



# Metropolitan Development Commission (October 4, 2023) Meeting Notice

## Meeting Details

Notice is hereby given that the Metropolitan Development Commission of Indianapolis-Marion County, IN, will hold public hearings on:

**Date:** Wednesday, October 04, 2023      **Time:** 1:00 PM

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

## Business:

**Adoption of Meeting Minutes:** September 20, 2023

## Policy Resolutions:

### ECONOMIC DEVELOPMENT / INCENTIVES:

**1.** 2023-E-039

Declaratory Resolution to remove certain parcels from the Consolidated/Harding Street Redevelopment Project Area and Allocation Area, and to designate the Alabama Street Redevelopment Project Area Redevelopment Area and Allocation Area, and to adopt a Redevelopment Plan for said Area, Council District #11, Center Township.

**2.** 2023-E-040

Interlocal Agreement with Health & Hospital Corporation for Flanner House partnership.

### COMMUNITY INVESTMENTS:

**3.** 2023-C-009

Interlocal Agreement with Health & Hospital Corporation for Boner Center partnership.

## Zoning Petitions:

### Special Requests

### PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

**4.** 2023-APP-026 | 320 and 362 North Tibbs Avenue and 3455 West Vermont Street

Wayne Township, Council District #15

HD-1

Acadia Realty Holdings, LLC, by Kevin Buchheit

Hospital District One approval to provide for building additions to accommodate a 95-bed expansion of the hospital facility.

**5. 2023-ZON-026 | 6501 Brookville Road**

Warren Township, Council District #18  
Brookville Mart, Inc., by Cindy Thrasher

Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

**6. 2023-ZON-043 | 1400 Campbell Avenue**

Warren Township, Council District #19  
JAK Holdings Group, LLC, by Mark and Kim Crouch

Rezoning of 1.16 acres from the C-1 district to the D-7 district.

**7. 2023-ZON-063 (2nd Amended) | 3855 & 3955 North Emerson Avenue, 5035 East 39th Street and 5070 Roselawn Avenue**

Lawrence and Washington Townships, Council Districts #9 and #13  
Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen

Rezoning of 9.19 acres from the D-3 (TOD), D-4 (TOD), D-6 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.

**8. 2023-ZON-077 | 2958 North College Avenue**

Center Township, Council District #9  
Spann Alexander REIG, LLC, by Michael Rabinowitch

Rezoning of 0.218 acre from the D-5 district to the MU-2 district to provide for a mixed-use development.

**9. 2023-ZON-081 | 1910 and 1912 Valley Avenue**

Center Township, Council District #17  
Kenneth Thorpe, by Mark Young

Rezoning of 0.74 acre from the D-5 district to the D-9 district to provide for a medium apartment building development.

**10. 2023-CZN-843 | 2302 West Morris Street**

Wayne Township, Council District #16  
Habitat for Humanity of Greater Indianapolis, Inc., by Chris Barnett

Rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings.

**11. 2023-CAP-845 | 2850 Bethel Avenue**

Center Township, Council District #21  
PK-1  
Indy Parks, by Ben Jackson

Park District One approval to provide for new game fields/courts, a shelter area and parking.

**12. 2023-CZN-846 and 2023-CAP-846 | 8631 River Crossing Boulevard**

Washington Township, Council District #3  
PK Partners, LLC, Inc., by Brian J. Tuohy

Rezoning of 10.056 acres from the C-S (FF) district to the C-S (FF) district to add indoor sports and recreation uses (including but not limited to indoor pickleball courts) as a permitted use.

Modification of Commitments related to 93-Z-151, as modified by 2012-CAP-818, to Modify Commitment #2, to allow indoor sports and recreation as a permitted use in the area identified as retail.

**13. 2023-CAP-850 | 8545 South Emerson Avenue**

Franklin Township, Council District #25  
C-S  
Landmark Holdings 8601 LLC, by Tammy Rice

Modification of the approved C-S Statement, related to 2005-ZON-169, to provide for three integrated pylon signs (maximum two integrated pylon signs permitted).

- 14. 2023-REG-070 | 227 and 333 West 14th Street, 323 and 335 West 15th Street, 269 and 355 West 16th Street, 1255, 1330, 1355, 1410, 1420, 1421, 1515 and 1520 North Senate Avenue, 1234, 1302, 1310, 1318, 1402, and 1420 North Capitol Avenue**  
Center Township, Council District #11  
CBD-S (RC)  
Indiana University Health, Inc., by J. Murray Clark

Regional Center Approval to provide for overall site design approval, including a campus vehicular plan, art locations, pedestrian connections, bicycle parking locations, site lighting, and two surface parking lots, with 300 spaces.

#### **PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):**

- 15. 2023-ZON-075 | 516 South Rural Street**  
Center Township, Council District #12  
James Roger Martin

Rezoning of 0.12 acre from the D-5 district to the C-1 district.

#### **Petitions for Public Hearing**

#### **PETITIONS FOR PUBLIC HEARING:**

- 16. COMPANION PETITIONS RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY PETITIONER:**

**2023-CZN-830 / 2023-CVR-830 | 201 West 38th Street and 3750 North Capitol Avenue**  
Center Township, Council District #7  
C-4 / D-5  
Martin Petroleum Inc., by Pat Rooney

Rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard required).

- 17. COMPANION PETITION RECOMMENDED FOR DENIAL BY THE HEARING EXAMINER, APPEAL FILED BY THE PETITIONER:**

**2023-VAR-001 (Amended) | 2802 South Holt Road**  
Wayne Township, Council District #16  
Maninder Singh

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days); and
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted).

**\*\*Petitioner request for a continuance to allow time to modify the site plan**

#### **Additional Business:**

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

**RESOLUTION NO. 2023-E-039****RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF  
MARION COUNTY, INDIANA DECLARING AN AREA IN THE CITY OF  
INDIANAPOLIS, INDIANA A REDEVELOPMENT PROJECT AREA AND  
APPROVING A REDEVELOPMENT PLAN FOR THE  
REDEVELOPMENT PROJECT AREA**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”), has investigated, studied and surveyed those areas within the consolidated city boundaries of the City of Indianapolis, County of Marion, Indiana (the “City”) that may be areas needing redevelopment pursuant to the provisions of Indiana Code 36-7-15.1, as amended (the “Act”); and

WHEREAS, the Commission has determined that there exists in the City an area needing redevelopment (the “Area”) to be redeveloped pursuant to the Act; and

WHEREAS, the Commission finds that normal development and occupancy of the Area is undesirable or impossible because of lack of development, cessation of growth, deterioration of improvements, environmental contamination, character of occupancy, age, obsolescence, substandard buildings, and other factors that impair the values or prevent the normal use or development of the Area; and

WHEREAS, the Commission has prepared a redevelopment plan (the “Plan”) for the Area, which Plan is attached to and incorporated by reference in this resolution; and

WHEREAS, the Commission has caused to be prepared:

(1) Maps and plats showing:

- (A) the boundaries of the area in which property would be acquired for, or otherwise affected by, the establishment of an redevelopment area;
- (B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the Area;
- (C) the parts of the Area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan (as defined herein); and

(2) Lists of the owners of the various parcels of property proposed to be acquired, if any;

(3) An estimate of the cost of acquisition, redevelopment and economic development.

WHEREAS, the Plan and supporting data were reviewed and considered by the Commission at this meeting; and

WHEREAS, Section 26 of the Act permits the creation of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, the Area is currently in the Consolidated/Harding Street Redevelopment Project Area (the “Consolidated Area”) and Consolidated Redevelopment Project Allocation Area (Market East Expansion Area) (the “Consolidated Allocation Area”) as established and amended from time to time by the Commission pursuant to its declaratory resolutions and confirmatory resolutions related thereto, as adopted and in effect as of the date of this resolution (such resolutions, collectively, the “Consolidated Area Resolutions”); and

WHEREAS, in connection with the establishment of the Area, the Commission has determined that the territory within the Area to be established pursuant to this resolution should be removed from the Consolidated Area and Consolidated Allocation Area and that the Consolidated Area Resolutions and the Redevelopment Plan for the Consolidated Area, as approved and amended from time to time by the Consolidated Area Resolutions (the “Consolidated Area Plan”), should be amended to reflect such removal;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION THAT:

1. The Commission hereby finds that the Area is an “area needing redevelopment” pursuant to the provisions of the Act. The Commission hereby designates as the “Alabama Street Redevelopment Project Area” (the “Area”), which Area is described in Exhibit A attached hereto and incorporated herein by reference. In connection with the establishment of the Area, the territory within the Area is hereby removed from the Consolidated Area and the Consolidated Allocation Area. The Consolidated Area Resolutions and Consolidated Area Plan are hereby amended to reflect such removal.

2. The Commission finds that the Area is a menace to the social and economic interest of the City and its inhabitants, and that it will be of public utility and benefit to redevelop the Area pursuant to the Act.

