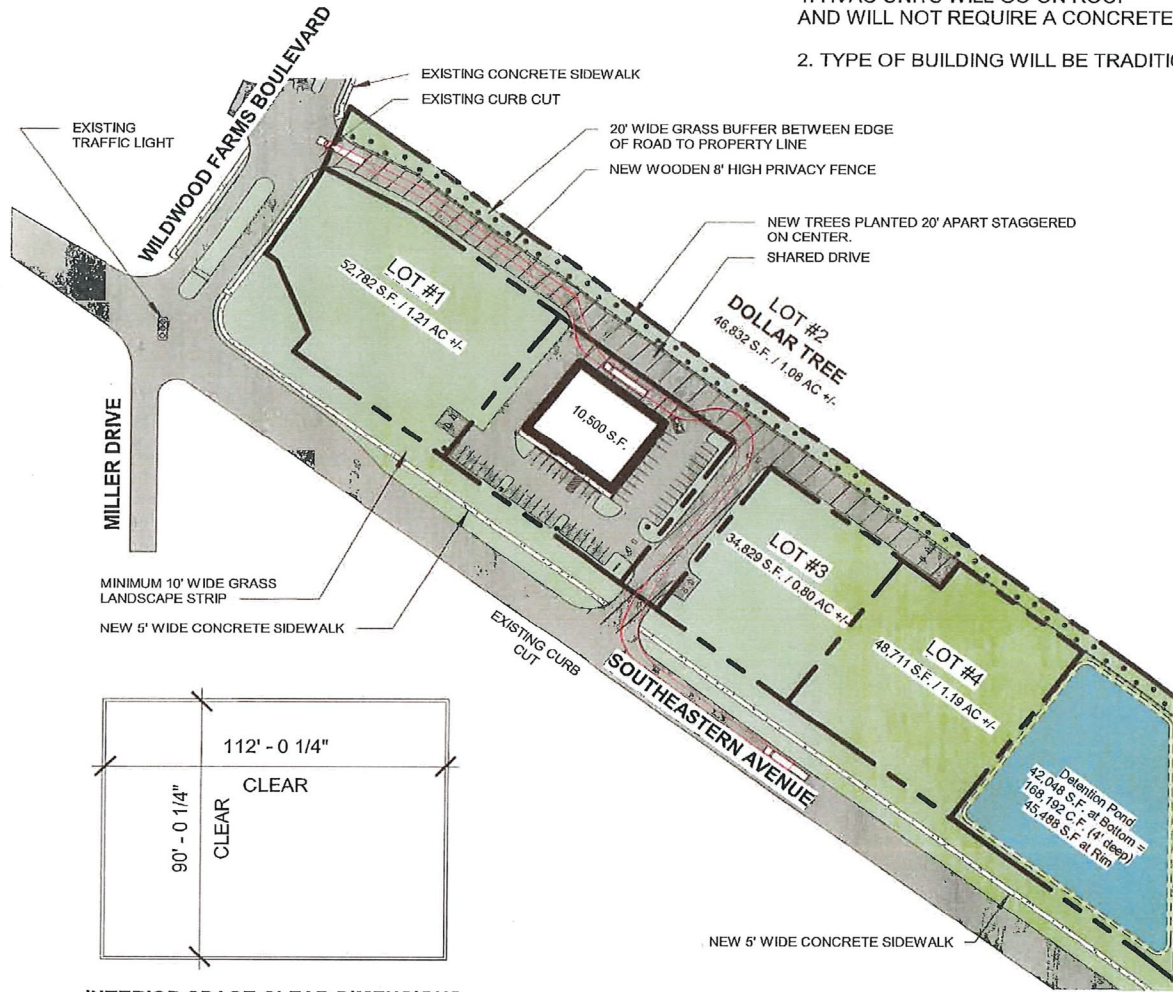


# DOLLAR TREE - WANAMAKER, INDIANA

8100 SOUTHEASTERN AVENUE, INDIANAPOLIS, INDIANA

**NOTES:**

1. HVAC UNITS WILL GO ON ROOF AND WILL NOT REQUIRE A CONCRETE PAD.
2. TYPE OF BUILDING WILL BE TRADITIONAL.



**INTERIOR SPACE CLEAR DIMENSIONS**

① CONCEPTUAL SITE PLAN  
1" = 160'-0"

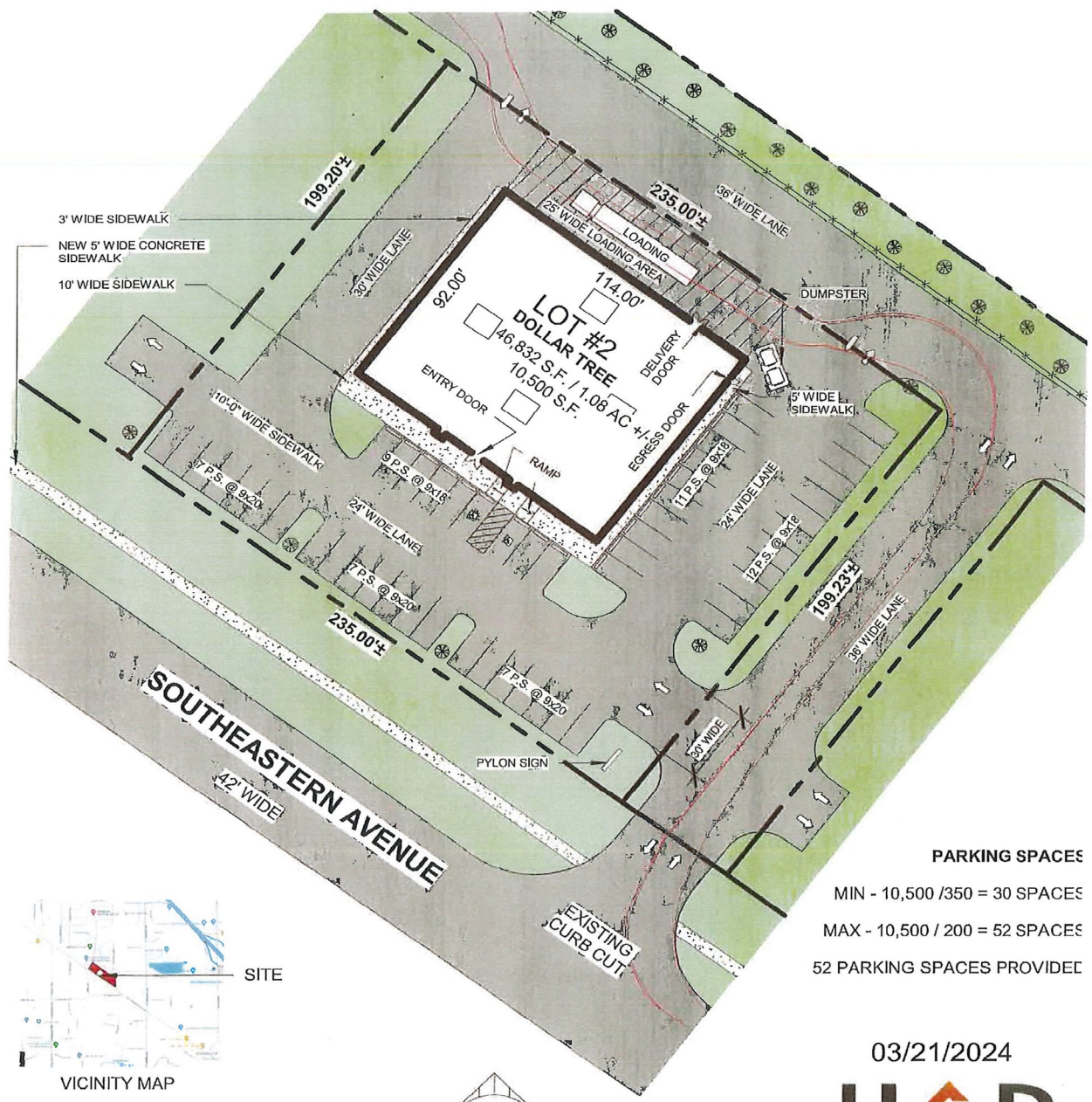


03/21/2024



# DOLLAR TREE - WANAMAKER, INDIANA

8100 SOUTHEASTERN AVENUE, INDIANAPOLIS, INDIANA



**PARKING SPACES**  
MIN - 10,500 / 350 = 30 SPACES  
MAX - 10,500 / 200 = 52 SPACES  
52 PARKING SPACES PROVIDED

① CONCEPTUAL SITE PLAN  
1" = 50'-0"





View looking east along Southeastern Avenue



View looking west along Southeastern Avenue



View looking west along Southeastern Avenue



View from site looking north across Wildwood Farms Boulevard



View of site looking east



View of western portion of site looking south





View of site looking north across Southeastern Avenue



View of site looking north across Southeastern Avenue



View of site looking north across Southeastern Avenue



View of eastern portion of site looking north across Southeastern Avenue



View of eastern portion of site looking north across Southeastern Avenue



View of eastern portion of site looking north across Southeastern Avenue



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 11, 2024

<b>Case Number:</b>	2024-ZON-060
<b>Property Address:</b>	2401 West Morris Street
<b>Location:</b>	Wayne Township, Council District #17
<b>Petitioner:</b>	Amy Lapka
<b>Current Zoning:</b>	D-5 (FF) and C-4 (FF)
<b>Request:</b>	Rezoning of 3.99 acres from the D-5 (FF) and C-4 (FF) districts to the C-7 (FF) to provide for a landscaping business.
<b>Current Land Use:</b>	Garden center / vacant land
<b>Staff Recommendations:</b>	Denial
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the June 13, 2024 hearing, to the July 11, 2024 hearing.

**STAFF RECOMMENDATION**

Denial. If approved, staff would request that 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. Development of the site shall be in substantial compliance with the site plan and landscape plan, file-dated May 8, 2024.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

**PETITION OVERVIEW**

This 3.99-acre site, zoned D-5 (FF) and C-4 (FF), is comprised of nine contiguous parcels. It is surrounded by vacant land to the north, across West Morris Street, zoned D-5II and single-family dwellings, zoned C-4; industrial uses to the south, across Lambert Street, zoned I-3 (FF); single-family dwellings to the east, zoned C-4 and D-5 (FF); and industrial uses to the west, zoned D-5 (FF).



