



# Metropolitan Development Commission Hearing Examiner (October 24, 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, October 24, 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-ZON-038 | 2602 North Harding Street**

Center Township, Council District #12  
Earl Dixon

Rezoning of 0.152-acre from the D-5 district to the MU-2 district to provide for a community kitchen.

**\*\*Staff Request for a continuance for cause to November 14, 2024**

**2. 2024-ZON-090 (Amended) | 9061 Crawfordsville Road**

Wayne Township, Council District #11  
Mark and Kim Crouch

Rezoning of one acre from the C-3 district to the D-5II district to provide for residential use.

**\*\*Remonstrator Request for continuance for cause to November 21, 2024**

**3. 2024-ZON-094 | 622 South Keystone Avenue**

Center Township, Council District #18  
Shelly Mills, by David Gilman

Rezoning of 0.820-acre from the D-5 district to the D-5II district to provide for an attached single-family residential development.

**\*\*Staff Request for continuance for cause to November 21, 2024**

**4. 2024-ZON-106 | 511 & 600 South Tibbs Avenue**

Wayne Township, Council District #17  
Insight Engineering Inc., by Donald W. Fisher

Rezoning of 2.33 acres from the I-2 (FF) district to the C-7 (FF) district to provide for Heavy Truck Services and Parking.

**\*\*Automatic Continuance to November 21, 2024, filed by Registered Neighborhood Organization**

**5. 2024-ZON-113 / 2024-VAR-012 | 6511 Ferguson Street**

Washington Township, Council District #7  
Lone Wolf Properties, LLC, by Misha Rabinowitch

Rezoning of 0.18-acre from the D-4 (FF) (TOD) district to the C-3 (FF) (TOD) district to provide for commercial uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 751-square-foot dwelling unit on the second floor (not permitted).

**\*\*Staff Request for continuance for cause to November 14, 2024**

**6. 2024-CVR-834 / 2024-CPL-834 | 6650 South Meridian Street**

Perry Township, Council District #22

D-A

Chin United Pentecostal Church, by Katlyn Grey

Variance of Development Standards and a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses on proposed Lot Two, with a zero-foot north side yard setback (minimum 30-foot required) and a 15-foot rear yard setback (minimum 75-foot required).

Approval of a Subdivision Plat, to be known as 6650 South Meridian Street Addition, dividing 14.68 acres into two lots.

**\*\*Possible Remonstrator Request for continuance for cause to November 21, 2024**

**7. 2024-CVR-841 / 2024-CPL-841 | 3359 Carrollton Avenue**

Center Township, Council District #8D-5

D-5

INDYCHEN, LLC., by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, multi-unit dwellings, with a five-foot corner side yard for the dwelling and zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 (minimum eight-foot corner side yard required), and zero-foot north and south side setbacks for sidewalks on Lot 2 (two-foot side setbacks required for minor residential features), with a zero-foot rear setback on Lot 2 for the detached garage (minimum five feet required).

Approval of a Subdivision Plat, to be known as Osgood Carrollton Estate, subdividing 0.27-acre into two lots.

**\*\*Petitioner request for continuance for cause to November 21, 2024**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**8. 2024-APP-018 | 8180 Clearvista Parkway**

Lawrence Township, Council District #3

HD-2 (FF)

Community Health Network c/o Visionary Enterprises Inc., by Doug Staley Jr.

Hospital District Two Approval to provide for exterior signs on the north and west elevations and removing one sign.

**9. 2024-ZON-082 | 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65th Street**

Washington Township, Council District #3

Schmoll Development Company, L. P., by Gregory Zubek

Rezoning of 17.149 acres from the I-2 district to the C-S district to provide for commercial and light industrial uses, including uses permitted in the C-3 district and I-2 district, in addition to: sports performance training uses for all ages, including individual sports training, weight lifting and training, fitness personal training and conditioning, aerobics and spin training, assisted rehabilitation exercise program, yoga, Pilates, dance studio, martial arts training, specific sports training including batting cages and golf, plus, automobile and light vehicle wash, detailing, tinting (in buildings not facing 65th Street), and automobile, motorcycle and light vehicle service or repair (in buildings not facing 65th Street).

- 10. 2024-ZON-117 | 2658 Burton Avenue**  
Center Township, Council District #12  
Premier Investment Group, LLC, by Keith Radcliff

Rezoning of 0.11-acre from the I-2 district to the D-5 district to provide for a two-story single family dwelling.

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

- 11. 2024-MOD-015 (2nd Amended) | 3500 East 20th Street**  
Center Township, Council District #13  
C-S  
Adam DeHart

Modification of Commitments #6 and #7 related to petition 2002-ZON-166 to allow for a Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation (current commitments state any new construction requires Administrator's Approval and other uses are limited).

- 12. 2024-ZON-040 | 6000, 6012, 6020, 6180, and 6206 East 46th Street**  
Lawrence Township, Council District #9  
Indianapolis Re Management LLC, 600-B East 46th Street LLC, by Emily Duncan and David Kingen

Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.

- 13. 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.

- 14. 2024-ZON-083 | 1627, 1631 and 1635 Woodlawn Avenue**  
Center Township, Council District #18  
Indy Real Estate Consulting, LLC, by David Kingen and Emily Duncan

Rezoning of 0.51-acre from the D-5 (TOD) district to the D-8 (TOD) district to allow for a multi-family structure.

- 15. 2024-ZON-097 | 6402 West Southport Road and 7300 South Mooresville Road**  
Decatur Township, Council District #21  
Goose Creek Farms, LLC, by Domonic Dreyer

Rezoning of 48.4 acres from the D-A district to the D-4 district for a residential development.

- 16. 2024-ZON-102 | 525 South East Street**  
Center Township, Council District #18  
Mark and Kim Crouch

Rezoning of 0.07-acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district to construct a three-unit multi-family residential building.

- 17. 2024-ZON-111 | 4900 and 4952 Kentucky Avenue**  
Decatur Township, Council District #21  
Indianapolis (Kentucky Avenue) WW, LLC, by Joseph D. Calderon

Rezoning of 5.861 acres from the D-A (FF), D-3 (FF) and C-3 districts to the C-4 (FF) district to provide for a gas station and convenience store.

- 18. 2024-ZON-116 (Amended) | 4105 and 4151 East 96th Street**  
Washington Township, Council District #4  
Tom Wood, Inc., by Joseph D. Calderon

Rezoning of 4.058 acres from the C-S (FW) (FF) district to the C-S (FW) (FF) district to provide for an automobile dealership in addition to the uses permitted with 2023-CZN-869.

**19. 2024-CVR-826 / 2024-CPL-826 (Amended) | 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) zero-foot corner side setback along Highland Avenue (eight feet required), a 10.67-foot encroachment into the clear sight triangle of New York Street and an eight-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required), and a five-foot rear setback for Lot 5 (15 feet required).

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

**20. 2024-CAP-832 / 2024-CVR-832 | 8640, 8814, and 8816 South Arlington Avenue and 5624 East County Line Road**

Franklin Township, Council District #25

C-S

GP-CM County Line Partners, LLC, by Brian J. Tuohy

Modification of the Development Statement and Commitments for 2022-ZON-060 to Terminate Commitment 11.n, which prohibited outdoor storage / operations, and Commitment 22, which required the site to be developed in substantial conformance with the C-S Statement and the Conceptual Site Plan, file-dated November 18, 2022, and to provide for three outdoor storage areas adjacent to proposed Building 2, in accordance with an amended site plan.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 227 spaces (minimum 246 parking spaces required) and to provide for a 20-foot-tall screen wall within the south side yard (maximum six-foot tall screen wall permitted).

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

**21. 2024-MOD-017 | 25 McLean Place**

Center Township, Council District #12

C-S (RC) (TOD) (W-5)

Illinois Street Self Storage LLC, by Michael Rabinowitch

Modification of Commitments related to 2016-CVR-842 and 2016-CZN-842 to terminate Commitments # 1 and # 2 on attachment "D" which require 10,000-square feet of building space to be reserved for office/retail space/ artisan food or beverage/artisan manufacturing uses and required the building to be subject to the elevations, filed-dated 3/2/17.

**22. 2024-ZON-119 | 134 and 142 West 30th Street and 3006 Kenwood Avenue**

Center Township, Council District #8

M S One Investments LLC, by Mark and Kim Crouch

Rezoning of 0.22-acre from the C-4 district to the D-8 district to provide for four single-family detached dwellings.

**23. 2024-CZN-837 / 2024-CVR-837 | 2163 and 2179 North Illinois Street**

Center Township, Council District #12

Near North Development Corporation, by Audra Blasdel

Rezoning of 1.2 acres from the MU-2 (RC) district to the D-8 (RC) district.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development, consisting of 20 dwelling units, with a six-foot corner side yard setback at the intersection of 22nd Street and Illinois Street (minimum eight-foot corner setback required), a four-foot rear yard setback (minimum 15-foot rear yard setback required), a three-foot side yard setback, (minimum five-foot side yard setback required), 800-square-foot Row House – Small Lot size (minimum 1,200 square feet required), livability space ratio of 0.16 (minimum livability space ratio of 0.66 required).

**Additional Business:**

24. Adoption of Negative Findings of Fact for Variance of Use and Development Standards related to 2024-VAR-009 (Petition Denied on August 29, 2024):

**2024-ZON-056 / 2024-VAR-009 | 4545 East Michigan Street**  
Center Township, Council District #13  
SJM Co. Inc., by Jamilah Mintze

Rezoning of 0.12-acre from the D-5 district to the C-5 district to provide for general commercial uses, including an automobile repair shop.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall chain link fence within the front yard of Michigan Street and Drexel Avenue (chain link fence not permitted within front yard) and encroaching into the clear-sight triangle of Michigan Street and Drexel Avenue and the abutting alley (not permitted).

\*\*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.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

**Case Number:** 2024-ZON-038  
**Property Address:** 2602 North Harding Street  
**Location:** Center Township, Council District #12  
**Petitioner:** Earl Dixon  
**Current Zoning:** D-5  
**Request:** Rezoning of 0.152-acre from the D-5 district to the MU-2 district to provide for a community kitchen.  
**Current Land Use:** Commercial Use  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

Staff is requesting a **continuance from the October 24, 2024 hearing, to the November 21, 2024 hearing**, to provide time for discussions with the petitioner.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

**Case Number:** 2024-ZON-090 (Amended)

**Property Address:** 9061 Crawfordsville Road (Approximate Address)

**Location:** Wayne Township, Council District #11

**Petitioner:** Mark & Kim Crouch

**Current Zoning:** C-3

**Request:** Rezoning of one acre from the C-3 district to the D-5II district to provide for residential use.

**Current Land Use:** Residential

**Staff Recommendations:** To be determined.

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

**PETITION HISTORY**

This petition was continued for cause from the August 29, 2024 hearing to September 26, 2024 hearing at the request of the petitioner to allow additional time to amend the request.

This petition was automatically continued from the September 26, 2024 hearing to the October 24, 2024 hearing at the request of a registered neighborhood organization.

This petition will be **continued for cause from the October 24, 2024 hearing to the November 21, 2024 hearing** at the request of a remonstrator. The petitioner has agreed to this continuance request.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the November 21, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-094

**Property Address:** 622 South Keystone Avenue

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

**Petitioner:** Shelly Mills, by David Gilman

**Request:** Rezoning of 0.820-acre from the D-5 district to the D-5II district to provide for a multi-family row housing development.

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

**PETITION HISTORY**

The Hearing Examiner continued this petition from the from the September 12, 2024 hearing, to the October 10, 2024 hearing, at the request of the petitioner’s representative.

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the October 24, 2024 hearing, to provide additional time for staff to review development options recently submitted. Staff continues to work with the petitioner’s representative and is requesting a **continuance from the October 24, 2024 hearing, to the November 21, 2024 hearing.**





**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-106  
**Property Address:** 511 and 600 South Tibbs Avenue  
**Location:** Wayne Township, Council District #17  
**Petitioner:** Insight Engineering, Inc., Donald W. Fisher  
**Current Zoning:** D-2 (FF) (FW)  
**Request:** Rezoning of 2.33 acres from the I-2 (FF) district to the C-7 (FF) district to provide for heavy truck services and parking.  
**Current Land Use:** Truck services and parking  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the September 26, 2024 hearing, to the October 24, hearing, at the request of the petitioner’s representative.

A timely automatic continuance has been filed by a registered neighborhood organization that would **continue this petition from the October 24, 2024 hearing, to the November 21, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

**Case Number:** 2024-ZON-113 / 2024-VAR-012

**Property Address:** 6511 Ferguson Street (approximate address)

**Location:** Washington Township, Council District #7

**Petitioner:** Lone Wolf Properties, LLC, by Misha Rabinowitch

**Current Zoning:** D-4 (FF) (TOD)  
Rezoning of 0.18-acre from the D-4 (FF) (TOD) District to the C-3 (FF) (TOD) District to provide for commercial uses.

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 751-square-foot dwelling unit on the second floor (not permitted).

**Current Land Use:** Commercial

**Staff Recommendations:** To be determined.

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

**PETITION HISTORY**

Staff is requesting a **continuance for cause from the October 24, 2024 hearing to the November 14, 2024 hearing** with new notice to amend the request to a Variance of Use.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the November 14, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CVR-834 / 2024-PLT-834

**Property Address:** 6650 South Meridian Street

**Location:** Perry Township, Council District #22

**Petitioner:** Chin United Pentecostal Church, by Katlyn Grey

**Current Zoning:** D-A

**Request:** Variance of Development Standards and a Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for religious uses on proposed Lot Two, with a zero-foot north side yard setback (minimum 30-foot required) and a 15-foot rear yard setback (minimum 75-foot required).  
  
Approval of a Subdivision Plat, to be known as 6650 South Meridian Street Addition, dividing 14.68-acres into two lots.

**Current Land Use:** Residential Use

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

**PETITION HISTORY**

Staff is aware that a **continuance from the October 24, 2024 hearing, to the November 21, 2024 hearing**, will be requested by neighbors to provide time for discussions with the petitioner, which would be the first continuance request. Staff would have no objection to the continuance.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CVR-841 / 2024-CPL-841

**Property Address:** 3359 Carrollton Avenue (Approximate Address)

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

**Petitioner:** INDYCHEN, LLC., by David Gilman

**Current Zoning:** D-5  
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, multi-unit dwellings, with a five-foot corner side yard for the dwelling and zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 (minimum eight-foot corner side yard required), and zero-foot north and south side setbacks for sidewalks on Lot 2 (two-foot side setbacks required for minor residential features), with a zero-foot rear setback on Lot 2 for the detached garage (minimum five feet required).

**Request:**  
Approval of a Subdivision Plat, to be known as Osgood Carrollton Estate, subdividing 0.27-acre into two lots.

**Current Land Use:** Undeveloped

**Staff Recommendations:** To be determined.

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

**PETITION HISTORY**

This petition will be **continued for cause from the October 24, 2024 hearing to the November 21, 2024 hearing** at the request of the petitioner to allow additional time for the petitioner to present at a registered neighborhood organization meeting.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the November 21, 2024 hearing.



**LAND USE**

- 13. **Contact person** identified. This Contact Person is notified when Legal Notice is prepared; contacted to provide additional information; and receives the written Staff Report.

Name (print): David Gilman  
Address: 211 S Ritter Avenue, Ste H  
Indianapolis, Indiana 46219  
Daytime Phone: 317-833-6331 Fax: NA  
E-Mail Address: davidgilman78@gmail.com

- 1. **Contact person** identified. This Contact Person is notified when Legal Notice is prepared; contacted to provide additional information; and receives the written Staff Report.

Name (print): David Gilman  
Address: 211 S Ritter Avenue, Ste H  
Indianapolis, Indiana 46219  
Daytime Phone: 317-833-6331 Fax: NA  
E-Mail Address: davidgilman78@gmail.com

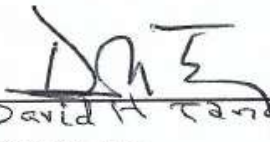


**CONSENT FORM**

The undersigned, INDYCHEN, LLC, being the owner of the property commonly known as 3359 Carrollton Avenue, hereby authorizes David Gilman to file land development petitions necessary for the aforementioned address.

This consent shall (*check one*):

- remain in effect until revoked by a written statement filed with the Planning Division of the Department of Metropolitan Development.
- remain in effect until \_\_\_\_\_.
- remain in effect until these land development petitions are resolved.

  
 \_\_\_\_\_  
 David H. Tang, Member  
 INDYCHEN, LLC  
 Signature(s) of Owner (s)



\_\_\_\_\_  
 \_\_\_\_\_  
 Signature(s) of Owner(s)

**VARIANCE OF DEVELOPMENT STANDARDS**



Department of Metropolitan Development  
Division of Planning  
Current Planning

Address of Subject Property: 3359 Carrollton Avenue

**Petitioner(s) Name:** INDYCHEN, LLC by David Gilman Phone: 317-833-6331  
Address of Petitioner: 211 S Ritter Avenue, Ste H FAX: NA  
Indianapolis, Indiana Zip Code: 46219  
Email: davidgilman78@gmail.com

**Owner(s) Name:** INDYCHEN by David Tang Phone: 925-570-4823  
Address of Owner: 7077 Antiquity Drive FAX: NA  
Carmel, Indiana Zip Code: \_\_\_\_\_  
Email: springtimedave@gmail.com

Request is for (check all that apply):

Variance of Use

Variance of Development Standards

**Legal Description (check one):**

Complete Metes & Bounds legal description attached.

Platted site within a recorded subdivision, copy of plat map attached.

Subdivision Name: Osgood Forest Park

Lot Number(s): 227 Section Number(s): 4

Recorded in Plat Book number: 15 page(s): 40

or recorded as Instrument Number: \_\_\_\_\_ in the Marion County Recorder's Office.

Does the petitioner own one hundred percent (100%) of the area involved in the petition (yes or no)? Yes

Tax Parcel Numbers: 1035976

Acreege: 0.27 Township(s): Center



Department of Metropolitan Development  
Division of Planning  
Current Planning

Is this property the subject of any **code enforcement** action (yes or no)? No

Was this property the subject of any **previous petition** (yes or no)? No

If yes, list the previous petitions' docket number(s): NA

Current **Primary Zoning** Classification: D5 Current **Secondary Zoning** Classification: \_\_\_\_\_

Current **Comprehensive Plan** recommendation: Residential 3 to 5 units per acre

**Existing Use** of the Subject Property: Vacant Lot

**Existing Improvements** on the Subject Property: Undeveloped

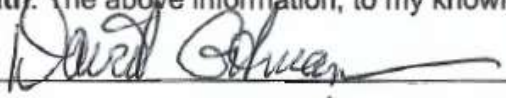
Provide a **detailed description** of the proposal. Attached additional pages or documentation if necessary.

Petitioner request a variance of development standards to allow a sidewalk within a required side yard (not permitted); to allow a partial parking space within a required side yard (not permitted); and, to reduce the corner lot setback to five (5) feet (8 foot corner setback required).

Specify any **specific ordinance(s)**, standard(s), condition(s), commitment(s), and/or regulation(s) sought to be modified. Attached additional pages or documentation if necessary.

Table 742-103.03 Residential Building Type Standards

**Oath.** The above information, to my knowledge and belief, is true and correct.

  
 \_\_\_\_\_  
 DAVID GILMART  
 Signature(s) of Petitioner(s)

\_\_\_\_\_  
 Signature(s) of Owner(s) (if different than petitioner)





Department of Metropolitan Development  
Division of Planning  
Current Planning

**TABLE 742.103.03 – RESIDENTIAL BUILDING TYPE STANDARDS**

NAME/TYPE	LOT (MIN.) [1]		SETBACKS (MIN.)				BUILDING		Zoning Districts				
	AREA (S.F.)	WIDTH	FRONT	SIDE	CORNER SIDE	REAR	HEIGHT (MAX.) [2]	OPEN SPACE [3]	D5	D5II	D8	D9	D10
Detached House – Medium Lot	≥ 7.2K	60'	See Section 744, Article VII, Section 01.C. Private Frontage Types	7'	10'	20'	35' / 2.5 story	60%	■	■			
Detached House – Small Lot	≥ 5K	40'		5'	8'	20'	35' / 2.5 story	40%	■	■	■		
Detached House – Compact Lot	≥ 2.5K	25'		3'	8'	15'	35' / 2.5 story	20%		■	■	■	
Duplex (2 units)	≥ 7.2K	60'		5'	8'	20'	35' / 2.5 story	60%	■	■	■		
Multi-Unit House (2-4 units) – Small Lot	≥ 5K	40'		5'	8'	20'	35' / 2.5 story	40%	■	■	■		
Multi-Unit House - Compact Lot (2-4 units)	≥ 3.5K	35'		3'	8'	10'	35' / 2.5 story	20%	■	■	■	■	
Row House – Large Lot (2 – 8 units / building)	≥ 2K	20'		5' / 0' if party wall	8'	15'	40' / 3 story	15%		■	■	■	■
Row House – Small Lot (2-12 units / building)	≥ 1.2K	16'		5' / 0' if party wall	8'	15'	40' / 3 story	10%			■	■	■
Small Apartment (3 – 12 units)	4K – 12K	40' – 100'		5'	10'	10'	50' / 2-4 story	100 s.f. / unit			■	■	■
Medium Apartment (13-50 units)	12K – 1ac.	100' – 200'		5'	10'	10'	75' / 3-6 story	75 s.f. / unit				■	■
Large Apartment (51+ units)	≥ 1 ac.	150' min.	5'	10'	10'	150' / 3-12 story	60 s.f. / unit					■	

- [1] Lot width shall exclusively control the application of the residential building type standards (except for Apartment Types).
- [2] The lesser of the two values shall be the maximum height.
- [3] See Walkable Neighborhood Design Standards, Section 744, Article VII, Section 01.D. Block & Lot Open Space for eligible open space designs.
- Permitted lot and building type in zoning district.



**TABLE 744-701-2: PRIVATE FRONTAGE DESIGN STANDARDS**

FRONTAGE ELEMENT	TERRACE FRONTAGE	NEIGHBORHOOD YARD FRONTAGE
<i>Application</i>	<p><i>Generally</i> - Applicable D-8, D-9, and D-10. <i>Exception</i> - Applicable in D-5 and D-5II where:</p> <ul style="list-style-type: none"> <li>Corridors have a high degree of pedestrian amenity in the streetscape; or</li> <li>The context of the block establishes smaller frontages as the predominant pattern (typically 50% or more on the block face or at transitions to adjacent blocks and frontages)</li> </ul>	<p><i>Generally</i> - Applicable in D-5 and D-5II <i>Exception</i> - Applicable in D-8, D-9, and D-10 where:</p> <ul style="list-style-type: none"> <li>High speed or higher-volume streets that lack pedestrian amenities needed for a quality frontage; or</li> <li>The context of the block establishes larger frontages as the predominant pattern, (typically 50% or more on the block face or at transitions to adjacent blocks or frontages).</li> </ul>
<i>Front Building Line ("Build to Range")</i>	10' - 19.9'	20' - 50'
<i>Front Entry &amp; Entry Features</i>	All buildings shall have a primary entrance on the front facade. A single-story entry feature may project up to 10' in front of the front building line, but never more than 5' from the front lot line, provided it meets the scale and design standards in Section 744-701.D	
<i>Front Loaded Garage Placement and Limitations</i>	Prohibited; requires side-loaded, rear-loaded or detached garages.	<ul style="list-style-type: none"> <li>0' - 12' behind front building line, up to 30% of facade at the front building line;</li> <li>12'+ behind front building line, up to 45% of facade at the front building line.</li> <li>Prohibited if over 45% of facade;</li> <li>All other cases require side-loaded, rear-loaded or detached garages.</li> </ul>
<i>Landscape [See Section 744, Article V for standards and specifications.]</i>	<ul style="list-style-type: none"> <li>50% minimum landscape area (living material)</li> <li>1 street tree for every 35' of lot frontage.</li> <li>Planting beds with shrubs or perennial plants shall cover at least 10% of the frontage area.</li> </ul>	<ul style="list-style-type: none"> <li>65% minimum landscape area (living material)</li> <li>1 street tree for every 35' of lot frontage, and one additional tree per 35' of frontage where the front building line is more than 35' from the front lot line.</li> <li>Planting beds with shrubs or perennial plants shall cover at least 10% of the frontage area.</li> </ul>
<i>Surface Parking Lot Setback and Limits</i>	<ul style="list-style-type: none"> <li>At least 20' or behind the front building line, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>Behind the front building line.</li> </ul>

**PLAT**



◆ PETITION FOR PLAT APPROVAL ◆

Address of Subject Property: 3359 Carrolton Avenue

Proposed Name of Subdivision: Osgood Carrollton Estate

Petitioner(s) Name: INDYCHEN, LLC by David Gilman  
Address: 211 S Ritter Avenue, Ste H  
Indianapolis, Indiana  
Email: davidgilman78@gmail.com

Phone: 317-833-6331  
FAX: NA  
Zip Code: 46219

Owner(s) Name: INDYCHEN, LLC by David Tang  
Address: 7077 Antiquity Drive  
Carmel, Indiana  
Email: springtimedave@gmail.com

Phone: 925-570-4823  
FAX: NA  
Zip Code: 46033

Registered Land Surveyor who prepared the plat:  
ARE Surveying Consultants, Inc  
Address: 129 South 8th Avenue  
Beech Grave, Indiana  
Email: ebrowning@aresurveying.com

Phone: 317-407-8080  
FAX: NA  
Zip Code: 46107



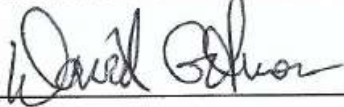
Department of Metropolitan Development  
Division of Planning  
Current Planning

**Legal Description** of Subdivision or Resubdivision boundaries: *(to be attached)*  
 Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
**Tax Parcel Numbers:** 1035876  
**Acreage:** 0.27 **Number of Lots:** 2 **Township(s):** Center  
 Current **Zoning** Classification(s): D5 To be platted as: D5 classification  
 Metropolitan Development Commission Rezoning petition docket number: NA  
 Is the **Cluster option** of the Dwelling Districts Zoning Ordinance utilized (yes or no)? No  
 Is any part of the subdivision within 500 feet of a park, parkway, boulevard (yes or no)? No  
 Total length of any new streets to be dedicated to public use: NA

**Brief Description of proposed improvements for:**  
 Streets: Existing  
 Storm Drainage: Existing  
 Sanitary System: Existing  
 Utilities: All Available to Site

Specify any **Modifications or Waivers** of the Subdivision Control Ordinance requested for the subdivision plan. Attached additional pages or documentation if necessary.  
 No

**Oath:** The undersigned hereby applies for final plat approval of the following described subdivision or resubdivision. Further, the undersigned is the owner of the real estate included in said subdivision or resubdivision. The undersigned, having been duly sworn, upon oath, says that the above information, to their knowledge and belief, is true and correct and that the undersigned agrees to comply with all applicable requirements of the Subdivision Control Ordinance of Marion County, Indiana, as amended.

  
\_\_\_\_\_

DAVID G. GURAL  
Signature(s) of Petitioner(s)

\_\_\_\_\_  
Signature(s) of Owner(s) (if different than petitioner)



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Marion County Soil and Water Conservation  
District

Attn: Cheyenne Hoffa  
1200 Madison Avenue, Suite 200  
Indianapolis, Indiana 46225

Citizens Energy Group - All Divisions

Attn: Jerry Sikes  
2150 Dr. Martin Luther King Jr. St  
Indianapolis, Indiana 46202

Marion County Assessor's Office

Attn: Brian Schneider  
200 East Washington Street, Suite 1342  
Indianapolis, IN 46204

Department of Public Works

Attn: Shawn Brock  
2520 Hudnut Boulevard  
Indianapolis, Indiana 46221

*If plats involve Septic Systems:*

Health and Hospital Corporation  
Attn: Pam Thevenow  
3901 Meadows Drive, 2<sup>nd</sup> floor  
Indianapolis, Indiana 46205

Applicable Fire District  
*City or Township*

Metropolitan Emergency Communications Agency -  
MECA

Attn: Tom Bassett  
47 South State Avenue  
Indianapolis, Indiana 46201

AT&T

Attn: Joshua Hewitt  
5870 North College Avenue  
Indianapolis, IN 46220

Indianapolis Power & Light Company

Attn: Bill Luecht or David Hanna  
1230 West Morris Street, Room 304  
Indianapolis, IN 46221

*If located within the limits of the City of Lawrence:*

Renea Rafala  
9001 E. 59<sup>th</sup> Street  
Lawrence, IN 46216

Applicable public school district  
*City or Township*

STAFF ANALYSIS

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	Enter Land Use	
Comprehensive Plan	Enter Comprehensive Plan Recommendation	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	Enter Zoning	Enter Land Use



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South:	Enter Zoning	Enter Land Use
East:	Enter Zoning	Enter Land Use
West:	Enter Zoning	Enter Land Use
<b>Thoroughfare Plan</b>		
Enter Street(s)	Enter Thoroughfare	Enter ROW Requirement vs Proposed
<b>Context Area</b>	Compact or Metro	
<b>Floodway / Floodway Fringe</b>	Yes or No	
<b>Overlay</b>	Yes or No	
<b>Wellfield Protection Area</b>	Yes or No	
<b>Site Plan</b>	Enter Date. N/A if not applicable	
<b>Site Plan (Amended)</b>	Enter Date. N/A if not applicable	
<b>Elevations</b>	Enter Date. N/A if not applicable	
<b>Elevations (Amended)</b>	Enter Date. N/A if not applicable	
<b>Landscape Plan</b>	Enter Date. N/A if not applicable	
<b>Findings of Fact</b>	Enter Date. N/A if not applicable	
<b>Findings of Fact (Amended)</b>	Enter Date. N/A if not applicable	
<b>C-S/D-P Statement</b>	Enter Date. N/A if not applicable	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Enter all comprehensive plans applicable to this proposal.

**Pattern Book / Land Use Plan**

- Enter Recommendation by Pattern Book or “Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.”

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

- Enter Recommendation by TOD Plans or “Not Applicable to the Site.”

**Neighborhood / Area Specific Plan**

- Enter Recommendation by Pattern Book or “Not Applicable to the Site.”

**Infill Housing Guidelines**



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Division of Planning  
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- Enter Recommendation by IHG or “Not Applicable to the Site.

**Indy Moves**

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

- Enter Recommendation by Indy Moves Plans or “Not Applicable to the Site.



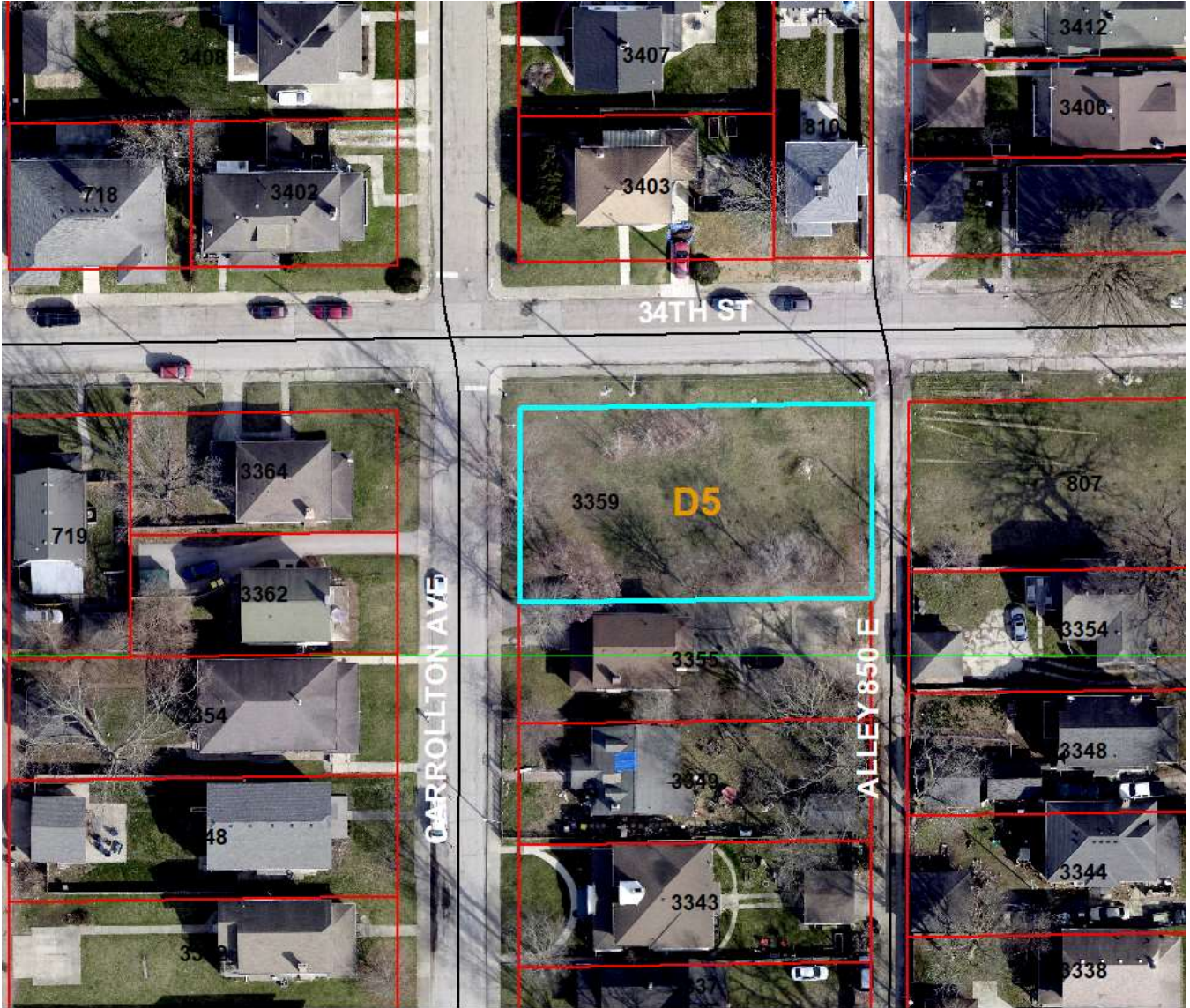
## ZONING HISTORY

Enter Zoning History



**EXHIBITS**

Enter any photographs or site plans



**SECONDARY PLAT OF:  
OSGOOD CARROLLTON DUPLEXES**  
 A RE-SUBDIVISION OF LOT 227 IN OSGOOD'S FOREST PARK 4TH SECTION  
 INDIANAPOLIS, CENTER TOWNSHIP, MARION COUNTY, INDIANA

**RELEASE**  
 The undersigned, \_\_\_\_\_, Applicant of this plat in violation of the real estate laws of the State of Indiana, do hereby certify that this plat was prepared and submitted for recording to the office of the Auditor of the State of Indiana, and that it is a true and correct copy of the original as submitted to said office.