3. The Commission finds that the Plan cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed the Commission under Indiana Code 36-7-15.1 because of:

- a. The lack of local public improvement necessary to achieve the level of quality of development described in the Plan;
- b. Existence of improvements or conditions that lower the value of the land below that of nearby land;
- c. Multiple ownership of land; and

- d. Other similar conditions, specifically, challenges resulting from existing private party easements and other land conditions.

4. The Commission finds that the accomplishment of the Plan will be of public utility and benefit as measured by:

- a. The attraction of construction and retention of permanent jobs;
- b. An increase in the property tax base;
- c. Improved diversity of the economic base; and
- d. Other similar benefits that specifically serve as a basis for making future public capital expenditures.

5. The Plan for the Area attached hereto as Exhibit B conforms to other development and redevelopment plans for the City.

6. The Commission estimates that the cost of implementing the Plan will not exceed \$18,000,000.

7. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

8. In support of the findings and determinations set forth in Section 1 through 7 above, the Commission hereby adopts the specific findings set forth in the Plan.

9. The Commission does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Area. If at any time the Commission proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

10. The entire Area described in Exhibit A is hereby designated as an “allocation area” pursuant to Section 26 of the Act to be known as the “Alabama Street Allocation Area” (herein, the “Alabama Street Allocation Area”) for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by Section 26 of the Act. Any taxes imposed under Indiana Code 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Alabama Street Allocation Area shall be allocated and distributed in accordance with Section 26 of the Act as follows:

Except as otherwise provided in Section 26, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 26, property tax proceeds in excess of those described in the previous sentence shall be

allocated to the redevelopment district and when collected paid into an allocation fund for the Alabama Street Allocation Area hereby designated as the “Alabama Street Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 26(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of this Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 26(b)(4) of the Act.

The base assessment date for property in the Alabama Street Allocation Area shall be January 1, 2023.

11. The provisions of this resolution shall be subject in all respects to the Act and any amendments hereto and the allocation provision herein relating to the Alabama Street Allocation Area shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived in the Alabama Street Allocation Area. The Commission shall notify the Indiana Department of Local Government Finance of the designation of the Area as an allocation area.

12. The Commission shall cause to be prepared a statement disclosing the impact of the Alabama Street Allocation Area, including the following:

A. The estimated economic benefit and costs incurred by the Alabama Street Allocation Area, as measured by increased employment and anticipated growth of real property, personal property and inventory assessed values; and

B. The anticipated impact on tax revenues of each taxing unit that is either wholly or partly located within the Alabama Street Allocation Area. A copy of this statement shall be forwarded to each such taxing unit with a copy of the notice required under Section 10 of the Act at least ten (10) days before the date of the public hearing described in Section 15 of this resolution.

13. The Commission finds that the removal of the territory in the Area from the Consolidated Area and Consolidated Allocation Area for the purpose of enabling the creation of the Area as a separate redevelopment project area and allocation area is in accordance with the Act and is necessary and appropriate to carry out the purposes of this resolution. The Commission, having been advised by its staff and consultants, finds that the removal of the Area from the Consolidated Area and Consolidated Allocation Area will not adversely affect the rights of the holders of any obligations of the City or the redevelopment district thereof payable from a pledge of tax increment revenues derived from the Consolidated Allocation Area.

14. This resolution and the Plan shall be submitted to the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”) for its approval of the establishment of the Area as provided in the Act.



15. The Commission hereby directs the presiding officer of the Commission, after receipt of approval by the City-County Council, to publish notice of the adoption and substance of this resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the office of the Commission, board of zoning appeals, works board, park board, and any other departments, bodies or officers of the City having to do with planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on October 4, 2023, at the City-County Building, 2<sup>nd</sup> floor, Public Assembly Room (Room 230), Indianapolis, Indiana

METROPOLITAN DEVELOPMENT  
COMMISSION OF MARION COUNTY,  
INDIANA, acting as the Redevelopment  
Commission of the City of Indianapolis,  
Indiana

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John J. Dillon III, Chairperson

**EXHIBIT A****DESCRIPTION AND MAP OF ALABAMA STREET  
REDEVELOPMENT AREA AND ALLOCATION AREA****Description:**

The Area is located downtown at 222 North Alabama Street and 202 North Alabama Street and includes local parcel numbers 1029552, 1097670 and 1075317. Currently, the old City Hall and parking lot are located in the Area. The Area is bounded on the north by New York Street, on the east by Alabama Street, on the south by Ohio Street and on the west by Hudson Street.

**Parcels:**

1029552  
1097670  
1075317

A map of the Area follows on the next page.

Map of Area



\*\*\* The Area is bounded in blue on the map above\*\*\*

## **EXHIBIT B**

### **REDEVELOPMENT PLAN FOR THE ALABAMA STREET REDEVELOPMENT PROJECT AREA**

#### **Purpose and Introduction**

The Metropolitan Development Commission of Marion City, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the “Commission”) proposes to designate and declare an area needing redevelopment area within the City of Indianapolis, Indiana (the “City”) to be known as the “Alabama Street Redevelopment Project Area” (the “Area”). This document is the plan for the Area (the “Plan”), provided that this Plan may be amended in the future as provided in Indiana Code 36-7-15.1, as amended from time to time (the “Act”), and in this Plan.

Pursuant to the Act, the Plan must be approved by the Commission and the City-City Council of the City of Indianapolis and of Marion City, Indiana (the “City-City Council”). Upon such approvals, the Commission will hold a public hearing on the Plan as required under Section 10 of the Act, before confirming (or modifying and confirming) the designation of the Area and the approval of the Plan.

The Commission also proposes that pursuant to the provisions of Section 26 of the Act, the Area shall constitute a tax increment financing “allocation area” for purposes of the Act. Such allocation area shall be designated as the “Alabama Street Allocation Area” (hereinafter referred to as the “Allocation Area”) for purposes of distribution and allocation of taxes on real property in the Allocation Area.

#### **Project Objectives**

The purposes of the Plan are, through the redevelopment of the Area, to benefit the public health, safety, morals and welfare of the citizens of the City; increase the economic well-being of the City and the State of Indiana; and serve to protect and increase property values in the City and the State of Indiana. The Commission has identified the Area as an area needing redevelopment pursuant to the Act. The Plan is designed to redevelopment the Area which is in need of redevelopment because of (i) lack of development, (ii) cessation of growth, (iii) deteriorating improvements and (iv) other factors that impair the normal use or development of the Area. The Commission anticipates the Plan will (i) promote significant opportunities for the gainful employment of citizens of the City, (ii) assist in the attraction of major new business enterprises to the City, (iii) provide for local public improvements in the Area, (iv) attract and retain jobs, (v) increase the property tax base, and (vi) improve the diversity of the economic base of the City.

## **Description of the Area**

The Area is located downtown at 222 North Alabama Street and 202 North Alabama Street and includes local parcel numbers 1029552, 1097670 and 1075317. Currently, the old City Hall and parking lot are located in the Area. The Area is bounded on the north by New York Street, on the east by Alabama Street, on the south by Ohio Street and on the west by Hudson Street.

## **Project Description**

The project consists of the acquisition, construction, renovation, installation and equipping of a mixed-use, 32-floor tower that will include (i) approximately 190 new multi-family residential units occupying approximately 13 floors, (ii) a hotel occupying approximately 8 floors with approximately 150 keys that may be inclusive of a curated art venue open to the general public, (iii) approximately 24 condominium units occupying approximately 4 floors, (iv) approximately 8,000 square feet of curated retail and hospitality space occupying the ground floor and (v) structured parking creating approximately 300 spaces and occupying approximately 4 floors. The total investment in the project is estimated to be \$140,900,000 with completion of the project by December 31, 2028.

## **Acquisition List**

In connection with the accomplishment of the Plan, the Commission has no present plans to acquire any interests in real property. In the event the Commission determines to acquire interests in real property in the future, it shall follow procedures set forth in Section 12 of the Act.

## **Estimate of the Cost of Acquisition and Redevelopment**

Because the Commission does not intend to acquire property for the project, the Commission will not incur any costs of acquisition. However, the Commission will incur certain costs in connection with the development of the project. The estimated cost of the project to be supported by the Commission is \$18,000,000 to provide funding for a portion of the costs of the project. The project is expected to result in the following public and community benefits, among others:

- provide density and commercial activity to an underutilized surface parking lot
- strengthen downtown as a livable neighborhood, destination and place for business
- serve as a bridge between Market East and Mass Ave neighborhoods
- potentially activate the currently dormant old City Hall
- support a preliminary estimated 850 temporary full-time construction jobs during the development of the project and a preliminary estimated 16 permanent jobs (note some of these jobs may be shared for certain retail components of the project) upon completion of the project
- incorporate public art, per Public Art for Neighborhoods Ordinance

- include 10 total units of affordable housing at 30% AMI

### **Disposal of Property**

The Commission may dispose of any real property acquired in the future by sale or lease to the public pursuant to procedures set forth in Section 15 of the Act.