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## REZONING

The request would rezone all nine parcels to the C-7 (High Intensity Commercial) District. “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 West Indianapolis Neighborhood Land Use Plan recommends five to eight dwelling units per acre, with a recommended D-5 zoning district.

As proposed, this request would not be consistent with the West Indianapolis Neighborhood Land Use Plan that recommends residential development.

### Project Description / Plan of Operation

The proposed use is described as a landscape construction and maintenance company that would operate a small garden center. Hours of operation would be Monday through Friday from 5:30 a.m. to 9:00 p.m. Snow removal operations could occur during the night. Weekend hours for the Garden Center would be from 8:00 am. to 6:00 p.m.

The information provided stated vehicles and equipment on site would include approximately 40 trucks, 15 trailers, six pieces of equipment used for loading and various smaller equipment. The largest types of equipment would include a skid steer, a backhoe, a medium-sized tele-handler, landscape trailers and landscape trucks. Most of the equipment and vehicles would be stored inside the proposed pole barn and mechanics building but some parking would occur outdoors.

### Site Plan

The site plan provides for a 2,450-square foot retail store with a parking lot consisting of 27 parking spaces fronting on West Morris Street. Existing buildings south of the retail store would remain and two new buildings, including the mechanics shop (5,280 square feet) and storage building (9,000 square feet), along with a fueling pad, is proposed along the western portion of the site. Fourteen storage bins consisting of stone, rip rap, mulch, cobble stone, soil and boulders would be located along the eastern portion of the site in proximity of residential uses.



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Site access would be gained from West Morris Street and West Lambert Street. Perimeter landscaping would be installed along West Morris Street and along the eastern boundary. Staff would also note that a sidewalk along West Morris Street and West Lambert Street would be required.

Greenhouses appear on this site in the 1991 aerial. Earlier aerials depict a building at the northeast corner of the site, but the site has remained D-5, without any variances for commercial uses.

The C-7 district is a high intense commercial land use, with unlimited outdoor storage that would be detrimental to the residential neighborhood to the east. This site has historically been used as a small-scale seasonal garden shop, but the proposed use would be a commercial intensification that would be operating year around.

The introduction of trucks, large equipment and outdoor storage on much of the site would not be appropriate because of the negative impact to the residential area north (zoned D-5II in 2023) and east of the site. Furthermore, the Ordinance states that the proposed district should not be adjacent to protected districts.

#### Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.



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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5 (FF) and C-4 (FF)	
<b>Existing Land Use</b>	Garden Center / vacant land	
<b>Comprehensive Plan</b>	Five to eight dwelling units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North: D-5II / C-4	Vacant land / single-family dwellings
	South: I-3 (FF)	Industrial uses
	East: C-4 / D-5 (FF)	Single-family dwellings
	West: D-5 (FF)	Industrial uses
<b>Thoroughfare Plan</b>		
West Morris Street	Primary Arterial	Existing 60-foot right-of-way and proposed 78-foot right-of-way.
Lambert Street	Local Street	Existing 40-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Floodway Fringe (unregulated 500-year floodplain)	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 8, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	May 8, 2024	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**  
**Comprehensive Plan**

- Not Applicable to the Site.



### Pattern Book / Land Use Plan

- Not Applicable to the Site.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The West Indianapolis Neighborhood Land Use Plan (2011) recommends residential development at five to eight units per acre. Further described as “[I]n suburban and rural areas this is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity of planned light rail transit stops.”
- This Neighborhood Plan recommends the D-5 district.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies, and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

### ZONING HISTORY

**2023-CZN-843 / 2023-CPL-843; 2302 West Morris (north of site)**, requested rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings and approval of a Subdivision Plat to be known as Oden Ross Park, subdividing 3.4 acres into six lots and two blocks, **approved**.

**2005-PLT-005, 2435 West Wilkins Street (north of site)**, requested approval of a plat to be known as WIDC Wilkins Street New Addition, dividing 1.78 acres into six lots, **approved**.

**97-Z-158, 2450 West Morris Street (west of site)**, requested rezoning of 12.693 acres from the D-5 and C-7 district to the C-S district, **approved**.

**95-UV2-5, 2331 West Morris Street (east of site)**, requested a variance of use to provide for construction of a 400-square foot detached garage for an existing single-family dwelling in the C-4 district, **granted**.

**95-Z-19, 2530 West Morris Street (west of site)**, requested rezoning of 8.575 acres from the C-S district to the D-5 district, **granted**.

**91-Z-173, 2530 West Morris Street (west of site)**, requested rezoning of 10.75 acres from the D-5 and C-4 district to the C-S district, **approved**.

**87-UV1-81 / 87-SE1-8; 2545 West Morris Street (west of site)**, requested a use and special exception of the Commercial Special Exception Ordinance to provide for an amusement arcade within an existing building and located within 500 feet of a residential district, **granted**.

**83-UV3-88, 1101 South Tremont Street (north of site)**, requested a variance of use to provide for the continued use of an existing garage for storage of two church buses, **granted**.

**73-VAC-25**, vacation of the first alley north of West Morris Street from the east property line of Tremont Street to a point 176 feet to the east, **approved**.

**57-V-137; 2545 West Morris Street (west of site)**, requested a variance of use and development standards to provide for the construction of an addition to an existing bowling alley, **granted**.









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

**Proposal Description**

2401 W. Morris Street

Petitioner, Amy Lapka, via Heath Outdoor LLC and Hurst Properties, proposes to use the following parcels for commercial use for their landscaping company. Please see maps and layouts of our proposed plan for building on the site.

**Our plan of operation is as follows:**

We are a landscape construction and maintenance company and also operate a small garden center. Most of our landscape work is done on customers properties and the Morris street property is mostly used for storage of materials, equipment and vehicles. Our garden center is open to the public as a retail store and is mostly frequented by homeowners in the spring and fall. During the night, our property is secured with the exception of evening where we have to operate at night for snow removal. The majority of the loading and unloading work done at the Morris street property, other than the garden center and some mechanic work, is done between the hours of 7am and 9am and between 5pm and 7pm. It is mostly quiet during the remainder of the day. We will have office workers onsite that will park in the main parking lot. Those staff include sales and design, operations directors, project managers, accounting, administrative support and human resources. It includes approximately 15 staff members at one time in our busy season.

Our mechanics are the first to show up in the morning, typically around 5:30 am M-F. The last crew is typically closing up shop around 8:30-9 pm M-F in the summer months. Landscaping is only done when there is light available so very little work happens outside of daylight hours. The garden center does operate on the weekends between the hours of 8 am and 6 pm. The retail building we are planning to build on the north part of the property will include meeting space for our team. However, we are a company that likes to connect with and share our spaces with the community. We also plan to open that meeting space, as we have done successfully at our other properties, to neighborhood and community groups for free use.

**VEHICLES and EQUIPMENT**

The majority of our equipment and vehicles will be stored inside the proposed pole barn and mechanics building. However, they will be used during the day for loading landscaping materials and will be left outside as needed when space is taken up inside for projects. We have just under 40 trucks, 15 trailers, 6 pieces of equipment used for loading and various smaller equipment. The largest types of equipment are a skid steer, a backhoe, a medium sized tele-handler, landscape trailers and landscape trucks.

**OUTDOOR STORAGE**

The location of outdoor storage of landscape materials is marked on the plan attached. We store various types of decorative and construction gravel, decorative boulders, various types of mulch, garden and topsoil, and ice melting salt for snow removal.



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

Heath Outdoor also owns all adjacent residential properties, listed below, for office use.

2335 West Morris parcel 9015978

2331 West Morris parcel 9023574

1211 South Tremont parcels 9015972 & 9015973

1220 South Tremont parcels 9046254 & 9015974



View looking west along West Morris Street



View looking east along West Morris Street



View from site looking east



View of site looking south





View of site looking south across West Morris Street



View of adjacent use to the west looking south across West Morris Street



View looking east along Lambert Street



View of site looking north across abutting parking area at the southwest corner of the site



View of south access drive into site looking north across Lambert Street



View of site looking north across Lambert Street



View of eastern boundary of site looking north across Lambert Street



View from site looking south across Lambert Street



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CAP-822 / 2024-CVR-822 (Amended)  
**Property Address:** 1351 Roosevelt Avenue  
**Location:** Center Township, Council District #13  
**Petitioner:** Penn Electric Partners LLC, by Brent Roberts

**Current Zoning:** C-S (FF)

**Request:** Modification of the Commitments for 2022-ZON-115 to Modify Commitment #3 to provide for the addition of building signage, roof sign, and architectural canopies, which shall be submitted for Administrator’s Approval prior to the issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld..

**Current Land Use:** Mixed-Use

**Staff Recommendations:** Denial.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged withdrawal of the variance of the proposed roof sign and continued the approval petition from the June 27, 2024 hearing, to the July 11, 2024 hearing, to provide time for further discussions related to the canopies and building signage.

Updated documents were provided by the petitioner’s representative at the June 27, 2024 hearing. A meeting to discuss the changes has been scheduled prior to the upcoming hearing that includes the petitioner’s representative, City Architect and planning staff. Updates will be provided at the hearing.

The Hearing Examiner continued these petitions from the June 13, 2024 hearing, to the June 27, 2024 hearing, at the request of the neighborhood organization.

**STAFF RECOMMENDATION**

Denial. If approved, staff requests that 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. Final site plan and elevations, including signage and canopies, shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).



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

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

## PETITION OVERVIEW

### Modification

Petition 2022-ZON-115 rezoned this 2.26-acre site to the C-S district to provide for a mixed-use development with retail, office, and restaurant / outdoor seating uses. This request would modify commitments related to this rezoning request to modify Commitment #3 to provide for the addition of building signage, roof sign and architectural canopies. See Exhibit A.

The proposed commitment would read: "The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished. Addition of building signage, roof sign, and architectural canopies shall be submitted for Administrator Approval prior to issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld."

The agreed upon commitment associated with the 2022 rezoning was requested by staff because of the historical architecture and significance of this building. Staff believed that preserving this historical building would complement the adjacent historically preserved building to the east and maintain the historical integrity of this industrial / commercial corridor currently undergoing redevelopment.

As proposed, the sign and scaffold structure extending 16.5 feet above the existing one-story historical building would be out of scale and visually dominate the historical architecture.

Furthermore, allowing a roof sign at this location would establish a precedent that could result in a level of light pollution that would interrupt an equitable opportunity for effective communication within this corridor.