**SEE RECORD**  
 The application for this plat was filed for record on \_\_\_\_\_, \_\_\_\_\_, 2014, at \_\_\_\_\_, Indiana.

**SEE RECORD**  
 This plat was prepared and submitted to the Auditor of the State of Indiana, and the same is on file in the office of the Auditor of the State of Indiana.

**SEE RECORD**  
 This plat was prepared and submitted to the Auditor of the State of Indiana, and the same is on file in the office of the Auditor of the State of Indiana.

**SEE RECORD**  
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**SEE RECORD**  
 This plat was prepared and submitted to the Auditor of the State of Indiana, and the same is on file in the office of the Auditor of the State of Indiana.

**SITE MAP**  
(NOT TO SCALE)

**LEGAL DESCRIPTION**  
 Lot 227 is located in Osgood's Forest Park 4th Section, as per plat thereof recorded in Plat Book 15, page 98 in the Office of the Auditor of Marion County, Indiana.

**SUBJECT PROPERTY**  
 This application is made for the purpose of dividing said lot into two lots, to-wit:  
 1. One lot, to-wit: Lot 1, containing 1.1984 square feet, and  
 2. One lot, to-wit: Lot 2, containing 1.1984 square feet.

**APPLICANT**  
 The undersigned, \_\_\_\_\_, of the County of Marion, State of Indiana, do hereby certify that the above described property is situated in the County of Marion, State of Indiana, and that the same is now owned by the undersigned.

**PLAT NUMBER**  
 No. 15 200000  
 Date of Issue

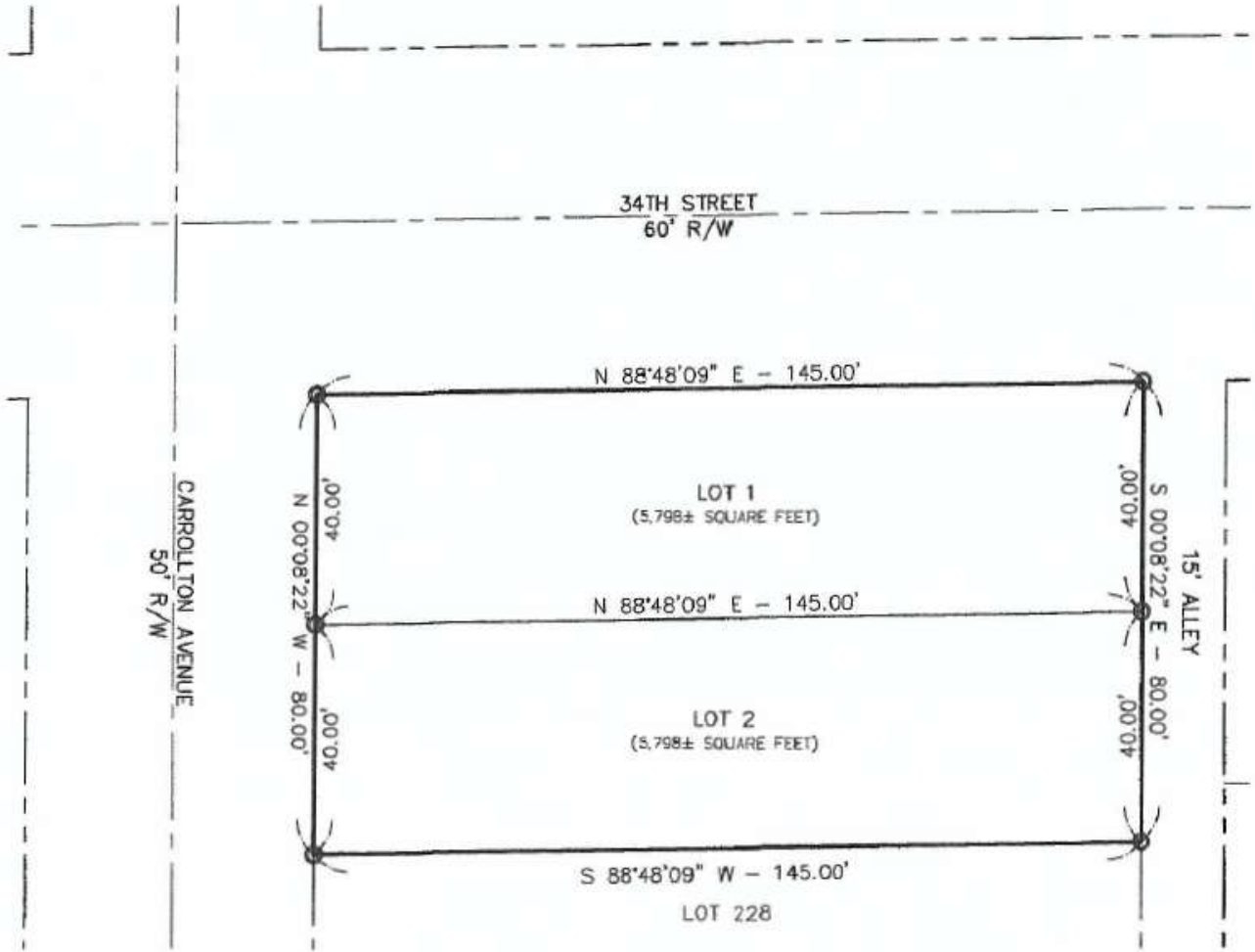
**PLAT PREPARED BY**  
 \_\_\_\_\_  
 Registered Surveyor No. 221886  
 State of Indiana

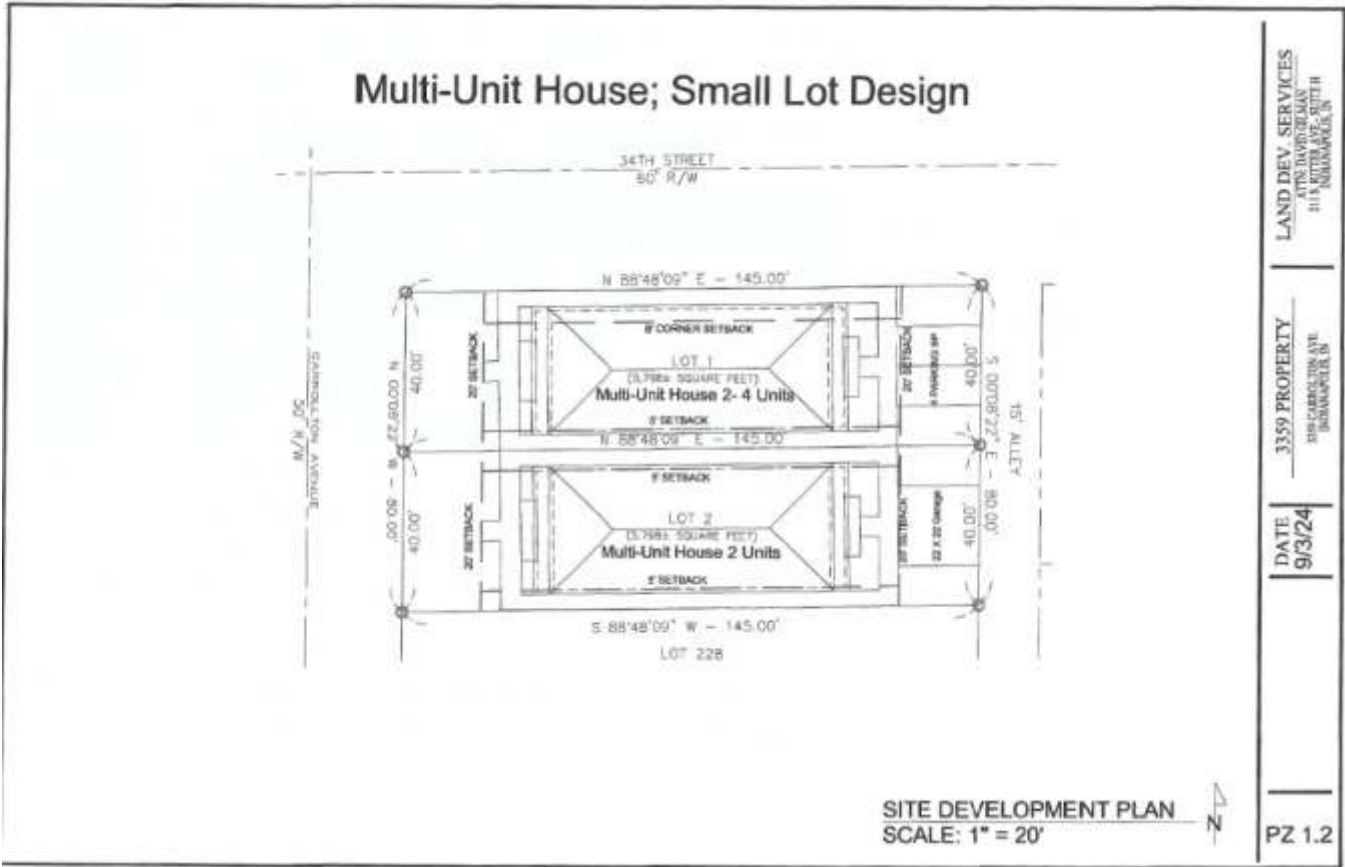
**NOTICE TO THE PUBLIC**  
 A copy of this plat is on file in the office of the Auditor of the State of Indiana, and the same is open to the inspection and copying of the public.

RECORD	DATE



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Current Planning







**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 residential buildings will be constructed to meet all applicable building codes and health department standards.

The site has direct access to a public street and has all utilities readily available.

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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 use of the site is compatialbe with the developed area and general neighborhood.

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

The request to the side yard encroachments and a slight reduction to a corner setback are minor deviations to the Walkable Design Standards. The sidewalks provide a safe pathway to the entrances and the parking meets the minimal amount required by the ordinalce.

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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

**Case Number:** 2024-APP-018

**Property Address:** 8180 Clearvista Parkway (approximate address)

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

**Petitioner:** Community Health Network c/o Visionary Enterprises Inc., by Doug Staley Jr.

**Current Zoning:** HD-2 (FF)

**Request:** Hospital District Two Approval to provide for exterior signs on the north and west elevations and removing one sign.

**Current Land Use:** Offices

**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 site is developed with a commercial building and associated parking lot. It is surrounded by medical offices and an addiction treatment center to the south, zoned HD-1, medical offices to the east, zoned HD-2, and commercial and medical uses to the north, zoned C-3.

**HOSPITAL DISTRICT-TWO APPROVAL**

The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

The HD-2 district requires an approval petition be filed for signs other than incidental signs. An incidental sign is defined as “a permanent sign which has a purpose that is secondary and incidental to the use of



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the lot on which it is located, such as “hours of operation”, “loading zone only,” “air,” “building directory” and “visitor parking,” and which carries no commercial message that is legible beyond the lot on which the sign is located, except for a registered logo on a premises with two or more separately-operating businesses.

The proposed signs would be classified as wall signs.

**STAFF ANALYSIS**

The wall sign on the northern building elevation will meet the sign regulations of the HD-2 district. The wall sign on the west building elevation would only meet the sign regulations if the existing wall sign were removed, which will occur.

Therefore, staff is recommending approval of the request for two non-illuminated wall signs.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	HD-2 (FF)	
<b>Existing Land Use</b>	Office Building	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	C-3	Commercial / Medical offices
South:	HD-1	Addiction Treatment Center / Medical offices
East:	HD-1 / HD-2	Medical offices
West:	HD-2	Medical offices
<b>Thoroughfare Plan</b>		
Clearvista Parkway	Local Street	50-foot proposed right-of-way and 82-foot existing right-of-way.
82 <sup>nd</sup> Street	Primary Arterial Street	134-foot proposed right-of-way and 224-foot existing 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>	September 23, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	September 6, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	September 6, 2024	
<b>Findings of Fact (Amended)</b>	N/A	





C-S/D-P Statement N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Greenways Full Circle Master Plan, Part One (2014)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends regional special use development of the site.
- This recommendation is considered a non-typology land use, which is a stand-alone land mapped outside of the typology system due to their scale or the nature of their use.
- This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway. Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans. Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations.

**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.



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**Indy Moves**

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

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014).
- The Plan proposes a multi-use greenway east to west along 82<sup>nd</sup> Street from Northwest Boulevard to Hague Road.
- This route is new to the greenways system and hasn't been studied as thoroughly as many of the other routes. The route begins at Hague Road. Future bikeway improvements along Hague Road will connect to the proposed Northtown Trail to the south and the existing side paths along 96th Street. The route follows the south side of the 82nd Street under Interstate 69 and west under Interstate 465 to Allisonville Road. The route then passes through several commercial areas and includes connections to Castleton Square Mall at signalized intersections.



## ZONING HISTORY

### Zoning History – Site

**86-AP-27; 8160 Clearvista Parkway** (subject site), Hospital district approval to provide for commercial office use in existing building, **approved**.

**86-UV3-16; 8180 Clearvista Parkway** (subject site), Variance of use of the Hospital Districts Zoning Ordinance to provide for the use of an existing building for commercial office, **granted**.

**81-Z-154A; 8101 North Shadeland Avenue** (subject site), Rezoning of 30.6 acres, being in a C-4 district, to an HD-2 classification to provide for hospital related uses, **granted**.

**81-Z-59A; 8101 North Shadeland Avenue** (subject site), Rezoning of 35 acres, being in the C-4/D-P district, to C-S classification, to provide for special commercial uses and the termination of previous commitments or covenants, recorded or not, and any oral representations restricting and running with the land, **denied**.

**81-Z-59B; 7335 East 82<sup>nd</sup> Street** (subject site), Rezoning from D-P and C-4 to HD-1, **approved**.

### Zoning History – Vicinity

**83-Z-202; 7320 East 82<sup>nd</sup> Street** (subject site), Rezoning of 1.02 acres, being in the D-P district, to the C-3 classification, **withdrawn**.

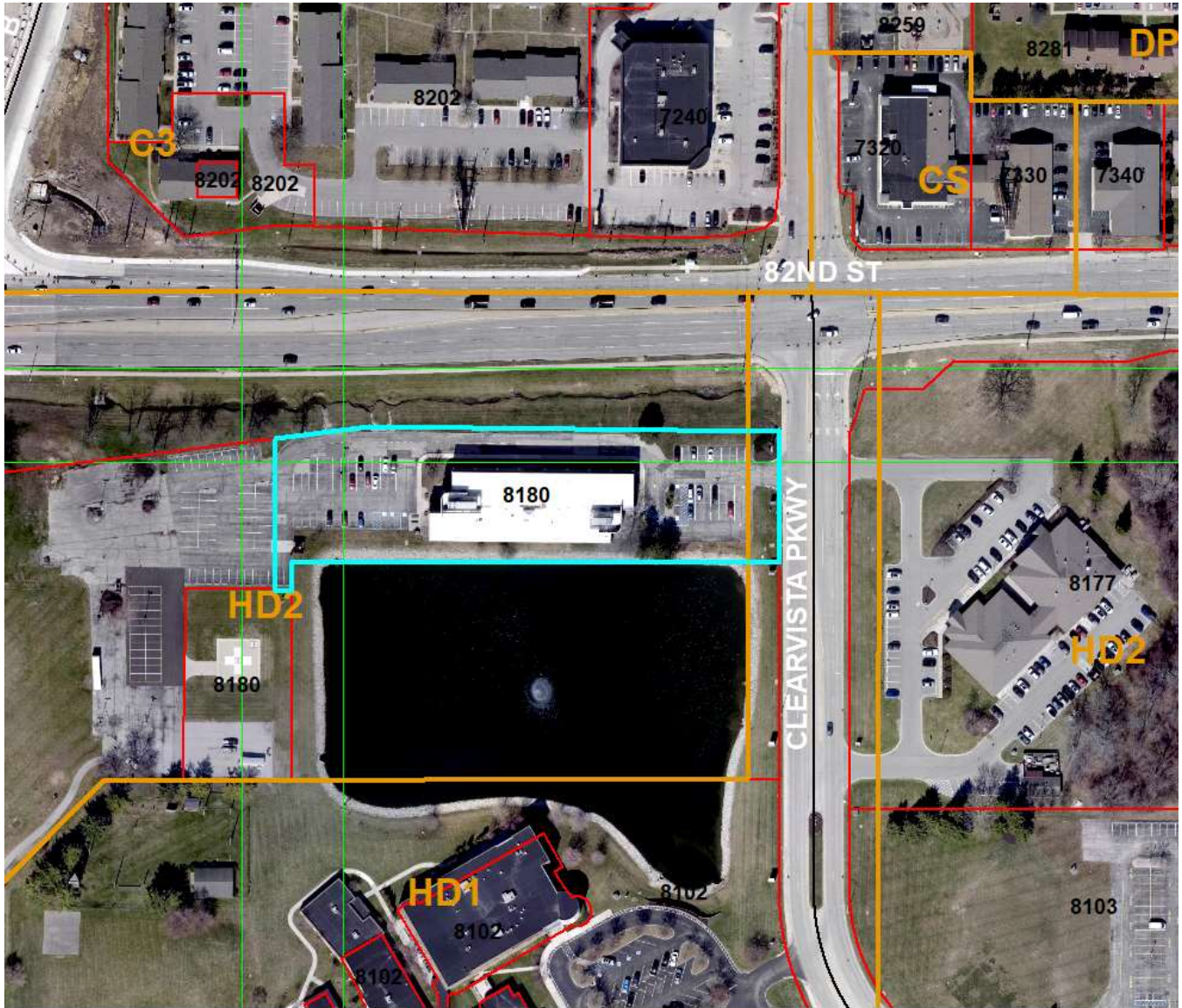
**83-Z-201; 7336 East 82<sup>nd</sup> Street** (subject site), Rezoning of 0.6 acre, being in the A-2 district, to the C-1 classification, to provide for office use, **approved**.

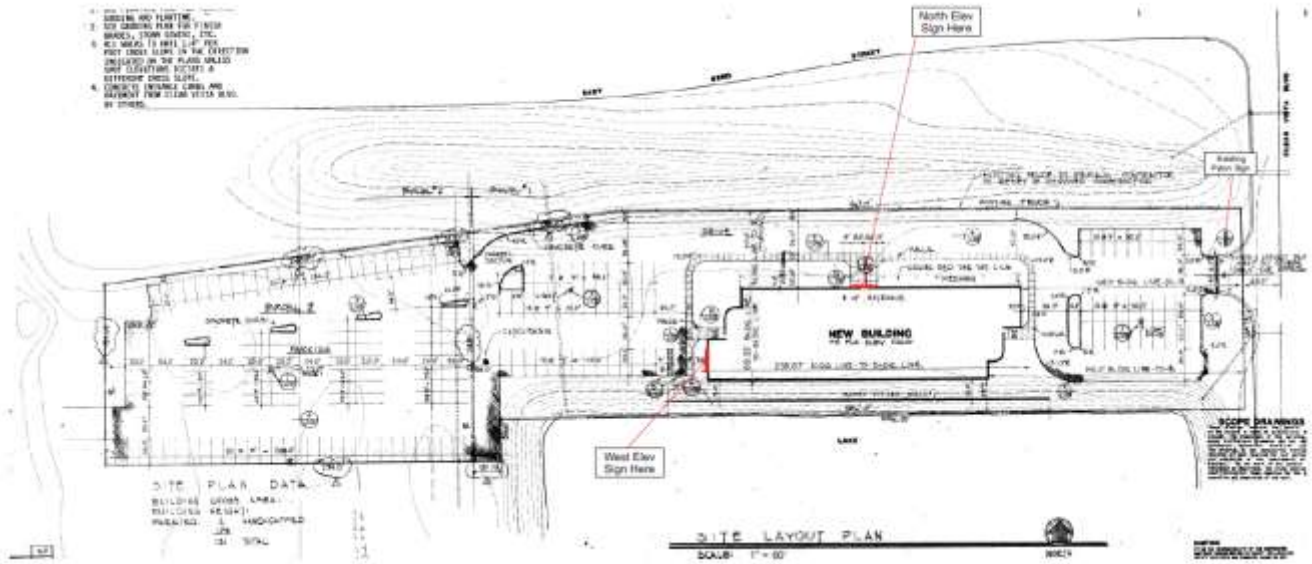
**82-Z-102; 7250 East 82<sup>nd</sup> Street** (north of site), Rezoning of 6.60 acres, being in D-P district, to C-3 classification, to provide for a professional medical and business office complex, including light retail use and a restaurant serving food for consumption on the premises, **approved**.

**81-Z-129; 7401 East 82<sup>nd</sup> Street**, (east of site), Rezoning of 34.6 acres, being in a D-P zoning district, to an HD-2 classification to provide for hospital related uses, **approved**.

**73-Z-264; 7250 East 82<sup>nd</sup> Street** (north and east of site), Rezoning from A-2, D-2, D-3, D-7, C-2 and C-4 to D-P, **approved**.

**EXHIBITS**





This drawing is the property of Staley Signs Inc. and shall not be reproduced or used for any other purpose without the express written consent of Staley Signs Inc.		Page 1 of 2
Project: SIHO / My Tru Advantage Title: North Elevation Permit Drawing Date: 08-27-2024 Designer: D. Staley Jr.	Notes: 1. All signs shall be constructed in accordance with the applicable codes and standards for the jurisdiction of each locality.	Scale: 1/16" = 1'-0"



**STALEY SIGNS**  
SINCE 1908  
P.O. Box 515 Indianapolis, Indiana 46206  
Tel: 317.637.4567 • Fax: 317.221.0123  
<http://www.staleysigns.com/>

This rendering is © Staley Signs, Inc., submitted for use in connection with the stated project. Display, Distribution or Duplication without prior written consent is strictly prohibited.

Customer: <b>SIHO / My Tru Advantage</b>	Notes: • Colors shown are representative only and are not intended for purposes of exact matching.	<b>Page 1 of 2</b>
Project: <b>West Elevation Permit Drawing</b>		
Date: <b>08-27-2024</b> Rep: <b>D. Staley Jr.</b>		Option: -
		Scale: <b>1/8" = 1'-0"</b>



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

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

**FINDINGS OF FACT**

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

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

Proposed signs designate a major tenant in an existing professional office building. Proposed signage is of similar size and material to existing signage on this and surrounding buildings.

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:

Proposed signage is of similar size and material to existing signage on this and surrounding buildings.  
Proposed signs are properly scaled to building facade and white lettering offers appropriate contrast against the building.

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

Petition of for wall signs and in not applicable to access.

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

Petition of for wall signs and is not applicable to access.

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

Petition of for wall signs and is not applicable sanitation, drainage, etc.



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

Petition of for wall signs

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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:

Petition of for wall signs and is not applicable to access.

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**DECISION**

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

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

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Commission President/ Secretary





Photo of the northern building façade.



Photo of the western building façade.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**

**Case Number:** 2024-ZON-082

**Property Address:** 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65<sup>th</sup> Street (Approximate Addresses)

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

**Petitioner:** Schmoll Development Company, L. P., by Gregory Zubek

**Current Zoning:** I-2

**Request:** Rezoning of 17.149 acres from the I-2 district to the C-S district to provide for commercial and light industrial uses, including uses permitted in the C-3 district and I-2 district, in addition to: sports performance training uses for all ages, including individual sports training, weight lifting and training, fitness personal training and conditioning, aerobics and spin training, assisted rehabilitation exercise program, yoga, Pilates, dance studio, martial arts training, specific sports training including batting cages and golf, plus, automobile and light vehicle wash, detailing, tinting (in buildings not facing 65<sup>th</sup> Street), and automobile, motorcycle and light vehicle service or repair (in buildings not facing 65<sup>th</sup> Street).

**Current Land Use:** Industrial Park

**Staff Recommendations:** Staff recommends approval, subject to a commitment

**Staff Reviewer:** Edward D. Honea Jr, Interim Current Planning Administrator

**PETITION HISTORY**

This petition was original scheduled for hearing before the Hearing Examiner on August 15, 2024. However, due to a discrepancy with the filed legal description, Staff requested that this petition be continued to the September 26, 2024, hearing.

A timely automatic continuance was filed by the Greater Allisonville Community Council, continuing this petition from the September 26, 2024 hearing, to the October 24, 2024 hearing in order to further review the request. No additional information was provided to the file. Therefore, Staff continues to recommend approval of the request.

**STAFF RECOMMENDATION**

Staff recommends approval of the request, subject to the following commitment:

- Uses shall be regulated by the CS Development Statement file-dated July 7, 2024

## PETITION OVERVIEW

- The subject site (Schmoll Industrial Park) consists of 15 primary buildings across 17 acres in an Industrial-Office style integrated center. The Industrial Park was formally established by variance grant in 1970 (70-V3-146). Given the absence of an approved rezoning case, it is presumed that the subject site was likely granted an I-2-S zoning designation after the unification of County/City Zoning post UniGov. The adoption of Indy Rezone unified the I-2-S and I-2-U Districts to the I-2 District.
- The subject site has been the subject of numerous variances since then, with varying degrees of outcomes (see Land Use History below).
- The applicant originally filed a variance of use for the subject site (2024-UV2-002) to allow for various sports performance and training uses. After discussion with the applicant, Staff strongly recommended a rezoning of the property that would be responsive to the planned and approaching completion of the Nickel Plate Trail to accommodate future redevelopment of the subject site. This petition was withdrawn at the June 11, 2024 hearing of the Board of Zoning Appeals, with a full transfer of filing fees to accommodate a rezoning filing.
- As proposed, the request would allow for continued operation of I-2 uses, and introduce C-3 uses in addition to sports performance, training, and instruction uses.
- Staff would note that it initially found the sports related uses to be concerning due to the potential for competitions that are reasonably associated with such uses to overwhelm nearby residential areas in terms of parking spillover, noises, and after traditional business hours traffic increases. The applicant has included a prohibition of these operations within the C-S Statement, with the exception small internal exhibitions of skill. This would prohibit community, regional or national competitions with other gyms or programs from competing on site.
- Other restrictions on uses include automobile-oriented businesses within buildings that face East 65<sup>th</sup> Street, allowing them only in internally located buildings within the integrated center. In addition, no outdoor storage associated with these uses, particularly vehicles awaiting service, would be permitted.
- While the request represents a deviation from the Land Use Pattern Books Industrial Reserve designation, Staff would note that this overlay district is typically given to large swaths of existing industrial developments. This is due to the difficulty of deploying the industrial districts in large blocks due to general proximity to less intense uses.
- However, Staff would note that the request is responsive to other elements of the Comprehensive Plan, particularly IndyMoves (Pedal Indy) and the Livability Principles of the Zoning Ordinance, particularly providing more transportation choices, enhancing economic competitiveness, and coordinating policies by leveraging investments.



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- As proposed, Staff believes the request to be a reasonable compromise in allowing for continued historical uses, sports instruction, and community commercial uses that Staff believes the Nickel Plate Trail completion will drive demand for.
- Furthermore, Staff would note that any large-scale redevelopment of the subject site would require, at minimum, a modification of the C-S Statement filed with the petition, as the site plan, uses and general site layout would be substantially different. This ensures that the Metropolitan Development Commission and nearby residents will have future input into the sites long term future.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2		
<b>Existing Land Use</b>	Industrial Park		
<b>Comprehensive Plan</b>	Light Industrial		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>	
	North:	I-2	Light Industrial
	South:	I-2	Light Industrial
	East:	I-2	Light Industrial
	West:	D-A	Nickle Plate Railroad / Undeveloped
<b>Thoroughfare Plan</b>			
	East 65 <sup>th</sup> Street	Primary Collector	50-foot existing right-of-way, 80-foot proposed 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>	July 7, 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>	July 7, 2024		



## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- [Pattern Book, Indy Moves ]

### Pattern Book / Land Use Plan

- [The Land Use Pattern Book recommends Light Industrial development. 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.
- The Land Use Pattern Book also recommends the Industrial Reserve overlay for the subject site. This overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access. ]

### 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 Pedal Indy component of Indy Moves, a plan geared towards improving the quality of life of Marion County Residents through multi-modal infrastructure recommendations – strongly promotes the completion of the Nickel Plate Trail in order to enhance trail access for pedestrians and cyclists.
- The objective of the Nickel Plate Trail is to maximize the usability of a retired railroad line and improving connectivity to other nearby walking and bicycling facilities. Within Marion County, the Nickel Plate Trail will connect to the Monon via 42<sup>nd</sup> Street, enabling Nickel Plate Trail users traveling south to benefit from the Monon's upcoming multi-use trail bridge over 38<sup>th</sup> Street.



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- Once completed, the Marion County portion of the Nickel Plate Trail will extend from the 42<sup>nd</sup> Street & Monon Trail Area, northwards to the 96<sup>th</sup> Street & Allisonville Road area. The cities of Fishers and Noblesville are reviewing plans to extend the trail from this terminus to downtown Noblesville.]

## ZONING HISTORY

**2024-UV2-002; 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65<sup>th</sup> Street (Approximate Addresses);** requests Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the following as primary uses: sports performance training uses; physical fitness and athletics instruction and training; and dance and gymnastics instruction (not permitted); **withdrawn.**

**2020-UV2-010; 5133 East 65<sup>th</sup> Street;** requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for alcohol sales by the drink, carryout alcohol sales and outdoor seating related to a microbrewery with a tasting room and retail sales of beer and merchandise; **granted.**

**2019-UV3-007; 5143-5145 East 65<sup>th</sup> Street;** requests variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a recording studio and an event center; **withdrawn.**

**2015-UV1-009; 5143 East 65<sup>th</sup> Street;** requests variance of use of the Industrial Zoning Ordinance to provide for a restaurant; **granted.**

**2006-UV2-021; 5127 East 65<sup>th</sup> Street;** requests variance of use of the Industrial Zoning Ordinance to provide for the retail sale of equipment and ingredients for beer and wine making; **granted.**

**2006-SE3-003; 5127 East 65<sup>th</sup> Street;** requests a special exception of the Industrial Zoning Ordinance to provide for the retail sale of equipment and ingredients for beer and wine making in an existing building; **withdrawn.**

**2004-UV1-012; 5210 East 65<sup>th</sup> Street;** requests variance of use of the Industrial Zoning Ordinance to provide for a kennel and pet-grooming salon in an existing 14,500-square foot industrial structure; **granted.**

**97-UV3-17; 5153 East 65<sup>th</sup> Street;** requests variance of use and development standards of the Industrial Zoning Ordinance to provide for the operation for the retail sales, services, repair and storage of boats: a). with unenclosed operations located approximately 450 feet from a Protected District and outside storage located approximately 420 feet from a Protected District; b) with boat storage exceeding the height of the fence without landscape screening on all sides of the fenced area; and c) 5,850 square feet devoted to outside storage or 49% of the buildings; **granted.**

**97-UV3-44; 5282 East 65<sup>th</sup> Street;** requests variance of use and development standards of the Industrial Zoning Ordinance to provide for a walk-in showroom and instructional music studios, with 87% of the required front yard devoted to off-street parking; **granted.**

**91-V1-126; 5139 East 65<sup>th</sup> Street;** requests variance of development standards of the Industrial Zoning Ordinance to permit the construction of a 12 x 30 cellular communications building and monopole tower with a side yard setback of 20 feet and a rear yard setback of 10 feet; **granted.**



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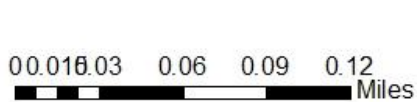
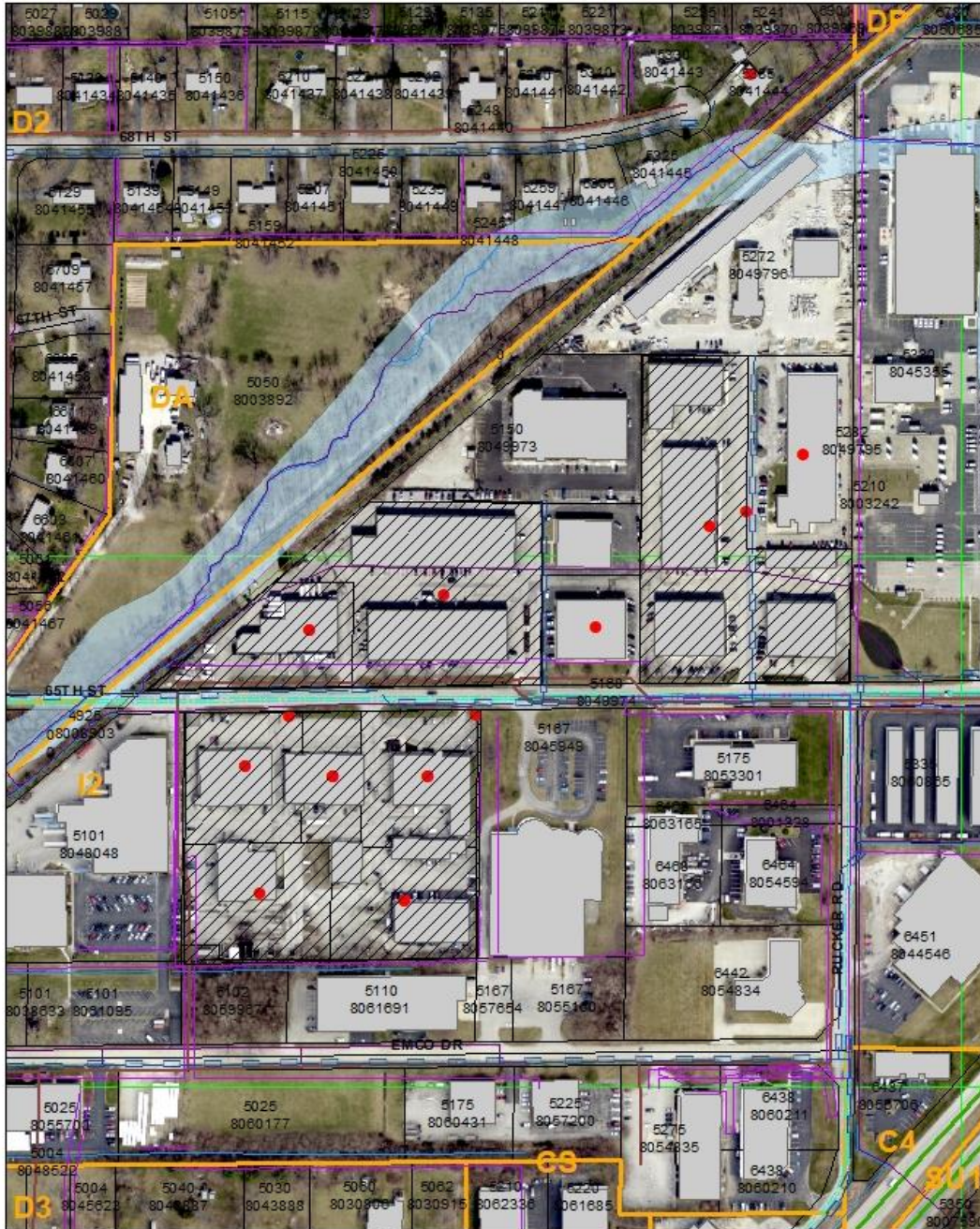
**88-HOV-83; 5149 East 65<sup>th</sup> Street;** requests variance of development standards of the Industrial Zoning Ordinance to provide for a fourteen-foot east side setback and seventeen-foot west side setback; **granted.**

**78-V3-49; 5149 East 65<sup>th</sup> Street;** requests variance of development standards of the Industrial Zoning Ordinance off-street parking within the required front yard; **granted.**

**70-V3-146;** micro film damaged; established Schmoll Industrial Park

**EXHIBITS**

Area Map:







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CS Statement, File-dated July 7, 2024:

Site and Development Plan for Rezoning the Schmoll Industrial Park to CS

The Schmoll Industrial Park ("Park") was developed over the period of time from the 1950s through 1980. It consists of 15 buildings on approximately 17 acres. All of the property is owned by Schmoll Development Company L. P. ("LP") except for one tax parcel with one building thereon which is owned by Gregory M. Schmoll ("Greg"), individually. Greg is also the general partner of LP. The Park was generally developed first by Greg's father who is now deceased and then by Greg after his father's passing. Greg lives in Indianapolis and actively manages the Park along with his son, Ian Schmoll, and his daughter, Heather Schmoll Grilley. The Park is fully developed and a site plan of the Park is attached hereto. The Park is generally occupied by local businesses the conduct uses which are permitted by I2 zoning. However, traditional I2 permitted uses, including, but not limited to, light manufacturing and medium manufacturing, have been declining nationwide and therefore the development plan for the Park is to rezone the Park to CS which would result in the existing 15 buildings in the Park remaining with additional uses therein being permitted.