### **Statutory Findings**

The Plan for the Area meets the following required findings under the Act:

1. The Plan for the Area promotes significant opportunities for the gainful employment of the citizens of the City, attracts a major new business enterprise to the City, retains or expands a significant business enterprise existing in the City, or meets other purposes of the Act.

Implementing the Plan and constructing the project will have significant benefit to the surrounding community in terms of the redevelopment of the existing site, including aesthetic improvement, and improvements to the surrounding infrastructure that will foster and promote future development. The total investment in the project is estimated to be \$140,900,000 with completion of the project by December 31, 2028. The project will activate an existing parking lot with a mixed-use, 32-floor tower that will include (i) approximately 190 new multi-family residential units occupying approximately 13 floors, (ii) a hotel occupying approximately 8 floors with approximately 150 keys that may be inclusive of a curated art venue open to the general public, (iii) approximately 24 condominium units occupying approximately 4 floors, (iv) approximately 8,000 square feet of curated retail and hospitality space occupying the ground floor and (v) structured parking creating approximately 300 spaces and occupying approximately 4 floors. The project is expected to:

- provide density and commercial activity to an underutilized surface parking lot
- strengthen downtown as a livable neighborhood, destination and place for business
- serve as a bridge between Market East and Mass Ave neighborhoods
- potentially activate the currently dormant old City Hall
- support a preliminary estimated 850 temporary full-time construction jobs during the development of the project and a preliminary estimated 16 permanent jobs (note some of these jobs may be shared for certain retail components of the project) upon completion of the project
- incorporate public art, per Public Art for Neighborhoods Ordinance
- include 10 total units of affordable housing at 30% AMI

Additionally, the project investment creates redevelopment, economic development, job growth, and will increase the property tax base of the City. The estimated assessed value of the project is \$84,633,000 and the estimated annual tax increment revenue is approximately \$1,872,924 based upon the project and financial analysis prepared by Crowe LLP as municipal advisers to the City.

The number of estimated construction jobs and permanent jobs is 850 (construction jobs) and 16, respectively.

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.

The use of tax increment financing from the Allocation Area is necessary to construct the local public improvements that comprise the project. The project could not occur without the availability of tax increment revenues.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Area.

Implementing the Plan and constructing the project will attract a major new business enterprise to the City and create redevelopment, economic development, job growth, and will increase the tax base of the City. But for such development, the Area would continue to have a depressed assessed value and provide little opportunity to create economic development and job growth.

4. The accomplishment of the Plan for the Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.

As noted above, the project will bring new jobs to the City and will increase the tax base of the City. The Plan will improve the diversity of the economic base of the City and spur development in the Area.

5. The Plan for the Area conforms to other development and redevelopment plans for the City.

The Plan conforms to the goals of the other development and redevelopment plans for the City in that it is designed to enhance the economic well-being of the City and its citizens.

### **Financing of the Project**

It will be necessary to issue bonds to raise money for the completion of the project in the Area. The Commission intends to pledge incremental *ad valorem* property taxes allocated under Indiana Code 36-7-15.1-26 to support the issuance of bond anticipation notes or bonds, which may be issued by either the Commission or the Indianapolis Economic Development Commission (the “EDC”). The amount of these bonds may not exceed the total, as estimated by the Commission or the EDC, of all expenses reasonably incurred in connection with the Project, including:

- (1) The total cost of all land, rights-of-way, and other property to be acquired and developed;



(2) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the project or the issuance of bonds;

(3) Interest on the bonds (not to exceed five (5) years from the date of issuance) and a debt service reserve for the bonds to the extent that the Commission determines that a reserve is reasonably required; and

(4) Expenses that the Commission is required or permitted to pay under Indiana Code 36-7-15.1.

In the issuance of bonds, the Commission will comply with IC 36-7-15.1.

### **Amendment of the Plan**

This Plan may be amended by following the procedures described in Section 36-7-15.1-8 of the Act.

**RESOLUTION NO. 2023-E-040****RESOLUTION AUTHORIZING THE USE OF TAX INCREMENT FINANCE FUNDS  
AND APPROVING INTERLOCAL COOPERATION AGREEMENT  
WITH THE HEALTH AND HOSPITAL CORPORATION OF MARION COUNTY**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “MDC”) serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under Indiana Code Section 36-7-15.1; and

WHEREAS, in that capacity, the MDC serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, under Indiana Code Section 36-7-15.1-6, the MDC is tasked with the duty to promote the use of land in the manner that best serves the interest of the consolidated city and its inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, the Health and Hospital Corporation of Marion County (HHC) exists and operates pursuant to Indiana Code section 16-22-8 *et seq.*, and is empowered, among other things, to adopt and enforce ordinances to protect, enter into contracts, promote, and improve public health, and to establish public health programs; and

WHEREAS, HHC is working with Flanner House, Inc. (“Flanner House”) to implement an automotive training program in a currently vacant building located at 3017 Doctor Martin Luther King, Jr. St., Indianapolis, IN 46208 (“Project”); and

WHEREAS, the Redevelopment Act permits the Commission to designate allocation areas in the District for the purpose of capturing and allocating property taxes commonly known as tax increment finance revenues (“TIF Revenues”); and

WHEREAS, the Commission has previously established the United Northwest Area Redevelopment Project Area (the “UNWA Redevelopment Area”), has designated the UNWA Redevelopment Area as an allocation area (the “UNWA Allocation Area”) for the purpose of capturing TIF Revenues, has created an allocation fund (the “Allocation Fund”) for the UNWA Allocation Area into which the TIF Revenues are deposited, and has approved the UNWA Redevelopment Project Area Redevelopment Plan (the “UNWA Redevelopment Plan”); and

WHEREAS, the Project is located in the “UNWA Allocation Area; and

WHEREAS, Indiana Code Section 36-7-15.1-26(b)(3)(J) authorizes the Redevelopment Commission to utilize property tax proceeds in excess and on deposit in the Allocation Fund to pay the costs of carrying out “eligible efficiency projects” within Marion County; and

WHEREAS, under Indiana Code Section 36-9-41-1.5, an “eligible efficiency project” includes a project necessary or useful to carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; and

WHEREAS, under Indiana Code Section 36-1-7, the MDC and HHC are authorized to enter into an interlocal cooperation agreement to undertake projects and activities necessary or useful in the furtherance of their respective purposes; and

WHEREAS, the Commission and HHC desire to enter into an Interlocal Cooperation Agreement to fund the implementation of an automotive training program at 3017 Doctor Martin Luther King, Jr. St., Indianapolis, IN 46208 (the "Agreement"); and

WHEREAS, the Commission desires the Agreement to be an agreement satisfying the requirements of Indiana Code sections 36-1-7, 36-7-15.1-26(b)(3)(J), and 36-9-41-1.5 and finds that carrying out this Agreement more efficiently benefits the UNWA Allocation Area and furthers the respective purposes of the Commission and HHC than would be achieved by attempting to do so separately;

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana. Acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The MDC hereby authorizes an expenditure not to exceed \$300,000 of the available funds in the UNWA Redevelopment Allocation Fund for the implementation of an automotive training program, as detailed in the Agreement between the parties. The MDC hereby finds and determines that the activities financed under the Agreement will occur within the UNWA Allocation Area in accordance with the UNWA Redevelopment Plan for the area and will be of public utility and benefit.
2. The Director of the Department of Metropolitan Development ("DMD") is hereby authorized to enter into an Interlocal Cooperation Agreement on behalf of the Commission with HHC, with such terms and conditions as he deems necessary or advisable, to coordinate and provide funding for the Project, in an amount not to exceed \$300,000.
3. The City Controller is hereby authorized to disburse the moneys from the UNWA Redevelopment Allocation Fund for purposes set forth in the Agreement. The Director of the DMD is hereby authorized and directed to take such further actions and execute such documents as they deem necessary to effectuate the authorizations set forth in this Resolution.
4. This Resolution shall take effect immediately upon adoption by the MDC.