The proposed canopies would further compromise the historical architecture of the existing building. The combination of the roof sign and canopies would result in the loss of the historical integrity of the existing building and would be incompatible with the surrounding land uses, particularly the adjacent building to the east that has been redeveloped to maintain the historical architecture.

### 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.



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

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.

### **Variance of Use**

The request would provide for a 26-foot long, 8.5-foot-tall roof sign, supported by a 23.2-foot long, 15.9-foot-tall scaffold structure. The Sign Regulations are “intended to facilitate an easy and agreeable communication between people and to balance the interests and objectives of the sign owner and the community audience.”

Staff understands that signs serve an important function and believes that reasonable and adequate display is permitted under the Sign Regulations. The Ordinance also defines the purpose of the Sign Regulations by providing a list of attributes, most of which would be compromised and diluted by the proposed roof sign.

Staff believes that the proposed roof sign would potentially increase hazards to motorists and pedestrians, limit an equitable opportunity for effective communication, cause excessive and confusing sign display, and dominate the scale of the one-story historic structure and surrounding land uses.

Staff is concerned that approval of the roof sign would also increase the possibility of future requests for roof signs in this area, as well as throughout the City, which would conflict with the purpose of the Sign Regulations related to excessive signage and negatively impact long-term vitality and overall quality of life in the City.



**Department of Metropolitan Development  
Division of Planning  
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Furthermore, the Comprehensive Plan recommendation of village mixed-use typology encourages “neighborhood gathering places” that are small, intimate, and walkable. The Findings of Fact indicate that visibility of the site / business is limited, and the proposed sign is necessary to attract customers from a larger area and outside of the immediate area, which would defeat the Plan recommendation.

Staff believes the current Sign Regulations would provide appropriate visibility and would not result in an unusual and unnecessary hardship for this site.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Mixed-Use	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	C-S Vacant land
	South:	C-S Industrial uses
	East:	C-S Commercial uses
	West:	I-4 Industrial uses
<b>Thoroughfare Plan</b>		
Roosevelt Avenue	Local Street	Existing 62-foot right-of-way and a proposed 40-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes – 500-year unregulated	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 10, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	February 23, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	May 10, 2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	



## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends village mixed-use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

### Pattern Book / Land Use Plan

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 –Village Mixed-Use Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**2022-ZON-115; 1255 and 1351 Roosevelt Avenue**, requested rezoning of 2.26 acres from the I-4 district to the C-S district to provide for a mixed-use development with retail, office, and restaurant uses (including outdoor seating), **approved**.

### VICINITY

**2023-ZON-082; 1102-1138 Roosevelt Avenue (west of site)**, requested Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage, **approved**.

**2019-CZN-859 / 2019-CVR-859 / 2019-CVC-859 (east of site); 1328, 1336, 1340, 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue; 1402, 1406, 1410, 1414, 1420, 1422, 1423, 1427, 1431 and 1435 Dr. A J Brown Avenue; 1406 and 1410 Arsenal Avenue; 1420 Newman Avenue**, requested rezoning of six acres from the D-8, C-3 and C-S district to the C-S district to provide for a mixed-use development with retail, office, indoor recreation, restaurant and/or industrial uses permitted by the I-1 and I-2 districts; variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 254 parking spaces (including 54, eight by 16-foot small car spaces); and vacation of a portion of Dr. A J Brown Avenue, being 60 feet wide, from the southeast corner of Lot 36 of Ingram Fletchers Addition, being the north right-of-way line of Roosevelt Avenue, 247.37 feet to the northeast corner of Lot 30 of said Addition being the south right-of-way line of Interstate 70, and a vacation of a portion of a north-south alley, being 15 feet wide, from the southeast corner of Lot 39 of said Addition, being the north right-of-way line of Roosevelt Avenue, to a point 170.42 at the northeast corner of Lot 43, being the south right-of-way line of Interstate 70, both with a waiver of the assessment of benefits **approved, granted and approved**.

**2018-CZN-802 / 2018-CVR-802; 1302 and 1320 Columbia Avenue (west of site)**, requested rezoning of 0.81 acre from the D-8 and C-3 districts to the I-4 classification and variances of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing building and provide for a proposed building, parking and outdoor storage, with zero-foot front and side transitional yards without landscaping and front and side yards without landscaping, **approved and granted**.

**2017-CZN-843 / 2017-CVC-843; 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue 1423 and 1427 Dr. A.J. Brown Avenue and 1420 Newman Street (east of site)**, requested rezoning of 4.14 acres from the I-4 and C-3 Districts to the C-S classification to provide for a mixed-use development, including office, light industrial, restaurant, charter school and/or recreational uses; and vacation of Vacation of first alley south of Roosevelt Avenue, being 15 feet wide, from the west right-of-way line of Newman Street, to a point 360 feet to the southwest at the east right-of-way line of Dr. A.J. Brown Avenue and Vacation of Dr. AJ Brown Avenue, being 60 feet wide, from the south right-of-way line of Roosevelt Avenue, to a point 178.6 feet south to the northwest, **approved**.



Department of Metropolitan Development  
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**2016-VAC-004; 1211 Roosevelt Avenue (west of site)**, requested vacation of a 16-foot wide alley, beginning at the northwest corner of Lot One of Ingram Fletcher's Subdivision of Block 3 in E.T. and S.K. Fletcher's Addition to the City of Indianapolis, as recorded in Plat Book 3, Page 115 in the Office of the Recorder of Marion County, Indiana, also being at the south right-of-way line of Roosevelt Avenue; thence 140 feet to the southwest corner of said Lot One, also being at the north right-of-way line of the CCC and St. Louis Railroad, with a waiver of the assessment of benefits, **approved**.

**2012-SE3-001; 1256 Roosevelt Avenue (north of site)**, requested a special exception of the Industrial Zoning Ordinance to provide for a wrecker service / impound lot, with the storage of inoperable vehicles and a variance of development standards of the Industrial Zoning Ordinance to legally establish a 12-foot-tall concrete block wall in the required front yard, **granted**.

**2002-ZON-109; 1317 Columbia Avenue (south of site)**, requested rezoning of 0.15 acre from D-8 to the C-3 to provide for commercial development, **approved**.

**98-SE1-3; 1102 Roosevelt Avenue (west of site)**, requested a special exception of the Industrial Zoning Ordinance to provide for 36,000 square feet of an existing 151,945 square foot building to be utilized for commercial office use, **granted**.

**96-HOV-45; 1203 Roosevelt Avenue (west of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for an armored car facility with zero feet of public street frontage and a zero-foot side yard setback along the north and south property line, **granted**.

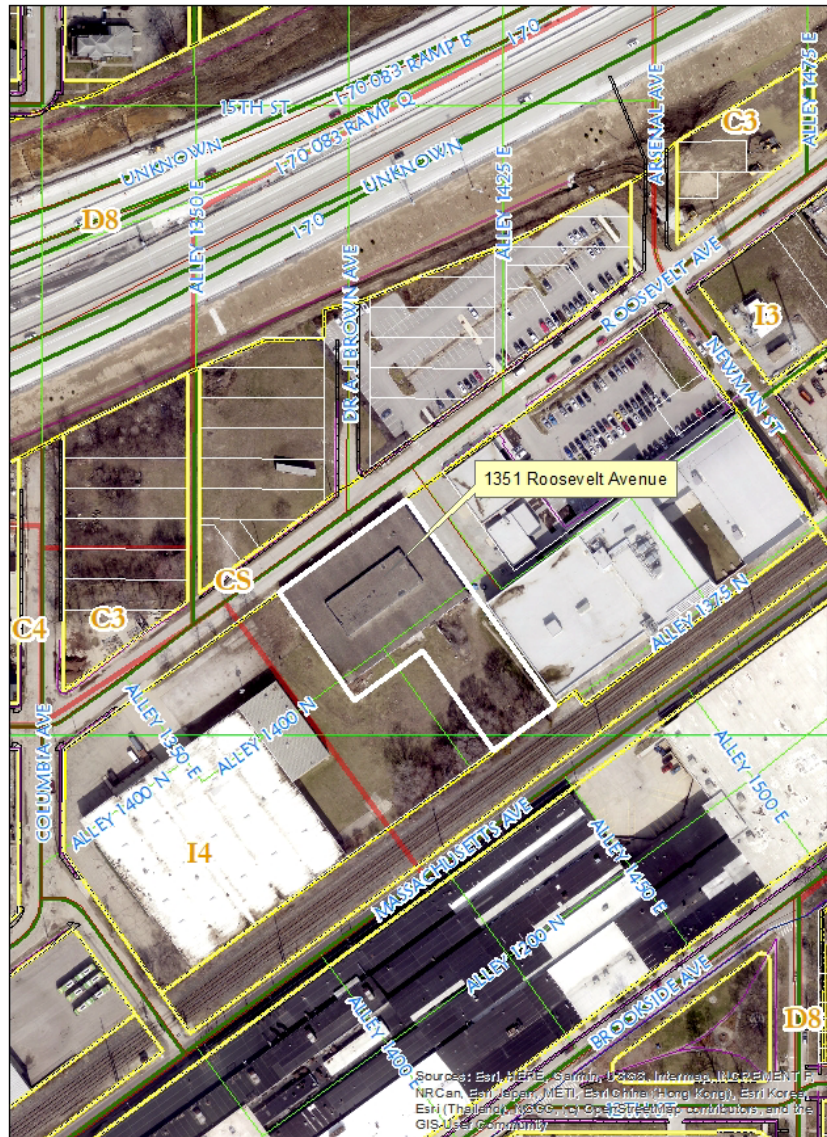
**89-HOV-97; 1125 Brookside Avenue (south of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to permit the addition of a new loading dock area to an existing factory / warehouse within the required front yard, without the required maneuvering area and with a 100 feet wide drive, **granted**.

**89-UV3-51; 969 Dorman Street (south of site)**, requested a variance of use of the Industrial Zoning Ordinance to permit outdoor storage and incidental maintenance of school buses, **granted**.

**81-VAC-5**, Vacation of parts of Roosevelt Avenue and Yandes Street, **approved**.

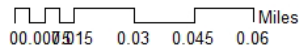
**84-VAC-18**, Vacation of parts of Lewis Street, **approved**.