Proposed uses for rezoning of Schmoll Industrial Park Property to CS.

Uses would include the following:

1. All uses permitted by current I2 zoning.
2. All uses permitted by C3 zoning.
3. Sports Performance training uses for all ages including but not limited to
  - Individual sports/strength/speed/stamina/mobility training
  - Weight lifting and training
  - Fitness Personal training & conditioning
  - Aerobics and spin training
  - Assisted rehabilitation exercise program after injury
  - Yoga
  - Pilates
  - Boxing instruction/training
  - Dance Studio
    - Dance Instruction (tap, jazz, ballet, modern and other genres)
    - Gymnastics Academy
  - Martial Arts training and instruction including but not limited to
    - Kickboxing
    - Karate
    - Tae Kwon Do
  - Specific sports training and instruction including but not limited to
    - Batting cages
    - Electronic golf swing practice/instruction
    - Private sports and fitness training
4. Automobile and light vehicle wash, detailing, tinting and minor modifications (in buildings not facing 65<sup>th</sup> Street). There would not be outdoor overnight storage of vehicles being detailed, tinted and otherwise modified.
5. Automobile, motorcycle and light vehicle service or repair (in buildings not facing 65<sup>th</sup> Street). The service and repair operations to be permitted would be inside the existing structures and there would not be overnight parking of vehicles. The operations of service or repair of vehicles would be in the vein of a repair shop where appointments are made for service and will not be



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in the vein of quick oil change shops where drive up cars are stacked awaiting the previous drive up customer to have service completed.

None of the uses set out in # 3 above shall be for material exhibitions or competitions such as county competitions, state competitions sectional or regional competitions. However, there may be internal exhibitions where the students perform or exhibit their skills for family and friends on an occasional basis; e.g. parents of the gymnastics students invited to an exhibition to see the skills being taught but such occurring without straining the parking situation at the industrial park.

Several of the commercial uses of C 3 are in contemplation of the development of the Nickel Plate trail and the possibility of the commercial uses being an amenity to trail users. GAAC was particularly vocal about these uses being desirable in the Park. At this time there is one micro brewery on site via a variance and one small luncheon eatery. While additional similar uses are not presently contemplated by petitioner, the development of the trail could create some demand for such uses in the future.

Photos:



Photo One: East 65<sup>th</sup> Street, Facing East



Photo Two: East 65<sup>th</sup> Street, Facing West



Photo Three: East 65<sup>th</sup> Street Façade Example, facing Northwest



Photo Four: Example of Industrial Park Access Drive, Facing North



Photo Five: Development Across East 65<sup>th</sup> Street, Facing South



Photo Six: Looking Southwest, Across East 65<sup>th</sup> Street, toward Schmoll Park Extension



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-117  
**Property Address:** 2658 Burton Avenue (Approximate Address)  
**Location:** Center Township, Council District #12  
**Petitioner:** Premeer Investment Group, LLC, by Keith Radcliff  
**Current Zoning:** I-2  
**Request:** Rezoning of 0.11 acres from the I-2 district to the D-5 district to provide for a two-story single-family dwelling.  
**Current Land Use:** Undeveloped  
**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 subject site is zoned I-2 and is in the Near Northwest -Riverside Neighborhood and falls within the Charles F Robbins North Indianapolis Addition Subdivision.

The site is surrounded by single-family dwellings to the north and south, zoned I-3, and undeveloped land to the east, zoned D-8, and undeveloped land to the and west, zoned D-5.

**REZONING**

The request would rezone the property from the I-2 district to the D-5 district to allow for the development of a two-story single-family dwelling.

The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited



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throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

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.

**STAFF ANALYSIS**

Staff is supportive of the rezoning to the D-5 district because it would allow for an additional residential dwelling to be constructed in line with the context of the surrounding area. The dwelling district would also align with the residential recommendation of the United Northwest Neighborhood Plan (2008).

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Dwellings 3.5 to 5 Units per Acre	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	I-2 Residential (Single-family dwelling)
	South:	-2 Residential (Single-family dwelling)
	East:	D-8 Undeveloped
	West:	D-5 Undeveloped
<b>Thoroughfare Plan</b>		
Burton 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>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 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

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see the United Northwest Neighborhood Plan (2008) 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 United Northwest Neighborhood Plan (2008) that recommends low density residential development which is typically 3.5 to 5 dwelling units per gross acre or single-family dwellings.

### 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.

#### Indy Moves

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

- Not Applicable to the Site.



## ZONING HISTORY

### Zoning History - Vicinity

**2023-ZON-033C; 909 North Pershing Avenue** (east of site), Rezoning of 909 North Pershing Avenue, totaling 0.12-acre, from the C-1 District to the D-8 District, **approved**.

**2021-ZON-133; 2666 Burton Avenue** (south of site) Rezoning of 0.11 acres from the I-2 district to the D-5 district to provide for residential uses, **approved**.

**2018-ZON-114; 2646 Burton Avenue** (south of site), Rezoning of 0.11 acre from the I-2 district to the D-5 district, **approved**.

**95-UV1-80; 2642 Burton Avenue** (south of site), Variance of use of the Industrial Zoning Ordinance to provide for the expansion of a single-family residence (not permitted), **granted**.

**EXHIBITS**





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**PREMIER INVESTMENT GROUP LLC**  
 310 BENT EMBLE DR.  
 INDIANAPOLIS, IN 46204  
**PROPERTY LOCATIONS**  
 3018 BURTON AVE  
 INDIANAPOLIS, IN 46208  
**CONTACT:**  
 DEJUAN HOWARD  
 PH: 317-457-2842

No.	Restriction	Date

**Drawing Description:**  
 SITE PLAN  
 NEW CONSTRUCTION

Project	Sheet
2018-0119	1 of 1
Date	10/20/24
Scale	1"=20'

**LEGAL DESCRIPTION:**  
 LOT 35, C. F. ROBBINS NORTH INDIANAPOLIS ADD. (10-050)  
 TOWNSHIP 16 NORTH, RANGE 3 EAST, SECTION 27

**NOTE:**  
 THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ADDRESS, GRADES, AND LOCATION OF SIDES OF A BUILDING (OR BUILDINGS) THAT WILL FIT ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL TOWNSHIP IS COMPLETED. A SITE PLAN WAS NOT AVAILABLE FOR THIS PROPERTY FROM MARSH COUNTY OR THE COUNTY'S ONLINE RESOURCES. THIS SITE PLAN WAS GENERATED FROM GIS, PROPERTY DATA, AND ON-SITE MEASUREMENTS.

**DESIGN NOTES:**  
**FRONT SETBACK EXCEPTION:**  
 F.B.T. ESTABLISHED IN ACCORDANCE PER CHAPTER 76A, ARTICLE 5, SECTION 02, PART (1) "FRONT SETBACK EXCEPTIONS". MEAS. OF NEAREST STRUCTURES WITHIN 200' EITHER SIDE. STRUCTURES TO NORTH AND SOUTH RESULT IN A 4'-0" FRONT SETBACK FOR THE SUBJECT PROPERTY.

SITE DATA	
<b>LOT AREA (D-5: COMPACT)</b>	
PARCEL SIZE	3,688 S.F. (0.08 ACRES)
<b>TOTAL BLDG. AREA</b>	
PROP. RES. FOOTPRINT AREA	N.A.
PROP. GARAGE FOOTPRINT AREA	N.A.
TOTAL FOOTPRINT AREA	N.A.
REMAINING OPEN SPACE	N.A.

Scale 1"=20' Feet

↑ NORTH

60



Photo of the subject site looking west.



Photo of the subject site looking east from the alley.



Photo of the undeveloped land west of the site across the alley.



Photo of the undeveloped land east of the site.



Photo of the single-family dwelling south of the site.



Photo of the single-family dwelling south of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-MOD-015 (2<sup>nd</sup> Amended)

**Property Address:** 3500 East 20th Street (Approximate Address)

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

**Petitioner:** Adam DeHart

**Current Zoning:** C-S

**Request:** Modification of Commitments #6 and #7 related to petition 2002-ZON-166 to allow for a Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation (current commitments states any new construction requires Administrator’s Approval and other uses are limited).

**Current Land Use:** Industrial

**Staff Recommendations:** Denial

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

**PETITION HISTORY**

**ADDEDUM FOR OCTOBER 24, 2024 HEARING EXAMINER**

This petition was continued from the October 10, 2024 hearing to the October 24, 2024 hearing at the request of the petitioner.

**ADDEDUM FOR OCTOBER 10, 2024 HEARING EXAMINER**

This petition was continued from the September 26, 2024 hearing to the October 10, 2024 hearing at the request of the petitioner.

**September 26, 2024**

This petition was automatically continued from the August 29, 2024 hearing to the September 26, 2024 hearing at the request of a registered neighborhood organization.

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends denial of the request.





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If approved against staff's recommendation approval shall be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 28-foot half right-of-way shall be dedicated along the frontage of 21st Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 29-foot half right-of-way shall be dedicated along the frontage of Olney 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).
3. DPW Greenways requests a right-of-way dedication of 15 feet along Olney Street and 20 feet along 21<sup>st</sup> Street.
4. DPW Greenways request that the fence be placed behind any required landscaping, berm, or tree line per the required setbacks.
5. The barbed wire on site shall be removed.

**PETITION OVERVIEW**

**LAND USE**

The subject site is located in the Near Eastside Neighborhood and the western half of the site falls within the North Brookside Park Subdivision platted on May 7, 1902.

West of Olney Street are single-family dwellings, a church and a building material store zoned MU-1, SU-1, and I-3. To the north are undeveloped parcels and a pharmaceutical company, zoned I-3. A railroad borders the property to the immediate east with an auto repair shop and industrial uses further east, zoned I-3. Brookside Park is located south of the site and is zoned

According to aerial photos, the previous building on site appears to have been demolished between 2011 and 2012. A wrecking permit, WRK11-00684, confirms this.

**MODIFICATION /TERMINATION**

The C-S district is subject to the site plan and Development Statement on file for the use of the property per 2002-ZON-166. Changes to the site require a modification petition to be filed, which is the case in question.



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The request is to construct a construction waste recycling facility including the following: security/scale house, maintenance/repair shop, drywall recycling facilities, construction equipment storage, contractor yard, and concrete recycling operation on the existing gravel lot on the existing 29.61± acre site.

The project narrative also notes that “future development may include an additional Storage Building(s), outside storage, and railroad spur for shipping and receiving of recycled construction materials.”.

These updates are shown in the newly submitted site plan which include the construction of four buildings, associated parking, new access drive on 21<sup>st</sup> street, and the location of the construction equipment storage areas, dumpster storage area, wood chip recycling / mulch storage area, concrete washout pit, crushed concrete storage area, concrete crusher and sorting equipment, and concrete stockpile area.

Commitment #6 required noted that “other use and Development Limitations are set forth in The Preliminary Development Plan filed with Department of Metropolitan Development and file stamped November 7, 2002”.

The modification would have the site be subject to the revised preliminary development plan (Project Narrative) file dated June 14, 2024.

Commitment #7 noted “Any addition or reconstruction of structures shall be subject to Administrator’s Approval prior to issuance of Improvement Location Permit”.

The modification would have the development of the site subject to the revised site plan which has been amended and was filed August 20, 2024.

## **PROJECT NARRATIVE**

The Project Narrative notes that “there is a portion of the Southeast side of the property which is enrolled in Indiana’s Voluntary Remediation Program (VRP), administered by Indiana Department of Environmental Management (IDEM). As a part of the VRP it may not be possible to use a large portion of the property for anything other than outside storage”.

It also notes that “The Beltway railroad lies on the East side of the property and the site may have a railroad spur/siding installed parallel to the existing tracks. Employees, semi-tractor trailers, delivery/shipping trucks and maintenance vehicles will enter the site from the proposed west curb cut on East 21st Street. An additional curb cut is proposed on the East side of the Maintenance/Repair Shop. The existing curb cut on Olney Street will be abandoned.”

Lastly, the Project Narrative notes that “storm water will sheet drain and conveyed overland across the existing turf, stone, and pavement to proposed private storm sewer. The flow of stormwater is conveyed via storm sewer to the Southeast to a new wet detention pond with a large forebay. Stormwater will be detained, treated, and released by an outlet control structure. Then conveyed to the south and discharged to an existing storm sewer structure in Brookside Park maintenance facility”.



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## **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 21<sup>st</sup> Street and a 29-foot half right-of-way along Olney Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

## **ENVIRONMENTAL CONCERNS**

Staff understands that there is an Environmental Restrictive Covenant on site which limits the uses of the subject site and designates a specific area in the southeast corner of the site where the owner shall neither engage in nor allow excavation of soil in the area identified via GPS coordinates as the "Construction Worker Restriction Area" as depicted in Exhibit C.

The Environmental Restrictive Covenant also places parameters regarding the change in use of the site or construction of new structures to be occupied by persons on site. Proof would need to be provided to confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulations, or laws. If the results and analysis of groundwater, soil, and or soil-gas sampling demonstrate that no risk of unacceptable vapor exposure risk exists, then IDEM could grant a waiver of the restriction for the proposed change in site use and/or new construction.

## **STAFF ANALYSIS**

The permitted uses in this C-S district were intended to be used for the building that previously existed on site and for remainder of the site. The previous site plan is included the staff report as reference to the limited amount of undeveloped land that would have been available for additional uses on site. The intention was not for the entirety of the site to be an outdoor operation.

The proposal would not align with the light industrial recommendation of the Comprehensive Plan and would go against principles and visions from The Near Eastside Quality of Life Plan (2020) which focus on addressing the environmental conditions in the community, to ensure physical and psychological health of the neighbors.

Staff is very concerned with the proposed use of the site since it is near the single-family dwellings to the west which is wholly inappropriate considering they should be protected from intense uses.

Pogue's Run Greenway is proposed on the east side of Olney and the south side of 21<sup>st</sup> Street adjacent to the subject site, which would need to be buffered and protected from any development proposed on the subject site. The existing barbed wire on the perimeter fence would need to be removed for the protection of the future trail users and because it is not permitted.

Staff would prefer that one driveway be proposed along 21<sup>st</sup> Street to prevent collisions between future trail users and vehicles entering and existing the subject site. In staff's opinion, there is more than enough land availability to ensure sufficient turnaround access on site.

Additional concerns are regarding the air pollution and air quality. Although measures would be taken to address the Drywall Recycling Facilities with the indoor operations, it cannot be guaranteed that there

will be 100 percent containment of particulate matter. Even with the proposed internal operations of this use, the concrete recycling operation would still be proposed. There could be negative health impacts to the surrounding residents due to the crushing of concrete and equipment emissions.

Waterway contamination is another concern due to the Concrete Recycling Operation's open-air piles of crushed concrete and concrete stockpile areas that could impact the unnamed tributary stream at the southeast corner of the site that runs into Pogue's Run with contaminants in runoff and drainage. Also, a large portion of the site is designated for construction equipment storage that could include several machinery and vehicles that could leak fluids.

Lastly, there is the concern with the noise and vibration levels from the Concrete Recycling Operation and truck deliveries on site. It is understood that noise and vibration is associated with such a use but said use does not have to be near single-family dwellings.

In an email correspondence, the petitioner proposed the following commitments:

1. Closing of the Olney curb cut
2. Along Olney Street frontage - 50' of Green space including required landscaping per 2002-ZON-166 and the current UDO transition yard landscaping requirements and fence.
3. Along Brookside Park frontage - 50' of Green space strip along the common south property line. This area is currently heavily wooded, and the woods will be left in place and undisturbed, except for the installation of utilities and storm sewer servicing the facility. Additionally, we will commit to The Heritage Tree Conservation provisions of Section 744-503.K of the UDO apply to all development or redevelopment on this parcel. The noted category 2 stream in this area will not be disturbed (note this stream is landlocked and does not flow to Pogues Run).
4. Any Gypsum operations, servicing, or processing (except off-street loading) shall be conducted within completely enclosed buildings.
5. The project will comply with the Indianapolis Stormwater Technical Standards.

A written document with the voluntary commitments has not been provided to the case file, but Staff determined they should be incorporated into the report.

Although the petitioner revised the site plan to increase the setback along Olney Street, confirmed the indoor operation of the Drywall Recycling Facilities, proposed a "DO NOT DISTURB AREA" at the southeast corner of the site and along the south and east property boundaries, and provided a 50-foot transitional yard along the southern border from the park, staff's denial recommendation stands.

These types of businesses should be located solely in industrial areas where there wouldn't be an immediate impact to residents.

The proposed uses are not changing and that is what staff cannot support due to the potential health risks that would be present and would not be eliminated. The approval of this request would negatively impact the quality of life of the single-family residents to the west of the site.

In Staff's opinion, other uses could be considered given the multiple zoning district uses permitted with this C-S district that would require indoor operations limiting or possibly eliminating the outdoor storage or operations completely.



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Staff is strongly against the proposal since it would be wholly inappropriate and inconsiderate of the residents to the west.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	I-3	Undeveloped / Pharmaceutical Company
South:	PK-1	Park
East:	I-3	Railroad / Auto Repair Shop / Industrial
West:	MU-1/ SU-1/I-3	Residential (Single-family dwellings) / Church / Industrial
<b>Thoroughfare Plan</b>		
21 <sup>st</sup> Street	Primary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Olney Street	Local Street	58-foot proposed right-of-way and 50-foot existing right-of-way.
Sherman Drive	Primary Arterial Street	88-foot proposed right-of-way and 136-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>	July 21, 2024	
<b>Site Plan (Amended)</b>	August 20, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	August 16, 2024	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	July 21, 2024 – Dated June 14, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- The Near Eastside Quality of Life Plan (2020)
- Indy Greenways Full Circle Master Plan, Part One (2014)

### Pattern Book / Land Use Plan

- Marion County Land Use Plan Pattern Book (2019) recommends light industrial development at this site.
- 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
- Light industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.
- The Pattern Book has the specific stipulations for the following uses:
  - **Light Industrial Uses**
    - Industrial truck traffic should not utilize local, residential streets.
    - Streets internal to industrial development must feed onto an arterial street.
    - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
  - **Heavy Commercial Uses**
    - Removed as a recommended land use where they would be adjacent to a living typology.
- The site falls within the Industrial Reserve (IR) overlay which is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access. The following stipulations apply when the property falls within this overlay.
  - Removed Uses
    - Small-Scale Offices, Retailing, and Personal or Professional Services
    - Heavy Commercial Uses

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

- Not Applicable to the Site.



### Neighborhood / Area Specific Plan

- The subject site falls within The Near Eastside Quality of Life Plan (2020).
- A guiding principle for the Plan is Resiliency. The Plan promotes environments, strategies, and approaches focused on healing recovery, and growth design to support neighbors who have experienced trauma in addressing and managing the impact of adversity to reach their fullest potential.
- The Plan notes under guiding principles that “We believe in providing the necessary resources and infrastructure, while addressing the environmental conditions in the community, to ensure physical and psychological health of our neighbors.”
- One of the Plan focus areas is Health, Wellness, & Family Strengthening. Priority #7 is to improve health equity in the community. More specifically action step 7.4 is notes to “identify and address the public health impacts of climate change and environmental justice for our Near Eastside community”.
- This action step would address when marginalized communities are harmed by land uses that would not benefit them.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- The site is impacted by the Indy Greenways Full Circle Master Plan, Part One (2014).
- Plans are underway for a new Pogue’s Run Greenway on the east side of Olney and the south side of 21<sup>st</sup> Street adjacent to the subject site.



The site is marked with a yellow "X" in the map.





## ZONING HISTORY

### Zoning History – Site

**2002-ZON-166; 3500 East 20th Street** (subject site), Rezone 30 acres from I-3-U to C-S, to provide for commercial and industrial uses, including uses within the C-1, C-2, C-3, C-4, I-1-U, I-2-U, I-3-U, and I-4-U districts, **approved**.

### Zoning History – Vicinity

**2018-ZON-055; 2005 North Sherman Drive** (east of site), Rezoning of 5.22 acres from the SU-16 district to the I-3 classification, **approved**.

**2015-ZON-025; 2044 Olney Street** (west of site), Rezoning of 0.84 acre, from the C-2 District, to the SU-1 classification to provide for a church and fellowship hall, with reduced setbacks, including a zero-foot setback along Olney Street, **approved**.

**95-Z-161; 3418 East 20<sup>th</sup> Street** (west of site), Rezoning of 0.5 acre from the C-2 classification to the SU-1 district to provide for religious uses, **approved**.

**94-Z-147; 3721 East 21<sup>st</sup> Street** (east of site), Rezone 1.75 acres from I-3-U to C-5 for automobile sales, service and automobile body repair, **withdrawn**.

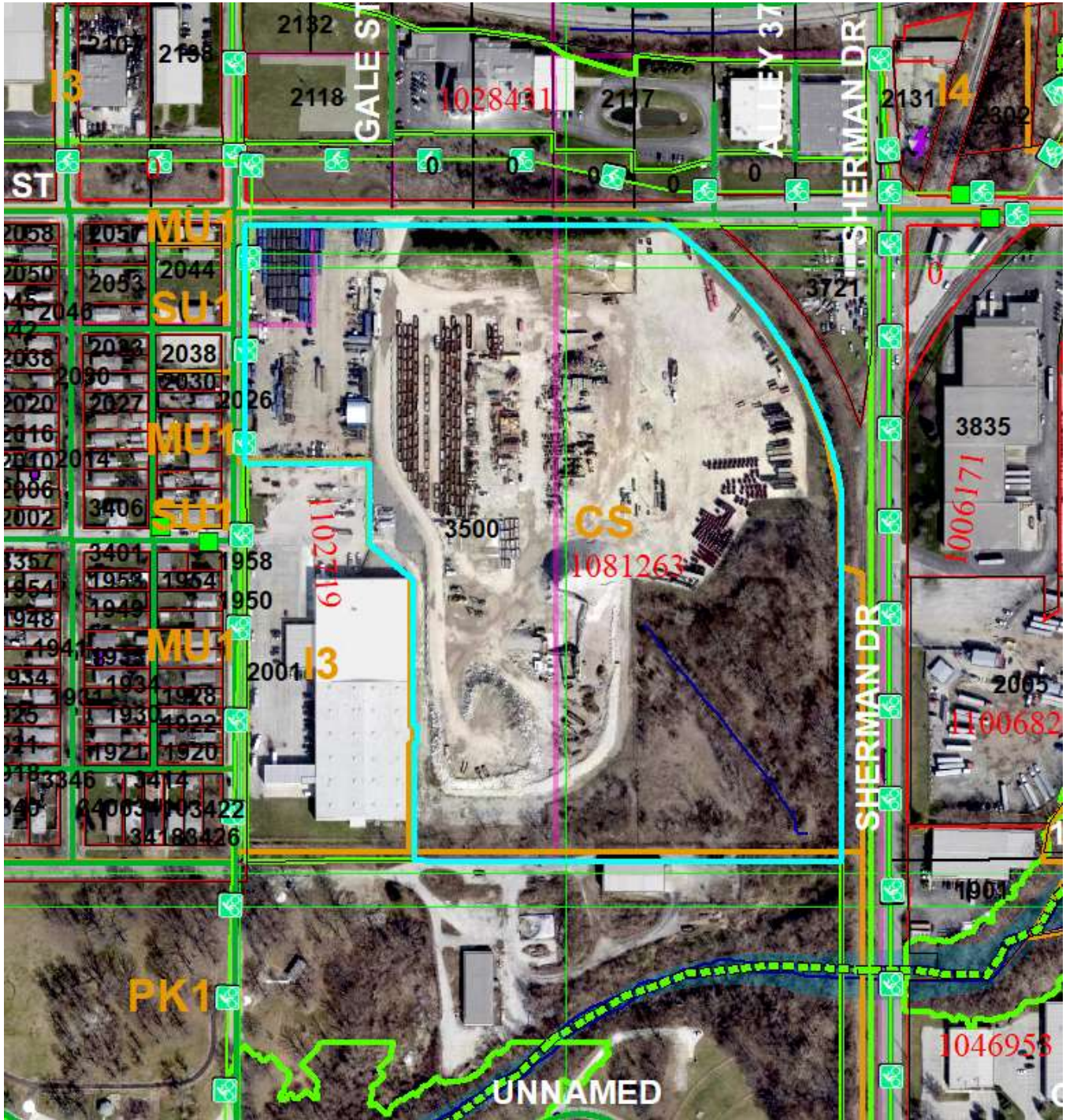
**91-Z-53; 2005 North Sherman Drive** (east of site), Rezoning of 5.38 acres, being in the PK-1 district, to the SU-16 classification to provide for a softball complex with associated accessory buildings, **approved**.

**89-Z-174; 2128-2146 North Olney Street and 2121 Avondale Place** (north of site), Rezoning of 2.96 acres being in the D-5 District, to the I-3-U classification, to provide for the inclusion of the tracts into the Rural/I-70, Phase VI Industrial Park, **approved**.

**88-Z-123; 1901 North Sherman Drive** (east of site), Rezoning of 0.031 acre, being in the PK-1 District, to the I-3-U classification to provide for a building addition for industrial use, **approved**.

**86-Z-186; 1901 North Sherman Drive** (southeast of site), Rezoning of 1.99 acres, being in the PK-1 District, to the I-3-U classification to provide for industrial uses, **approved**.

**EXHIBITS**

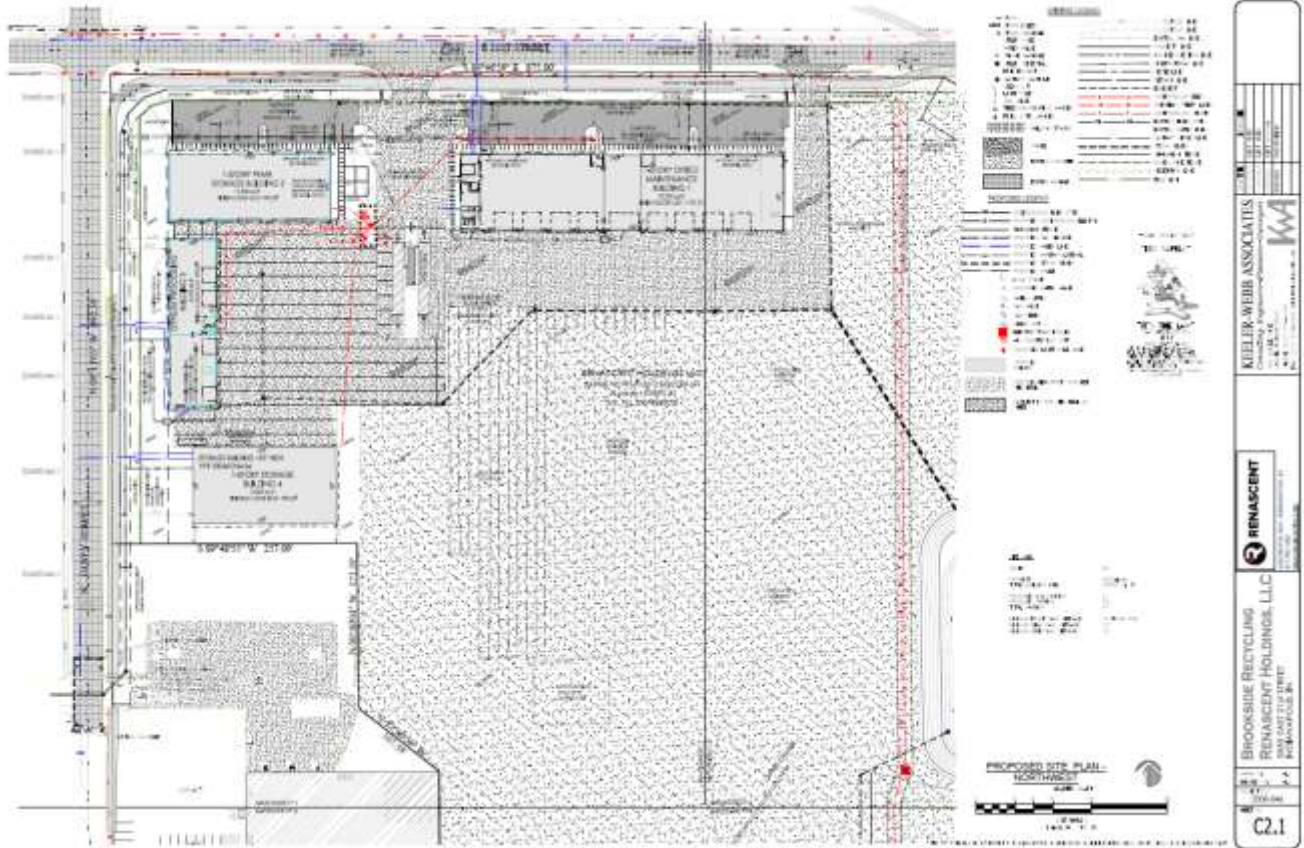


2011 AERIAL MAP



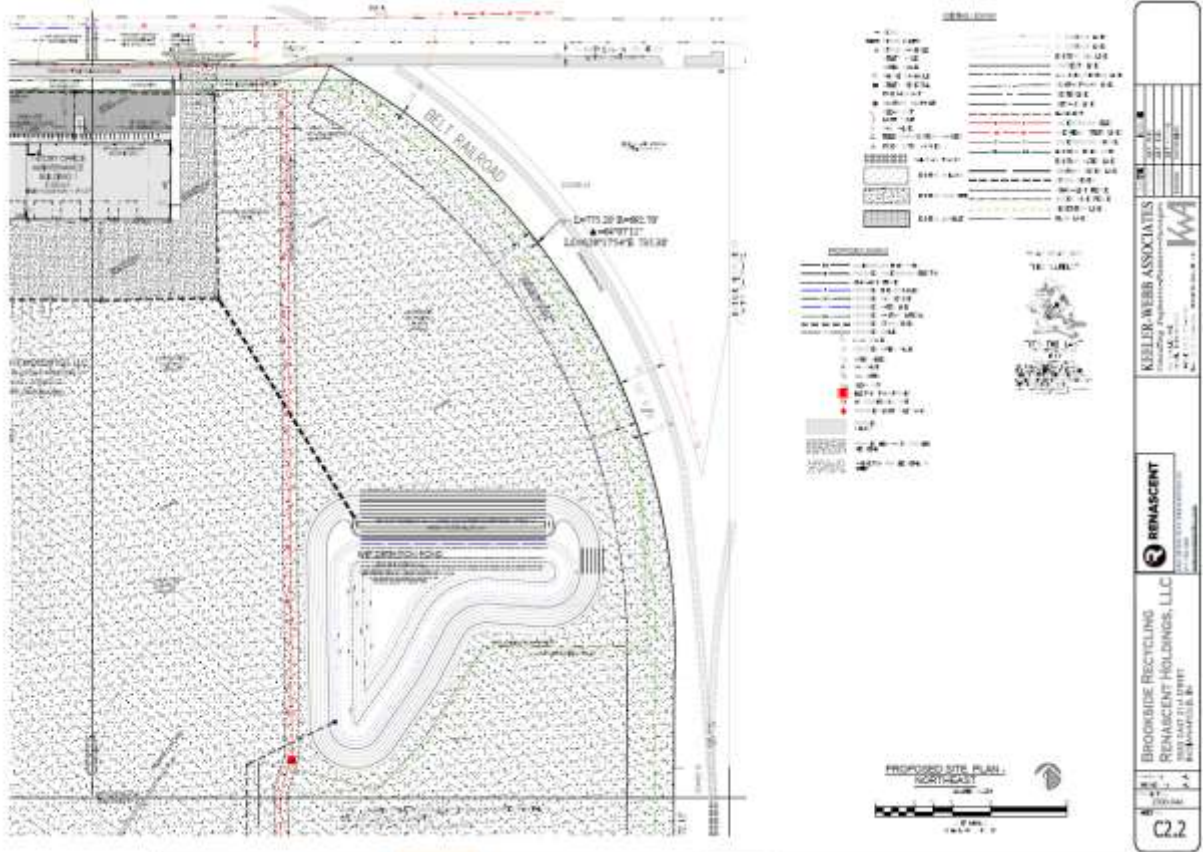


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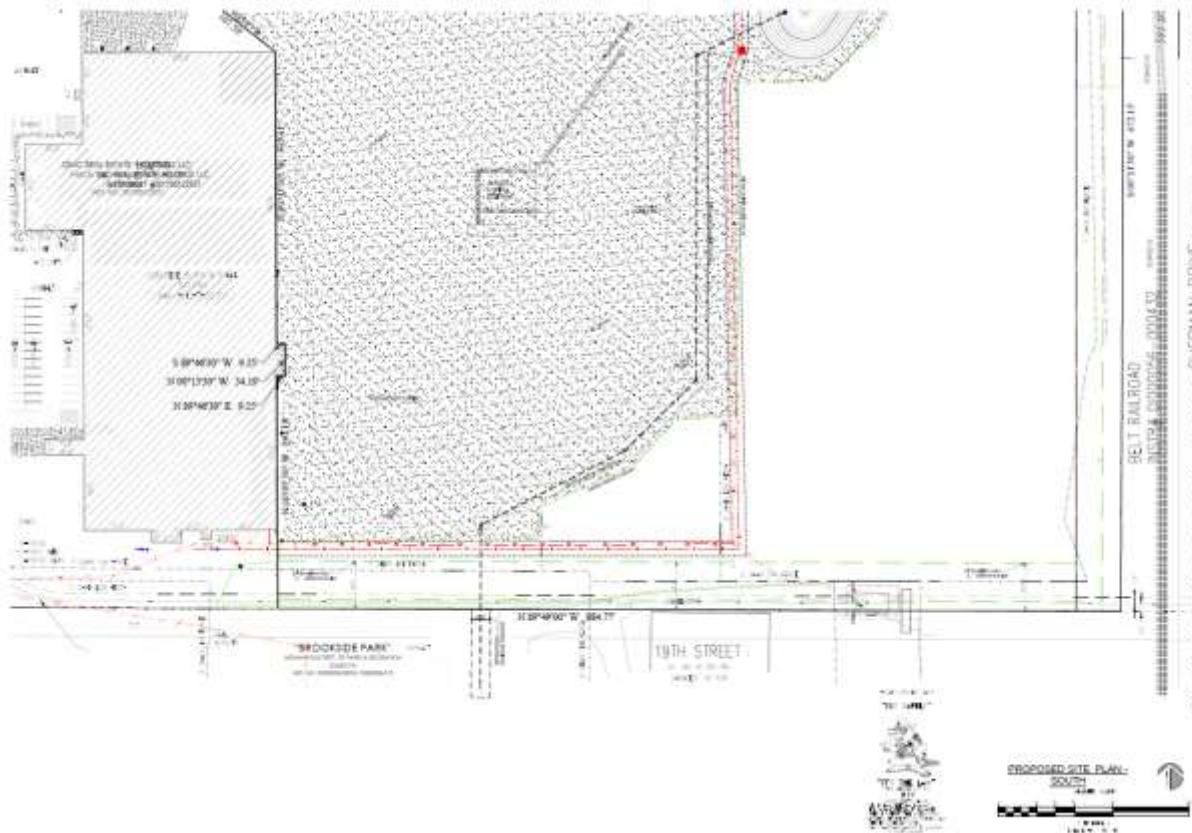