METROPOLITAN DEVELOPMENT  
COMMISSION

---

John J. Dillon III, President

As approved to the availability of funding by

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Sarah Riordan, Controller

As approved to adequacy of legal form by

/s/Toae Kim

Toae Kim, Deputy Chief Counsel

**RESOLUTION NO. 2023-C-009****RESOLUTION AUTHORIZING THE USE OF TAX INCREMENT FINANCE FUNDS  
AND APPROVING INTERLOCAL COOPERATION AGREEMENT  
WITH THE HEALTH AND HOSPITAL CORPORATION OF MARION COUNTY**

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the “MDC”) serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the “City”) under Indiana Code Section 36-7-15.1; and

WHEREAS, in that capacity, the MDC serves as the governing body of the City of Indianapolis Redevelopment District (the “District”); and

WHEREAS, under Indiana Code Section 36-7-15.1-6, the MDC is tasked with the duty to promote the use of land in the manner that best serves the interest of the consolidated city and its inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, the Health and Hospital Corporation of Marion County (HHC) exists and operates pursuant to Indiana Code section 16-22-8 *et seq.*, and is empowered, among other things, to adopt and enforce ordinances to protect, enter into contracts, promote, and improve public health, and to establish public health programs; and

WHEREAS, the Redevelopment Act permits the Commission to designate allocation areas in the District for the purpose of capturing and allocating property taxes commonly known as tax increment finance revenues (“TIF Revenues”); and

WHEREAS, the Commission has previously established the Near Eastside Redevelopment Project Area (the “NERA”) to implement the housing program created pursuant to IC 36-7-15.1-32, has designated the NERA as an allocation area (the “NERA Allocation Area”) for the purpose of capturing TIF Revenues, has created an allocation fund (the “NERA Allocation Fund”) for the NERA HOTIF into which the TIF Revenues are deposited, and has approved the NERA Redevelopment Plan and Housing Program (the “NERA Redevelopment Plan”); and

WHEREAS, the Project is located in the “NERA Allocation Area; and

WHEREAS, Indiana Code Section 36-7-15.1-26(b)(3)(J) authorizes the Redevelopment Commission to utilize property tax proceeds in excess and on deposit in the Allocation Fund to pay the costs of carrying out “eligible efficiency projects” within Marion County; and

WHEREAS, under Indiana Code Section 36-9-41-1.5, an “eligible efficiency project” includes a project necessary or useful to carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; and

WHEREAS, under Indiana Code Section 36-1-7, the MDC and HHC are authorized to enter into an interlocal cooperation agreement to undertake projects and activities necessary or useful in the furtherance of their respective purposes; and

WHEREAS, the Commission and HHC desire to enter into an Interlocal Cooperation Agreement to fund the expansion of the John Boner Center to create a centralized hub for the delivery of services to low-income residents, including rental assistance, energy assistance and tax preparation assistance (the “Agreement”); and

WHEREAS, the Commission desires the Agreement to be an agreement satisfying the requirements of Indiana Code sections 36-1-7, 36-7-15.1-26(b)(3)(J), and 36-9-41-1.5 and finds that carrying out this Agreement more efficiently benefits the NERA Allocation Area and furthers the respective purposes of the Commission and HHC than would be achieved by attempting to do so separately;

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana. Acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. The MDC hereby authorizes an expenditure not to exceed \$1,300,000 of the available funds in the NERA Allocation Fund for expansion of the John Boner Center, as detailed in the Agreement between the parties. The MDC hereby finds and determines that the activities financed under the Agreement will occur within the NERA Allocation Area in accordance with the NERA Redevelopment Plan for the area and will be of public utility and benefit.
2. The Director of the Department of Metropolitan Development (“DMD”) is hereby authorized to enter into an Interlocal Cooperation Agreement on behalf of the Commission with HHC, with such terms and conditions as he deems necessary or advisable, to coordinate and provide funding for the Project, in an amount not to exceed \$1,300,000.
3. The City Controller is hereby authorized to disburse the moneys from the NERA Allocation Fund for purposes set forth in the Agreement. The Director of the DMD is hereby authorized and directed to take such further actions and execute such documents as they deem necessary to effectuate the authorizations set forth in this Resolution.
4. This Resolution shall take effect immediately upon adoption by the MDC.

METROPOLITAN DEVELOPMENT  
COMMISSION

---

John J. Dillon III, President

As approved to the availability of funding by

---

Sarah Riordan, Controller

As approved to adequacy of legal form by

/s/Toae Kim

Toae Kim, Deputy Chief Counsel

## STAFF REPORT

Item 16.

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

**Case Number:** 2023-CZN-830 / 2023-CVR-830  
**Address:** 201 West 38<sup>th</sup> Street and 3750 North Capitol Avenue (approximate address)  
**Location:** Center Township, Council District #7  
**Petitioner:** Martin Petroleum Inc., by Pat Rooney  
**Request:** Rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the redevelopment of a convenience store within a residential district (not permitted) with a zero-foot south side transitional yard (10-foot side transitional yard required).

#### **ADDENDUM FOR OCTOBER 4, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were continued for cause from the August 16, 2023 hearing to the October 4, 2023 at the request of the petitioner's representative. No new information was provided to the case file.

#### **ADDENDUM FOR AUGUST 16, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were continued for cause from the July 19, 2023 hearing to the August 16, 2023 hearing at the request of the petitioner's representative.

Staff **recommends approval** of the rezoning request for 201 West 38th Street.

Staff **recommends denial** of the variance of use and development standards request for 3750 North Capitol Avenue.

#### **ADDENDUM FOR JULY 19, 2023, METROPOLITAN DEVELOPMENT COMMISSION**

These petitions were heard by the Hearing Examiner on June 29, 2023. After a full hearing, the Hearing Examiner recommended denial of the rezoning and the variance requests. Subsequently, the petitioner's representative filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

A continuance for cause request was submitted by the petitioner's representative to continue these petitions from the **July 19, 2023 hearing, to the August 16, 2023 hearing**. This would require a vote from the Metropolitan Development Commission.

#### **RECOMMENDATIONS**

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

Staff **recommends denial** of the variance of use and development standards request.

(Continued)



**SUMMARY OF ISSUES****LAND USE**

- ◇ The subject site consists of a gas station and convenience store on the north parcel with an undeveloped residential lot at the southern parcel.
- ◇ The site is surrounded with an auto repair shop and single-family dwellings to the west, zoned D-5, tire shop to the north, zoned C-3, liquor store to the east, zoned C-4, and single and two-family dwellings to the east and south, zoned D-5.

**REZONING**

- ◇ The grant of the rezoning request would correct the split zoned northern parcel from the D-5 and C-4 districts to the C-4 classification for the entire parcel where the current gas station and convenience store are located.
- ◇ The property at 201 West 38th Street is recommended for village mixed-use development by the Comprehensive Plan. Staff recommended the petitioner rezone the northern parcel to prevent future issues with the continued use and development of the northern parcel since the existing uses are not permitted in the D-5 district.
- ◇ 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.
- ◇ Therefore, staff would recommend approval of the rezoning request.

**VARIANCE OF USE**

- ◇ This request would allow the redevelopment of a convenience store within the D-5 district. The site consists of two parcels with the north parcel split zoned between D-5 and C-4 and the southern parcel zoned D-5.
- ◇ The purpose of the D-5 (Dwelling District Five) district is intended for medium intensity residential development and is not intended for suburban use. The application of this district will be found within urban, build-up areas of the community and where all urban public and community facilities and services are available. The D-5 district typically has a density of 4.5 units per gross acre. This district fulfills the low and medium density residential classification of the Comprehensive General Land Use Plan.

(Continued)

- ◇ The purpose of the C-4, Community-Regional District is 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. The uses permitted in this district may feature several large traffic generators and require excellent access from major thoroughfares.
- ◇ The Pattern Book recommends the property at 3750 North Capitol Avenue for traditional neighborhood development.
- ◇ The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- ◇ The Comprehensive Plan recommends village mixed-use development for the northern parcel (201), which the C-4 (community-regional commercial) District would be consistent with the recommendation, depending upon the context of the site. In this case, surrounding land uses are commercial along the north, west and east, but low-density residential is located south and would not be adequately buffered from this more intense 24-hour / seven-day use. The proposed use would not be appropriate for the southern parcel because the Comprehensive Plan recommends traditional neighborhood development, which would align more with small-scale offices, retailing, and personal or professional services rather than a regional use.
- ◇ The site is located within the Red Line TOD Strategic Plan, but it is not located within the Transit Oriented Development Secondary Zoning District. It falls within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove the use included in this request.
- ◇ The closest station to the site is located within a ½ a mile to the east at the intersection of 38th Street and Meridian Street. This station is categorized as a District Center with the potential for a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories with no front or side setbacks, multi-family housing with a minimum of 5 units and structured parking only with active first floor.
- ◇ TOD investments here should leverage significantly higher residential and employment densities, demonstrations projects, urban living amenities and workforce housing.
- ◇ The commercial intensity and the impact upon the surrounding residences would include, but not be limited to, light, noise, and trash. Furthermore, the proposed use would be more of a regional draw, rather than serving just the surrounding residential neighborhood and would be a wholly and inappropriate commercial encroachment into a D-5 protected district. For these reasons, staff is recommending denial of the variance of use.