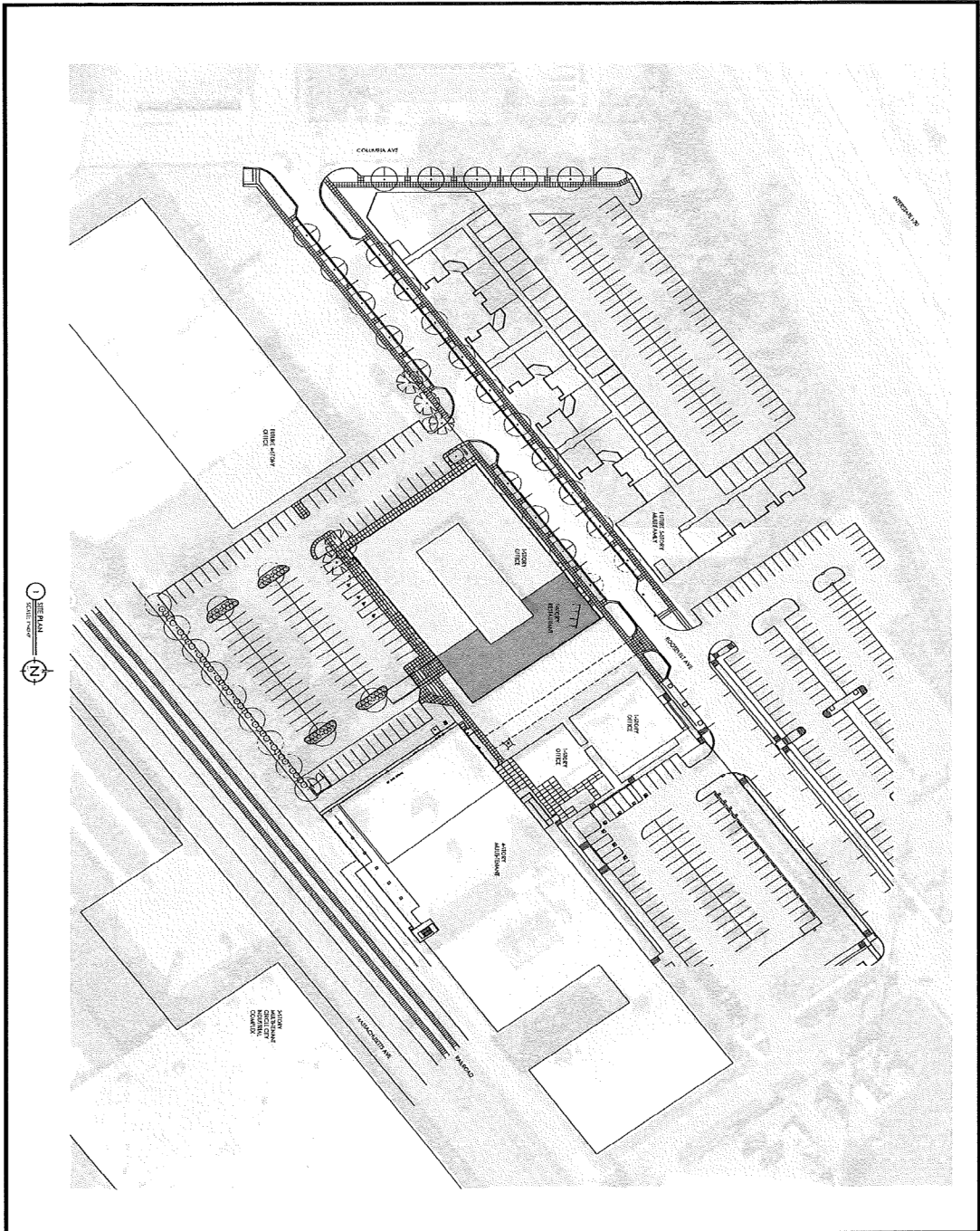
**EXHIBITS**



Sources: Esri, HERE, DeLorme, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Swisstopo, OpenStreetMap contributors, and the GIS User Community

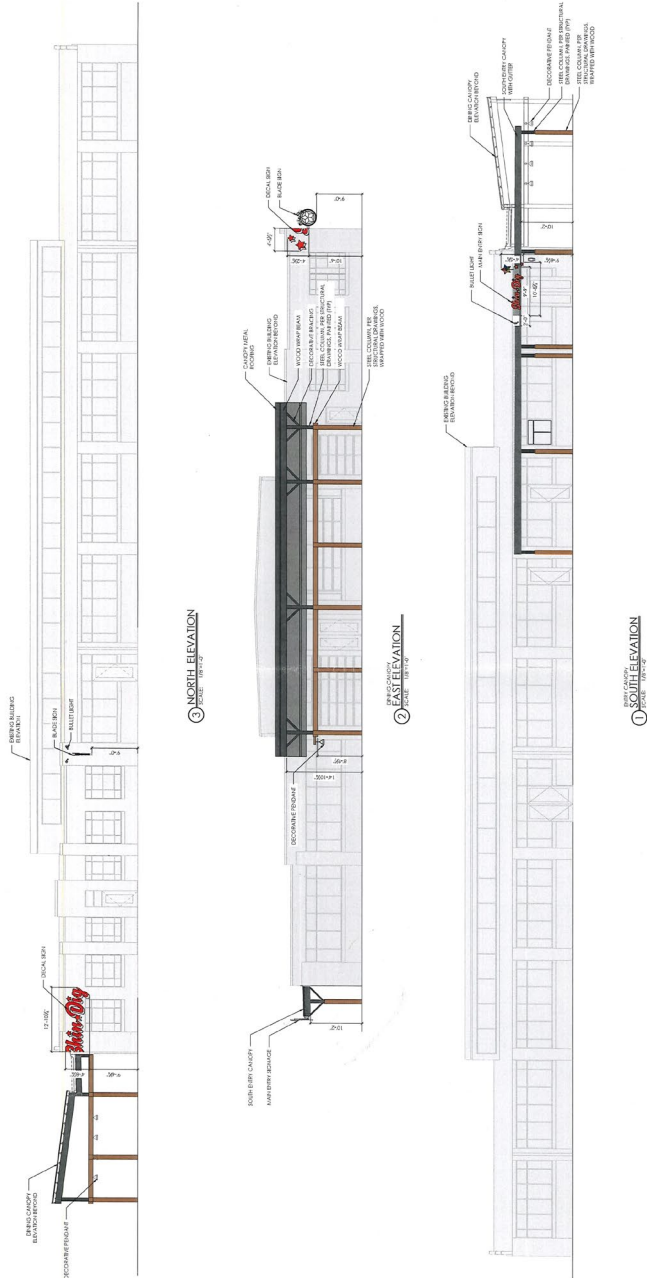
1351 Roosevelt Avenue





Drawing No. <b>A000</b>	Drawing Name <b>SHIN-DIG</b>	Drawing Date <b>2/20/2024</b>	Drawing By <b>B&amp;B</b>	Drawing Title <b>SHIN-DIG</b>	Drawing No. <b>A000</b>		via fast track to... by 4/20/24 317.437.4333 www.phandmen.com

Updated Documents June 27, 2024

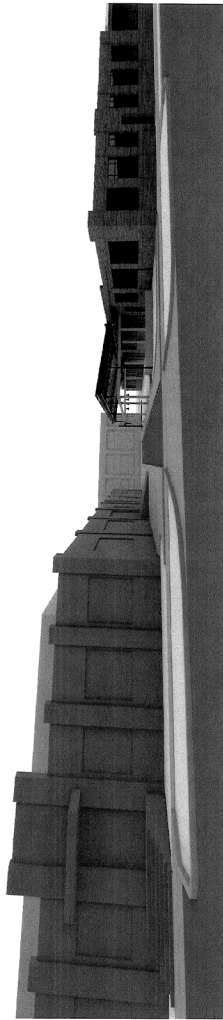


2024-CAP-822 / 2024-CVR-822  
1351 ROOSEVELT

SUNLIG, INDIANAPOLIS, IN  
CANOPY'S ELEVATION  
06/25/2024



Updated Documents June 27, 2024



HUMAN EYE VIEW FROM ROOSEVELT AVE.



HUMAN EYE VIEW FROM FIRE LANE ALLEY



BIRD EYE VIEW FROM ROOSEVELT AVE.

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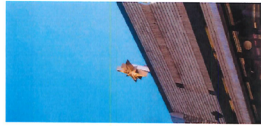


Updated Documents June 27, 2024

INSPIRATION IMAGES



METAL-CUTOUT SIGNAGE



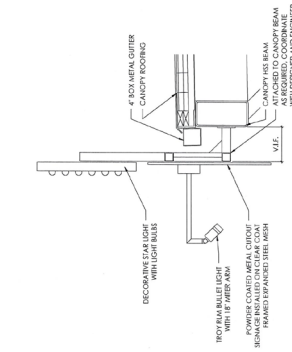
LIGHT BULB STAR



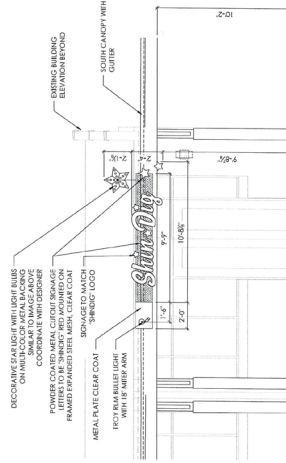
LIGHT BULB STAR



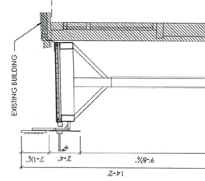
TROY RIM BULLET LIGHT WITH 18" MIER ARM



MAIN ENTRY SIGNAGE SECTION SCALE: 1/4"=1'-0"



MAIN ENTRY SIGNAGE ELEVATION SCALE: 1/4"=1'-0"

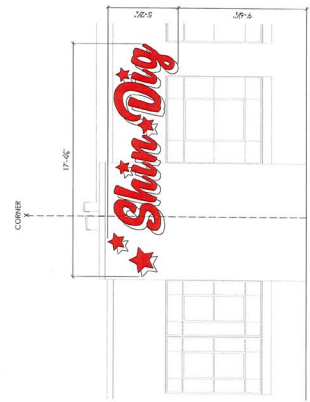
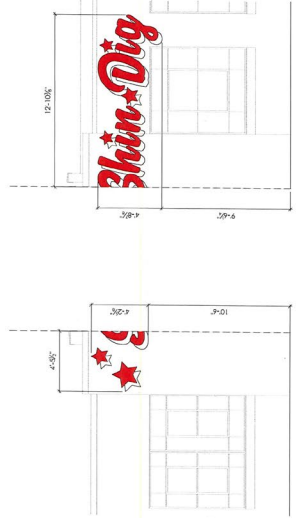