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LANDSCAPE PLAN





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PROJECT NARRATIVE

**KEELER-WEBB ASSOCIATES**



*Consulting Engineers · Planners · Surveyors*

TELEPHONE (317) 574-0140    [www.keelerwebb.com](http://www.keelerwebb.com)

486 Gradle Drive  
Carmel, Indiana 46032

June 14, 2024

Attn: Plan Reviewer  
Division of Neighborhood & Building Services  
City of Indianapolis  
1200 South Madison Avenue  
Indianapolis, IN

Re.: Renascent Holdings, LLC – Brookside Recycling  
3555 East 21<sup>st</sup> Street, Indianapolis, Indiana

PROJECT NARRATIVE

Keeler-Webb Associates is acting as agent surveyor/engineer for Mr. Josh Campbell with Renascent Holdings, LLC who is the Owner and Renascent, Inc. is the General Contractor for this project which will operate as Brookside Recycling. We are proposing to construct a Construction Waste Recycling facility including the following: Security/Scale House, Maintenance/Repair Shop, Drywall Recycling facilities, Construction Equipment storage, contractor yard, and Concrete Recycling operation on the existing gravel lot on the existing 29.61± Acre site. Future development may include an additional Storage Building(s), outside storage, and railroad spur for shipping and receiving of recycled construction materials.

The property has a variety of surrounding uses with I3 zoning property north of 21<sup>st</sup> Street and I-70, I3 uses and Railroad R/W to the East, Brookside Park to the south, I3 zoned Chisholm Lumber & Supply to the southwest, and residential & church properties on the West side of Olney Street.

Historically the site was developed in 1890's by Connecticut Mutual Life Insurance Company. In early 1900's the property was the site of Laycock Bed Spring Co. manufacturing bed springs. In 1916 the property was sold to Premier Motor Company manufacturing automobiles on the site. In 1928 the site was leased to Rub-Tex Company and used to produce battery containers. The Richardson Company took over the property in 1933 and purchased the subject real estate in 1940. The Richardson Company continued to manufacture battery containers. In 1982 Richardson was acquired by TRC Divestiture Company which then merged into CK Witco Corporation, which changed its name to Crompton Corporation continuing the battery operation on the site. In 1995 the operation was sold and operated by Conner Corporation. In 1999 Connor Corporation ceased the battery container operation but continued to use the subject property for



PROJECT NARRATIVE (Continued)

warehousing and distribution. In December 1999 Crompton Corporation sold the subject property to Ruby Park, LLC.

This property is affected by a previously approved Rezoning petition 2002-ZON-166 by Ruby Park, LLC. including commitments for the previous site use. The Rezone to CS with commitments was approved for a multi-tenant 233,000 sq.ft. dilapidated building.

The petitioner and owner are respectfully requesting a Modification of Site Plan and Modification the following Commitments made in 2002:

1. **MODIFICATION OF COMMITMENT OF 2002-ZON-166 COMMITMENT No. 6:**  
*"Other use and Development Limitations are set forth in The Preliminary Development Plan filed with Department of Metropolitan Development and file stamped November 7, 2002." The modified site plan is being submitted for review and approval.*
2. **MODIFICATION OF COMMITMENT OF 2002-ZON-166 COMMITMENT No. 7:**  
*"Any addition or reconstruction of structures shall be subject to Administrator's Approval prior to issuance of Improvement Location Permit." The modified site plan reflects the new buildings and proposed site improvements.*

The environmental condition of the subject property contributes to the owner's well thought out plan to redevelop the property. There is a portion of the Southeast side of the property which is enrolled in Indiana's Voluntary Remediation Program (VRP), administered by Indiana Department of Environmental Management (IDEM). As a part of the VRP it may not be possible to use a large portion of the property for anything other than outside storage.

The Beltway railroad lies on the East side of the property and the site may have a railroad spur/siding installed parallel to the existing tracks. Employees, semi-tractor trailers, delivery/shipping trucks and maintenance vehicles will enter the site from the proposed west curb cut on East 21<sup>st</sup> Street. An additional curb cut is proposed on the East side of the Maintenance/Repair Shop. The existing curb cut on Olney Street will be abandoned. This site has been designed to be in compliance with CS zoning and 2002-ZON-166.

We are submitting for Infrastructure/Drainage and ILP permits. The impervious area on site will be minimally changed. The existing site has all utilities available on the site or in the adjacent right-of-way North Olney Street on the west side of the property, and 21<sup>st</sup> Street to the north.

Storm water will sheet drain and conveyed overland across the existing turf, stone, and pavement to proposed private storm sewer. The flow of stormwater is conveyed via storm sewer to the Southeast to a new wet detention pond with a large forebay. Stormwater will be detained, treated, and released by an outlet control structure. Then conveyed to the south and discharged to an existing storm sewer structure in Brookside Park maintenance facility.




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PROJECT NARRATIVE (Continued)

The proposed uses comply with the previously approved CS zoning district uses. These uses respect the existing conditions both on and around the property. CS zoning has proven to be a successful model for redevelopment of industrial dinosaur site similar to this one (i.e., Western Select, Thompson Consumer Electronics and Schwitzer facilities).

Construction is planned to begin immediately upon approval by all appropriate agencies. The fully developed site will provide jobs to the community, property tax dollars for the City of Indianapolis, and provide a necessary recycling service for the community as a whole. The design of the facility will meet requirements set in local and state building codes and will not be a fire hazard to the public. There is sufficient capacity in all the utilities available to this site, and no off-site improvements or upgrades will be necessary to construct or operate this facility. This project is being submitted for your review and comment prior to issuing plans for permits. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,  
 KEELER-WEBB ASSOCIATES

  
 Adam DeHart, PS, EMT-P, CPESC, CESSWI  
 Project Manager



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## PLAN OF OPERATION

### CW Recycling / Brookside Materials

### Drywall Recycling & OCC/ Vinyl Baling / Concrete Crushing / Maintenance

#### 1. Workforce

- **Size and Composition:** The workforce will include:
  - Operations Manager (oversees all operations)
  - Processing Technicians (operate machinery and sort materials)
  - Mechanics
  - Welders
  - Administrative Staff
  - Total staff of 20-25 people
- **Training:** All employees will receive training on safety protocols, drywall recycling processes, and equipment operation. As well as training in IDEM environmental regulations and proper waste handling as required.

#### 2. Clients & Customers

- **Target Market:**
  - Construction and demolition companies (C&D) generating drywall waste.
  - Renovation and remodeling contractors
  - Landfill diversion programs.
  - Individuals with drywall scrap (limited quantities)
- **Services Offered:**
  - Drywall waste collection
  - On-site processing and recycling of drywall
  - Bulk Bag loading
  - Truck and trailer loading

#### 3. Processes Conducted on Site

- **Truck Receiving:**
  - All material will be weighed via State Certified Scales inbound and outbound.
  - Tickets will be given to customers with weight and pricing.
  - Trucks will then be directed to the designated tipping area for separation and processing.
- **Material Receiving: Drywall and Drywall Scraps**
  - Incoming drywall waste will be inspected for contamination (e.g., paint, wood, metal).
  - Contaminated materials may require separation or be rejected.
  - Uncontaminated drywall will be unloaded and stockpiled.
- **Processing:**
  - Drywall is crushed into smaller pieces using machinery such as an impact crusher.
  - Screening: Crushed material is screened to separate different sized fractions.
  - Magnetic Separation: Steel screws and fasteners are removed with magnets.
  - Air Separation: Paper facing is separated from the gypsum core using air classifiers.
  - Grinding: Gypsum core may be further ground into a fine powder for specific applications.



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PLAN OF OPERATION (Continued)

- **Product Manufacturing:**
  - Recycled materials can be used to manufacture new products:
    - Recycled drywall for construction (requires additional processing)
    - Soil amendments for agricultural applications
    - Waste solidification
- **Material Receiving: Concrete Washout Out Dumpsters**
  - Incoming concrete washout boxes
  - Concrete residue is scraped out.
  - Remaining concrete residue is sprayed out with water.
- **Processing:**
  - Concrete residue removed from washout box is recycled in with crushed concrete.
- **Material Receiving: OCC (Old Corrugated Cardboard) & Vinyl**
  - Incoming OCC & Vinyl waste will be inspected for contamination.
  - Contaminated materials may require separation or be rejected.
  - Uncontaminated OCC & Vinyl will be unloaded and stockpiled by type.
- **Processing:**
  - Bale materials using a conveyor and horizontal baler.
- **Product Manufacturing:**
  - Recycled materials can be used to manufacture new products:
    - Recycled OCC for use in new paper for corrugated boxes (requires additional processing)
    - Recycled vinyl can be used to create new products such as fencing and decking (requires additional processing)
- **Material Receiving: Waste Concrete and Concrete Washout**
  - Incoming waste concrete and washout
  - Contaminated materials may require separation or be rejected.
  - Uncontaminated concrete will be unloaded and stockpiled.
- **Processing:**
  - **Crushing:** Concrete is crushed into smaller pieces using machinery such as impact crushers.
  - **Screening:** Crushed material is screened to separate different sized fractions.
  - **Magnetic Separation:** Steel screws, fasteners and rebar are removed with magnets.
  - Plant is operated under an IDEM approved Air Permit # 777-46341-05414
- **Material Receiving: Scrap Metal**
  - Scrap Metal is received from demolition sites.
  - Rebar and concrete re-enforcing wire is removed from crushed concrete.
  - After cutting metal for size reduction metal is used in new products (requires additional processing)



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PLAN OF OPERATION (Continued)

- **Processing:**
  - Processors are used to cut up scrap metal to reduce size.
  - Magnet is used to load and move scrap to trailer.
  
- **Product Manufacturing:**
  - Recycled materials can be used for new products:
    - Recycled steel
    - Other various uses
  
- **Material Receiving: Wood (Future)**
  - Dimensional wood
  - Limbs, tree trunks
  
- **Processing:**
  - Wood grinder
  - Wheel loader for locating material.
  
- **Product Manufacturing:**
  - Recycled materials can be used for new products:
    - Mulch
    - Other various uses
  
- **Process: Machine Repair / Welding Shop / Wash Bay**
  - Company machinery will be maintenance and repaired.
  - Machinery and roll off boxes will be repaired using welders.
  - Machines will also be cleaned in a designated wash bay.

**4. Materials Used**

- Drywall waste (gypsum board, plasterboard)
- Processing consumables like crusher parts and screen meshes.
- Energy (electricity for machinery)
- OCC
- Vinyl siding
- Baling wire
- Welding materials
- Oils and grease
- Cleaning fluids
- Diesel Fuel
- Gasoline

PLAN OF OPERATION (Continued)

**5. Shipping and Receiving**

- **Receiving:** Drywall waste will be delivered by trucks from C&D companies, contractors, or collection programs.
- **Machine Delivery:** Machinery will be transported on low boy trailers and flatbeds.
- **Shipping:**
  - Recycled gypsum products will be shipped to manufacturers or distributors.
  - Separated paper facing may be baled and sold for recycling.
  - Minimal waste is expected; any remaining non-recyclable materials will be disposed of according to local regulations.

**6. Waste Management**

- The goal is to minimize waste generation.
- Contaminated materials may require special disposal depending on the contaminants.
- Dust generated during processing will be controlled using a dust collection system.
- Residual waste will be disposed of at a licensed landfill according to regulations.
- **Environmental:** The plant will comply with all local, state, and federal environmental regulations regarding air and water quality, dust control, and waste disposal
  - Dust control for the property will be managed using a water truck dampening the roadways and entrances and exits.
  - Noise from machinery will be suppressed by the building walls and surrounding landscaping.
- **Security:** The security of the plant will be achieved using perimeter fencing and gates limiting access to the property with only 2 points of entry or exit to control the flow of traffic that will be directed to the scale house for weighing and examination of loads and then directed to the proper area of the site for loading or unloading. The fence will also keep public and criminal activity out along with restricting access to public, employees, and visitors to outside the fence and entering the north side of buildings.
  - Security camera system with operate 24hr a day along with individual building alarms.
  - The site will have lighting though out the property that will include, but not limited to, parking lot lights and exterior building lights.
- **Storage on Site:** On and around the site there will be the storing of empty roll off containers of various sizes. Along with the storage of roll off boxes there will be machines stored on the property, typical types of machines stored will include, but not be limited to, cranes, excavators, wheel loaders, forklifts, conveyors, and bull dozers.
- Semi-trucks and trailers for transporting machinery and goods will be stored on site.
  - Parts related for use with, and maintenance or repair of these machines will also be stored on site which may include, for example, excavator buckets or tracks for machines.



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PLAN OF OPERATION (Continued)

- **Site Dust Control:**
  - Roads will be misted with a water truck.
  - Crusher dust is controlled with water during crushing process.
  - Drywall dust will be controlled with baghouse inside of the structure.
  - All material processing will be done inside of the structure.
- **Shipping**
  - Future Railroad spur to be added for shipping or receiving of materials to recycling yards or from various sites.

**7. Hours of Operation / Traffic**

- Monday thru Friday 7am – 5pm
- Saturdays (TBD as needed)
- Vehicle traffic – 95 trucks per day and 15-20 cars



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2002-ZON-166 COMMITMENTS

METROPOLITAN  
DEVELOPMENT COMMISSION  
PETITIONER'S EXHIBIT  
NO. 02-ZON-166

CAUSE NO..... SECRETARY.....  
DATE.....

**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: (insert here or attach)

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. The owner shall install landscaping, in accordance with transitional yard standards as set forth in the Industrial Zoning Ordinance, along the property frontage along both Olney Street and 21st Street, in an area measuring ten (10) feet in width beginning at the existing fence as shown on the Site Plan filed with the Department of Metropolitan Development and file-stamped November 7, 2002 and extending to the interior of the property. Said landscaping shall be installed within six (6) months following commencement of the construction of any buildings on Parcel 1(C).
3. There shall be no building erected on Parcel 1(C) in excess of thirty five (35) feet in height.
4. The owner shall maintain the existing landscaping fronting on Sherman Drive and 21st Street in thriving condition; provided, however, nothing in this commitment shall prohibit owner from removing brush, scrub, weeds, diseased or predatory trees or plants.
5. The following uses set forth in the I-4-U zoning district (as of the date of these commitments) shall be prohibited anywhere on the Subject Property: 1) abrasives and asbestos products, 2) manufacturing of detergents / soaps, 3) manufacturing of rubber / rubber products, 4) manufacturing of tires, 5) oil or gas bulk storage, 6) veneer mills, or 7) tire recapping.
6. Other use and development limitations are set forth in the Preliminary Development Plan filed with the Department of Metropolitan Development and file stamped November 7, 2002.
7. Any addition or reconstruction of structures shall be subject to Administrator's Approval prior to the issuance of an Improvement Location Permit.

3500 E. 21st St. MDC's Exhibit B - - page 1 of 3

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Inst # 2003-0056282

SCANNED





Department of Metropolitan Development  
Division of Planning  
Current Planning

2002-ZON-166 DEVELOPMENT PLAN

**PRELIMINARY DEVELOPMENT PLAN**

Petitioner, Ruby Park, LLC ("Petitioner") is the owner of what is commonly known as Ruby Park, formerly known as the Richardson Rubber Plant, Witco Plant, and Connor Corporation Plant. The site is located at 3705 East 21<sup>st</sup> Street, Indianapolis, Indiana 46218 ("Subject Property"). Petitioner acquired the Subject Property in December 2000 from Crompton Corporation, f/k/a CK Witco Corporation, as successor by merger to Witco Corporation, as successor by merger to TRC Divestiture Company, f/k/a The Richardson Company.

As explained below, a parcel that was originally part of the Subject Property was sold to Elliott-Williams Co., Inc. ("E-W"). The E-W parcel now has the street address of 3500 E. 20th Street and the Petitioner's parcel now has the street address of 3705 E. 21st Street. The E-W parcel will be referred to as the "EW Parcel".

The Subject Property had been a single user site and Petitioner now finds the I-3-U zoning classification for the Subject Property to be somewhat incompatible with the ongoing redevelopment of the Subject Property as a multi-tenant, multi-use facility. Consequently, Petitioner is seeking to rezone the Subject Property (approximately 30 acres) to the C-S zoning district.

**THE SITE**

The Subject Property is comprised of approximately 30 acres and is located just west of the southwest corner of Sherman Drive and 21st Street, and is depicted on the site plan attached hereto as Exhibit "A" (the "Site Plan").

In the northwest corner of the Subject Property adjacent to and north of the E-W Parcel there is a currently undeveloped paved area of approximately 2.92 acres ("Parcel 1C"), as shown on the Site Plan.

Part of the Subject Property that is east of and adjacent to the E-W Parcel and Parcel 1C is a 15.3 acre parcel of land ("Parcel 1A") which contains a 233,000 square foot building (the "Ruby Park Building"), as shown on the Site Plan.

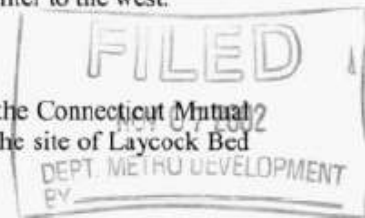
The east 11.37 acres of the Subject Property ("Parcel 2") is an undeveloped parcel that is east of and adjacent to Parcel 1A, as shown on the Site Plan.

Petitioner is seeking to rezone all of the Ruby Park Parcel.

The Subject Property has a variety of uses surrounding it; namely, (a) industrial uses and I-70 to the north, (b) railroad tracks, industrial uses and a softball field to the east, (c) a City of Indianapolis Public Works station and Brookside Park to the south, and (d) single family, multi-family and some special use properties such as the Trinity Community Center to the west.

**HISTORY OF THE SITE**

The Subject Property was originally developed in the 1890's by the Connecticut Mutual Life Insurance Company. In the early 1900's the Subject Property was the site of Laycock Bed





2002-ZON-166 DEVELOPMENT PLAN (Continued)

Spring Co. for the manufacturing of bed springs. Around 1916 the Subject Property was sold to Premier Motor Co. which manufactured automobiles at the site. In 1928 the site was leased to Rub-Tex Co. and used for the production of battery container parts. The Richardson Company took over the site from Rub-Tex in 1933 and purchased the Subject Property from Premier in 1940. Richardson continued manufacturing battery containers. In 1982 Richardson was acquired by TRC Divestiture Company, which merged into Witco Corporation, which merged into CK Witeo Corporation, which is now known as Crompton Corporation. TRC/Witco/Crompton continued the battery operation at the site. In 1995 Witeo sold the battery container operation to Connor Corporation and leased the Subject Property to Connor. In early 1999 Connor Corporation ceased its battery container operations but continued to use the Subject Property for warehousing and distribution. In December 1999 Crompton Corporation sold the Subject Property to Petitioner.

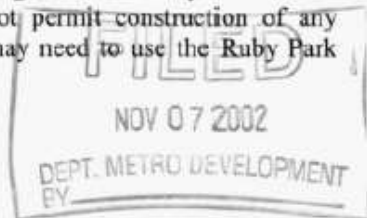
**EXISTING STRUCTURES, USES AND ZONING**

The 233,000 square foot Ruby Park Building was originally constructed in the 1890's. A fire in 1950 caused extensive damage and as a result, there was major reconstruction to the Ruby Park Building. The building contains approximately 18 individual units (i.e., tenant bays) interconnected by 6' wide by 8' high double doors. 17 of the 18 units are single story manufacturing/warehousing units. One of the units is a 3-story office structure with approximately 6,000 square feet of space on each floor. The Ruby Park Building is currently 77% vacant.

The entire Subject Property is currently zoned I-3-U which was appropriate when it was being operated as a single user facility, with manufacturing being the primary use and other uses being permitted incidental uses. However, in order to permit a variety of uses and occupants and encourage proper redevelopment of the Subject Property, the I-3-U designation is no longer appropriate as an exclusive zoning district for the Ruby Park Parcel.

Petitioner believes that the C-S zoning district is appropriate in order to recognize that the Ruby Park Parcel may not be used or occupied for purposes of which it was originally constructed. Part of the intent of the C-S zoning district is to apply it to redevelopment sites such as the Ruby Park Parcel. There are a variety of zoning districts surrounding the site: I-3-U to the north, I-3-U, I-4-U and SU-16, to the east, PK-1 and I-3-U to the south and C-2 and D-5 to the west.

The environmental condition of the Subject Property also contributes to Petitioner's request. Crompton Corporation (the prior property owner) currently has the Subject Property enrolled in Indiana's Voluntary Remediation Program ("VRP") administered by the Indiana Department of Environmental Management ("IDEM"). In particular, the undeveloped Parcel 2 has historically been used as a landfill for waste materials from previous operations conducted on the developed portions of the Subject Property. As part of the VRP it may not be possible to use a large portion of Parcel 2 for anything other than outside storage, as for example a railroad transfer site. The soil compaction due to the landfill may not permit construction of any structures on Parcel 2. Therefore a potential user of Parcel 2 may need to use the Ruby Park Building for its operation ancillary to Parcel 2 site storage.





2002-ZON-166 DEVELOPMENT PLAN (Continued)

As part of the VRP the Subject Property will have deed restrictions encumbering the entire Subject Property. In order to fully develop the Subject Property given the unknown nature of the future deed restrictions, Petitioner proposes various uses to permit proper development.

**PROPOSED USES**

The Petitioner proposes to redevelop the Ruby Park Parcel, and has already done so in part, to encourage a variety of commercial, retail and industrial tenants to occupy the existing structure and land. The Petitioner proposed the following permitted uses:

- C-1
- C-2
- C-3
- C-4
- I-1-U
- I-2-U
- I-3-U
- I-4-U

**LIMITATION ON USES**

Notwithstanding the foregoing, the following uses shall not be permitted:

- Agricultural Uses
- Bar/Tavern/Drinking Place
- Adult Entertainment Business
- Bed and Breakfast Inn
- Massage Parlor
- Package Liquor Store
- Check cashing or Check Advance or Short Term Loan Business (however full service financial institutions shall be permitted)

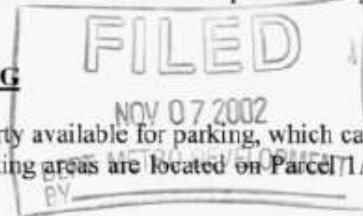
**TRAFFIC**

Currently the site is accessed from one curb cut on 21<sup>st</sup> Street, one curb cut on Olney Street and one railroad track access on 21<sup>st</sup> Street. Once traffic is in the site the interior circulation pattern is such that vehicles can easily access the Ruby Park Building and Parcels 1B and 2. The curb cuts and access points will not change. The Petitioner does propose (1) an additional curb cut to be located on 21<sup>st</sup> Street east of the current curb cut, and (2) an additional curb cut to be located on Olney Street south of the current curb cut.

Once traffic is within the boundaries of the Ruby Park Parcel there is ample driveway, roadway and dock access to service the Ruby Park Building.

**PARKING AND LOADING**

Currently there are more than three acres of the property available for parking, which can accommodate approximately 500 parking spaces. These parking areas are located on Parcel 1A





2002-ZON-166 DEVELOPMENT PLAN (Continued)

and 1C. There is significant undeveloped area on Parcel 2 to accommodate additional parking. Petitioner believes it has adequate parking to serve the entire Subject Property. In addition to the existing parking spaces, there is a significant amount of space around the building that is currently unused that can be used for tenant and visitor parking. The Petitioner will assure a minimum parking ratio of 1.0 spaces per 1000 square feet of gross leasable area, notwithstanding any future expansions.

Currently there are a variety of drive-in doors and dock facilities to serve the Ruby Park Building. As tenant requirements dictate, additional docks and drive-in doors may be constructed.

**LANDSCAPING**

The Subject Property features perimeter landscaping on 21st Street, Sherman Drive and the south border as shown on the site plan. There will be no further encroachments on to the existing landscaped areas.

**SIGNAGE**

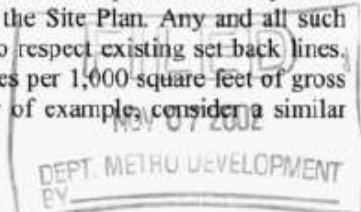
The Subject Property currently has no existing free-standing signs (except for a temporary real estate brokerage "Property For Rent" sign at the 21<sup>st</sup> Street entrance). The Petitioner proposes free standing signs on 21<sup>st</sup> Street and Olney Street in locations substantially as shown on the site plan. The signs would have adequate separation of 300 feet or more from each other. The Petitioner may also allow tenants to erect wall signs and may indeed promote Ruby Park with wall signs. All wall signs shall conform to the Sign Regulations of Marion County.

**BUILDING**

The Ruby Park Building will need alterations in order to accommodate the variety of tenants and uses planned for the Subject Property. Although most of the new users will move into the existing structure and the nature of work to be performed will be tenant finish work, there may be some instances in which building expansions or new building construction may be desirable.

For example, Parcel 1C is ideally suited to be divided into two 1-1/2 acre parcels on which 10,000 square foot (or so) buildings could be built. The frontage on 21<sup>st</sup> Street and Olney Street makes for an attractive parcel. Or, the area south of Unit 18 once was part of the Ruby Park Building but burned down many years ago. It may be advantageous to expand the Ruby Park Building to once again include that area.

The Petitioner requires the flexibility to accommodate the needs of prospective tenants or buyers or for those instances following damage or destruction of an existing improvement. Therefore, Petitioner proposes that it be able to develop and construct improvements anywhere on the Subject Property, except in "no build" areas shown on the Site Plan. Any and all such expansions and/or new construction shall be performed so as to respect existing set-back lines. The Petitioner will assure a minimum parking ratio of 1.0 spaces per 1,000 square feet of gross leasable area, notwithstanding any future expansions. By way of example, consider a similar





2002-ZON-166 DEVELOPMENT PLAN (Continued)

redevelopment site, the former Western Electric Plant. Several new uses, including hotels and a restaurant have been developed on that site on previously undeveloped, but usable ground. It is contemplated that the Subject Property can be redeveloped in a similar fashion.

CONCLUSION

The Subject Property is a perfect candidate for the C-S zoning district. It is a large industrial site in the middle of a highly developed mixed use urban neighborhood. The original purpose for which the Subject Property was constructed is no longer served or viable. The Petitioner proposes a plan in which there is a flexible menu of uses that will enable the Petitioner to attract a variety of tenants needed to assure the long term viability of the Ruby Park Parcel. The existing infrastructure is already in place, and very little retrofitting is necessary.

Future growth and development of the facility is possible with the C-S zoning district. Given the environmental condition of the Subject Property and the upcoming deed restrictions, retaining the current zoning would essentially prevent the growth and development of much of the Ruby Park Parcel. The limitation of uses proposed respect the existing conditions both on and around the Subject Property.

The C-S classification has proven to be a successful model for redevelopment of industrial "dinosaur" sites such as the Western Select Facility, the former Thomson Consumer Electronics facility and the former Schwitzer facility. Petitioner's plan is well thought out and will further the intent of the C-S district and will help enable Petitioner to successfully redevelop the Ruby Park Parcel. A fully developed Subject Property that provides jobs to the community and property tax dollars to the City of Indianapolis is a far more desirable and efficient use of a 100-year-old manufacturing facility.

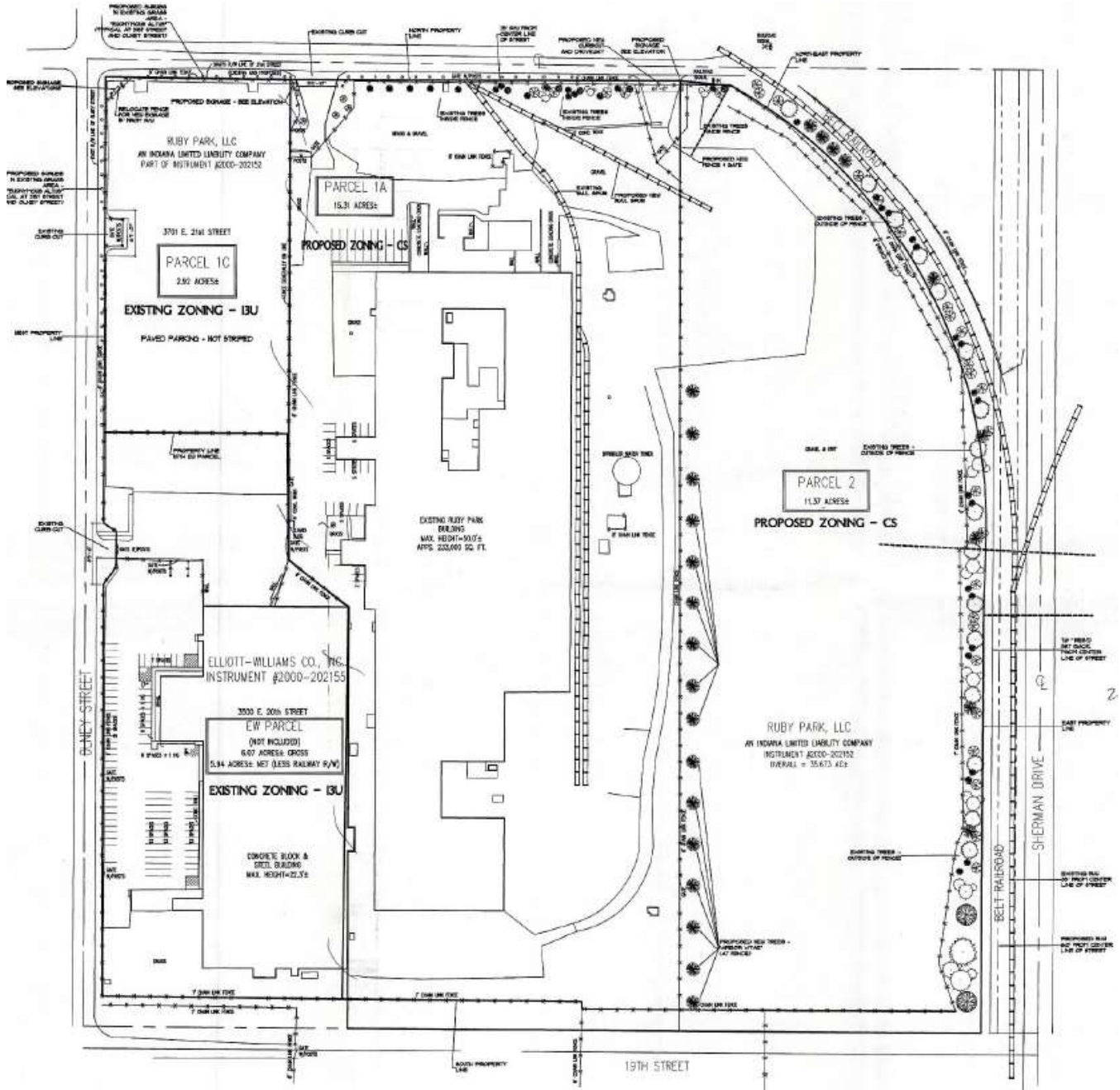
For all the foregoing reasons, Petitioner respectfully requests that the Metropolitan Development Commission approve this Development Plan, the Site Plan and the requested rezoning to the C-S zoning district.