(Continued)

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a zero-foot south side transitional yard where the Ordinance requires a 10-foot south side transitional yard. The purpose of the 10-foot transitional yard is to provide separation and a buffer between residential uses and more intense uses, such as a fueling station and convenience store. The impact of this 24-hour, seven-day operation upon residential uses would be magnified with the proposed transitional yard reductions. Staff determined the reduced setbacks are a result of the proposed expansion of the use, which would be detrimental to the surrounding neighborhood.
- ◇ The lack of a south transitional yard shows clear evidence that this site is not suitable for a convenience store and fueling station expansion which would have a negative impact on the surrounding residential neighborhood. The proposed use would be better suited on a site that would accommodate the proposed use, while complying with required development standards.
- ◇ If approved against staff's recommendation, the Department of Public Works would request that the eastern most driveway along 38th Street be closed to reduce vehicular conflicts with the heavy pedestrian traffic along this corridor.

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

C-4 / D-5	Compact	Commercial / Undeveloped Lot
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**SURROUNDING ZONING AND LAND USE**

North	C-3	Commercial
South	D-5	Residential (Single-family dwelling)
East	C-4 / D-5	Commercial / Residential (Two-family dwelling)
West	D-5	Commercial and Residential (Single-family dwellings)

**COMPREHENSIVE PLAN**

The Marion County Land Use Plan Pattern Book (2019) recommends village mixed-use on the north parcel and traditional neighborhood development on the south parcel.

**THOROUGHFARE PLAN**

38<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 101-foot existing right-of-way and a 114-foot proposed right-of-way.

Capitol Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE**

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

**WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

**CONTEXT AREA**

This site is located within the compact context area.  
(Continued)

SITE PLAN File-dated June 12, 2023.

ELEVATIONS File-dated June 12, 2023.

RENDERINGS File-dated June 12, 2023.

FLOOR PLAN File-dated June 12, 2023.

**ZONING HISTORY – SITE**

EXISTING VIOLATIONS

None.

PREVIOUS CASES

**85-UV1-34; 201 West 38th Street** (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include an 8.6-foot rear transitional yard (20 feet required) and a pole sign located at six and eight feet from 38th Street and Capitol Avenue respectively (15 feet required), **granted**.

**ZONING HISTORY – VICINITY**

**2018-UV3-026; 227 West 38th Street** (west of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile repair facility (not permitted), **granted**.

**2013-CVR-814; 148 West 28th Street** (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a gasoline station and a 484-square foot addition to an existing building, with a canopy with a 64.42-foot setback from the centerline of Capitol Avenue (70-foot setback from centerline required), with a parking area with a zero-foot setback from Capitol Avenue (10-foot front setback required), with access drives with a 1.5-foot front setback along Capitol Avenue and a 2.5-foot front setback along 38th Street (10-foot front setback required), with carryout food service within 10 feet of a D-5 zoned protected district (100-foot separation required), **withdrawn**.

**2013-UV1-038; 202 West 38th Street** (north of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish a 1,380-square foot storage addition (not permitted) for a tire sales and repair shop, with a one-foot north side transitional yard (20-foot transitional yard required), **withdrawn**.

**95-V1-128; 3807 Graceland Avenue** (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally-establish a detached garage measuring 27 x 33 feet: a) resulting in the square footage devoted to accessory buildings being 80% of the square footage devoted to the primary building (maximum 75% permitted); b) with a side yard setback from the north property line being 2.4 feet (minimum 4 feet required); c) resulting in 46% of the lot being open space (minimum 65% required), **granted**.

(Continued)

**93-UV2-23; 227 West 38th Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an automobile repair shop with the variance being valid only for Albert Sutton, **granted**.

**89-AP2-4; 227 West 38th Street** (west of site), Approval of extension of time to obtain an Improvement Location Permit to modify condition #2 concerning the site plan approved pursuant to petition 88-UV2-9, **granted**.

**89-UV3-96; 148 West 28th Street** (northeast of site), Variance of use of the Commercial Zoning Ordinance to provide for a restaurant with carry-out service, **denied**.

**88-UV2-9; 227 West 38th Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an automobile repair business with signs. The grant shall be for a temporary period of five years, expiring January 12, 1993, **granted**.

**85-UV1-34; 201 West 38th Street** (subject site), Variance of use of the Dwelling Districts Zoning Ordinance and development standards of the Commercial Zoning Ordinance to provide for the construction and use of a convenience store with gasoline sales. Development will include a 6.6-foot rear transitional yard (20 feet required) and a pole sign located at 6 and 8 feet from 38th Street and Capitol Avenue respectively (15 feet required). The sign will also include separate panels for the food mart, gas prices and food mart items, **granted**.

**84-UV2-21; 227 West 38th Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a former service station for automobile repair to be a temporary variance for three years, expiring on March 20, 1987, **granted**.

**83-UV2-78; 3801 North Capitol Avenue** (northeast of site), Variance of use and development standards to provide for a carry-out restaurant within one-hundred feet of a residential zoning district, a reduction in required transitional yards, a drive-up window canopy in required front yard setback and a pole sign within the clear-sight area, **granted**.

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**2023-CZN-830 / 2023-CVR-830; Location Map**

Item 16.



**2023-CZN-830 / 2023-CVR-830; Aerial Map**





## **MEMORANDUM OF EXAMINER'S DECISION**

**2023-CZN/CVR-830**

**201 W. 38th St, 3750 N. Capitol Ave.**

The petitions request the rezoning of 0.44 acre from the D-5 and C-4 districts to the C-4 district, with a variance of use to provide for the redevelopment of a convenience store within a residential district and a variance of development standards to permit a zero foot south side transitional yard (10 foot side transitional yard required).

Your Hearing Examiner visited the site prior to the hearing and noted the existing gas station and convenience store on the north end of the site and a vacant lot on its south end. A variety of auto-related and commercial uses exist in the area, as well as single-family and two-family residences.

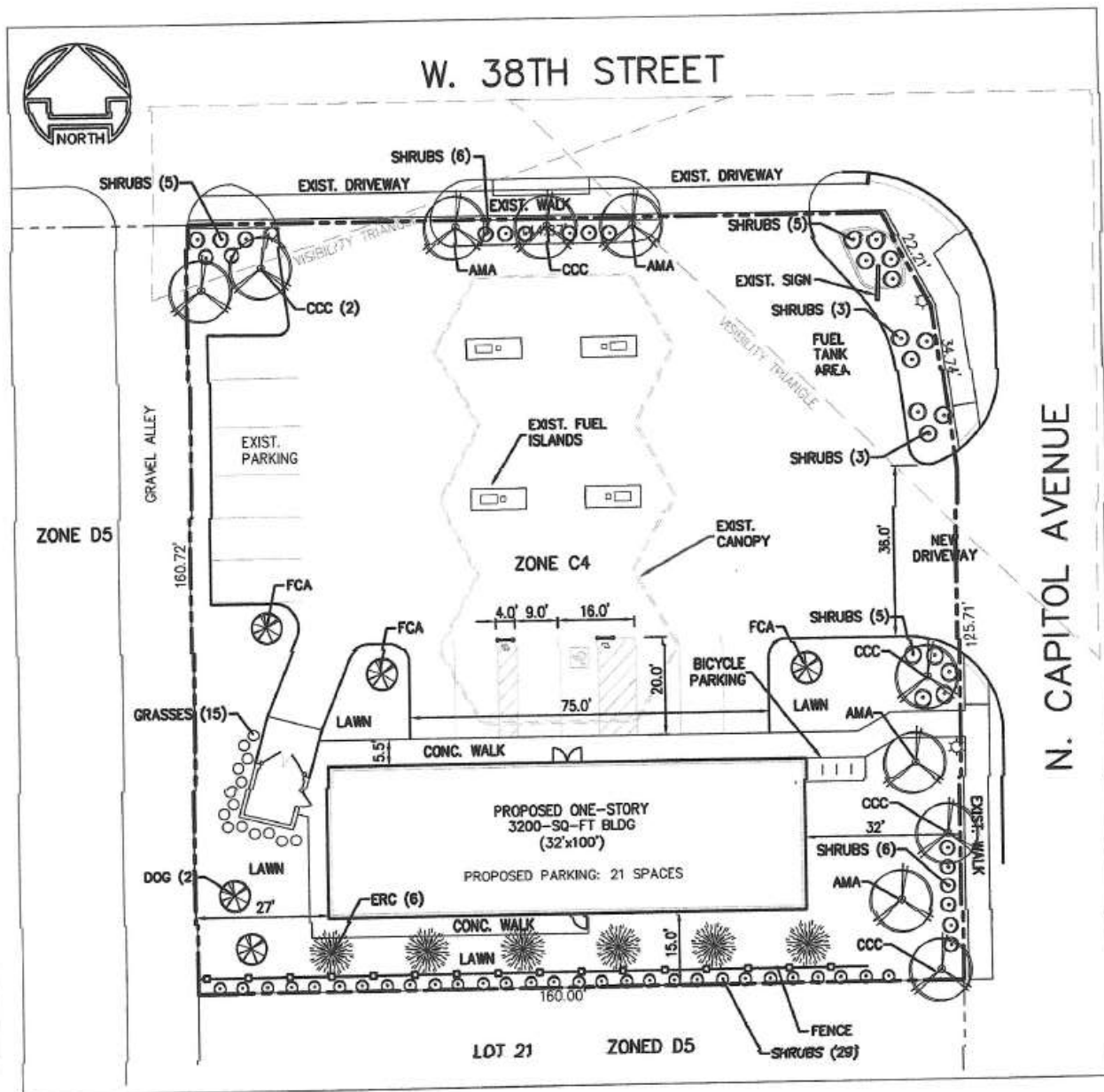
The petitioner's representative explained that the 18 year owners of the existing gas station and convenience store want to redevelop the site, including the vacant parcel to the south, with a new convenience store and enhanced landscaping. The representative described meeting with neighbors and neighborhood groups to garner support, and referenced the plan of operation, commitments, and a petition of support with over 200 signatures. A neighbor stated that the proposal would improve the corner and the neighborhood.