MAIN ENTRY SIGNAGE SECTION SCALE: 1/4"=1'-0"



SHIN-DIG, INDIANAPOLIS, IN  
 MAIN ENTRY SIGNAGE  
 6/24/2024

Updated Documents June 27, 2024



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 DECAL SIGN  
 6/24/2024



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 State of Indiana

**SHIN-DIG**  
 1351 ROOSEVELT AVE., SUITE 103  
 INDIANAPOLIS, IN 46202

Permitting  
 Date: 04/01/2024  
 Drawing Number: A320

**7 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**8 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

**9 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**10 ROOF PLAN**  
SCALE: 1/8" = 1'-0"

**SECTION DETAIL 1**  
SCALE: 1/2" = 1'-0"

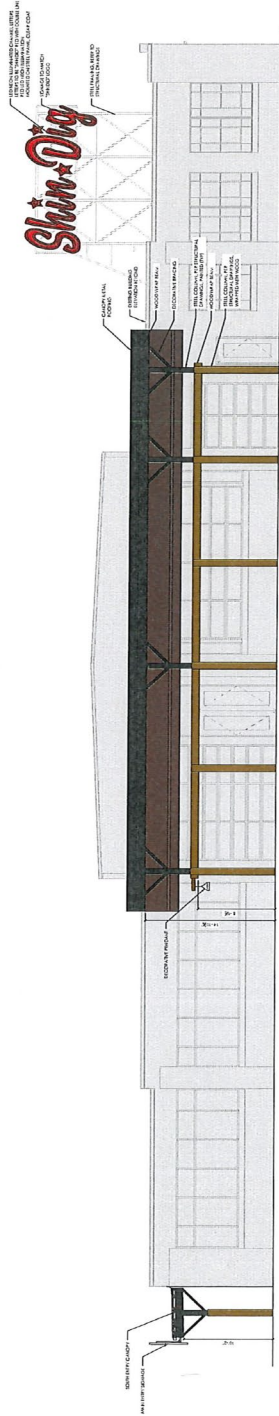
**SECTION DETAIL 2**  
SCALE: 1/2" = 1'-0"

**SECTION DETAIL 3**  
SCALE: 1/2" = 1'-0"

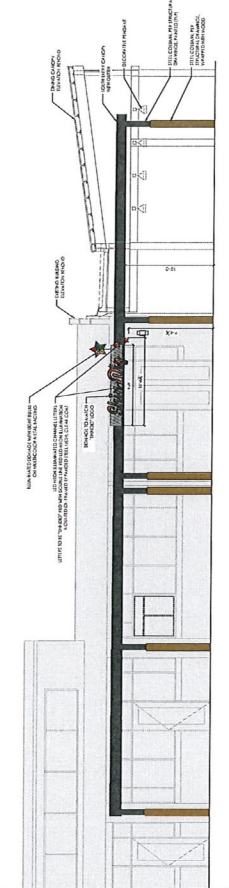
**SECTION DETAIL 4**  
SCALE: 1/2" = 1'-0"

PERMIT SET 04.01.2024

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EAST ELEVATION

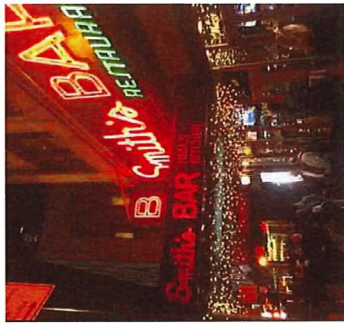


WEST ELEVATION

SHINDIG, INDIANAPOLIS, IN  
 EAST ELEVATION  
 06/24/2022



INSPIRATION IMAGES

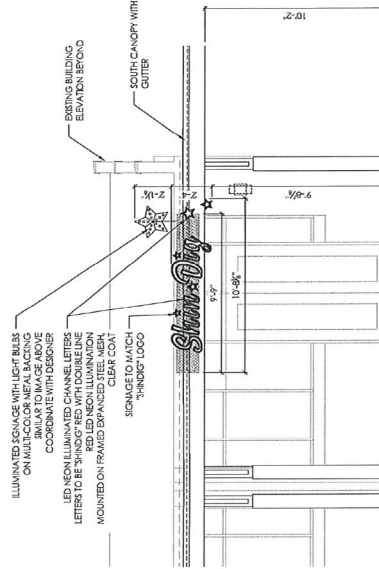


DOUBLE LINE LED NEON CHANNEL LETTER

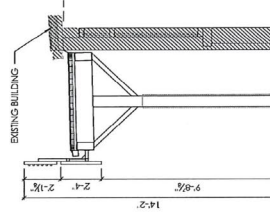
LED NEON WITH CHANNEL LETTER SIGNAGE

LIGHT BULB STAR

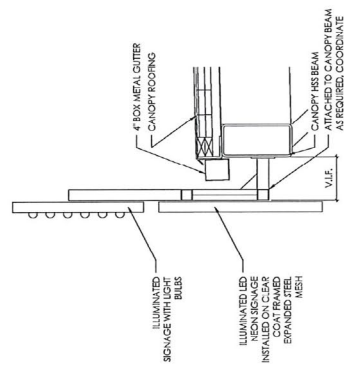
LIGHT BULB STAR



1 MAIN ENTRY SIGNAGE ELEVATION  
 SCALE: 1/4"=1'-0"

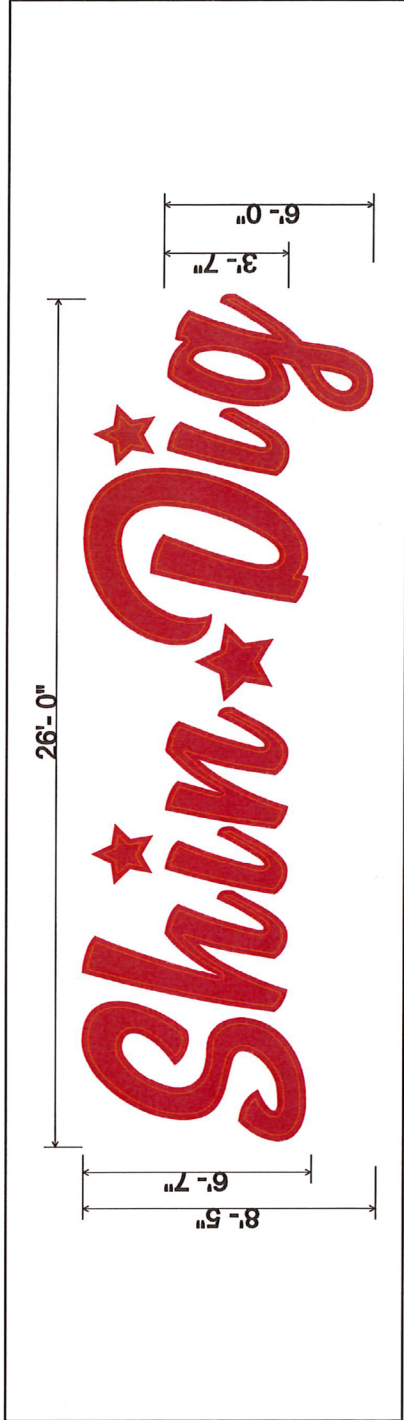


2 MAIN ENTRY SIGNAGE SECTION  
 SCALE: 1/4"=1'-0"

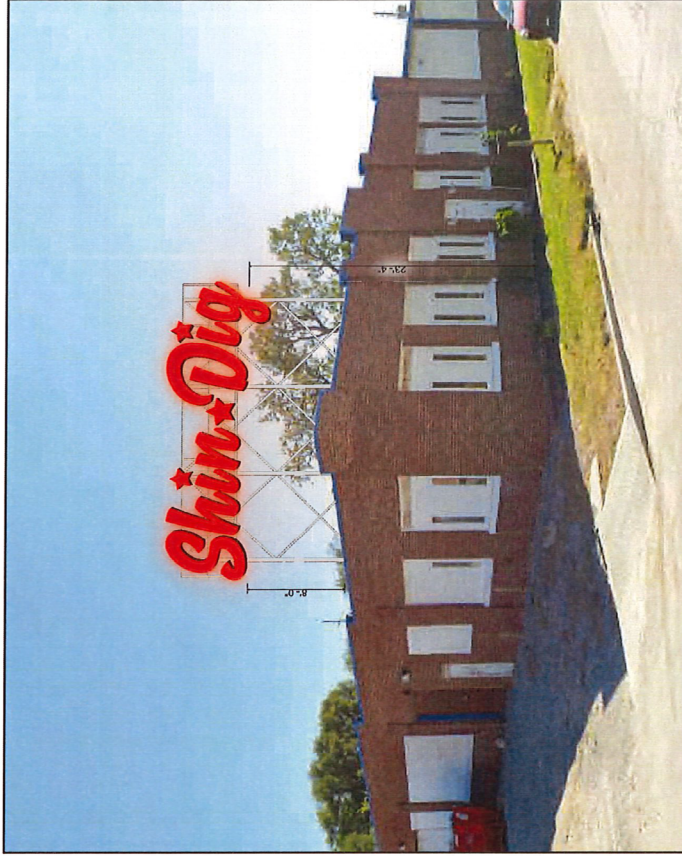


3 MAIN ENTRY SIGNAGE DETAIL SECTION  
 SCALE: 1/4"=1'-0"

SHIN-DIG, INDIANAPOLIS, IN  
 MAIN ENTRY SIGNAGE  
 4/9/2024



- SPECIFICATIONS:**
1. FABRICATE AND INSTALL ONE SET OF ROOF MOUNTED ILLUMINATING CHANNEL LETTERS.
  2. LETTERS TO BE RED WITH RED FAUX NEON ILLUMINATION.



A SIGN BY DESIGN IS NOT RESPONSIBLE FOR RUNNING THE MAIN ELECTRICAL LINE TO THE SIGN.  
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CLIENT NAME	THE SHIN DIG	AGENT/REP	DAVE
FILE NAME	SHINDIG-BLDLET10.PDF	DRAWN BY	AA
DATE	11/16/2023	FILE LOCATION	NOV-2022
LOCATION	INDIANAPOLIS, IN.	ART	<input checked="" type="checkbox"/>

DATE \_\_\_\_\_

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Current Planning

EXHIBIT A

DocId:20110604  
Tx:42028017

A202200134328

12/21/2022 11:00 AM  
KATHERINE SWEENEY BELL  
MARION COUNTY IN RECORDER  
FEE: \$ 35.00  
PAGES: 9  
By: DG

STATEMENT OF COMMITMENTS

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

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

Legal Description: See attached Exhibit 1.