Department of Metropolitan Development  
Division of Planning  
Current Planning

2002-ZON-166 SITE PLAN





Department of Metropolitan Development  
Division of Planning  
Current Planning

RESTRICTIVE COVENANT PAGE 1

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FAITH KIMBROUGH  
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 52

By: LB

Environmental Restrictive Covenant

THIS ENVIRONMENTAL RESTRICTIVE COVENANT ("Covenant") is made this 25<sup>th</sup> day of April, 2023, by Renascent Holdings, LLC (Renascent), 935 W Troy, Indianapolis, Indiana 46225-224 (together with all successors and assignees, collectively "Owner").

WHEREAS: Owner is the fee owner of certain real estate in the County of Marion, Indiana, which is located at 3500 E. 20<sup>th</sup> Street and more particularly described in the attached Exhibit "A" ("Real Estate"), which is hereby incorporated and made a part hereof. This Real Estate was acquired by deed on June 16, 2022, and recorded on June 23, 2022, as Deed Record A202200071470, in the Office of the Recorder of Marion County, Indiana. The Real Estate consists of approximately 28.3 acres and has also been identified by the county as parcel identification number 49-07-32-219-002.000-101. The Real Estate, to which the restrictions in this Covenant apply, is depicted on a map attached hereto as Exhibit B. A "Construction Worker Restriction Area", to which additional restrictions apply, is depicted on a map attached hereto as Exhibit C.

WHEREAS: Corrective action was implemented in accordance with IC 13-25-4 and/or other applicable Indiana law as a result of a release of hazardous substances relating to the Former Chemtura Site. The incident number assigned by the Indiana Department of Environmental Management ("Department" or "IDEM") for the release is State Cleanup Site #0000456.

WHEREAS: Certain contaminants of concern ("COCs") remain in the soil and groundwater of the Real Estate following completion of corrective action. The Department has determined that the COCs will not pose an unacceptable risk to human health at the remaining concentrations, provided that the land use restrictions contained herein are implemented and engineering controls maintained to protect human health and the environment. The known COCs are volatile organic compounds (VOCs), Resource Conservation and Recovery Act (RCRA) metals, and polycyclic-aromatic hydrocarbons (PAHs) as listed in Tables 1 through 11 in Exhibit D, which is attached hereto and incorporated herein.

WHEREAS: Environmental investigation reports and other related documents are hereby incorporated by reference and may be examined at the offices of the Department, which is located in the Indiana Government Center North building at 100 N. Senate Avenue, Indianapolis, Indiana. The documents may also be viewed electronically in the Department's Virtual File Cabinet by accessing the Department's Web Site (currently [www.in.gov/idem/](http://www.in.gov/idem/)). The Real Estate is also depicted as a polygon on IDEM's GIS webviewer (currently <https://on.in.gov/ideminteractivemap>).

NOW THEREFORE, Owner subjects the Real Estate to the following restrictions and provisions, which shall be binding on the current Owner and all future Owners:





RESTRICTIVE COVENANT PAGE 2

I. RESTRICTIONS

1. Restrictions. The Owner:

- (a) Shall not use or allow the use of the Real Estate for residential purposes, including, but not limited to, daily child care facilities or educational facilities for children (e.g., daycare centers or K-12 schools).
- (b) Shall not use or allow the use or extraction of groundwater at the Real Estate for any purpose, including, but not limited to: human or animal consumption, gardening, industrial processes, or agriculture, except that groundwater may be extracted in conjunction with environmental investigation and/or remediation activities.
- (c) Shall not use the Real Estate for any agricultural use.
- (d) Shall restore soil disturbed as a result of excavation and construction activities in such a manner that the remaining contaminant concentrations do not present a threat to human health or the environment. This determination shall be made using the Department’s current risk based guidance. Upon the Department’s request, the Owner shall provide the Department written evidence (including sampling data) showing the excavated and restored area, and any other area affected by the excavation, does not represent such a threat. Contaminated soils that are excavated must be managed in accordance with all applicable federal and state laws; and disposal of such soils must also be done in accordance with all applicable federal and state laws.
- (e) Shall neither engage in nor allow excavation of soil in the area identified via GPS coordinates as the “Construction Worker Restriction Area” depicted on Exhibit C, unless soil disturbance obligations listed in the preceding paragraph, and in accordance with the *Soil Management Plan – Construction Worker Restriction Area* dated January 18, 2023, described in VFC #83423696, and any approved IDEM updates, are followed. In addition, the Owner shall provide written notice to the Department in accordance with paragraph 14 below at least fifteen (15) days before the start of soil disturbance activities. The Owner, upon the Department’s request, shall provide the Department evidence showing the excavated and restored area does not represent a threat to human health or the environment.
- (f) Prior to the change in use of the site or construction of new structures to be occupied by persons at the Real Estate, the current Owner of the Real Estate shall confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulation, or law. This may include conducting groundwater, soil, and/or soil-gas sampling for the volatile organic compounds (“VOCs”) or semi-volatile organic compounds (“SVOCs”) of concern. The results





RESTRICTIVE COVENANT PAGE 3

and analyses of such sampling shall be presented to IDEM in support of the Owner's determination whether an unacceptable vapor exposure risk exists. If the results demonstrate that no such risk currently exists, IDEM will provide its concurrence in writing and grant the Owner a waiver of this restriction for the proposed change in site use and/or new construction. If the results demonstrate that an unacceptable risk to human health exists, then the Owner must submit plans for mitigation for approval by IDEM and must conduct adequate indoor sampling to demonstrate the effectiveness of the approved remedy.

- (g) Shall maintain the integrity of fencing around the perimeter of the Construction Worker Restriction Area, which is depicted on Exhibit C via GPS coordinates; this perimeter fencing serves as an engineered barrier to prevent direct contact with the debris and lead-impacted soils and must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair. No trespassing signage must be posted along the fencing and annual inspections shall be conducted to maintain the functional integrity of the fencing and signage. The fencing must be maintained and inspections must be conducted in accordance to the *Fence Inspection and Maintenance Plan* dated August 18, 2022, described in VFC #83438316, and any approved IDEM updates. Owner shall notify the Department in writing at least fifteen (15) days in advance of conducting any construction or excavation work that may impact the fencing, unless an emergency exists. Owner shall ensure that the integrity of the fencing is restored immediately after disturbance by any construction or excavation work. Upon IDEM's request, the Owner shall provide written evidence showing the engineered control has been restored to its complete integrity.

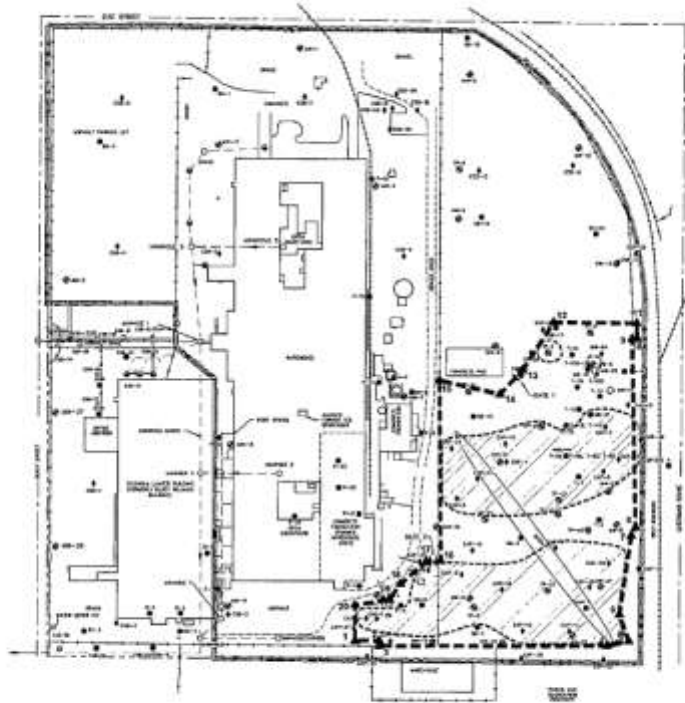
II. GENERAL PROVISIONS

2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees and their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control (hereinafter "Related Parties") and shall continue as a servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in or right to occupancy in all or any part of the Real Estate by any person shall affect the restrictions set forth herein. This Covenant is imposed upon the entire Real Estate unless expressly stated as applicable only to a specific portion thereof.
3. Binding upon Future Owners. By taking title to an interest in or occupancy of the Real Estate, any subsequent Owner or Related Party agrees to comply with all of the restrictions set forth in paragraph 1 above and with all other terms of this Covenant.
4. Access for Department. The Owner shall grant to the Department and its designated representatives the right to enter upon the Real Estate at reasonable times for the purpose of monitoring compliance with this Covenant and ensuring its protectiveness; this right includes the right to take samples and inspect records.

EXHIBIT C

EXHIBIT C – CONSTRUCTION WORKER RESTRICTION AREA

Point	Latitude	Longitude
1	39.792504	-86.104774
2	39.792503	-86.104594
3	39.792475	-86.104594
4	39.792483	-86.102910
5	39.792511	-86.102751
6	39.792662	-86.102820
7	39.793117	-86.102737
8	39.793166	-86.102706
9	39.794246	-86.102741
10	39.794247	-86.102703
11	39.794335	-86.102708
12	39.794336	-86.103322
13	39.794061	-86.103549
14	39.793922	-86.103715
15	39.794000	-86.104162
16	39.792963	-86.104144
17	39.792961	-86.104251
18	39.792831	-86.104438
19	39.792741	-86.104521
20	39.792707	-86.104777



**LEGEND**

- AIRWHEEL
- CATCH BASIN
- SEWER - ABANDONED JUNE 2017
- ⊙ WENTHROP WELL
- ONE "TAP DELINEATION" SAMPLE LOCATION
- SOIL BORE
- ⊙ SOIL BORE - OCCUPIED
- ⊙ TEST PIT
- FENCE
- LEAD BY SOIL 3 COMMERCIAL/ INDUSTRIAL SCREENING LEAD BY SOIL BORE (SURFACE SOIL) AND/OR EXCAVATION BORE
- SCREENING LEAD BY SOIL BORE (SUBSURFACE SOIL) - ONE SOIL BORE ADD WITHIN THE CONSTRUCTION WORKER RESTRICTION AREA
- PROPERTY BOUNDARY (APPROXIMATE)
- FENCE LOCATION FOR CONSTRUCTION WORKER RESTRICTION AREA
- ▲ SURVEY COORDINATE POINT FOR CONSTRUCTION WORKER RESTRICTION AREA

FORMER CHEMTURA SITE	
1000 WEST 10TH STREET CHICAGO, IL 60607	
CONSTRUCTION WORKER RESTRICTION AREA	
Environmental Research Management	063273 EXHIBIT C



Photo of the subject site street frontage looking north on Olney Street.



Photo of the subject site street frontage looing south on Olney Street from the closed driveway on site.



Photo of the driveway to be closed off Olney Street



Photo of the subject site street frontage looking north on Olney Street from the closed driveway on site.



Photo of existing storage materials on site looking southeast from the closed driveway.



Photo of existing storage materials on site looking east from the closed driveway.



Photo of existing storage materials on site looking northeast from the closed driveway.



Photo of the northwest corner of the site looking east.



Photo of single-family dwellings west of the site.



Photo of a church west of the site.



Photo of single-family dwellings west of the site looking south on Olney Street



Photo of single-family dwellings west of the site looking south on Olney Street.





Photo of the intersection at 21<sup>st</sup> Street and Olney Street looking south.



Photo of the subject site street frontage along 21<sup>st</sup> Street looking east.



Photo of the existing driveway along 21<sup>st</sup> Street.



Photo of the subject site street frontage along 21<sup>st</sup> Street looking east.



Photo of the subject site street frontage along 21<sup>st</sup> Street looking west.



Photo of some outdoor operation on site that is producing dust and debris.



Photo of the outdoor storage on site looking south.



Photo of the auto repair shop east of the site.



Photo of the pharmaceutical company to the north.



Photo of the pharmaceutical company to the north.



Photo of the undeveloped industrial sites north of the site.



Photo of the undeveloped industrial sites north of the site.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

<b>Case Number:</b>	2024-ZON-040
<b>Property Address:</b>	6000, 6012, 6020, 6180 and 6206 East 46th Street
<b>Location:</b>	Lawrence Township, Council District #9
<b>Petitioner:</b>	Indianapolis RE Management LLC, and 600-B East 46th Street, by Emily Duncan and David Kingen
<b>Current Zoning:</b>	C-3 (FF) and C-4 (FF)
<b>Request:</b>	Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.
<b>Current Land Use:</b>	Vacant commercial property
<b>Staff Recommendations:</b>	Approval, subject to the commitments noted below.
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the June 27, 2024 hearing, to the July 25, 2024 hearing, to the August 29, 2024 hearing, and to the September 26, 2024 hearing, at staff's request, to provide additional time for the petitioner's representative to provide additional information and details regarding this request, including a Traffic Impact Study (TIS).

The Hearing Examiner continued this petition from the September 26, 2024 hearing, to the October 24, 2024 hearing, at the request of a neighborhood organization.

**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. Final site plan, building elevations, landscape plan and a pedestrian connection system / amenities plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). The pedestrian connection system / amenities plan shall include connectivity (and coordination with IndyGo) to any and all of the bus stops along the perimeter of the site.
2. A 51-foot half right-of-way shall be dedicated along the frontage of East 46th 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).



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

3. Upon request by the DPW the property owner shall construct a west bound, right turn lane at the west access drive along East 46th Street, in accordance with the regulations and standards of the DPW. Such infrastructure improvement shall be completed prior to occupation of any structure on the site.
4. Sidewalks within the right-of-way that are disturbed during construction shall be reconstructed with a buffer between the sidewalk and curbs and shall be depicted on the site plan submitted for Administrator Approval.
5. 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 35.8-acre site, zoned C-3 (FF) and C-4 (FF), is comprised of six parcels and developed with a vacant commercial strip center and associated parking. It is surrounded by educational uses to the north, zoned SU-2; multi-family dwellings and religious uses to the south, zoned D-7 and SU-1, respectively; single-family dwellings to the east, zoned D-3; and multi-family dwellings and religious uses to the west, across North Arlington Avenue, zoned D-7 and SU-1, respectively.

### Rezoning

The request would rezone all parcels to the MU-2 (Walkable Neighborhood) (FF) District that is intended to create compact, walkable places at a variety of scales and intensity, appropriate to their contexts. These districts advance their Livability Principles of this code, further the mixed-use intent of the Comp Plan and rely on a connected network of slow or multi-modal streets, and a fine grain of human- scale buildings that line and activate the streetscapes.

“The purpose of the MU-2 district is to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.”

The Comprehensive Plan recommends community commercial typology for the site.

As proposed, the rezoning would generally be consistent with the Plan recommendation of community commercial but would include residential uses that would support the proposed commercial uses.





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### **Conceptual Site Plan**

Mixed-use buildings (commercial / residential) are proposed along North Arlington Avenue, with entertainment amenities to the east of these buildings, along with parking associated with the uses.

Apartments and townhomes are proposed in the central portion of the site and fronting on East 46th Street, with public spaces along the eastern portion of the site.

Because the site plan and uses are conceptual with few details, staff would request a commitment that final site plans, landscaping plans and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Site access would be gained from an existing drive along North Arlington Avenue and two existing drives along East 46th Street.

### **Traffic Impact Study (TIS)**

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

Based upon staff's request for a Traffic Impact Study (TIS), a preliminary Trip Generation Analysis, file-dated July 12, 2024, was submitted. Based upon very preliminary information the Department of Public Works (DPW) staff felt the proposed site would have less traffic than the original shopping center but requested pedestrian and bus connectivity around and through the site. See Exhibit A.

The TIS, file-dated September 9, 2024, was based upon 32 townhomes community recreation center, a business hotel, a daycare center, four food trucks and 51,000 square feet of retail. See Exhibit B.

Intersections that were studied included: North Arlington Avenue at the Driveway, East 46th Street at Arlington Avenue, East 46th Street at West Driveway and East 46th Street at East Driveway.

Capacity analysis occurred for three different scenarios. Scenario One was based on the existing traffic volumes. Scenario Two was based on 2028 Devington Plaza Shopping Center and Scenario Three was based on the 2028 Devington Plaza Mixed-use Development.

#### **Recommended Improvements:**

- Scenario One (Existing Conditions) – The westbound pedestrian indication for the south cross walk at East 46th Street should be relocated on a separate pole at the southwest corner to improve visibility and retiming the traffic signal would improve operations.



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- Scenario Two (Devington Plaza Shopping Center – Three driveways should be one lane in and two lanes out with stop sign control for the driveways).
  - A northbound right turn lane is recommended at the North Arlington Avenue Driveway.
  - Retiming the traffic signal would improve operations at the East 46th Street and North Arlington Avenue intersection.
  - A westbound right turn lane is recommended at East 46th Street and West Driveway.
  - No changes are recommended at East 46th Street and East Driveway.
- Scenario Three (Devington Plaza Mixed-Use Development – Three driveways should be one lane in and two lanes out with stop sign control for the driveways).
  - No changes are recommended at the North Arlington Avenue Driveway
  - Retiming the traffic signal would improve operations at East 46th Street and Arlington Avenue intersection.
  - A westbound right turn lane is recommended at East 46th Street and West Driveway.
  - No changes are recommended at East 46th Street and the East Driveway.

It was concluded that traffic in the study area should not be unreasonable delayed due to the construction of the mixed-use development and that the mixed-use development would generate less daily and PM peak hour traffic than the shopping center it would replace.

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 51-foot half right-of-way along East 46th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **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 floodway fringe is located along the eastern portion of the site.

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 (MU-2 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.



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### **Environmental Public Nuisances**

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

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

Environmental public nuisance means:

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

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

### **Planning Analysis**

As proposed staff supports the rezoning request to the MU-2 district, despite the Comprehensive Plan recommendation of community commercial.

Staff believes the Plan recommendation of community commercial was generally supportive of the existing shopping center use but believes the introduction of residential and entertainment uses as elements of mixed-use redevelopment of this site would bring activity to support the proposed commercial uses. Additionally, proposed uses would expand services to the surrounding residential land uses to the east, west and south.



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Because this site is located at the intersection of two primary arterials, staff believes a strong pedestrian connection to the perimeter of the site should be provided. Staff also believes this project should provide a strong pedestrian connection system throughout the site, along with pedestrian amenities (benches, lighting, trash containers, etc.). Staff would also request that landscaping be enhanced that would exceed the minimum Ordinance requirements, along with providing green spaces throughout the site.

This redevelopment project is conceptual at this time and full build out would likely be phased over many years. Staff would anticipate that as development moves forward that the architectural character of the buildings would be harmonious and compatible throughout the site, as well as surrounding development. Staff would also encourage that a sign program be developed in the early stages to maintain sign consistency throughout the site as development occurs.

Administrator Approval should be required as development occurs that would include site plans, landscaping plans, photometric plans and building elevations. Staff would also request Administrator Approval for a pedestrian / amenity plan.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 (FF) / C-4 (FF)	
<b>Existing Land Use</b>	Vacant commercial uses / parking lot	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	SU-2	School
South:	D-7 / SU-1	Multi-family dwellings / religious uses
East:	D-3	Single-family dwellings
West:	SU-1 / D-7	Religious uses / multi-family dwellings
<b>Thoroughfare Plan</b>		
North Arlington Avenue	Primary arterial	Existing 90-foot right-of-way and proposed 102-foot right-of-way.
East 46th Street	Primary arterial	Existing 90-foot right-of-way and proposed 102-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>	May 27, 2024	
<b>Site Plan (Amended)</b>	August 8, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	



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

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial 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 Marion County Land Use Pattern Book (2019) 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.
- 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.*)



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- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

**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 describe 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

**2002-ZON-807 / 2002-VAR-807; 4825 North Arlington Avenue (north of site)**, requested rezoning of 23.572 acres from the D-3 district to the SU-2 classification to legally establish educational uses and a variance of use and development standards of the Sign Regulations to provide for a 23-foot-tall, 156-square-foot pylon sign, with 36 square feet devoted to an electronic variable message board located 110 feet from a protected district, **approved and granted**.

**90-UV3-44; 6010 East 46<sup>th</sup> Street (south of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for the rental of six panel trucks, **granted**.

**88-UV3-135; 4570 North Arlington Avenue (south of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence into a real estate office, **denied**.

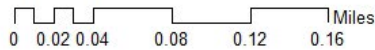
**86-V1-135; 5930 Laurel Hall Drive (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a garage addition to a single-family residence located at 3 feet, 8 inches from the side property line (7 feet required), **denied**.

**60-V-12; 4825 North Arlington Avenue (north of site)**, requested a variance of use to provide for a school, **granted**.

**EXHIBITS**

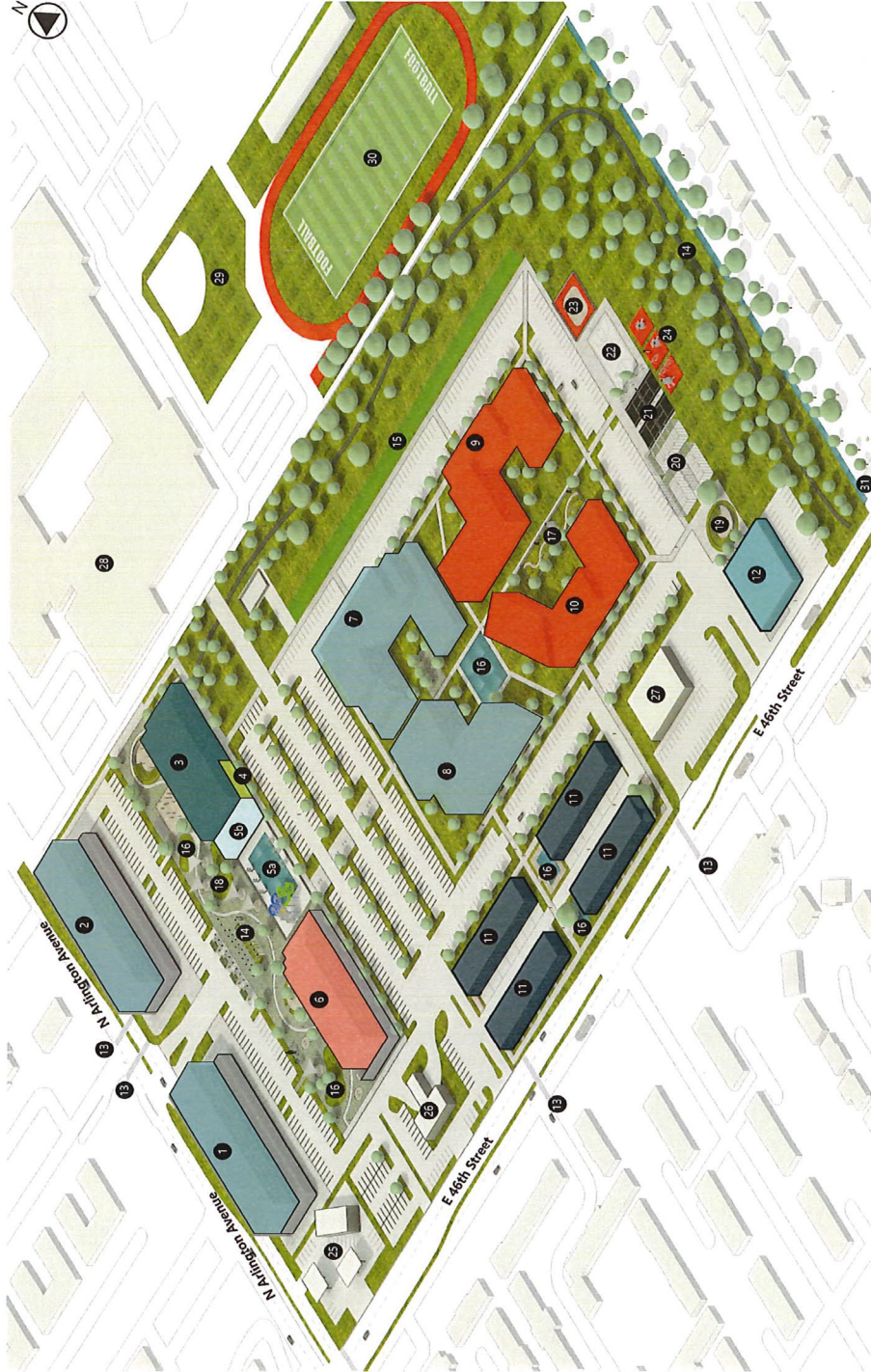


6000, 6012, 6020, 6180 and 6206 East 46th Street

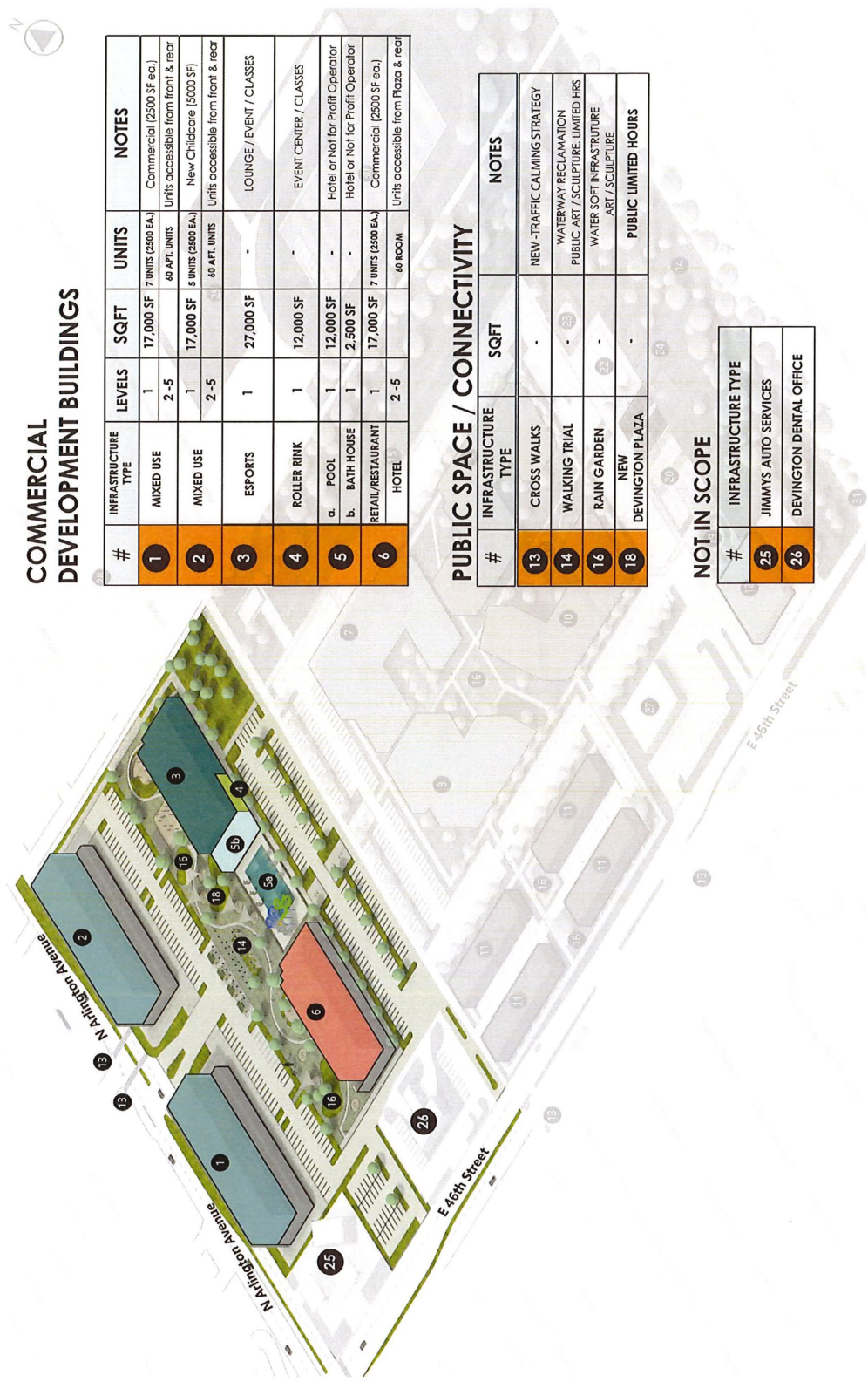




#DESTINATION DEVINGTON



**COMMERCIAL / COMMUNITY PLAZA**



**COMMERCIAL DEVELOPMENT BUILDINGS**

#	INFRASTRUCTURE TYPE	LEVELS	SQFT	UNITS	NOTES
1	MIXED USE	1 2-5	17,000 SF	7 UNITS (2500 EA.) 60 APT. UNITS	Commercial (2500 SF ea.) Units accessible from front & rear
2	MIXED USE	1 2-5	17,000 SF	5 UNITS (2500 EA.) 60 APT. UNITS	New Childcare (5000 SF) Units accessible from front & rear
3	ESPORTS	1	27,000 SF	-	LOUNGE / EVENT / CLASSES
4	ROLLER RINK	1	12,000 SF	-	EVENT CENTER / CLASSES
5	a. POOL b. BATH HOUSE RETAIL/RESTAURANT	1 1 1	12,000 SF 2,500 SF 17,000 SF	- - 7 UNITS (2500 EA.)	Hotel or Not for Profit Operator Hotel or Not for Profit Operator Commercial (2500 SF ea.)
6	HOTEL	2-5	-	60 ROOM	Units accessible from Plaza & rear

**PUBLIC SPACE / CONNECTIVITY**

#	INFRASTRUCTURE TYPE	SQFT	NOTES
13	CROSS WALKS	-	NEW -TRAFFIC CALMING STRATEGY
14	WALKING TRIAL	-	WATERWAY RECLAMATION PUBLIC ART / SCULPTURE LIMITED HRS
16	RAIN GARDEN	-	WATER SOFT INFRASTRUCTURE ART / SCULPTURE
18	NEW DEVINGTON PLAZA	-	PUBLIC LIMITED HOURS

**NOT IN SCOPE**

#	INFRASTRUCTURE TYPE
25	JIMMY'S AUTO SERVICES
26	DEVINGTON DENTAL OFFICE



**HOUSING & AMENITIES**

**COMMERCIAL DEVELOPMENT BUILDINGS**

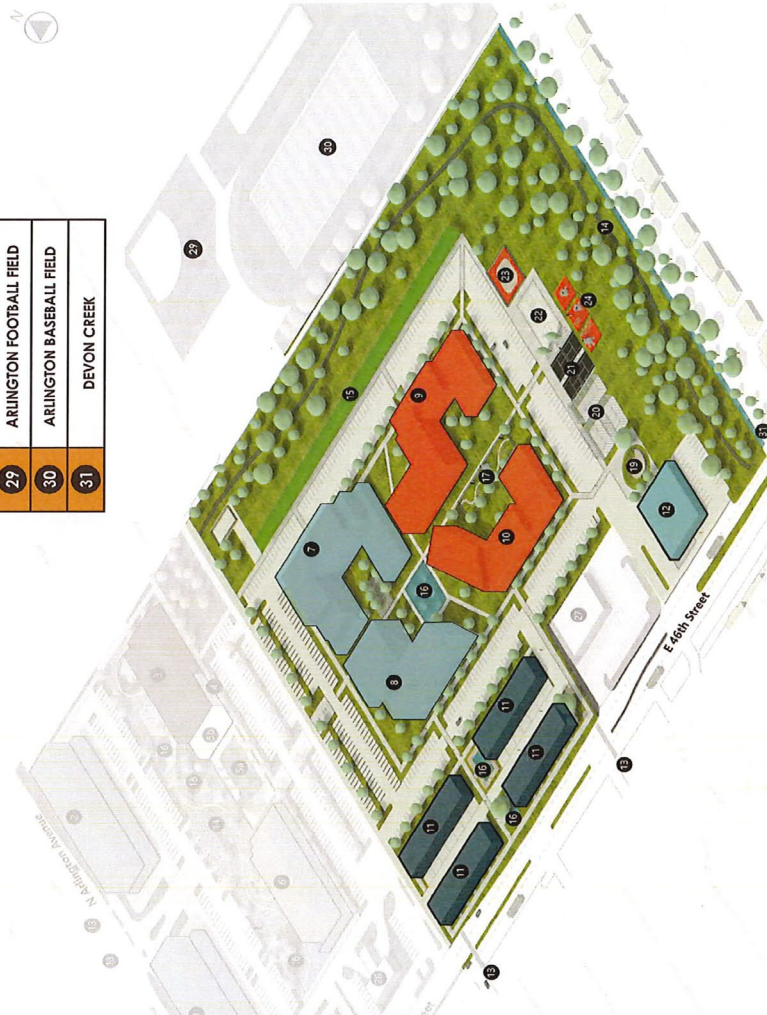
#	INFRASTRUCTURE TYPE	LEVELS	SQFT	UNITS
7	APARTMENTS	FIVE	N/A	100 UNITS
8	APARTMENTS	FIVE	N/A	100 UNITS
9	APARTMENTS (TAX CREDIT)	FOUR	N/A	100 UNITS
10	APARTMENTS (TAX CREDIT)	FOUR	N/A	100 UNITS
11	TOWN HOMES (8)	TWO	8,320 SF	
12	FUTURE DEVELOPMENT	ONE	8,500 SF	