The president of Crown Hill Neighborhood Association shared that several neighborhood groups in the Midtown area were excited about this transformational project; however, commitments requested by these groups were not completely reflected in the commitments proposed by the petitioner.

Staff stated that, because the north parcel had a split zoning, staff recommended approval of the rezoning petition. Staff expressed concern with having the convenience store on south parcel, without a transitional yard, because of activity associated with this use, including lights, noise, trash, and incompatibility with the residences to the south.

In your Hearing Examiner's opinion, while a redevelopment of the existing gas station and convenience store may enhance the neighborhood, encroachment into the residential area to the south should be avoided. The encroachment would be exacerbated by not providing the required transitional yard. Denial of these petitions was recommended.

For Metropolitan Development Commission Hearing on July 19, 2023



**PROPOSED SITE PLAN  
CONVENIENCE STORE  
IMPROVEMENTS  
201 W. 38th Street  
Indianapolis, IN**

**SPIARS ENGINEERING LLC**

**April 21, 2023**

PROPOSED TREES

STREET TREES: (10 REQUIRED, 1 PER 35' OF STREET FRONTAGE)

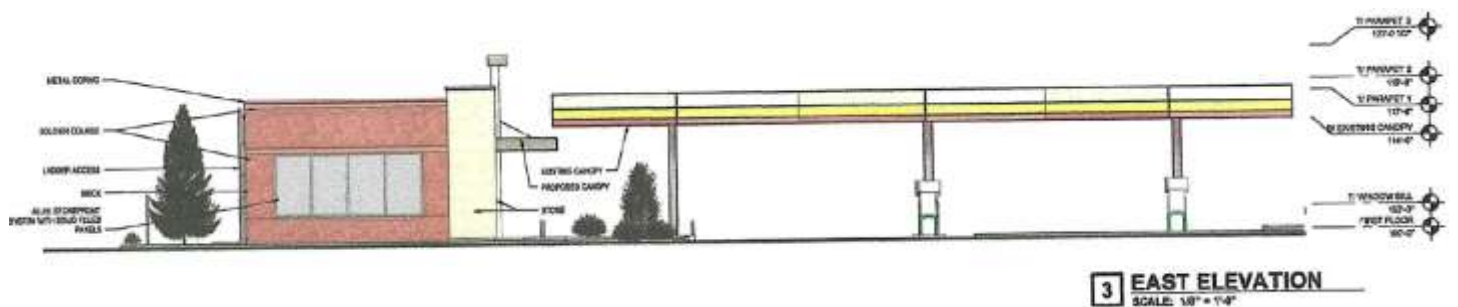
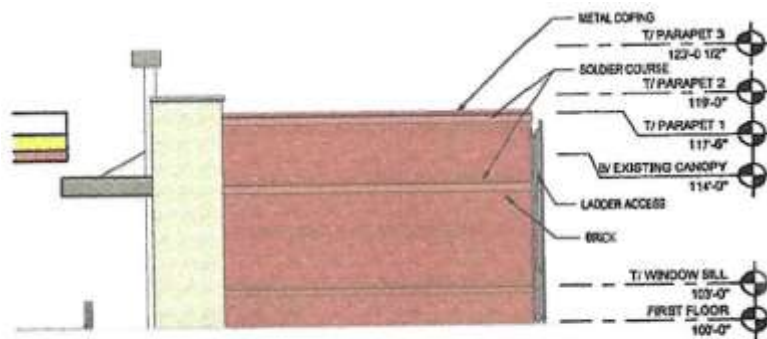
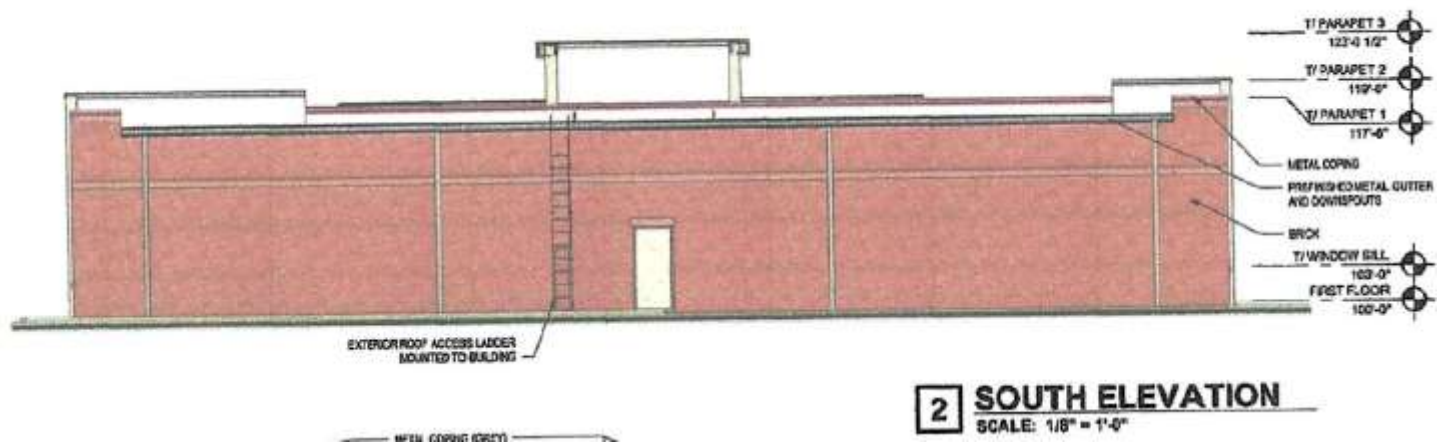
- AMA=AMERICAN MOUNTAIN ASH
- CCC=COMMON CHOKE CHERRY
- ERC=EASTERN RED CEDAR

ORNAMENTAL TREES:

- DOG=PAGODA DOGWOOD
- FCA=FLOWERING CRABAPPLE

SHRUBS AND GRASSES = 72







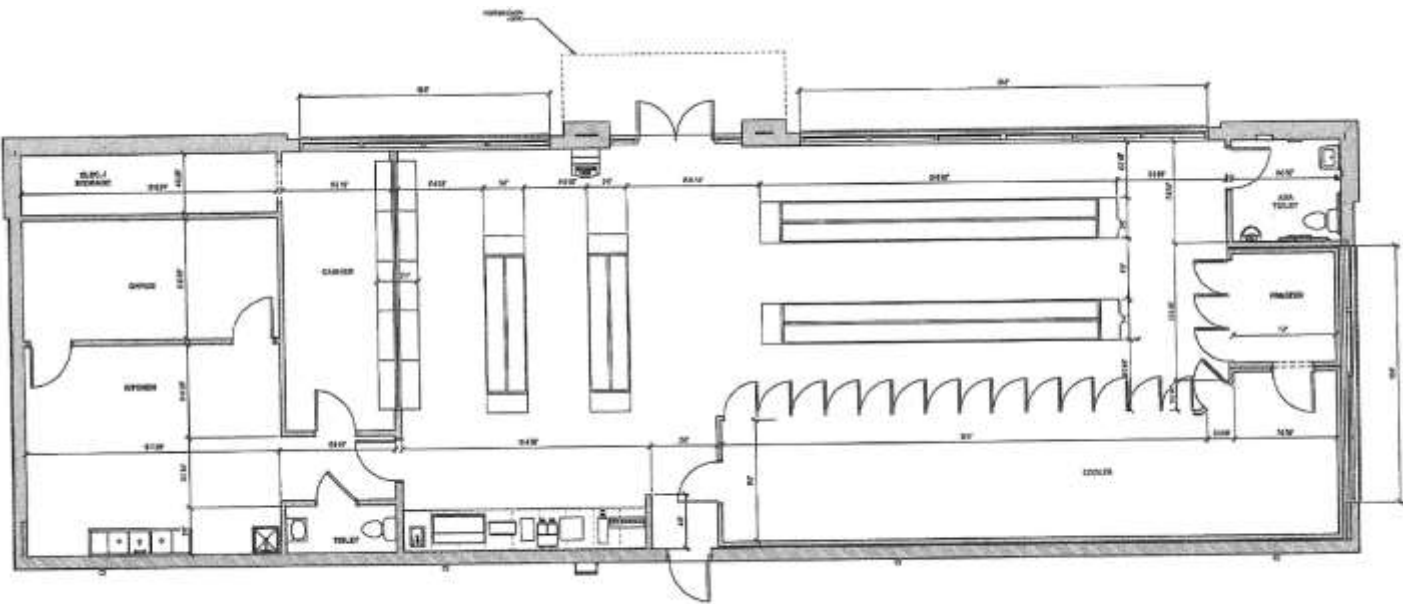
**SOUTHEAST PERSPECTIVE**



**NORTH PERSPECTIVE**



**NORTHEAST PERSPECTIVE**



**1 FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

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

the property is already a retail gas station along a busy street with similar properties adjacent thereto, there will be sufficient buffer to the residential properties to the south, and the property will be more aesthetically pleasing.