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. Building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), which approval shall not be unreasonably withheld.
3. The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished.
4. \_\_\_\_\_
5. \_\_\_\_\_

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

MDC's Exhibit B -- page 1 of 9

9





Department of Metropolitan Development  
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 Current Planning

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-115 by the City-County Council changing the zoning classification of the real estate from a I-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. \_\_\_\_\_
5. \_\_\_\_\_

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-ZON-115.



Department of Metropolitan Development
Division of Planning
Current Planning

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

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

- 1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

DECISION

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

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

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



View looking west along Roosevelt Avenue



View looking east along Roosevelt Avenue



View of eastern portion of site looking south across Roosevelt Avenue



View of site looking south across Roosevelt Avenue



View of site looking southeast across Roosevelt Avenue



View of site looking southwest across Roosevelt Avenue



View of site looking southeast across Roosevelt Avenue



View from site looking northwest towards Interstate 70



View from site looking north toward Interstate 70



View of western portion of site looking south across Roosevelt Avenue



View of the rear of site looking north



View of the rear of site looking northeast





View of the rear of the site looking east



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 11, 2024

<b>Case Number:</b>	2024-ZON-057
<b>Property Address:</b>	1709 East 38th Street (approximate address)
<b>Location:</b>	Center Township, Council District #8
<b>Petitioner:</b>	Francis Olanipekun, by Oluwaseun Famosinpe
<b>Current Zoning:</b>	SU-1 (TOD)
<b>Request:</b>	Rezoning of 2.32 acres from the SU-1 (TOD) district to the C-4 (TOD) district to provide for commercial uses including an event hall.
<b>Current Land Use:</b>	Vacant Buildings
<b>Staff Recommendations:</b>	Denial
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

However, if the petition were to be approved against staff's recommendation approval shall 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 28-foot half right-of-way shall be dedicated along the frontage of Orchard 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).

**PETITION OVERVIEW**

**LAND USE**

The 2.32-acre subject site is developed with two vacant buildings and associated parking lot. The site is surrounded to the north by a mixed-use building, zoned MU-2, day care center, zoned C-4, and single-



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Division of Planning  
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family dwellings, zoned D-5, to the east of the site, a single-family dwelling, zoned D-5, and an industrial use, zoned I-2, to the south, and an industrial use west, zoned I-2.

## **REZONING**

This petition would rezone the property from the SU-1- (TOD) district to the C-4 (TOD) district to provide for commercial uses including an event hall.

The SU-1 classification only permits religious uses.

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.

## **DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 28-foot half right-of-way along Orchard Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

## **Staff Analysis**

The site is zoned SU-1, which is only intended for religious uses where the proposed C-4 district would allow for a variety of new uses that staff determined would be too intense next to the single-family dwellings east and south of the site that should be protected.

In staff's opinion, rezoning of the entire site to the C-4 district would not be compatible with the Village Mixed-Use or Light Industrial recommendations of the Comprehensive Plan. Instead, staff would be more supportive of a C-3 rezoning that would allow for neighborhood commercial businesses that could align with the Village Mixed-Use recommendation of the Comprehensive Plan if the intent would be to include other commercial uses on site.

However, based on the Plan of Operation submitted to the case file, staff has reason to believe the primary use of the site would be for the event hall since other commercial uses were not specified in the Plan of Operation. Although not specified in the Plan of Operation, the application form submitted noted that the site would "be uses as social events center to accommodate activities such as seminars, workshops, weddings, birthday events, talk shows, and general social gatherings".

The Plan of Operation notes that comprehensive fencing would be installed along the perimeter of the building to enhance security and confine all vehicle parking, but the site plan did not note the proposed location of said fence, fence height or fence type. These details are important to ensure that the fence regulations of the Zoning Ordinance are followed.



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Division of Planning  
Current Planning**

Staff relayed the C-3 rezoning option to the petitioner as a compromise but did not receive any comments from the petitioner regarding this alternative.

Staff determined that the proposed event hall would not be supportable. There were concerns regarding additional noise, lighting, and traffic that would be generated with the proposal near the single-family dwellings which would negatively impact the quality of life of the residents.

The previous religious use of the site allowed for many vehicles on site, but the hours of operation for a church are typically limited to the weekend and possible evenings for services. Traffic is typically not generated in great volume throughout the week or even into such late hours as proposed for this intended use.

Lastly, the petitioner was notified that the parking space dimensions would need to meet the Ordinance standards of 9 feet by 20 feet for a total 180 square-foot area or any other configuration that would meet the minimum 9-foot width and 180 square foot parking space requirement. If this is not met, the petitioner will need to request a variance for deficient parking stall sizes to be addressed.

For these reasons staff is recommending denial of the request.

#### GENERAL INFORMATION

<b>Existing Zoning</b>	SU-1 (TOD)	
<b>Existing Land Use</b>	Vacant Buildings	
<b>Comprehensive Plan</b>	Village Mixed-Use and Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	MU-2	Mixed-Use Building
South:	D- 5 / I-2	Residential (Single-family dwelling) / Industrial
East:	C- 3 / D-5	Day Care Center / Residential (Single-family dwellings)
West:	I-2	Industrial
<b>Thoroughfare Plan</b>		
38 <sup>th</sup> Street	Primary Arterial Street	88-foot proposed right-of-way and 120-foot existing right-of-way.
Orchard Street	Primary Arterial Street	56-foot proposed right-of-way and 51-foot existing right-of-way.
Trumbull Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 4, 2024	



Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A i

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)
- Indy Moves Transportation Integration Plan (2018)

**Pattern Book / Land Use Plan**

- The subject site is recommended for village mixed-use development for the majority of the site and a slight section along the eastern property boundary is recommended for light industrial development.
- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- An event center and higher intense commercial uses that would be permitted in the proposed C-4 district would not align with the Comprehensive Plan recommendations.



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**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021)
- The closest station to the site is at the intersection of 38<sup>th</sup> Street and Orchard Avenue, which is the northeast corner of the site and falls within ¼ mile of this station.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- The subject site falls within the Indy Moves Transportation Integration Plan (2018).
- An off-street multi-use path is proposed along 38<sup>th</sup> Street from Sutherland Avenue to Post Road.



## ZONING HISTORY

### Zoning History – Site

**2005-ZON-091; 1709 East 38<sup>th</sup> Street** (subject site), Rezoning of 2.24 acres, being in the I-2-U (W-1) District, to the SU-1 (W-1) classification to legally establish and provide for the expansion of religious uses, **approved**.

**89-Z-225; 1703 East 38<sup>th</sup> Street** (subject site), Rezoning of 2.0 acres, being in the D-5 district, to the I-2-U classification, to provide for a warehouse and office, **approved**.

**87-VAC-52; 3750 Orchard Street** (subject site), Vacation of 1<sup>st</sup> alley south of East 38<sup>th</sup> Street from the west right-of-way line of Orchard Street to West and South Westerly to the North right-of-way line of Trumbull Street, **approved**.

### Zoning History – Vicinity

**2013-ZON-078; 1720 East 38<sup>th</sup> Street** (north of site), Rezoning of 1.52 acres from the C-4 (W-1) districts to the C-3C (W-1) classification to provide for mixed-use development, including multi-family residential and commercial uses, **approved**.

**2000-UV1-004; 1703 East 38<sup>th</sup> Street** (west of site), Variance of use of the Industrial Zoning Ordinance to provide for a religious use, with associates accessory counseling and programming activities for the community (not permitted), **granted**.

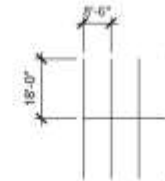
**97-Z-39; 1845 East 39<sup>th</sup> Street** (east of site), Rezoning of 0.029 acres, being in the D-5 District, to the C-3 classification to conform zoning to the existing commercial use, **approved**.

**96-Z-176; 1701 East 38<sup>th</sup> Street, 3743-3755 North Sutherland Avenue, and 3721-3739 North Schofield Avenue** (west and south of site), Rezoning of 1.65 acres, being in the D-5 District, to the I-2-U classification to provide for I-2-S industrial uses, **approved**.

EXHIBITS







2 TYPICAL PARKING SPACE DIMS  
SCALE: 1/32" = 1'-0"

1 SITE PLAN  
SCALE: 1/64" = 1'-0"



## Plan of Operation - K-Arise Investment LLC

### Operating Hours

- **Weekdays (Monday to Friday)**
  - Premises open at 8:00 AM.
  - Premises close at 10:00 PM.
- **Weekends (Saturday and Sunday)**
  - The premises open at 10:00 AM.
  - Premises close at 2:00 AM the following day.

### Security and Safety Measures

- **Fencing**
  - Comprehensive fencing will be installed around the perimeter of the building to enhance security and delineate the property boundary.
- **Lighting**
  - The entire premises, including parking areas and walkways, will be well-lit to always ensure visibility and safety, especially during evening and late-night hours.
- **Parking Management**
  - All vehicle parking will be confined within the fenced premises to maintain order and prevent any overflow onto neighboring properties or streets.
  - Clear signage will be placed to guide guests to designated parking areas.
- **Loitering Prevention**
  - Measures will be taken to discourage loitering of both vehicles and individuals outside the building premises.
  - Regular monitoring by security personnel will be enforced during operational hours.

### Event Management and Operations

- **Safety Protocols**
  - Regular safety drills and checks will be conducted to ensure all safety protocols are up-to-date and effective.
- **Noise Control**
  - Soundproofing measures will be implemented to minimize noise disruption to the surrounding community, especially during late-night operations.
- **Waste Management**



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- Efficient waste disposal systems will be in place to handle event-related refuse and recycling, ensuring cleanliness and environmental responsibility.

**Community Engagement and Compliance**

- **Local Laws and Ordinances**
  - Operations will adhere strictly to local zoning laws, noise ordinances, and all applicable regulations.
- **Community Feedback**
  - A system for receiving and addressing community feedback will be established to maintain good relations with neighboring residents and businesses.

This plan of operation is designed to ensure that K-Arise Investment LLC operates within the legal framework provided by the city of Indianapolis and maintains a safe, secure, and neighborly environment



Photo of the subject site looking west across Orchard Avenue.