**NOT IN SCOPE**

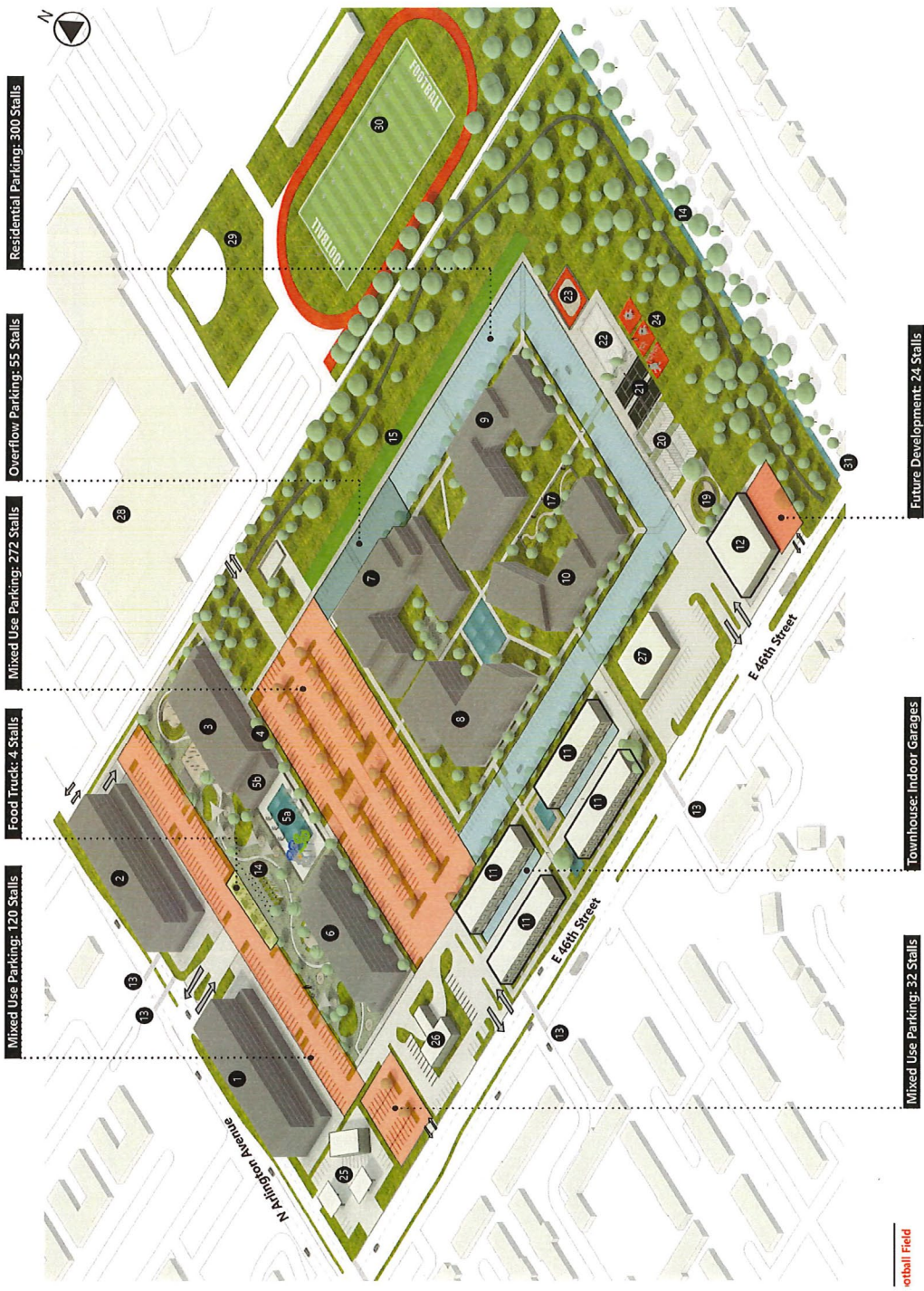
#	INFRASTRUCTURE TYPE
25	JIMMYS AUTO SERVICES
27	AUTO ZONE PARTS
28	ARLINGTON MIDDLE SCHOOL
29	ARLINGTON FOOTBALL FIELD
30	ARLINGTON BASEBALL FIELD
31	DEVON CREEK

**PUBLIC SPACE / CONNECTIVITY**

#	INFRASTRUCTURE TYPE	NOTES
13	CROSSWALK	
14	WALKING TRAIL	PUBLIC LIMITED HOURS
15	WATER RETENTION SYSTEM	
16	RAIN GARDEN	
17	PLAY GROUND	PRIVATE (RESIDENT ONLY)
19	AMPHITHEATER	PUBLIC LIMITED HOURS
20	COMMUNITY GARDEN	PUBLIC LIMITED HOURS
21	TENNIS COURTS	PUBLIC LIMITED HOURS
22	BASKETBALL COURT	PUBLIC LIMITED HOURS
23	DOG PARK	PUBLIC LIMITED HOURS
24	PLAY GROUND	PUBLIC LIMITED HOURS



#DESTINATION DEVINGTON MASTERPLAN - PARKING



# PARKING SCHEDULE

Tag	Function	Level	Square Footage or Units	Min Off-Street Vehicle Parking Spaces Required	Max Off-Street Vehicle Parking Spaces Permitted	Proposed Off-Street Vehicle Parking Spaces	Location (Refer to drawing)
1	Commercial (All retail sales uses)	1	17,000	49 (1 per 350 sf if under 200,000 sf)	85 (1 per 200 sf)	49	Mixed Use Parking
1	Market Rental Housing (Multifamily dwellings 5 or more)	2,3,4,5	60	45 0.75 (if over 3 stories)	None	45	Mixed Use Parking
2	Commercial (All retail sales uses)	1	10,000	29 (1 per 350 sf if under 200,000 sf)	50 (1 per 200 sf)	29	Mixed Use Parking
2	Daycare (Daycare Center or Nursery School)	1	7,000	18 (1 per 400 sf)	35 (1 per 200 sf)	18	Mixed Use Parking
2	Market Rental Housing (Multifamily dwellings 5 or more)	2,3,4,5	60	45 0.75 (if over 3 stories)	None	45	Mixed Use Parking
3	ESports (Community Center)	1,2	33,000	83 (1 per 400 sf)	165 (1 per 200 sf)	83	Mixed Use Parking
4	Rollerskating (Indoor recreation & Entertainment)	1	5,000	13 (1 per 400 sf)	25 (1 per 250 sf)	13	Mixed Use Parking
5	Swimming Pool (Recreational Facility)	1	14,500	36 (1 per 400 sf)	72.5 (1 per 250 sf)	36	Mixed Use Parking
6	Commercial (All retail sales uses)	1	17,000	49 (1 per 350 sf if under 200,000 sf)	85 (1 per 200 sf)	49	Mixed Use Parking
6	Hotel (Lodging - Hotel)	2,3,4,5	60	60 (1 per guest room)	90 (1.5 per guest room)	60	Mixed Use Parking
				424	608	424	Mixed Use Parking (120-32-272)
7	Market Rental Housing (Multifamily dwellings 5 or more)	1,2,3,4,5	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
8	Market Rental Housing (Multifamily dwellings 5 or more)	1,2,3,4,5	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
9	Tax Credit Housing (Multifamily dwellings 5 or more)	1,2,3,4	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
10	Tax Credit Housing (Multifamily dwellings 5 or more)	1,2,3,4	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
				300	-	300	Residential Parking (300)
11	Townhouses (Single family Attached Dwellings)	1,2	8	8 (1 per dwelling Unit)	None	8	Indoor Garage
12	Future Development (Office)	1	8,500	24 (1 per 350 sf)	43 (1 per 200 sf)	24	Future Development Parking
				24	43	24	





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EXHIBIT A



*1 Cor. 10:31  
 ...whatever you do,  
 do it all for the glory of God.*

Clark Katz  
 Principal  
 Skysoar Capital Partners, LLC  
 400 Rella Blvd, Suite 100  
 Montebello, NY, 10901

July 11, 2024

Re: Trip Generation Comparison  
 Devington Plaza  
 6000 East 46<sup>th</sup> Street  
 Indianapolis, Indiana 46226  
 Yarger Engineering Job Number: 20240702

Dear Mr. Katz;

Per your request, we have estimated the trips generated by Devington Plaza, before as a shopping center, and after as mixed-use. As can be seen in the tables below, the before case had more daily and afternoon traffic. Since many businesses in shopping centers are typically not open in the morning peak periods between 7:00 and 9:00 AM, the morning before traffic is lower than the after case with the mixed-uses, which includes uses with more balanced traffic through-out the day. The second and third tables contain the individual land uses.

<b>Trip Generation Before and After Comparison</b>			
Land Use	Daily	AM Street Peak	PM Street Peak
Before – Shopping Center	12,801	368	1,063
After – Mixed-Use	7,880	491	681

The second and third tables contain the individual land uses.

<b>Trip Generation Before - Shopping Center</b>						
Land Use	ITE Code	Size	Units	Daily	AM Street Peak	PM Street Peak
Shopping Center	820	178	KSFT	10,519	239	856
Liquor Store	899	1.5	KSFT	161	1	60
Gas with Convenience Market, 2 – 4 KSFT	945	8	Fueling Positions	2,121	128	147
Total				12,801	368	1,063

Mr. Katz  
 July 11, 2024  
 Page 2

<b>Trip Generation Mixed-Use</b>						
<b>Land Use</b>	<b>ITE Code</b>	<b>Size</b>	<b>Units</b>	<b>Daily</b>	<b>AM Street Peak</b>	<b>PM Street Peak</b>
Townhomes	215	32	Dwelling Units	193	11	15
Mid-Rise Apartments	221	520	Dwelling Units	2,434	217	203
Business Hotel	312	38	Rooms	326	25	25
Community Center	495	60	KSFT	1,150	73	95
Day Care	565	7	KSFT	333	77	78
Shopping Plaza Without Supermarket	821	51	KSFT	3,444	88	265
<b>Total</b>				<b>7,880</b>	<b>491</b>	<b>681</b>

The Esports, roller skating rink, and pool were calculated using the recreational community center as the closest fit for the land use in the ITE Trip Generation Manual.

If you have any questions or comments, please call me at (317) 475-1100. You may also email me at [bwyarger@yargerengineering.com](mailto:bwyarger@yargerengineering.com).



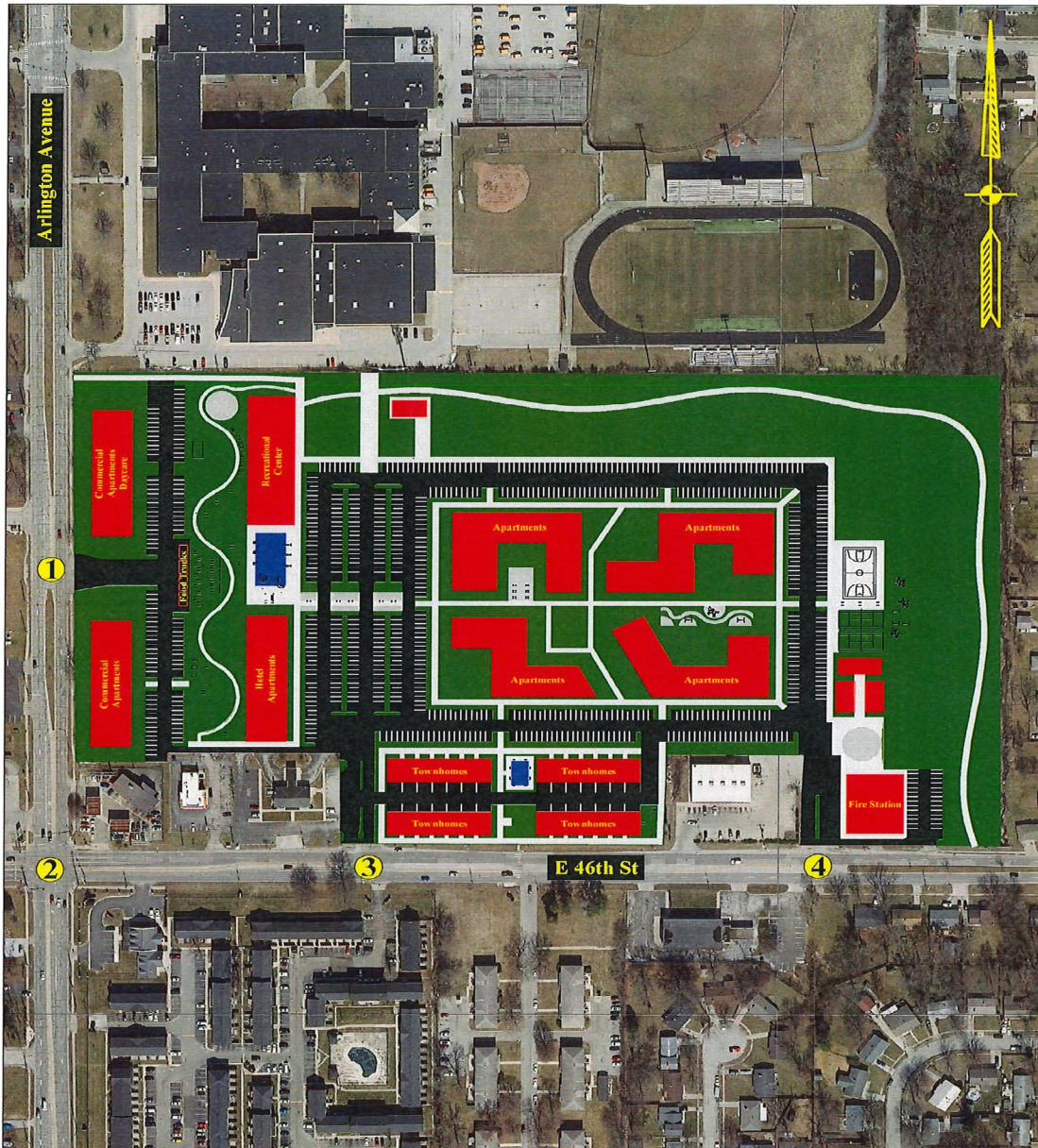
Sincerely,  
 Yarger Engineering, Inc.



Bradley William Yarger, P.E.  
 President

BWY/bwy

EXHIBIT B



**YARGER ENGINEERING**  
 Specializing In Traffic Engineering

Figure 7, Mixed-Use Development Site Plan  
 Indianapolis, Indiana, Approximate Scale: 1" = 250'  
 Prepared by Yarger Engineering, Inc.©  
 1401 Alimingo Drive, Indianapolis, IN 46260-4058  
 317-475-1100, Fax: 317-475-0100

September 6, 2024

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View looking north along North Arlington Avenue



View looking east along East 46th Street



View looking west along East 46th Street



View of site looking north



View of site looking east along existing structure



View of site looking north



View from site looking east at adjacent property



View of site looking southeast



View of site looking east



View from site looking south



View from site looking south



From site looking west along southern boundary



View from site looking west across North Arlington Avenue



View from site looking northwest across North Arlington Avenue



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

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

**PETITION HISTORY**

**ADDENDUM FOR OCTOBER 24, 2024 HEARING EXAMINER**

This petition was continued from the September 12, 2024 hearing to the October 24, 2024 hearing at the request of the petitioner. No new information was provided to the case file.

**ADDENDUM FOR SEPTEMBER 12, 2024 HEARING EXAMINER**

This petition was continued from the August 29, 2024 hearing to the September 12, 2024 hearing at the request of the petitioner to allow additional time to work with a registered neighborhood organization.

**August 29, 2024**

This petition was continued from the July 11, 2024 hearing to the July 25, 2024 hearing at the request of the petitioner to provide sufficient time to meet the mailing notice requirement.

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

This petition was automatically continued from the July 25, 2024 hearing, to the August 29, 2024 hearing at the request of a registered neighborhood organization.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.





## PETITION OVERVIEW

### LAND USE

The 1.22-acre subject site is comprised of two undeveloped parcels that are bordered to the east with a single-family dwelling, zoned D-3, to the south by single-family dwellings, zoned D-3, to the west across Kitley Avenue with a concrete contractor business, zoned I-4 and I-2, and a drywall contractor business to the north, zoned C-7.

### REZONING

The request would rezone the site from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.

The D-3 district provides for low to medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

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.

### Staff Analysis

Staff determined that the proposed C-7 district and use of a commercial contractor would not be appropriate at this location with two of the boundaries bordering single-family dwellings that should be protected from intense uses and the zoning districts as proposed.



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Additionally, the C-7 zoning district would not align with the suburban neighborhood recommendation of the Comprehensive Plan. The subject site is different from the concrete contractor to the west which is recommended for light industrial development and the drywall contractor to the north recommended for community commercial development.

There are concerns with the potential outdoor storage of materials and vehicles on site that would be permitted if rezoned. The impact of exterior lighting that would likely be installed to assist with the video surveillance is also incompatible with the area recommendation.

Instead, approval of the rezoning would be a commercial encroachment into the residential area since the site could be developed with a single-family dwelling having significant separation from the heavy commercial district to the north. This would ensure some protection from the commercial use and would not negatively affect three other residential properties that border this site.

Given the negative impact the commercial district could have on the abutting dwellings, staff is recommending denial of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-3	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-7	Drywall Contractor Business
South:	D-3	Residential (Single-family dwelling)
East:	C-7 / D-3	Residential (Single-family dwelling)
West:	I-2 / D-3	Concrete Contractor Business
<b>Thoroughfare Plan</b>		
Kitley Avenue	Local Street	48-foot proposed right-of-way and 90-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>	April 17, 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)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

**Pattern Book / Land Use Plan**

- The subject site is recommended for suburban neighborhood development by the 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.

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

- The subject site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest station is within a ½ mile northeast of the site at the 38<sup>th</sup> Street and Shadeland Avenue intersection.
- The station is classified as the District Center Typology that would have a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and with structured parking only with an active first floor.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.



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

**Indy Moves**  
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



## ZONING HISTORY

### Zoning History - Vicinity

**2022-CZN-857A; 3766 North Kitley Avenue** (west of site), Rezoning from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District, **approved.**

**2022-CZN-857B; 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue** (west of site), Rezoning to the I-2 (TOD) District, **approved.**

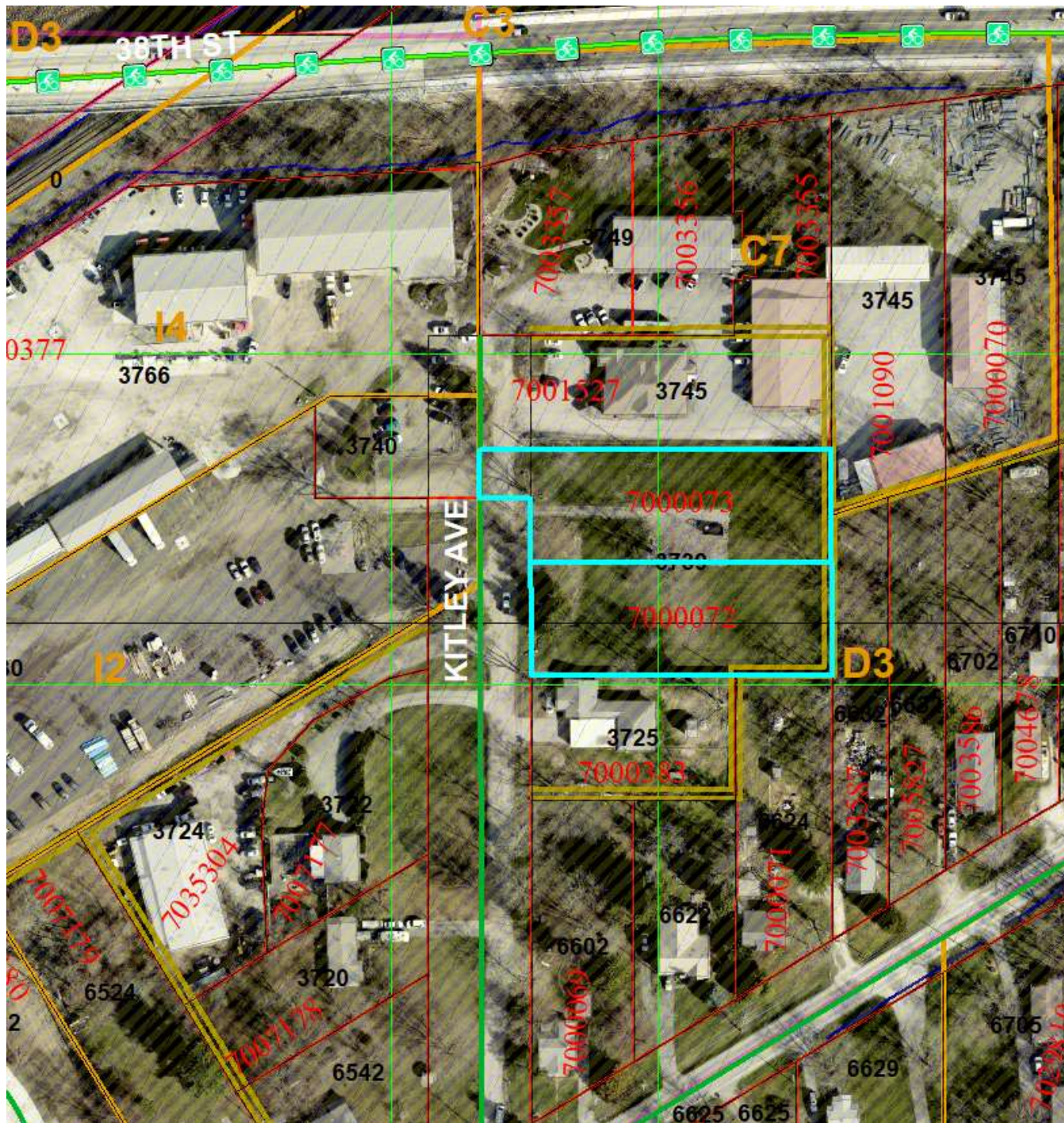
**2022-CVR-857; 3766 North Kitley Avenue** (west of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district), **approved.**

**2022-CZN-857B; 3730, 3740 & 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue** (west of site)

**93-Z-46; 3730 North Kitley Avenue** (west of site) Rezoning of 5.3 acres from the D-3 district to the I-2-S district, **approved.**

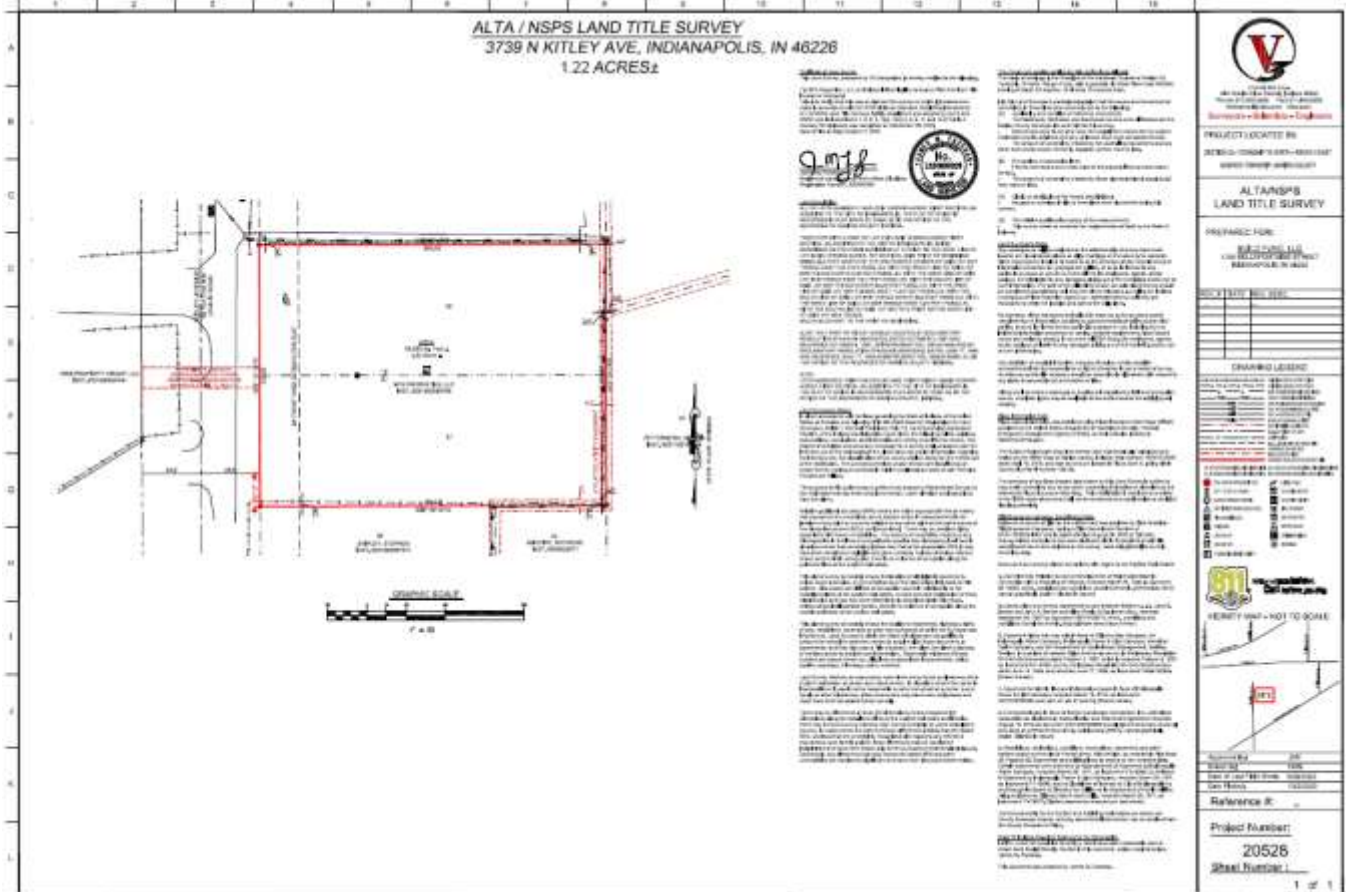
**76-UV1-39; 3724 North Kitley Avenue** (southwest of site), Variance of use and Development Standards to modify previous variance granted for general vehicle repair, as per plans filed, off-street parking provided, **denied.**

**EXHIBITS**





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## PATRIUM

Design-build | General Contracting | Construction Management | PM

### Patrium LLC Plan of Operation for 3739 N. Kitley Avenue Rezoning

- **Workforce.** Indicate the number of employees or volunteers associated with the business or be gleaned from a solid business plan. Therefore, an applicant should also consider & identify the potential for growth. Do they work on-site? When do they work? How do they get to the work-site? If they drive, where do they park? What form of security is utilized?
  - ❖ 3739 N. Kitley Avenue is a vacant lot located adjacent to the Specialty Contractor (Framing and Drywall) and two (2) residential dwellings. The site at 3739 N Kitley Ave will be used in conjunction with the office space at 3749 N Kitley Ave.
  - ❖ Patrium LLC is a construction management company. The employees drive to work and are able to park in the office parking lot located at 3749 N. Kitley Avenue. The staff works on-site and sometimes off-site with varying hours, usually Monday through Saturday from 7:00 am until 6:00 pm.
  - ❖ The property is currently under audio and video surveillance, with plans to add fencing across the front of the property to enclose all four sides.
- **Clients & Customers.** Indicate who are typical customers and clients. Do they come to the site? If so, when and how many? Where do they park?
  - ❖ The site at 3739 N Kitley does not have regular visits from clients or customers; they are usually hosted at the office at 3749 N Kitley Ave.
- **Processes conducted on Site.** Describe what is actually done by the business or organization, on-site and off-site. What happens outside? What are the safety & security measures taken by the business or organization?
  - ❖ Patrium LLC is a construction management company with daily operations to include but not limited to ensuring construction projects stay on schedule, quality standards are met, safety protocols are followed, and material/equipment is at correct offsite locations. On-site duties include managing the above listed items.
- **Materials Used.** List the types of materials used for the operation. Are any hazardous materials used? Indicate the applicable safety & security measures. Shipping & Receiving. How are materials shipped or received? Size of vehicle? What time of day? Frequency?
  - ❖ Patrium LLC will be using the site at 3739 N Kitley to house and store equipment, and construction materials.



## PATRIUM

Design-build | General Contracting | Construction Management | PM

- ❖ Materials will be shipped by various material suppliers, such as Ferguson Supply or OldCastle-Northfield. They are received by staff on site during regular business hours.
  - ❖ Safety and Security measures will include audio and video surveillance 24/7.
- Waste. Indicate the types of waste generated. How is it handled? By whom? Is hazardous waste generated? Is a recycling program implemented?
    - ❖ We generate general office and light construction waste: eg. paper, food, wood trim, drywall scrap. These items will be disposed of in a dumpster that would be placed on the property at 3739 N. Kitley Ave. which would be picked up by Waste Management Inc.
    - ❖ There would not be any hazardous waste generated.
    - ❖ We do use a recycling program for any e-waste we may have.

# PATRIUM



Northern property boundary of the subject site looking east.



Photo of the subject site looking east.



Photo of the subject site looking east.



Southern property boundary of the subject site looking east.



Photo of the subject site street frontage looking northeast.



Photo of a single-family dwelling south of the site.



Photo of single-family dwellings southwest of the site.



Photo of the concrete contractor business looking north.



Photo of the concrete contractor business looking northwest.



Photo of the concrete contractor business to the west.



Photo of the drywall contractor business to the north.



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**METROPOLITAN DEVELOPMENT COMMISSION  
2024 HEARING EXAMINER**

October 24, 2024

<b>Case Number:</b>	2024-ZON-083
<b>Property Address:</b>	1627, 1631 and 1635 Woodlawn Avenue
<b>Location:</b>	Center Township, Council District #18
<b>Petitioner:</b>	Indy Real Estate Consulting, LLC, by David Kingen and Emily Duncan
<b>Current Zoning:</b>	D-5
<b>Request:</b>	Rezoning of 0.51 acres from the D-5 district to the D-8 district to allow for multi-family structures.
<b>Current Land Use:</b>	Residential development
<b>Staff Recommendations:</b>	Denial.
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the August 15, 2024 hearing, to the September 12, 2024 hearing, at the request of staff to provide additional time for the petitioner's representative to submit additional information.

The Hearing Examiner continued this petition from the September 12, 2024 hearing, to the October 24, 2024 hearing, at the request of the petitioner's representative to submit additional information. No new information has been submitted.

**STAFF RECOMMENDATION**

Denial. But if approved, staff would request that 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:

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





## PETITION OVERVIEW

This 0.51-acre site, zoned D-5, is comprised of three parcels each developed with a single-family dwelling (according to the Assessor's Office). It is surrounded by single- and multi-family dwellings to the north, across Woodlawn Avenue, zoned D-5; undeveloped land, a vacant commercial structure and a single-family dwelling to the south, zoned C-4; and single-family dwellings to the east and west, zoned D-5.

Petition 2021-DV2-017 requested variances of development standards to provide for five lots with reduced lot area, lot width, street frontage and separation between structures. The petition was denied.

This request would rezone all three parcels to the D-8 (Walkable Neighborhood) District. "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."

The Comprehensive Plan recommends traditional neighborhood typology, which is a living typology that is primarily residential neighborhoods - places where people live. They may have some other uses mixed in, such as small shops, schools, or places of worship, but homes are the priority in these typologies.

### Site Plan

The site plan, file-dated August 20, 2024, provides for two buildings consisting of four townhomes on the easternmost and westernmost parcels. Two detached garages with four spaces would be located south of each of these buildings with access from the east / west alley.

A duplex would be constructed on the middle parcel with attached garages accessed from the alley. This building would be located on the southern portion of the parcel with open space on the northern portion of the parcel resulting in a courtyard configuration. There would be a total of 10 dwelling units, 10 off-street parking spaces and seven on-street parking spaces along Woodlawn Avenue.

### Analysis

The request would be consistent with the Comprehensive Plan but not the recommendations and guidelines of the Pattern Book. The design and site plan provide for development that would not be consistent with the neighborhood character of primarily one and two-story single- and two-family dwellings. The introduction and mass of three-story townhomes and would, in fact, be detrimental to the surrounding land uses.



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Staff believes that this site would be representative of a terrace frontage that would lend itself to single-family dwellings and duplexes within this neighborhood, rather than the proposed courtyard with attached townhomes that would be classified as neighborhood yard frontage located along higher speed or higher volume streets.

In other words, as proposed this development would be contrary to the Pattern Book, Infill Housing Guidelines and the intent of the transit-oriented overlay and would be disruptive to the existing neighborhood architectural pattern.

Staff also believes that the two proposed four-space detached garages would not be functional in terms appropriate space for maneuverability.

Staff believes that proposed site plan providing for ten dwelling units with two detached four-space garages represent over development of this site originally platted for three single-family dwellings.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Single-family dwellings	
<b>Comprehensive Plan</b>	Traditional Neighborhood Typology	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5	Single-family dwellings
South:	C-4	Vacant land / commercial building / single-family dwelling
East:	D-5	Single-family dwelling
West:	D-5	Single-family dwelling
<b>Thoroughfare Plan</b>		
Woodlawn Avenue	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>	June 13, 2024	
<b>Site Plan (Amended)</b>	August 20, 2024	
<b>Elevations</b>	June 13, 2024	
<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 five 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 Marion County Land Use Pattern Book (2019) 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.
  - 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.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - 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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- *Attached Housing (defined Duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
  - **Duplexes should be located on corner lots**, with entrances located on different sides of the lot.
  - It is preferred that **townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.**
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- *Modified Uses – Transit-Oriented Development Overlay*
  - Attached Housing - A residential density of 15+ units per acre is recommended.

#### 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 mile walk of a transit stop (Fountain Square) located at the intersection of Virginia Avenue and Woodlawn Avenue with a District Center typology.
- 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:
  - A dense mixed-use hub for multiple neighborhoods with tall buildings
  - Minimum of three stories at core with no front or side setbacks
  - Multi-family housing with a minimum of five units
  - Structured parking only with active first floor

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- The 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.”

**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 describe 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-DV2-017, 1627, 1631 and 1635 Woodlawn Avenue**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five 4,300-square foot lots with 24 feet of street frontage and lot width and six feet between dwellings, **denied**.