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

granting the variance will increase the value of the subject property and the adjacent properties because the property will be redeveloped with a new and improved building instead of the old, dilapidated building currently on the property.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

a portion of the property is C-4 and a portion of the property is D-5, and the property was developed as a gas station when convenience stores mainly sold tobacco products instead of now when the convenience stores sell groceries which require a building with much larger square footage in order store and display the products.

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

the subject property has two zoning classifications thereby unduly restricting the ability to expand the convenience store which is necessary for the petitioner to update the building to match the times and allow petitioner to sell the same inventory being offered by petitioner's competitors instead of going out of business.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the use would still be the same, retail gas station, which is compatible with Village Mixed Use.

**DECISION**

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

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

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



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 property is already a retail gas station along a busy street with retail properties adjacent thereto, there will be sufficient buffer to the residential properties to the south, including a transitional yard with abundant landscaping between the actual property and any residential properties.

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:

granting the variance will increase the value of the property and surrounding properties because the property will be redeveloped with a new, modern building which will replace the old, run down building currently on the property. The property and adjacent properties will also benefit from the substantial landscaping included in the transitional yard which will create a buffer between the property and any adjacent residential properties.

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

the subject property has two zoning classifications thereby unduly restricting the ability to expand the convenience store which is necessary for the petitioner to update the building to match the times and allow the petitioner to sell additional groceries instead of limiting sales to tobacco products.

**DECISION**

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

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

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



Subject site and street frontage along 38<sup>th</sup> Street looking east.



Western property boundary abutting an alley.





Existing southern property boundary and undeveloped residential lot to be included in the site.



Proposed location of the new convenience store abutting single-family dwellings to the south.





Street frontage along Capitol Avenue looking south.



Undeveloped residential lot to be included in the project development.





Commercial and residential uses east of the site.



Commercial use north of the site.



Commercial use west of the site.

## STAFF REPORT

Item 17.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-024 / 2023-VAR-001 (Amended)  
**Address:** 2802 South Holt Road (*Approximate Address*)  
**Location:** Wayne Township, Council District #16  
**Petitioner:** Maninder Singh  
**Request:** Rezoning of 0.36 acre from the D-5 (FF) district to the C-4 (FF) district to provide for an automobile body repair shop.

**Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:**

- a. A six-foot tall perimeter chain link fence (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The temporary location of a portable storage structure, until a permanent building is constructed (limited to 30 consecutive days); and
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted).

### October 4, 2023

At the September 6, 2023 hearing of the Metropolitan Development Commission, the petitioner requested a continuance so that the petitioner could further work with Staff to clarify the request. Subsequently, Staff met with the petitioner to discuss the request. At this meeting, it was determined that an additional continuance would be necessary to draft a new site plan and potentially amend the request which would require notice. The length of this continuance request is dependent on the petitioners ability to submit an amended site plan.

### SEPTEMBER 6, 2023

At the August 16, 2023 hearing of the Metropolitan Development Commission, the petitioner requested and was granted a for cause continuance to the September 6, 2023 hearing. Staff continues to **recommend denial**.

(Continued)

**AUGUST 16, 2023**

At the July 27, 2023 hearing of the Hearing Examiner, the Hearing Examiner recommended approval of the rezoning portion of this petition. However, the Hearing Examiner recommended denial of the filed variances of development standards. The petitioner filed a timely appeal of the Hearing Examiner's decision to recommend denial of the variances. Staff continues to **recommend denial**.

**JULY 27, 2023**

At the June 29, 2023 hearing, the petitioner requested a for cause continuance to July 27, 2023, hearing in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

**JUNE 29, 2023**

At the May 25, 2023, hearing, the petitioner requested a for cause continuance to the June 29, 2023, hearing, in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. The petitioner has indicated they intended to request an additional continuance in order to produce one. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

**May 25, 2023****RECOMMENDATIONS**

Staff **recommends approval** of the rezoning but **recommends denial** of the variances.

**LAND USE ISSUES**

- ◇ This 0.36-acre site is split zoned C-4 (FF) and D-5 (FF). The site is improved with a gravel parking area, a portable storage structure and six-foot tall chain-link perimeter fence topped with barbed wire. North of the subject site is a commercial structure housing a tobacco shop and a barber shop, within the C-4 District. West of the subject site are single-family dwellings within both the C-4 and D-5 Districts. To the south is a recreational playground and religious use facility within the D-5 District. East of the site is an automobile fueling station within the I-3 District.
- ◇ This site is recommended for Community Commercial development by the Comprehensive Plan and is located within its Environmentally Sensitive overlay.
- ◇ According to aerial images and Google Maps Street View, the site was previously improved with a small commercial walk-up eating establishment, including a carport structure for the associated parking. This structure was demolished around 2017.

**REZONING**

- ◇ The request would uniformly zone the property C-4. Currently, only a portion of the northernmost tract is zoned C-4, with the remainder of the property zoned D-5.

(Continued)

- ◇ The C-4 District is the Community-Regional Commercial District under the Ordinance and provides for medium-intense commercial uses intended to serve the broader community rather than a specific neighborhood. Uses permitted within this district typically generate substantial traffic and rely on access to major thoroughfares and are typically characterized by indoor operations with limited outdoor activities.
- ◇ The comprehensive plan's Community Commercial recommendation is generally reflective of the C-4 District. Specifically, it is intended to provide for low-intensity commercial and office uses that serve nearby neighborhoods through freestanding buildings or small integrated centers.
- ◇ This site is also within the Environmentally Sensitive overlay of the comprehensive plan. This overlay is intended to preserve high quality woodlands, wetlands or other natural resources and mitigate damage to such resources by development. This overlay specifically indicates which land uses may not be appropriate within it. The proposed use, on a site of this size, is not excluded from the recommendation. Therefore, the rezoning request would align with the Comprehensive Plan recommendation.
- ◇ As filed, the request would provide for the operation of an automobile body repair shop, which is permitted within the C-4 District. This use requires that all servicing, motor repair, or body repair be conducted within an enclosed building. Within the C-4 District, vehicles awaiting repair may not be stored outdoors for longer than 24 hours, as outdoor storage and operations begin to be permitted within the C-5 District.

## **VARIANCES**

- ◇ As proposed, the site would utilize the existing portable storage structure for the storage of tools associated with automobile repair, and the construction of a shed for the storage of automobile parts and other accessories related to the business. Such structures are not permitted in order to promote an orderly aesthetic. Repairs would be conducted outdoors until a permanent structure can be constructed.
- ◇ There is currently a six-foot tall chain link perimeter fence, including gated access to Farnsworth Street and Holt Road, with barbed wire on the site. Given the lack of a building on the site, a six-foot tall fence would not be permitted on the site. Barbed wire fences are prohibited by the zoning ordinance except for facilities associated with public safety or prisons and jails. The vehicle gates are also within the access drive clear sight triangles.
- ◇ Fence height limitations are intended to promote an orderly aesthetic and uniform streetscape as fences of such height can appear industrial in nature. The clear sight triangle is intended to preserve visibility and promote safety by reducing the risk for vehicular-pedestrian collisions.
- ◇ The request also would allow for the use of a gravel parking area. All commercial districts require hardscaped surfaces for parking areas, in order to avoid the circulation of dust particulate and ensure predictable drainage.

(Continued)

- ◇ Staff believes that the proper, orderly development of the site, including construction of a freestanding building is not only appropriate in the context of the district, but would eliminate any practical difficulty. In Staff's opinion, any practical difficulty associated with the site is self-imposed due to the reluctance to develop this vacant site in compliance with minimum expectations associated with the C-4 District.

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

C-4, D-5

Commercial structure, vacant

**SURROUNDING ZONING AND LAND USE**

North - C-4

Tobacco Shop and Barber Shop

South - D-5

Playground

East - I-3

Automobile Fueling Station

West - C-4, D-5

Single-family dwellings

**COMPREHENSIVE LAND USE  
PLAN**

The Land Use Pattern Book (2019) recommends  
Community Commercial development.