Photo of the subject site looking south across Orchard Avenue.



Photo of the subject site looking north from Trumbull Street.



Photo of the southern property boundary looking north.



Photo of the southern property boundary of the subject site looking northwest.



Photo of an undeveloped industrial lot south of Trumbull Street.



Photo of a single-family dwelling south of Trumbull Street.



Photo of single-family dwellings east of Orchard Avenue.



Photo of a day care center east of the site.



Photo of multi-family dwellings north of the site.





Photo of a commercial building contractor business west of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **July 11, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-062

**Property Address:** 1025 Jefferson Avenue

**Location:** Center Township, Council District #13

**Petitioner:** Brookside Commercial, LLC, by Joseph D. Calderon

**Current Zoning:** D-5

**Request:** Rezoning of 0.15-acre from the D-5 district to the SU-38 district to provide for additional surface parking area for a community center and apartments.

**Current Land Use:** Storage containers / accessory building

**Staff Recommendations:** Denial

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

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

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

**PETITION OVERVIEW**

This 0.15-acre site, zoned D-5, is currently being used for storage. It is surrounded by a single-family dwelling to the north, zoned D-5; a community center to the south, zoned SU-38; multi-family dwellings to the east, zoned D-5; and single-family dwellings to the west, across North Jefferson Avenue, zoned D-5.

Petition 2021-ZON-096 requested rezoning of this site to the SU-38 to provide for a parking lot but was withdrawn. Staff recommended denial of that request.



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The request would rezone the site the SU-38 (community center) District to provide for a 13-space parking lot. “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 traditional neighborhood typology for this site. stated that the parking lot would serve other properties owned /operated by the petitioner that would include New Life Manor Apartments, Brookside Apartments, and the John Boner Neighborhood Community Center.

The number of required parking spaces are determined by the use and the square footage of buildings associated with the parking areas but no documentation, including existing parking numbers, was submitted that would support the need for the additional parking.

The Ordinance also provides for parking reductions related to electric vehicle charging stations, shared parking, bicycle parking, proximity to public transportation, shared parking among different land uses, permeable pavers / pavement and redevelopment.

As an example of the reduction, this site is proximate to a Transit Emphasis Corridor, Route 10, with buses operating every 15 minutes during peak times of the day. Sites within ¼ mile of a Transit Emphasis Corridor bus stop improved with a shelter may reduce the amount of parking spaces by 30%, so instead of 73 spaces being required for the 29,000-square foot community center, only 51 parking spaces would be required.

No documentation has been submitted that would provide information on parking reductions that would be available for this site.

Because staff is concerned about the steady encroachment of parking northward into the neighborhood and detrimentally impacting the streetscape of Jefferson Avenue, staff believes this request should be denied.

Staff is also concerned with the lack of landscaping and questions whether the Green Factor can be met. The Green Factor would ensure that the site is more sustainable, provides screening, and promotes buffering and integration of landscaping, drainage and thoughtful design.

### **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.



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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.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Storage units / accessory building	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5	Single-family dwelling
South:	SU-38	Parking lot / community center
East:	D-5	Multi-family dwellings
West:	D-5	Single-family dwelling
<b>Thoroughfare Plan</b>		
North Jefferson Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 9, 2024	
<b>Site Plan (Amended)</b>	N/A	



<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Traditional Neighborhood typology. “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.”

**Pattern Book / Land Use Plan**

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 – Traditional Neighborhood Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.



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- *Small-Scale Schools, Places of Worship, Neighborhood- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as Schools, places of worship, and other places of assembly that are generally less than five acres in size)*
  - Should be located along an arterial or collector street.
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Schools should not be within 1000 feet of a highway, freeway, or expressway.

#### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

#### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

#### **Infill Housing Guidelines**

- Not Applicable to the Site.

#### **Indy Moves**

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**2021-ZON-096; 1025 Jefferson Avenue**, requested rezoning of 0.15 acre from the D-5 district to the SU-38 classification, **withdrawn**.

**2016-ZON-017; 1021 Jefferson Avenue**, requested rezoning of 0.15 acre, from the D-5 district, to the SU-38 classification, **approved**.

**2009-UV1-017; 2210, 2236 and 2302 East 10<sup>th</sup> Street**, requested a variance of use of the Special Districts Zoning Ordinance to provide for a restaurant and caterer (not permitted) with outdoor seating as a primary use within a tenant space of a community center, and to provide for all C-1 and C-3 uses, **granted**.

**2008-ZON-858 / 2008-VAR-858; 2209 East 10<sup>th</sup> Street**, requested a rezoning of 0.358 acre, from the C-2 and D-4 Districts to the C-3C classification to provide for corridor commercial uses. and a variance of Development Standards of the Commercial Zoning Ordinance to provide for a 12,940-square foot building addition with an 26.083-foot front setback from the centerline of East 10<sup>th</sup> Street and a 4.167-foot front setback from the existing right-of-way of Jefferson Avenue, within the clear-sight triangle, a fence or wall within the clear-sight triangle on the north side of the proposed driveway, being 45 feet tall, with twenty off-street parking spaces, parking and a transformer with a five-foot setback and a trash enclosure with a fourteen foot setback within the required 20-foot south side transitional yard, parking with a seven-foot setback within the required twenty-foot front transitional yard along Jefferson Street (not permitted) at the southwest corner of the site, a transformer and portion of a trash enclosure with two-foot east side setbacks within the required ten-foot east side transitional yard at the southeast corner of the site, **granted**.

**2004-ZON-145; 2210-2302 East 10<sup>th</sup> Street, 1017 Jefferson Avenue and 1042 Beville Avenue**, requested a rezoning of 1.99 acres, being in the D-5 and C-2 Districts, to the SU-38 classification, to provide for the expansion of a community center, **approved**.

**2004-VAC-028; 2210-2236 East 10<sup>th</sup> Street, 1017 Jefferson Avenue and 1042 Beville Avenue**, requested a vacation of a portion of 10<sup>th</sup> Street, a portion of the air rights above 10<sup>th</sup> Street, the first east/west alley north of 10<sup>th</sup> Street, and the first north/south alley east of Jefferson Avenue, **approved**.

**2003-UV2-037; 958 North Beville Avenue**, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish the retail sales of motorcycle parts and motorcycle repair, **granted**.

**98-Z-235 / 98-CV-24; 2122 East 10<sup>th</sup> Street**, requested a rezoning 1.175 acre, being in the C-2 and C-3 districts to the C-3 classification and a variance of development standards to provide for a fast-food restaurant with carryout and drive-through service within 100-feet of a protected district, **approved**.



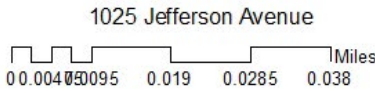
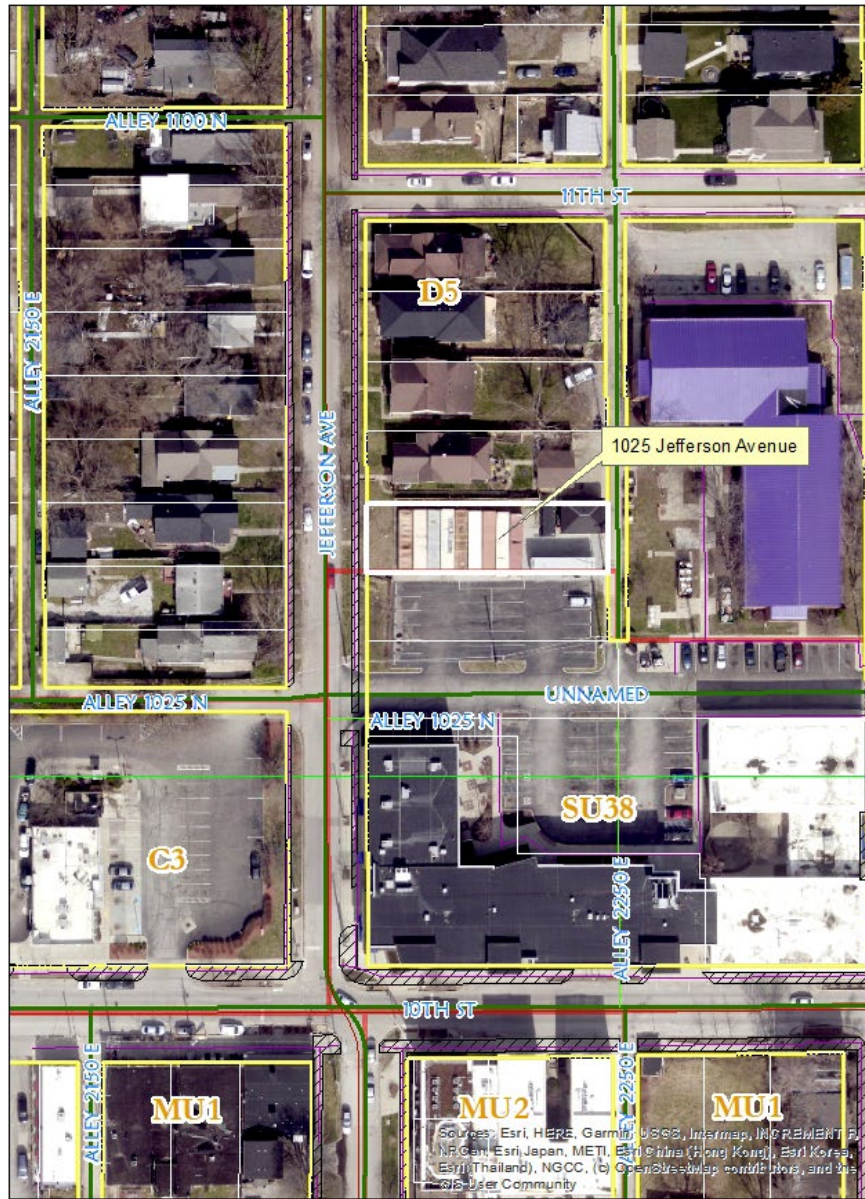
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**98-UV1-062; 2117 East 10<sup>th</sup> Street**, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish motorcycle sales and salvage business, with reduced setbacks and landscaping, **granted**.

**89-V2-144; 2236 East 10<sup>th</sup> Street**, requested a variance of use of the Commercial Zoning Ordinance, to provide for the conversion of an existing building into a 24-unit residential building for homeless and low-income individuals, senior services programming, and adult day care, with reduced off-street parking, **granted**.