### VICINITY

**2020-HOV-002; 1528 Woodlawn Avenue (northwest of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a covered deck over an existing porch with a seven-foot front setback (18-foot front setback or average), **granted**.

**2019-PLT-024; 1021 South State Avenue (east of site)**, requested approval of a Subdivision Plat to be known as State Avenue Subdivision, A replat of Lot Seven in Morris and Mills Subdivision, dividing 0.15 acre into two single-family attached lots, **granted**.

**2018-DV3-036; 1529 Woodlawn Avenue (west)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwelling lots with 4,208 square-foot lot sizes and 22.5-foot lot widths (minimum lot size of 5,000 square feet required, minimum lot width of 50 feet required), to legally establish existing single-family dwelling on each lot with front yard setbacks of 4.8 feet, side yard setbacks of ranging from one-two feet, and distance between dwellings ranging from 1.7 feet to three feet (front yard setback of 18 feet or average required, three-foot side yard setback required, minimum 10 feet between dwellings required), and to provide for a detached garage at 1531 Woodlawn Avenue with west side setback of 2.6 feet (three-foot side yard setback required), **granted**.

**2018-DV1-041; 1715 Woodlawn Avenue (northeast of site)**, requested variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with five feet between dwellings (10 feet between dwellings), **granted**.

**2018-HOV-053; 1724 Prospect Street (southeast of site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for primary and accessory single-family residential uses (not permitted), including, but not limited to a single-family dwelling with a zero-foot west side transitional yard and a detached garage with an eight-foot west side transitional yard and a two-foot north rear transitional yard, (10-foot side transitional yard and eight-foot north rear transitional yard required), **granted**.

**2018-HOV-090; 935 Spruce Street (northwest of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 50% (60% required), **granted**.

**2018-PLT-071; 1529 and 1531 Woodlawn Avenue (west of site)**, requested approval of a Subdivision Plat, to be known as Replat of Lot 246 in ET SK & AE Fletcher's Woodlawn Suburb, dividing 0.20 acre into two lots, **granted**.



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**2018-ZON-136; 1622 Prospect Street (southwest of site)**, requested rezoning of 0.16 acre from the C-4 district to the D-5 classification, **approved**.

**2017-UV1-024; 1618 Prospect Street (southwest of site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including, but not limited to, a single-family dwelling, with a secondary dwelling above a detached garage (not permitted), **withdrawn**.

**2017-ZON-092; 1618 Prospect Street (southwest of site)**, requested rezoning of 0.18 acre from the C-4 district to the D-5 classification, **approved**.

**2016-DV1-024; 939 Spruce Street (northwest of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to permit the construction of a dwelling and porch addition and a detached garage, with a five-foot front setback from Woodlawn Avenue and three-foot rear setback (18-foot front setback and five-foot rear setback required), creating a 36% open space (60% open space required), **granted**.

**2016-PLT-044; 1714 and 1720 Prospect Street (southeast of site)**, Approval of a Subdivision Plat, to be known as Replat of Lots Three and Four in D.B. Hosbrooks Subdivision in Dunlap's Addition, dividing 0.26 acre, into four single-family attached lots, **granted**.

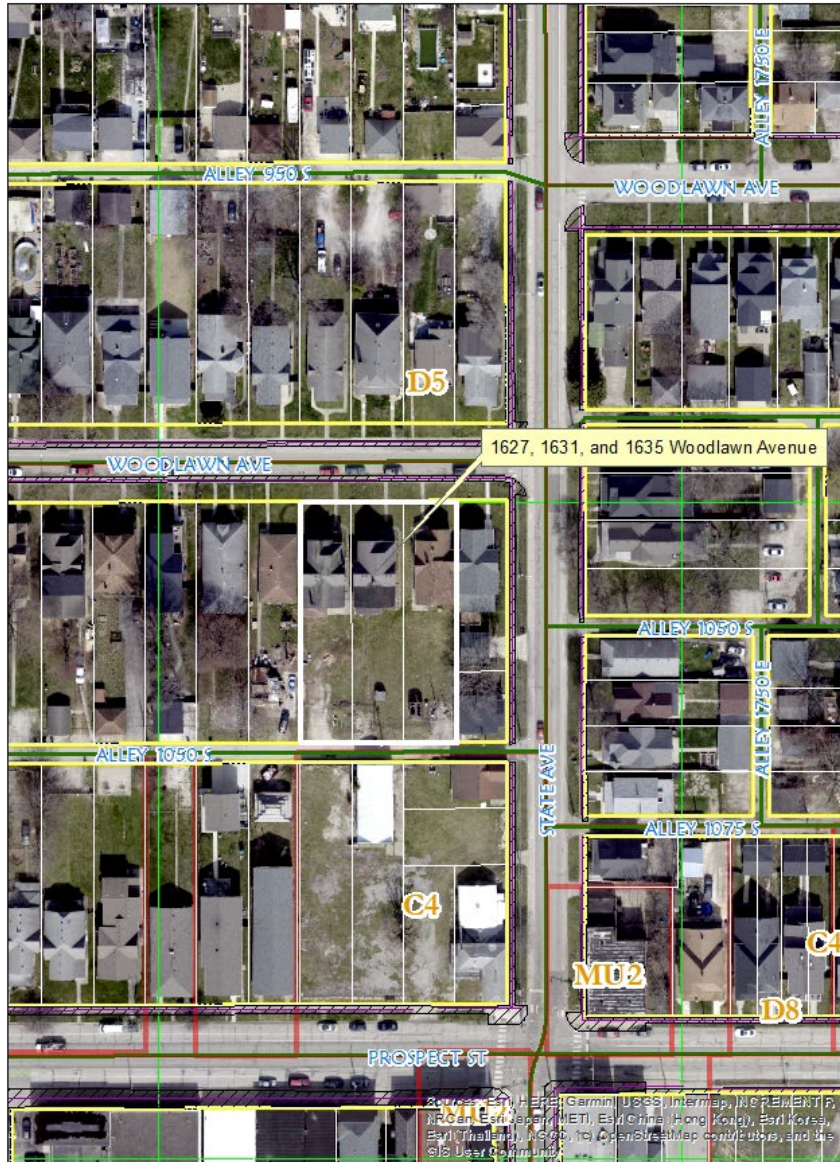
**2016-ZON-045; 1714 Prospect Street (southeast of site)**, requested rezoning of 0.13 acre from the C-4 district to the D-8 classification, **approved**.

**2014-ZON-031; 1702 Prospect Street (southeast of site)**, requested rezoning of a property, being in the C-4 District, to the C-3C classification, **approved**.

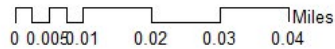
**97-Z-95; 1542, 1602-1610 East Prospect Street (southwest of site)**, requested rezoning of 0.69 acre, being in the C-4 District, to the D-8 classification to provide for residential uses, **approved**.



**EXHIBITS**



1627 1631 and 1635 Woodlawn Avenue



Item 14.

Department of Metropolitan Development  
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Current Planning

RIVERA GROUP, LLC  
2010 W. UNIVERSITY AVENUE, SUITE 200  
INDIANAPOLIS, IN 46202  
317.221.1900

CERTIFIED BY

---

DRAWN BY  
**Tamar de la Paz**

DATE  
AUG 14, 2024

REVISION #  
A

1627-1631-1635 Woodlawn Ave  
INDIANAPOLIS, INDIANA, 46203

Proposed  
**Site Plan**  
SCALE: 1" = 50'

**SITE PLAN KEYNOTES:**


1. PROPOSED DUREX UNIT/DOWNHOUSE
2. PROPOSED GARAGE
3. PROPOSED DRIVEWAY
4. PROPOSED CONCRETE WALK OUT
5. PROPOSED SILL TONGUE DIMENSION CONTROL
6. PROPOSED TO CONSTRUCTION SITE FROM ALLEY, REPAIR EXISTING DRIVEWAY TO CONSTRUCTION SITE
7. PROPOSED PARKING SPACES
8. PROPOSED ADDITIONAL OFF-STREET PARKING

**GENERAL SITE NOTES**

1. THESE DRAWINGS ARE PREPARED TO OBTAIN THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND CONDITIONS OF THE SITE. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT EDITIONS OF THE INTERNATIONAL RESIDENTIAL WATER DESIGN CONSTRUCTION SPECIFICATIONS MANUAL.
3. NO SURVEY HAS BEEN MADE FOR THIS SITE. SITE FEATURES AND "C" MARKING DATA HAVE BEEN DERIVED FROM ASBRLA, P., "DOMINION" CASSIDY SURVEY, 2018. CONTRACTORS SHALL VERIFY ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, UTILITIES, AND CONDUITS. SMALLER UTILITIES AND CONDUITS SHALL BE FIELD VERIFIED.
4. ALL UTILITIES ARE PREPARED TO BE EXISTING. CONTRACTORS SHALL VERIFY ALL EXISTING UTILITIES WITH MECHANICAL, ELECTRICAL, AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES. CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS INCLUDING BUT NOT LIMITED TO WATER SUPPLY, SANITARY SEWER, WASTE DISCHARGE, ELECTRICAL, AND TELECOMMUNICATIONS.
5. THE SCOPE OF WORK IS DESIGN BUILD IN NATURE. CONTRACTORS SHALL DETERMINE THE BEST MEANS FOR ACHIEVING THE DESIGN INTENT AND SHALL BE RESPONSIBLE FOR OBTAINING THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF WORK. SUCH THAT ALL CONTRACTORS SHALL BE RESPONSIBLE FOR MANUALLY VERIFYING THE CONSTRUCTION SCHEDULE AND BUDGET. RIVERA GROUP, LLC SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THE COMPLETION OF THIS PROJECT.

SITE DATA	
<b>LOT AREA (DG) - COMPACT</b>	7,300 S.F.
<b>TOTAL BLDG AREA</b>	
LOT 1627 PROPOSED FOOTPRINT AREA	3,000 SQ. FT.
LOT 1631 PROPOSED FOOTPRINT AREA	2,400 SQ. FT.
LOT 1635 PROPOSED GARAGE AREA	2,000 SQ. FT.
PROPOSED CONCRETE PATH	1,700 SQ. FT.
LOT 1627 OPEN SPACE PERCENTAGE	62%
LOT 1631 OPEN SPACE PERCENTAGE	64%
LOT 1635 OPEN SPACE PERCENTAGE	45%

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**RIVERA**  
 GROUP, LLC  
1025 S. UNIVERSITY AVENUE, SUITE 400, INDIANAPOLIS, IN 46202  
 317.326.1000 | www.riveragroup.com


CERTIFIED BY \_\_\_\_\_

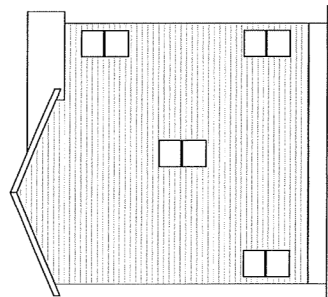
DRAWN BY: **Tamar de la Paz**  
 DATE: **MAY 01, 2024**  
 REVISION # **-**

1635 Woodlawn Ave.  
 INDIANAPOLIS, INDIANA, 46203

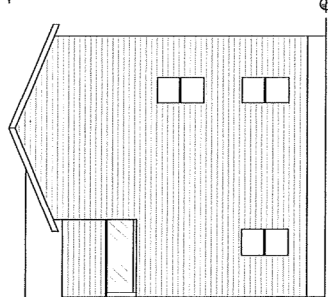
**A5**

Proposed Elevations  
 SCALE 3" = 32'

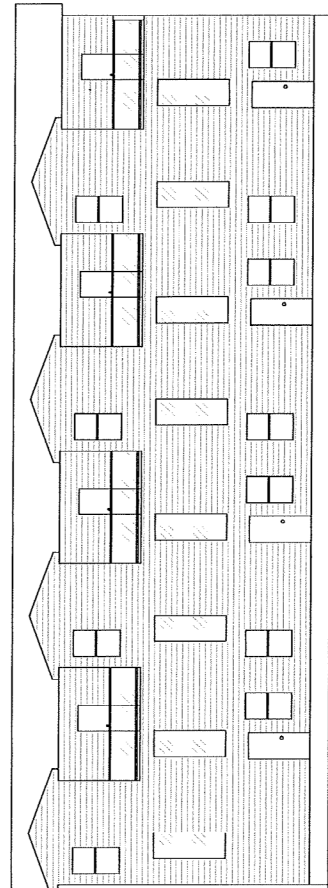




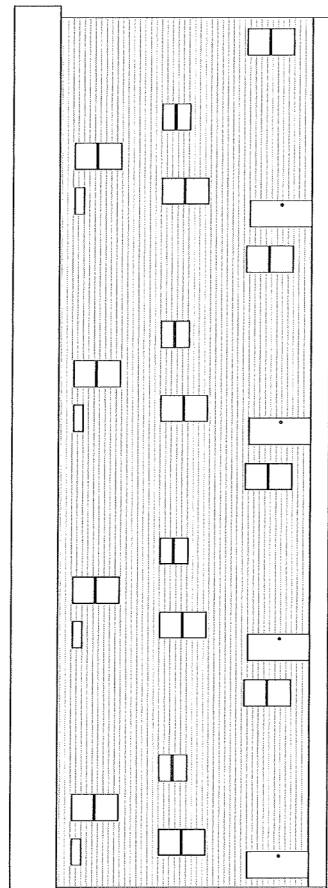
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION




PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION



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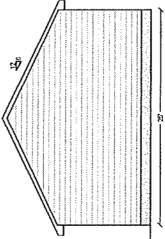
**RIVERA**  
GROUP, LLC  
12345678901 (INDIANAPOLIS, IN 46201)  
317.123.4567 | www.riveragroup.com

CERTIFIED BY \_\_\_\_\_

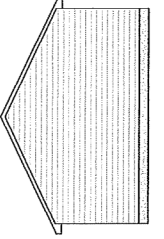
DRAWN BY **Tamar de la Paz**  
 DATE **MAY 01, 2024**  
 REVISION # **A**

1635 Woodlawn Ave.  
 INDIANAPOLIS, INDIANA, 46203

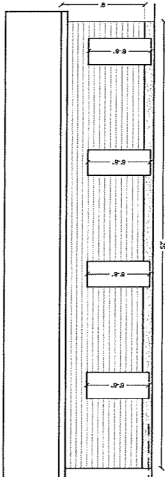
**A7**



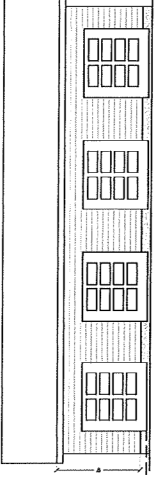
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION




PROPOSED EAST ELEVATION




PROPOSED WEST ELEVATION

Proposed Elevations  
**Garage**  
 SCALE: 3" = 32'



NORTH





View looking east along Woodlawn Avenue



View looking west along Woodlawn Avenue



View of existing dwelling (1627 Woodlawn Avenue) looking south



View of existing dwelling (1635 Woodlawn Avenue) looking south



View of existing dwelling (1631 Woodlawn Avenue) looking southeast ac



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

<b>Case Number:</b>	2024-ZON-097
<b>Property Address:</b>	6402 West Southport Road and 7300 South Mooresville Road
<b>Location:</b>	Decatur Township, Council District #21
<b>Petitioner:</b>	Goose Creek Farms, LLC, by Domonic Dreyer
<b>Current Zoning:</b>	D-A
<b>Request:</b>	Rezoning of 48.4 acres from the D-A district to the D-4 district for a residential development.
<b>Current Land Use:</b>	Agricultural Land
<b>Staff Recommendations:</b>	Approval with commitments.
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of staff to allow for additional time for the review of the traffic impact study submitted.

This petition was automatically continued from the September 26, 2024 hearing to the October 24, 2024 hearing at the request of a registered neighborhood organization.

**STAFF RECOMMENDATION**

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of Southport Road as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. The Department of Public works requests that two passing blisters shall be installed, specifically at the West Access, east bound and East Access, west bound.
3. The Department of Public works request that an eastbound right-turn lane shall be installed at Southport Road and Proposed East Access Drive per the traffic impact study results.





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## PETITION OVERVIEW

### LAND USE

The 48.4-acre subject site is comprised of portions of two parcels that are currently utilized as agricultural land. The property is bordered to the east with single-family dwellings, zoned D-4, agricultural land to the north, zoned D-A, a single-family dwelling to the west, zoned D-A, and a single-family dwelling and agricultural land to the south, zoned D-A.

### REZONING

The grant of the request would rezone the site from the D-A district to the D-4 district for the development of a residential subdivision.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

### DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Southport Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



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## TRAFFIC IMPACT STUDY

The Department of Public Works reviewed the submitted the traffic impact study submitted on September 3, 2024.

The scope of work included the following intersections between the hours of 6:30 A.M to 9:00 A.M. and 3:30 P.M. to 6:30 P.M.:

- Southport Road & Mooresville Road
- Southport Road & Mann Road
- Mooresville Road & Camby Road
- Mooresville Road & Mills Road

The study estimated the 2029 background traffic volumes by applying a 1% per year growth rate to the existing traffic volumes, estimated the number of peak hour trips that will be generated by the proposed developments, assigned and distributed the generated traffic volumes from the proposed developments to the study intersections, and prepared a capacity analysis, level of service analysis, and turn lane analysis at the study intersections for the existing traffic volumes, year 2024 background traffic volumes, and year 2029 proposed development traffic volumes.

The study area was defined to include the four intersections noted above and the following:

- Southport Road & Proposed West Access Drive
- Southport Road & Proposed East Access Drive

DPW noted that although the study did not provide a passing blister analysis, two passing blisters are needed at the West Access, east bound and East Access, west bound. In addition, an eastbound right-turn lane is warranted at the Southport Road and Proposed East Access Drive. These will be requested as commitments for the approval.

The Southport and Mooresville intersection results are concerning to DPW with a Level-of-Service (LOS) of F even when turn lanes are added, but the bridge proximity makes turn lanes difficult to construct. The report did not provide a suitable solution for this intersection.

Mooresville and Mills intersection resulted in LOS F and recommendation of a roundabout. It is unclear whether the petitioner is prepared to construct a roundabout at this location, but DPW is willing to discuss this further.

## STAFF ANALYSIS

The grant of the request would allow for the proposed development of 130 single-family residential lots with a density of 2.69 units per acre. The common area would equal to an approximate 13.59 acres or 28.1 percent of the total land area. Amenities shown in the conceptual plan include internal trails, playground, sports courts, and picnic areas.



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The proposed D-4 district would align with the village mixed-use and suburban neighborhood recommendations of the Comprehensive Plan that recommends detached housing development.

Staff will note that the approval recommendation would only be for the rezoning and would not constitute approval of the conceptual subdivision layout. Review of a new subdivision would be completed with the filing of a subdivision plat petition.

Staff's approval recommendation would be subject to the right-of-way dedication, installation of two passing blisters, and the installation of an eastbound right-turn lane at Southport Road and Proposed East Access Drive as requested by the Department of Public Works.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural Land	
<b>Comprehensive Plan</b>	Suburban Neighborhood and Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Agricultural Land
South:	D-A	Agricultural Land and Residential (Single-family dwelling)
East:	D-4	Residential (Single-family dwellings)
West:	D-A	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
Southport Road	Primary Collector Street	80-foot proposed right-of-way and 40-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	August 11, 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)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends village mix-use and suburban neighborhood development of the site.
- 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.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- **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.
- 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,



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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.

- **Conditions for All Land Use Types**

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

- **Conditions for All Housing**

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 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.
- Developments with densities higher than 5 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**

- The house should extend beyond the front of the garage.
- Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

- The subject site falls within a Critical Area Overlay, specifically the Critical Area 006 of Decatur Township that is intended to promote master-planned, walkable suburbanism with a high degree of both vehicle and pedestrian connectivity. Development should include a spectrum of housing types and a mix of neighborhood-serving commercial uses and neighborhood gathering places. Development should not consist of a single housing type or land use.

- This overlay modifies all uses for this area to include the following:

- Development should emphasize horizontal, rather than vertical mixed use, with different uses in different buildings. Site design should include a well-connected intrasite pedestrian network with buildings connected directly to pedestrian sidewalks or pathways. Vehicular drives and parking should be designed to minimize conflicts with pedestrian access. Development at the edges of the site should be sensitive to the massing and character of adjacent uses.



**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)

- Not Applicable to the Site.



## ZONING HISTORY

### Zoning History - Vicinity

**2020-ZON-032; 6007 West Southport Road** (southeast of site), Rezoning of 4.78 acres from the D-A district to the D-S district, **withdrawn**.

**94-Z-218; 5820 West Southport Road** (northeast of site), Rezoning of 37.675 acres from D-A to D-4 for residential subdivision, **approved**.

**94-Z-51; 5630 West Southport Road** (east of site), Rezoning of 80 acres, being in the D-A District, to the D-4 classification to provide for single-family residential subdivision, **approved**.

**EXHIBITS**





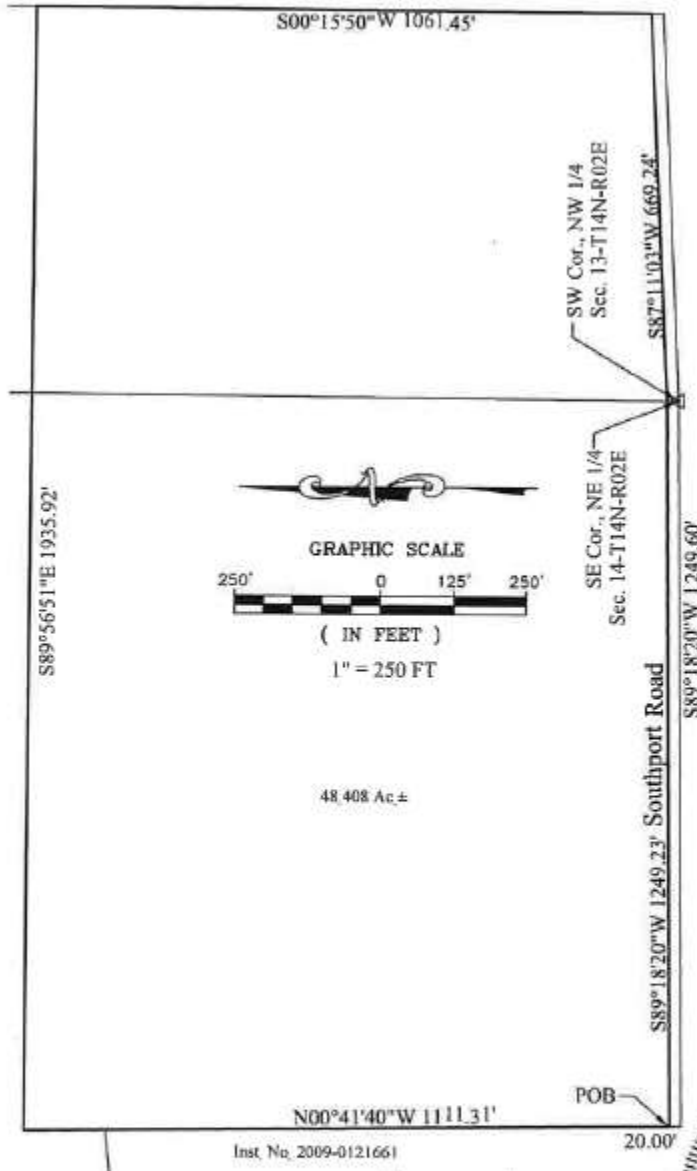






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Exhibit B  
Prepared for: Arbor Homes  
Proposed Development Parcel



Inst. No. 2009-0121661

20.00'

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

*Bruce E. Strack*  
 Bruce E. Strack  
 Registered Land Surveyor  
 Indiana No. 20200057  
 Certified: July 30, 2024



<p><b>STOEPPELWERTH</b></p> <p>ALWAYS ON</p> <p>7945 East 106th Street, Fishers, IN 46038-2505        phone: 317.849.5935 fax: 317.849.5942</p>	JOB NO. 105681ARB	PAGE
	DRAWN BY: JAB	<b>2</b>
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***TRAFFIC IMPACT STUDY***

***PROPOSED RESIDENTIAL DEVELOPMENTS***  
***“WEST NEWTON” AND “GOOSE CREEK FARMS”***

***MOORESVILLE ROAD & SOUTHPORT ROAD***  
***DECATUR TOWNSHIP, INDIANA***

***PREPARED FOR***

***JUNE 2024***



WEST NEWTON & GOOSE CREEK FARMS  
DECATUR TOWNSHIP, INDIANA

**INTRODUCTION**

This **TRAFFIC IMPACT STUDY**, prepared on behalf of Arbor Homes, is for two proposed residential developments known as “Goose Creek Farms” and “West Newton” that will be located to the north and south of Southport Road, between Mooresville Road and Mann Road in Decatur Township, Indiana.

**PURPOSE**

The purpose of this analysis is to determine what impact the traffic generated by the proposed developments will have on the existing adjacent roadway system. This analysis will identify any existing roadway deficiencies or ones that may occur when this site is developed.

Conclusions will be reached that will determine if the roadway system can accommodate the anticipated traffic volumes or will determine the modifications that will be required to the system if there are identified deficiencies.

Recommendations will be made that will address the conclusions resulting from this analysis. These recommendations will address feasible roadway system improvements to provide safe ingress and egress, to and from the proposed developments, with minimal interference to traffic on the public street system.

**SCOPE OF WORK**

The scope of work for this analysis is as follows:

First, obtain turning movement traffic volume counts between the hours of 6:30 A.M. to 9:00 A.M. and 3:30 P.M. to 6:30 P.M. during a typical weekday while school was in session in April 2024 at the following intersections:

- Southport Road & Mooresville Road
- Southport Road & Mann Road
- Mooresville Road & Camby Road
- Mooresville Road & Mills Road

Second, estimate the year 2029 background traffic volumes by applying a 1% per year growth rate to the existing traffic volumes.

Third, estimate the number of peak hour trips that will be generated by the proposed developments.

Fourth, assign and distribute the generated traffic volumes from the proposed developments to the study intersections.

Fifth, prepare a capacity analysis, level of service analysis, and turn lane analysis at the study intersections for each of the following scenarios:

*Scenario 1: Existing Traffic Volumes* – Based on existing peak hour traffic volumes.

*Scenario 2: Year 2029 Background Traffic Volumes* – Based on applying a 1.0% per year annual growth rate to the existing traffic volumes.

*Scenario 3: Year 2029 Proposed Developments Traffic Volumes* – Based on the sum of year 2029 background traffic volumes and generated traffic volumes from the proposed developments.

Sixth, prepare recommendations for the roadway geometrics that will be needed to accommodate the total traffic volumes once the proposed developments are constructed.

Finally, prepare a **TRAFFIC IMPACT STUDY** report documenting all data, analyses, conclusions and recommendations to provide for the safe and efficient movement of traffic through the study area.

### ***DESCRIPTION OF THE PROPOSED DEVELOPMENTS***

The subject sites are located to the north and south of Southport Road between Mooresville Road and Mann Road in Decatur Township, Indiana. “Goose Creek Farms”, on the north side of Southport Road, will consist of 133 single-family homes. “West Newton”, on the south side of Southport Road will consist of 292 single-family homes. Both the developments will be served by two full access drives along Southport Road. **Figure 1** is an area map showing the location and general layout of the site.

### ***STUDY AREA***

The study area for this analysis has been defined to include the following intersections:

- Southport Road & Mooresville Road
- Southport Road & Mann Road
- Mooresville Road & Camby Road
- Mooresville Road & Mills Road
- Southport Road & Proposed West Access Drive
- Southport Road & Proposed East Access Drive

**Figure 2** shows the existing intersection geometrics at the existing study intersections.



WEST NEWTON & GOOSE CREEK FARMS  
DECATUR TOWNSHIP, INDIANA

**TURN LANE ANALYSIS**

The year 2029 background traffic volumes were combined with the generated traffic volumes from the proposed developments to determine if right-turn or left-turn lanes would be required along Southport Road at the proposed access drive locations. This analysis was done in accordance with the INDOT *Driveway Permit Manual*<sup>2</sup>. The results are summarized in the following table.

TABLE 3 – TURN LANE WARRANT ANALYSIS SUMMARY

LOCATION	SCENARIO	EASTBOUND		WESTBOUND	
		RIGHT-TURN LANE	LEFT-TURN LANE	RIGHT-TURN LANE	LEFT-TURN LANE
Southport Road & Proposed West Access Drive	Total Year 2029 Traffic Volumes + Generated Traffic Volumes	X	X	X	X
Southport Road & Proposed East Access Drive	Total Year 2029 Traffic Volumes + Generated Traffic Volumes	✓	X	X	X

✓ = Turn Lane warranted; X = Turn Lane not warranted

Where turn lanes are not shown to be warranted, it should be noted that turn lanes could be required based on local standards. The graphs that show the turn lane warrant criteria are shown in the Appendix.

**CAPACITY ANALYSIS**

The "efficiency" of an intersection is based on its ability to accommodate the traffic volumes that approach the intersection. It is defined by the Level-of-Service (LOS) of the intersection. The LOS is determined by a series of calculations commonly called a "capacity analysis". Input data into a capacity analysis include traffic volumes, intersection geometry, and number and use of lanes. To determine the LOS at each of the study intersections, a capacity analysis has been made using the recognized computer program *Synchro/SimTraffic*<sup>3</sup>. This program allows intersections to be analyzed and optimized using the capacity calculation methods outlined within the *Highway Capacity Manual (HCM 7<sup>th</sup> Edition)*<sup>4</sup>. The following list shows the delays related to the levels of service for unsignalized intersections:

<sup>2</sup> INDOT *Driveway Permit Manual*, Indiana Department of Transportation, 2018

<sup>3</sup> *Synchro/SimTraffic 12*, Cubic Transportation Systems, 2023.

<sup>4</sup> *Highway Capacity Manual (HCM), 7<sup>th</sup> Edition* Transportation Research Board, The National Academies of Sciences, Washington, DC, 2022.

### *CONCLUSIONS & RECOMMENDATIONS*

The conclusions that follow are based on the data and analyses presented in this study and a field review conducted at the site. Based on the analysis and the resulting conclusions of this study, recommendations are formulated to ensure that the roadway system will accommodate future traffic volumes.

#### SOUTHPORT ROAD & MOORESVILLE ROAD

Capacity analyses have shown that the westbound approach at this intersection will operate with increased delays during the PM peak hour when the proposed developments traffic volumes are added to the roadway network. These delays can be substantially reduced if separate left-turn and right-turn lanes are constructed along the westbound approach. However, the presence of the bridge over Goose Creek substantially limits feasible improvements on this approach.

#### SOUTHPORT ROAD & MANN ROAD

Capacity analyses have shown that all approaches to this intersection currently operate and will continue to operate at acceptable levels of service during the AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.

#### MOORESVILLE ROAD & CAMBY ROAD

Capacity analyses have shown that all approaches to this intersection currently operate and will continue to operate at acceptable levels of service during the AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.

#### MOORESVILLE ROAD & MILLS ROAD

Capacity analyses have shown that this intersection will operate below acceptable levels of service when the proposed developments traffic volumes are added to the roadway network. Further analyses have shown that this intersection will operate at acceptable levels of service if converted to a single-lane roundabout.

#### SOUTHPORT ROAD & PROPOSED WEST ACCESS DRIVE

Capacity analyses have shown that all approaches to this intersection will operate at acceptable levels of service during the AM and PM peak hours with the following intersection conditions:

- Construction of the proposed full access drive with one inbound and at least one outbound lane on each side of Southport Road.
- The intersection should be stop-controlled with the access drive stopping for Southport Road.





WEST NEWTON & GOOSE CREEK FARMS  
DECATUR TOWNSHIP, INDIANA

SOUTHPORT ROAD & PROPOSED EAST ACCESS DRIVE

Capacity analyses have shown that all approaches to this intersection will operate at acceptable levels of service during the AM and PM peak hours with the following intersection conditions:

- Construction of the proposed full access drive with one inbound and at least one outbound lane on each side of Southport Road.
- Construction of eastbound right-turn lane along Southport Road.
- The intersection should be stop-controlled with the access drive stopping for Southport Road.

DRAFT



Photo of the subject site street frontage along Southport Road looking west.



Photo of the subject site street frontage along Southport Road looking west.



Photo of the subject site street frontage along Southport Road looking west.



Photo of the subject site street frontage along Southport Road looking west.



Photo of the site west of the property.



Photo of the site west of the property.



Photo of Mooresville Road looking south.



Street frontage of the subdivision east of the site looking west on Southport Road.



Photo of the single-family dwellings east of the site on Jackie Court.



Photo of Denise Drive located northeast of the subject site looking west.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-102

**Property Address:** 525 South East Street

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

**Petitioner:** Mark and Kim Crouch

**Current Zoning:** I-3 (RC) (TOD)

**Request:** Rezoning of 0.07 acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district to construct a three-unit multi-family residential building.

**Current Land Use:** Vacant property

**Staff Recommendations:** Denial.

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

**PETITION HISTORY**

The Hearing Examiner acknowledged a timely automatic continuance from a registered neighborhood organization that continued this petition from the September 26, 2024 hearing, to the October 24, 2024 hearing.

**STAFF RECOMMENDATION**

Denial.

**PETITION OVERVIEW**

This 0.07-acre site, zoned I-3 (RC) (TOD), is vacant and surrounded by a single-family dwelling to the north, zoned I-3 (RC) (TOD); a two-family dwelling to the south, zoned CBD-2 (RC) (TOD); a single-family dwelling to the east, zoned D-8; and an industrial complex to the west, across South East Street, zoned I-3 (RC) (TOD).

The request would rezone the site to the CBD-2 (Central Business District). “The CBD-2 district is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment that is also the focus of the City’s transit system providing excellent accessibility. The grid pattern of streets are mostly high-volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels and memorials.”



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The Comprehensive Plan recommends traditional neighborhood typology. According to historical maps, this site was originally developed with a two-family dwelling but has remained vacant for many years.

As proposed, this request would not be consistent with the Plan recommendation of traditional neighborhood with a typical density of five to 15 units per acre. The density of this residential project would be 42.85 units per acre.