**THOROUGHFARE PLAN**

This portion of Farnsworth Street is classified as a Local  
Street with an existing and proposed 58-foot right-of-way.  
This portion of Holt Road is classified as a Primary Arterial  
with an existing and proposed 95-foot right-of-way.

**CONTEXT AREA**

This site is located within the Compact Context Area.

**SITE PLAN**

File-dated April 28, 2023.

**ZONING HISTORY**

None.

EDH

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Petition Number 2023-ZON-024 / 2023

**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:**

Allowing a taller 6 ft fence, even though it's more than the usual 3.5 ft for C4 zoning, won't harm people's health, safety, or well-being in the community.

The proposed fence height might not fit with the current plan, but it's important to make the property safer, especially after a past theft.

Putting up a taller fence not only makes the petitioner's property more secure but also helps to keep the whole community safe by discouraging criminals.

If thieves see that properties in the neighborhood are well-protected and tough to get into, they might think twice about trying to commit crimes in the area.

Also, because the property is next to an I3-zoned area where there are heavier industrial activities, having a taller fence makes a lot of sense.

**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 higher 6 ft fence fits well with the surrounding industrial area and doesn't spoil the look or view of the place.

\* The fence looks good and is built well, so it adds to the overall look of the neighborhood.

\* Because it makes the property safer and clearly marks where the residential area starts and the commercial area ends, the fence helps keep the neighborhood peaceful.

\* So, allowing a higher fence won't harm the use or value of properties nearby. Instead, it helps create a safer and better-defined neighborhood.

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

If the petitioner has to stick to the rule of only having a 3.5 ft fence, it would create problems. The petitioner's property, which often houses expensive vehicles for personal use and repair, has been a target of theft in the past, highlighting the need for a higher fence to safeguard these valuable assets. Besides the security concerns, the property is located next to an industrially zoned area, making a taller fence necessary to clearly mark boundaries. Therefore, without the allowance for a higher fence, it could interfere with the petitioner's ability to protect their assets and use their property securely and comfortably.

**DECISION**

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

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

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

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE**

Granting the variance for outdoor storage and open-air work will not harm the community's health, safety, or general well-being. The petitioner plans to store vehicles securely within a 6 ft fence and will further enhance security with camera surveillance. Work hours will be respectful to the community (9 am to 5 pm), with regular maintenance and cleaning of the site to minimize noise and visual impact. The petitioner has a waste disposal strategy in place to protect the environment and plans to construct a building within the next 4-5 years to further improve the site. Given the property's industrial surroundings, these measures align with the character of the area and demonstrate a commitment to community standards.

**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**

Granting the variance for outdoor storage and open-air work won't negatively impact the use or value of the neighboring properties. The activities align with the industrial character of the surrounding D-zoned area, ensuring compatibility. The petitioner is committed to managing noise, visuals, and waste, maintaining a clean site and limiting work hours to respect the community's tranquility. A secure 6ft fence will be installed for privacy and boundary delineation. The petitioner's plans to construct a building within the next 4-5 years demonstrate a commitment to improving the property, which can enhance the overall value of the neighborhood.

**3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE**

The need for the variance arises from the petitioner's intention to construct a building on the property in 4 to 5 years. During this initial period, the petitioner seeks to familiarize themselves with the area and establish a client base before making a significant investment in constructing a permanent structure. The variance allows for temporary outdoor storage and open-air work, providing the flexibility needed to operate efficiently and assess the suitability of the property for their business. Therefore, the variance is specifically driven by the petitioner's strategic approach and the need to adapt to the unique circumstances of their long-term plans.

**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**

If we strictly follow the rules of the zoning ordinance for the property, it would create unusual and unnecessary difficulties. The property doesn't currently have a suitable building for our work, and complying with the ordinance would make it very challenging for us to operate. It would cause financial hardship and might even force us to delay our operations or find a different location. Considering the industrial nature of the area and our efforts to address any potential issues, granting the variance would be a fair and practical solution that doesn't harm the community or neighboring properties.

**5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE**

The grant does not interfere substantially with the comprehensive plan because it supports the community's economic growth and aligns with future development goals. The variance is temporary and respects the plan's vision, as the petitioner plans to build a permanent structure in the future. The grant addresses the property's specific needs without compromising the plan's overall objectives. Measures are in place to minimize any potential disturbances, like noise or waste, showing a commitment to responsible practices. Overall, the variance respects the comprehensive plan while benefiting the community's development.

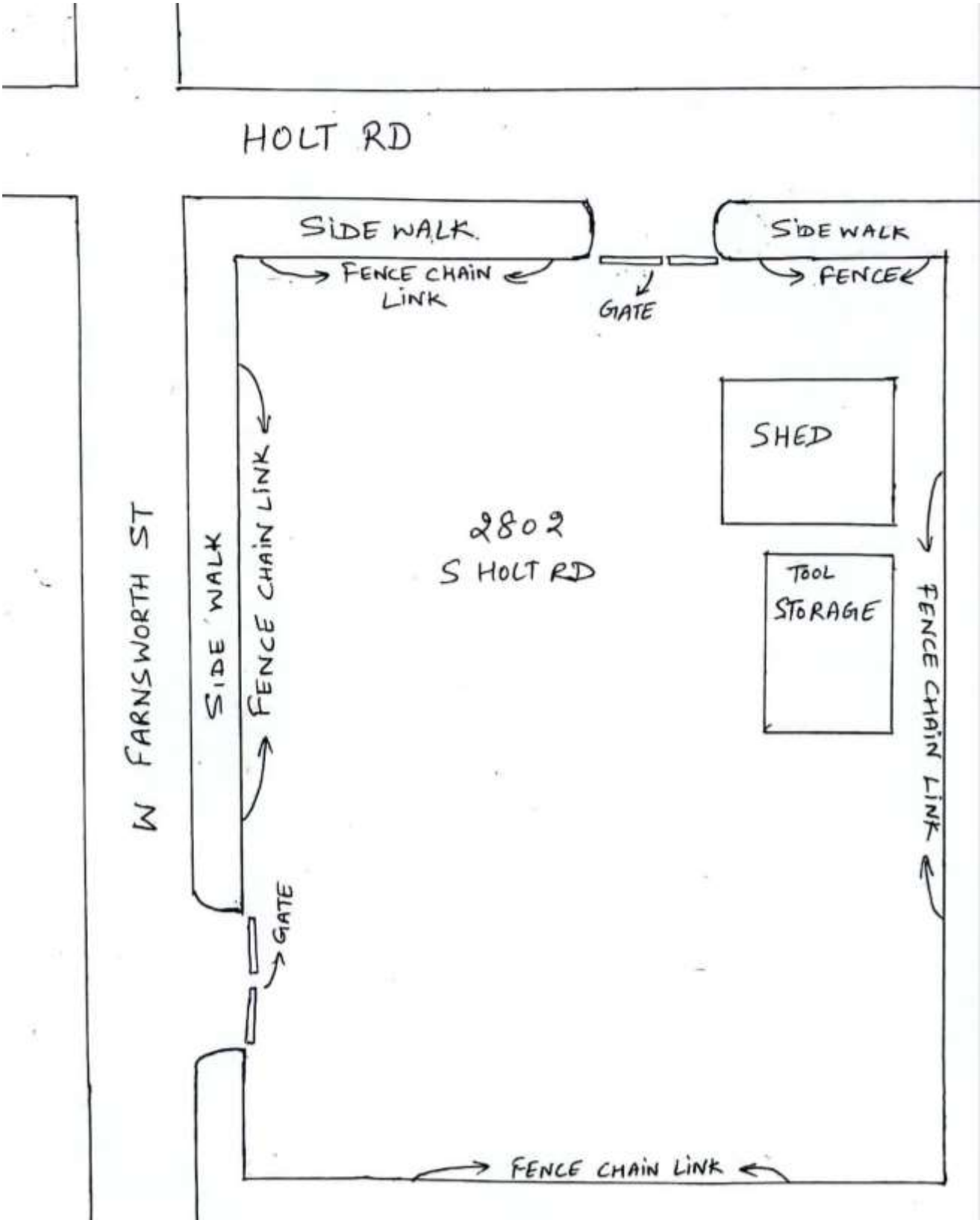
**DECISION**

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

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

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Photo One: Facing North along Holt Road.



Photo Two: Facing West South along Holt Road. Automobile fueling station on left.





Photo Three: Facing West along Farnsworth Street, subject site on left.



Photo Four: Facing West across Holt Road towards subject site.



Photo Five: Facing South along Holt Road. Subject site on right.



Photo Six: Vehicle Gate along Farnsworth Street, with barbed wire.





Photo Seven: Southern lot along abutting playground.



Photo Eight: Western lot line, adjacent to single-family dwellings.