**EXHIBITS**







View looking north along North Jefferson Avenue



View looking south along North Jefferson Avenue



View of site looking north



View of site looking north



View of site looking northeast across North Jefferson Avenue of site



View looking of site and adjacent single-family dwelling northeast across North Jefferson Avenue



View looking northwest from adjacent parking to the south



View looking east across adjacent parking lot to the south



View from site looking southeast



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

July 11, 2024

**Case Number:** 2024-ZON-071  
**Property Address:** 1302 East Stop 11 Road  
**Location:** Perry Township, Council District #23  
**Petitioner:** HRE Brothers, LLC, by Michael Rabinowitch  
**Current Zoning:** D-A

**Request:** Rezoning of 1.788 acres from the D-A district to the C-3 district to provide for a restaurant and other commercial uses.

**Current Land Use:** Single-family dwelling

**Staff Recommendations:** Denial

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on this petition.

**STAFF RECOMMENDATION**

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. A 56-foot half right-of-way shall be dedicated along the frontage of East Stop 11 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).



**PETITION OVERVIEW**

This 1.788-acre site, zoned D-A, is developed with a single-family dwelling. It is surrounded by a single-family dwelling to the north, zoned D-A; single-family dwellings to the south, across East Stop11 Road, zoned D-3; a single-family dwelling to the east, zoned D-A; and commercial uses to the west, zoned C-4.

Petitions 2007-ZON-055 and 2009-ZON-065 requested rezoning to commercial uses and both were withdrawn. Petition 2018-UV2-004 requested a variance of use for commercial uses and signage. This petition was denied.

**REZONING**

This request would rezone the site from a residential use to the C-3 (neighborhood commercial) district. “The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

The Comprehensive Plan recommends suburban neighborhood typology. Since at least 1988 (US 31 and South Madison Avenue Corridor Plan), this site has been recommended for residential uses.

Only small-scale office, retailing and personal or professional services are recommended commercial uses within the suburban neighborhood. The Pattern Book defines small-scale uses on lots less than 1.5 acres with minimal outdoor operations, storage or display. Additional guidelines state that these uses be located at the intersections of arterial streets and no closer than one mile to another commercial node, limited to an aggregate of 3.5 acres per intersection, adequate space for required screening and buffering, and no outdoor display of merchandise.

As proposed, a 10,150-square-foot building, 51 parking spaces and a 30-foot by 60-foot greenhouse would introduce an intense commercial use into the neighborhood that would be wholly inappropriate.



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Commercial development of the site would alter and negatively impact the residential character of Oak Drive and the adjoining neighborhoods. It would introduce noise and traffic into the established residential aesthetic. Due to the development of the surrounding neighborhoods, and the street pattern of the area, it is unlikely that this request would primarily serve those residents that would be most impacted by the proposed development.

Furthermore, rezoning of any of the properties east of the existing commercial corridor on Madison Avenue to any commercial classification would only lead to further commercial rezoning requests or variances along this portion of East Stop 11 Road, which would be contrary to the Comprehensive Plan recommendation, as well as the recommended guidelines in The Pattern Book.

Within this massive commercial retail corridor along US 31 and Madison Avenue, vacancies abound in existing structures that are zoned and developed appropriately for commercial uses. Reuse and redevelopment would be much more desirable than expanding commercial use to the east and encroaching into a well-established neighborhood.

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along East Stop 11 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.

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;



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

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A		
<b>Existing Land Use</b>	Single-family dwelling		
<b>Comprehensive Plan</b>	Suburban Neighborhood		
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>	
	North:	D-A	Single-family dwelling
	South:	D-3	Single-family dwellings
	East:	D-A	Single-family dwelling
	West:	C-4	Commercial uses
<b>Thoroughfare Plan</b>			
East Stop 11 Road	Secondary Arterial	Existing 96-foot right-of-way and proposed 112-foot right-of-way.	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	June 3, 2024		
<b>Site Plan (Amended)</b>	N/A		
<b>Elevations</b>	N/A		
<b>Elevations (Amended)</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	N/A		
<b>Findings of Fact (Amended)</b>	N/A		
<b>C-S/D-P Statement</b>	N/A		

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

The 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.

Only small-scale office, retailing and personal or professional services are recommended commercial uses within the suburban neighborhood. The Pattern Book defines small-scale uses on lots less than 1.5 acres with minimal outdoor operations, storage or display. The proposed use would present large-scale office, retailing and personal or professional services and expansion of a regional commercial use into the living typology to the east and south.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**2018-UV2-004; 1302 East Stop 11 Road (subject site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a nail/pedicure salon within the attached breezeway and garage, including a future expansion, with driveway improvements and a parking lot with an 11-foot west side setback and with a neon-trimmed, 32-square foot freestanding sign, **denied**.

**2009-ZON-065; 1302 East Stop 11 Road (subject site)**, requested the rezoning of two acres, from the D-A District to the C-3C classification to provide for corridor commercial uses, **withdrawn**.

**2007-ZON-055; 1302 East Stop 11 Road and 7934 South Oak Drive (includes subject site)**, requested the rezoning of 2.78 acres, from the D-A District to the C-3 classification to provide for neighborhood commercial uses, **withdrawn**.

### Vicinity

**2007-UV2-020; 1240 East Stop 11 Road (west of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the sale, rental and leasing of automobiles, and to provide for 4,230 square feet of non-accessory outdoor display areas not located adjacent to a building, **granted**.

**2003-ZON-137; 8003 South US 31 (southwest pf site)**, requested rezoning of 1.14 acre from C-4 to C-5, **approved**.

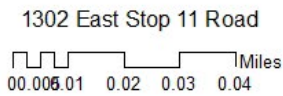
**90-UV2-117; 1712 East Stop 11 Road (east of site)**, requested a variance of use of the Dwelling District Zoning Ordinance to permit the operation of a travel agency within an existing single-family home, **denied**.

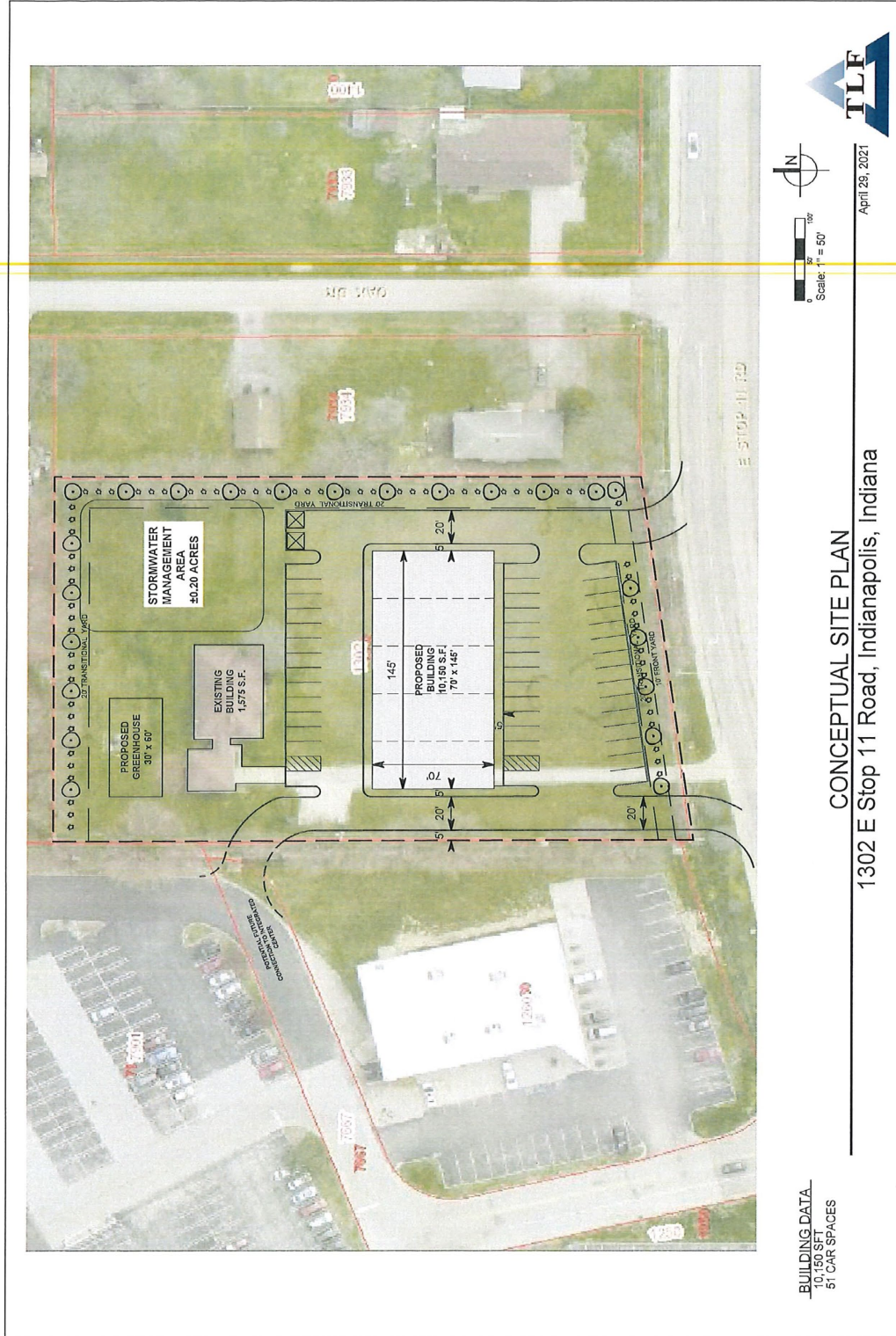
**88-UV2-26; 1712 East Stop 11 Road (east of site)**, requested a variance of use to permit the conversion of a residence to a commercial office, **denied**

**86-UV2-83; 1712 East Stop 11 Road (east of site)**, requested a variance of use to permit the conversion of a residence to a commercial office, **denied**

**83-HOV-8; 7934 Oak Drive (east of site)** requested a variance of development standards of the Agricultural Zoning Ordinance, to provide for the location of residential garage, with a reduced front setback from Oak Drive, **granted**.

**EXHIBITS**









View looking west along East Stop 11 Road



View looking east along East Stop 11 Road



View of site looking northeast across East Stop 11 Road



View of site looking north across East Stop 11 Road



View of site looking north across East Stop 11 Road



View of site looking west across Oak Drive