The CBD-2 district is intended to serve as a buffer surrounding the CBD-1 and CBD-3 districts, which are those areas of monuments, large plazas, and government buildings. This site is not in proximity of any of these features and is, therefore, not appropriate for this area. Staff would note that staff recommended denial of petition 2003-ZON-047 that requested rezoning to the CBD-2 district that abuts this site to the south.

The Transit Oriented Development overlay recommends a higher density; however, The Pattern Book guidelines recommend that attached housing be located “around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.” This site is located mid-block along a primary arterial between a single-family dwelling and a two-family dwelling.

The approximate 63-foot tall, four-story structure would not be compatible with the surrounding land uses and would be wholly inappropriate development along this corridor. Furthermore, the architecture character and building mass would be a dominate feature, rather than harmonious infill development that would respect the existing character in the area.

Staff would reconsider this rezoning if the request would be amended to the D-8 district. Staff, however, believes the Regional Center Guidelines should also be met.

During the site visit, staff observed that the real estate sign indicates this site is zoned CBD-2.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-3 (RC) (TOD)	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	I-3 (RC) (TOD)	Single-family dwelling
South:	CBD-2 (RC) (TOD)	Two-family dwelling
East:	D-8 (RC) (TOD)	Single-family dwelling
West:	I-3 (RC) (TOD)	Industrial uses
<b>Thoroughfare Plan</b>		
South East Street	Primary Arterial	Existing 80-foot right-of-way and proposed 78-foot right-of-way.
<b>Context Area</b>	Compact	

<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	Yes, Regional Center and Transit Oriented Development (TOD)
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	August 2, 2024
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	August 2, 2024
<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 five 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.
- Indianapolis Regional Center Plan 2020 (2004).
  - This Plan recommends residential development (garden apartment and townhouses) at 16-26 dwelling units per acre.
- Indianapolis Regional Center Guidelines (2008).
  - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.





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- The purpose of these Guidelines is to set standards that will produce a more thoughtful design response to Regional Center development projects. They focus on a wide range of characteristics of the built environment.
- This proposed development would be required to file an approval petition for Regional Center that would require design review in accordance with the Guidelines.

### **Pattern Book / Land Use Plan**

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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.
  - 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.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures
  - 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.
  - 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.



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- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- *Modified Uses – Transit-Oriented Development Overlay*
  - Attached Housing - A residential density of 15+ units per acre is recommended.

### 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 ¼ mile walk (approximately 585 feet) of Fletcher Place transit stop located at the intersection of Virginia Avenue and Merrill Street with a District Center typology.
- 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:
  - A dense mixed-use hub for multiple neighborhoods with tall buildings
  - Minimum of three stories at core with no front or side setbacks
  - Multi-family housing with a minimum of five units
  - Structured parking only with active first floor
  
- Modifications - The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.
  - This site lies within the Transit-Oriented Development overlay that recommends a density of 15+ units per acre for attached housing.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- The 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



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**Additional Topics**

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

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

**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 describe 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

**2019-CZN-858 / 2019-CVR-858; 501-511 (odd) South East Street (north of site)**, requested rezoning of 0.20 acre from the I-3 (RC) and CBD-2 (RC) districts to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, 38-foot tall single-family dwellings with attached garages, with reduced setbacks, separation between dwellings, open space and encroachment into the clear sight triangle, **approved and granted**.

**2019-CZN-832 / 2019-CVR-832; 514 East Warsaw Street (east of site)**, requested a rezoning of 0.07 acre, from the I-3 (RC) district to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot west side yard setback for an existing single-family dwelling, additions to the existing single-family dwelling, with a three-foot east side yard setback for a proposed covered patio and 47.9% open space, **approved and granted**

**2017-HOV-069; 514 East Warsaw Street (east of site)**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish primary and accessory single-family residential uses, **granted**.

**2018-DV3-033; 509-535 East Warsaw Street (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five dwellings, with front, side and between building setback reductions and for 49% open space, **granted**.

**2018-ZON-008; 713 and 909 South East Street, 705, 709, 713, 725, 812 and 814 Greer Street, 605, 613, 617, 636, 637, 718, 727, 743, 747 and 751 East McCarty Street, 515, 526, 532, 534, 535 and 607 East Merrill Street, 710, 722, 730, 742 and 747 South Noble Street, 521, 612 and 633 Stevens, 812, 815 and 821 Wright Street and 316 South College Avenue (east of site)**, requested rezoning from the I-3-U (RC) and I-4-U (RC) districts, to the D-8 (RC) classification, **approved**.

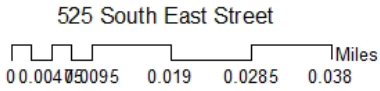
**2003-ZON-047; 529, 533 and 537 South East Street (south of site)**, requested rezoning of 0.32 acres from the D-8 (RC) and I-3-U (RC) districts to the CBD-2 (RC) district to provide for residential development, **approved**.

**99-CP-16Z / 99-CP-16V; 529-531 South East Street (south of site)**, requested rezoning of 0.12 acres from the I-3 U (RC) district to the C-8 (RC) classification to provide for construction of two-family dwelling and a variance of development standards of the Dwelling districts Zoning Ordinance to provide for construction of a two-family dwelling with reduced setbacks and open space, **approved and granted**.

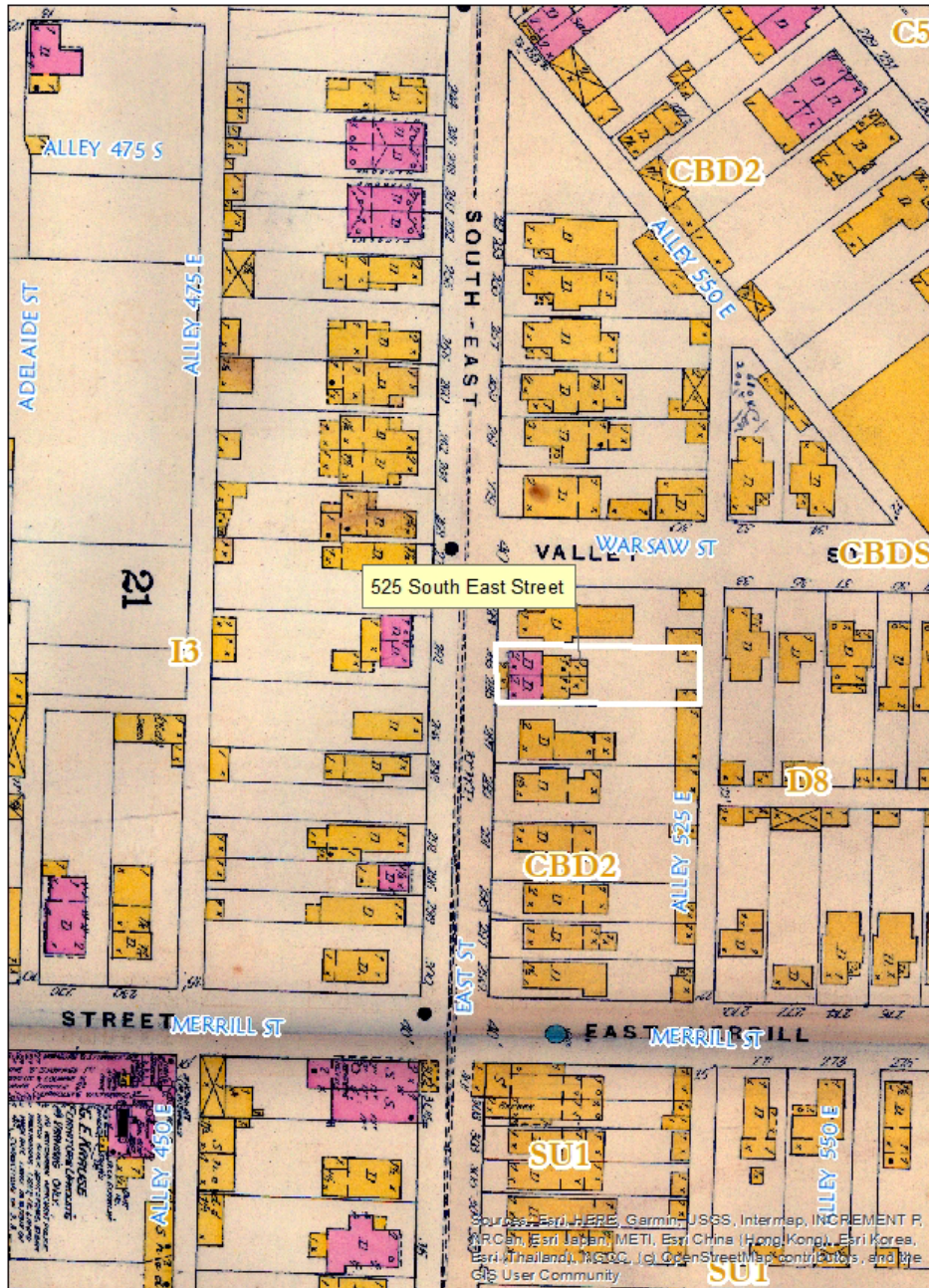
**96-Z-127; 701-703 South East Street (south of site)**, requested rezoning from the I-3-U district to the SU-1 district to provide for religious uses, **approved**.

**80-UV1-14; 545 South East Street (south of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for an addition to an existing electrical contractor, **granted**.

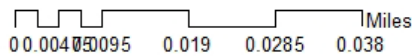
EXHIBITS



1887 Sanborn Map



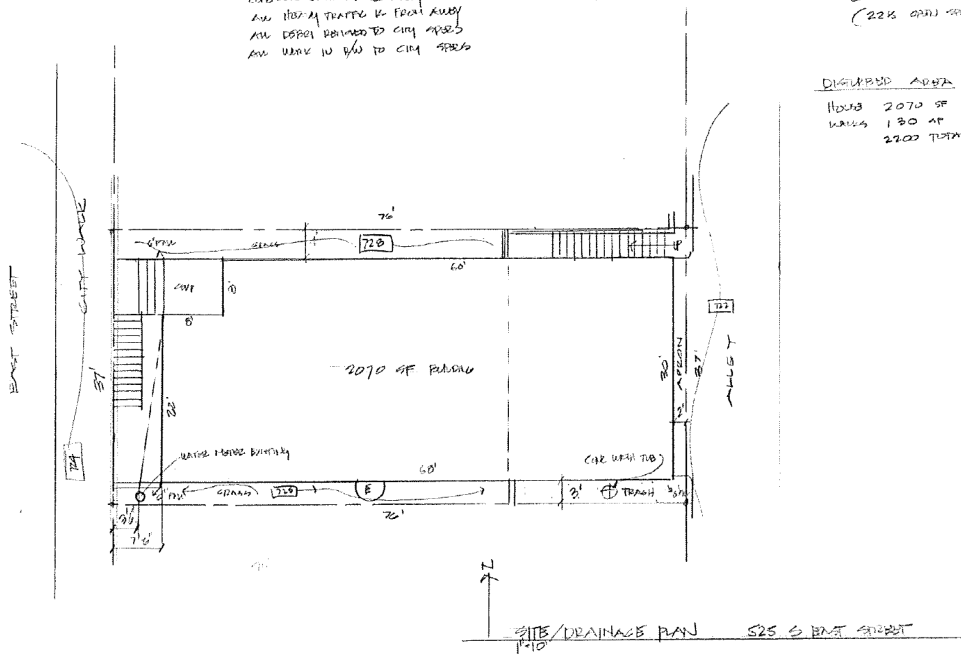
525 South East Street



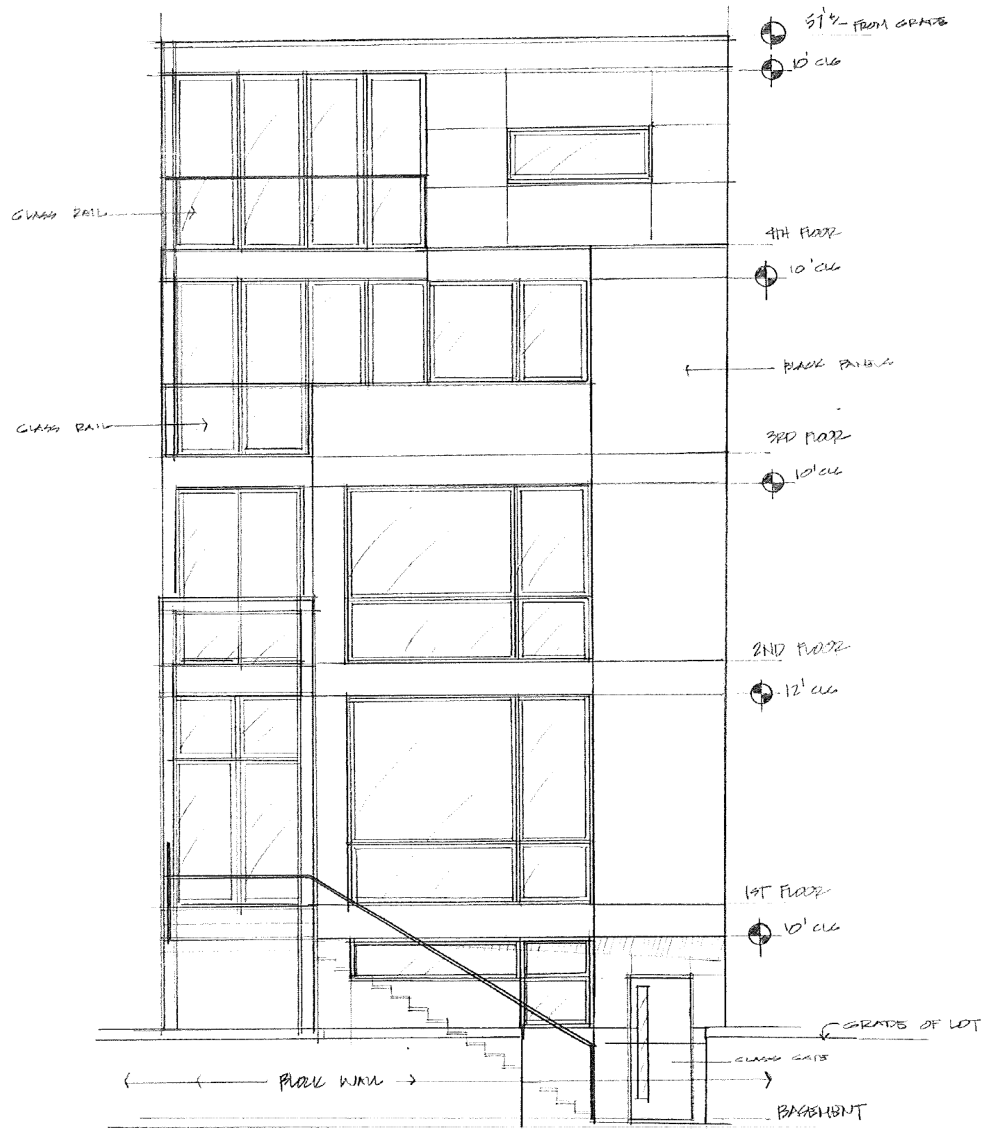
EXPLANATION: ALL AREAS TO BE AS SHOWN AND VOUCHERED TO IN  
CONFORM WITH THE CITY AND  
ALL HOUSING TRAFFIC TO BE FROM ALLEY  
ALL DEPOT RELATED TO CITY SPACES  
AND WORK TO BE TO CITY SPACES

LOT OUTLINE  
2812 SF LOT  
2200 SF HOUSING/CUR  
612 SF DEPOT SF  
(22% OPEN SPACE)

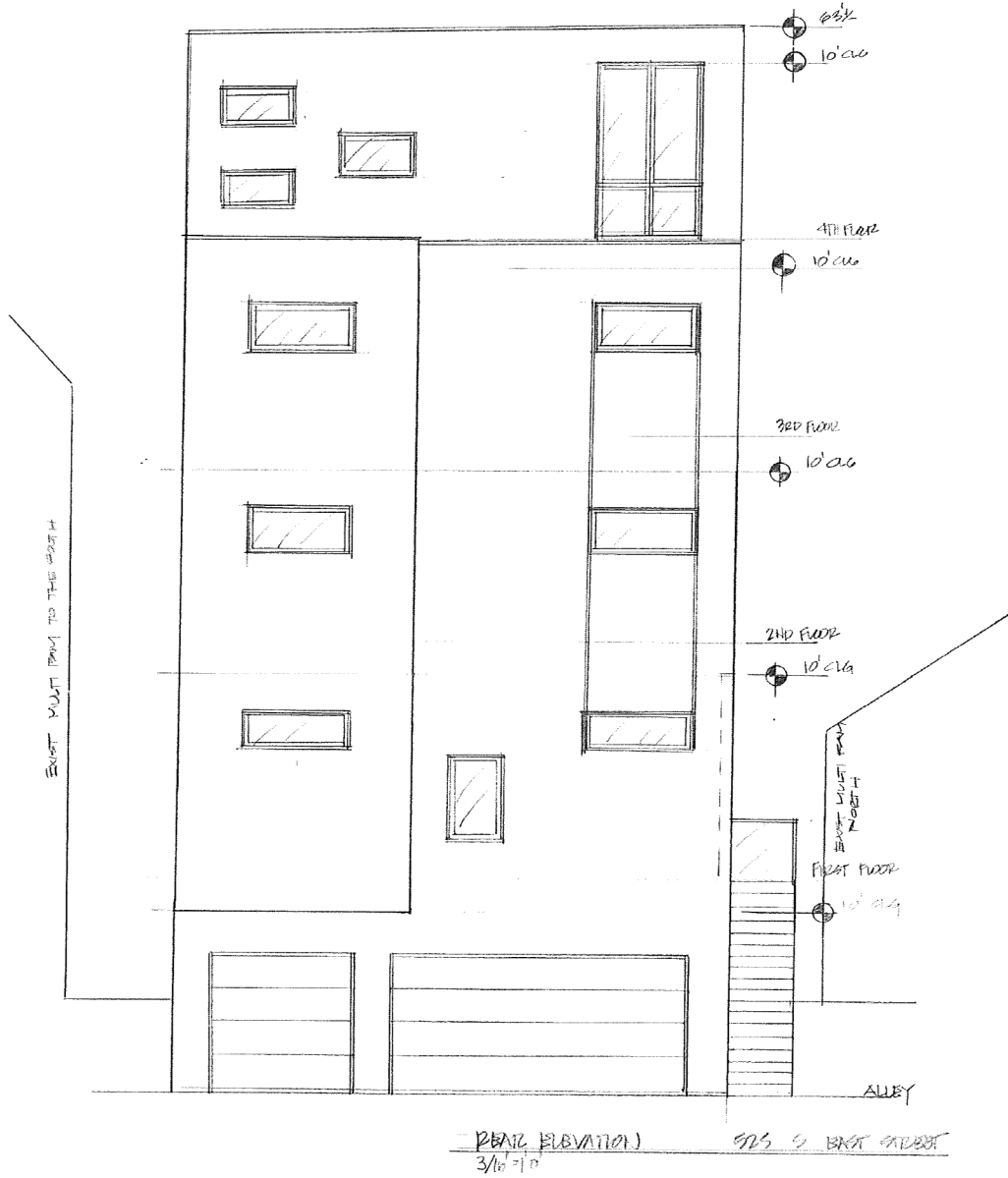
DISBURSED AREA  
HOUSE 2070 SF  
WALLS 130 SF  
2200 TOTAL

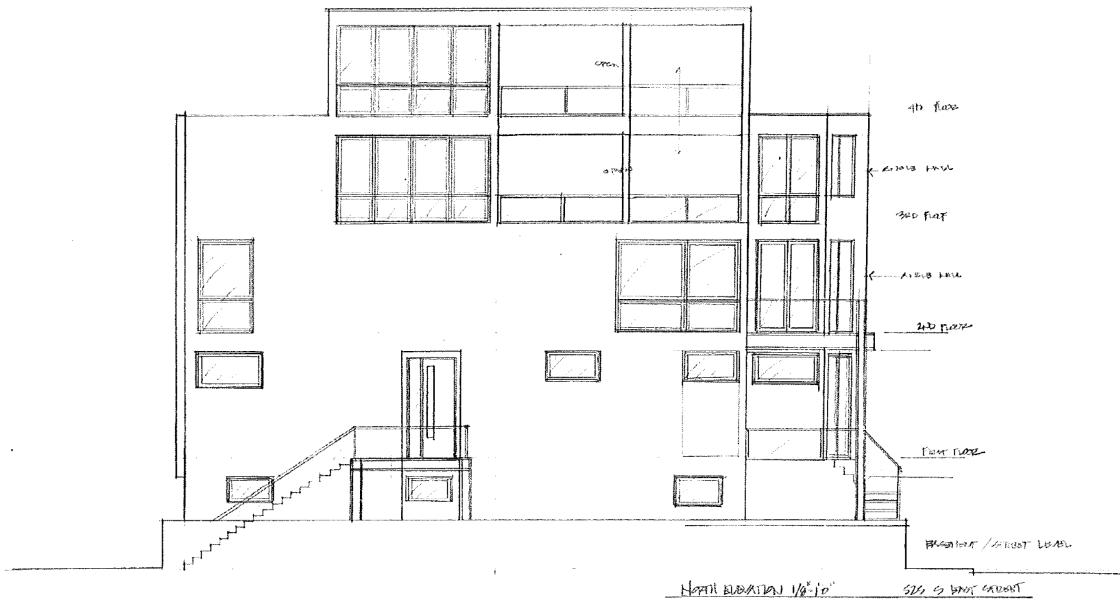


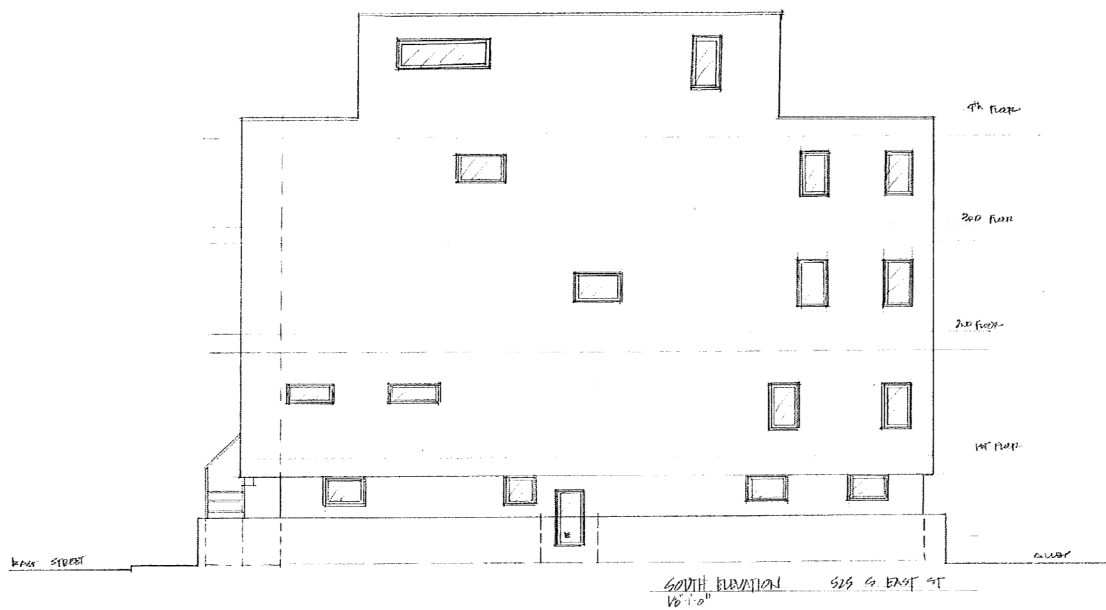




FRONT ELEVATION 525 S EAST STREET  
 3/4" = 1'-0"









View looking south along South East Street



View looking north along South East Street



View looking north along north / south alley



View looking south along north / south alley



View of site looking east



View of site looking east over the wall



View looking northeast at adjacent single-family dwelling



View looking southeast at adjacent two-family dwelling





View of site looking west from the North / south alley



View of site looking west from the North / south alley



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-111  
**Property Address:** 4900 and 4952 Kentucky Avenue  
**Location:** Decatur Township, Council District #21  
**Petitioner:** Indianapolis (Kentucky Avenue) WW, LLC, by Joseph D. Calderon  
**Current Zoning:** D-A (FF), D-3 (FF) and C-3 districts to the C-4 (FF) district  
**Request:** Rezoning of 5.861 acres from the D-A (FF), D-3 (FF) and C-3 districts to the C-4 (FF) district to provide for a gas station and convenience store.  
**Current Land Use:** Single-family dwelling  
**Staff Recommendations:** Approval.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the October 24, 2024 hearing at the request of staff.

**STAFF RECOMMENDATION**

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

1. 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.
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

This 5.861-acre site, zoned D-A (FF), D-3 (FF) and C-3 is comprised of three parcels. The largest parcel (9.82 acres) is bisected by a railroad right-of-way but only approximately 4.68 acres fronting on Kentucky Avenue and east of the railroad right-of-way would be rezoned, along with two adjoining parcels for a total of 5.861 acres. It is surrounded by commercial uses and a mobile dwelling community to the north, zoned C-4 and D-11 (FF), respectively; commercial uses, across Depot Street / Valley Mills Road to the south, zoned C-3; Kentucky Avenue right-of-way, to the east, zoned C-3 (FF), D-A and C-4; and undeveloped land to the west, zoned D-A.

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

The Comprehensive Plan recommends community commercial typology, which would be consistent with the Plan recommendation. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses. Given the surrounding commercial uses and the railroad right-of-way, staff believes the surrounding land uses would not be negatively impacted by the proposed rezoning and use.

To “eliminate excessive and confusing sign displays” staff would also emphasize that signage for this development should conform to the Sign Regulations. Staff believes that appropriate site identification and services offered would be possible under the existing Ordinance and would not support any variances for signage for this current request or for any future development.

### 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. This site, however, lies within the unregulated 500-year floodplain.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.



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

There are significant amounts of natural vegetation and trees located on the northern portion, as well as throughout site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

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

### **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-A (FF) / D-3 (FF) / C-3		
<b>Existing Land Use</b>	Single-family dwelling		
<b>Comprehensive Plan</b>	Community Commercial		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>	
	North:	C-4 / D-11 (FF)	Commercial uses / mobile dwelling community
	South:	C-3	Commercial uses
	East:	C-3 / D-A / C-4 (FF)	Single-family dwelling
	West:	D-A	Undeveloped land
<b>Thoroughfare Plan</b>			
Kentucky Avenue	Primary arterial	Existing 162-foot right-of-way and proposed 102-foot right-of-way.	
Depot Street / Valley Mills Road	Local Street	Existing 50-foot right-of-way and proposed 50-foot right-of-way.	
<b>Context Area</b>	Metro		



<b>Floodway / Floodway Fringe Overlay</b>	Yes – 500-year unregulated floodplain
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	September 5, 2024
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	September 5, 2024
<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 Community Commercial. 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 Marion County Land Use Pattern Book (2019) 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.



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- Large-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet).
  - Should be located along an arterial street.
  - Outdoor display of merchandise should be limited.
  - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
  - 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.
  - 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 describe 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

**2024-ZON-083; 6322 West Thompson Road (south of site)**, requested rezoning of 0.517 acre from the D-3 and C-4 classifications to the C-4 classification to provide for commercial development, **approved**.

**2008-ZON-047; 4919 Kentucky Avenue (north of site)**, requested rezoning of 0.65 acre, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial development, **approved**.

**2007-DV2-030; 4905 Kentucky Avenue (north of site)**, requested a variance of development standards to legally establish a drive-through facility within 100 feet of a protected district, with reduced parking and sign setbacks, **granted**.

**2006-UV1-008; 6345 West Thompson Road (south of site)**, requested a variance of use to legally establish a heating and cooling contractor business in an existing building and to provide for construction of a one-story, 2,800-square foot storage building in C-1, **denied**.

**2003-ZON-119; 6345 West Thompson Road (south of site)**, requested rezoning of 0.50 acre from D-3 to C-1, **approved**.

**2003-UV1-025; 6345 West Thompson Road (south of site)**, requested a variance of use to provide for a heating and cooling contractor's office and a 2,800-square foot pole barn, with reduced setbacks and a non-permitted wall sign in D-3, **denied**.

**2002-UV1-014; 6403 West Thompson Road (south of site)**, requested a variance of use to provide for welding facility consisting of welding of cast iron and aluminum cylinder heads in a 6,000-square foot commercial building in C-1, **granted**.

**98-UV1-75; 5020 Kentucky Avenue (south of site)**, requested a variance of use to provide for outdoor storage of seasonal sales items in C-3, with reduced front setbacks, maneuvering in the right-of-way of Kentucky Avenue, and a dumpster within the front yard along Depot Street, **granted**.

**97-UV3-38; 5021 Kentucky Avenue (south of site)**, requested a variance of use to provide for used auto sales in C-3, **withdrawn**.

**97-UV1-60; 5021 Kentucky Avenue (south of site)**, requested a variance of use to provide for the construction of a residential model sales home in C-3, **granted**.

**95-UV2-88; 5021 Kentucky Avenue (south of site)**, requested a variance of use to provide for the continued operation of outdoor automobile sales in C-3, **withdrawn**.

**95-UV1-52; 6345 West Thompson Road (south of site)**, requested a variance of use and development standards to provide for a floral shop within an existing dwelling, with a freestanding identification sign in D-3, **granted**.





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**91-UV2-128; 5021 Kentucky Avenue (south of site)**, requested a variance of use to provide for the continued operation of outdoor automobile sales in C-3, **granted for a period not to exceed three years.**

**88-Z-273; 5021 Kentucky Avenue (south of site)**, requested rezoning of 1.22 acres from SU-18 to C-3, **approved.**

**85-UV2-91; 5020 Kentucky Avenue (across Kentucky Avenue to southwest)**, variance of use to provide for outdoor storage of seasonal sales items in C-3, **granted for a period not to exceed three years.**

**79-Z-100; 5011 Kentucky Avenue (abutting site to south)**, rezoning of 0.38 acre from SU-18 to SU-42 to provide for a natural gas regulating station, **approved.**

## EXHIBITS

### EXHIBIT A

#### Heritage Tree Conservation

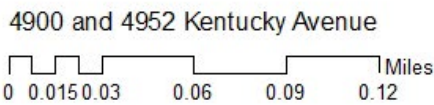
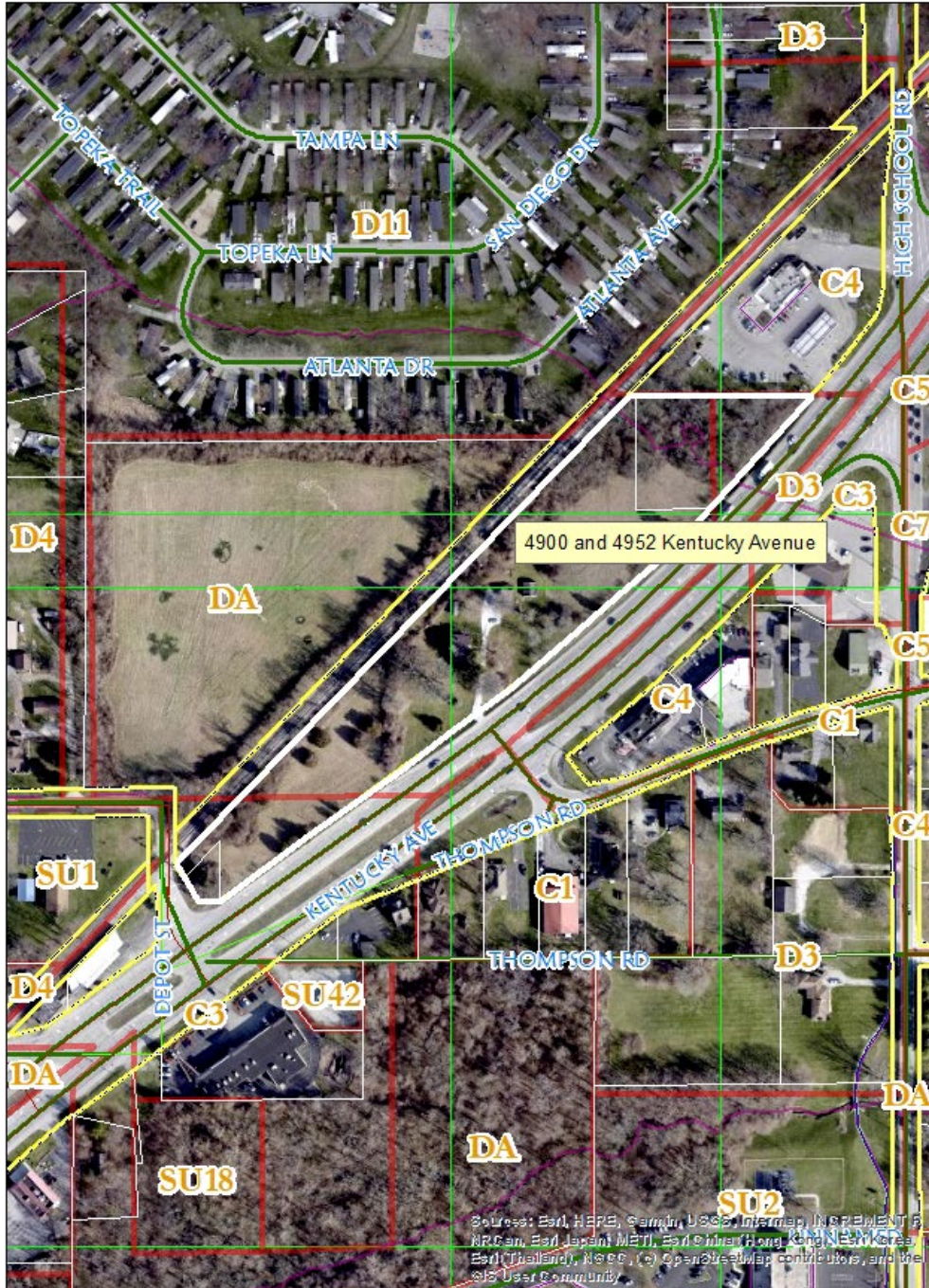
Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

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

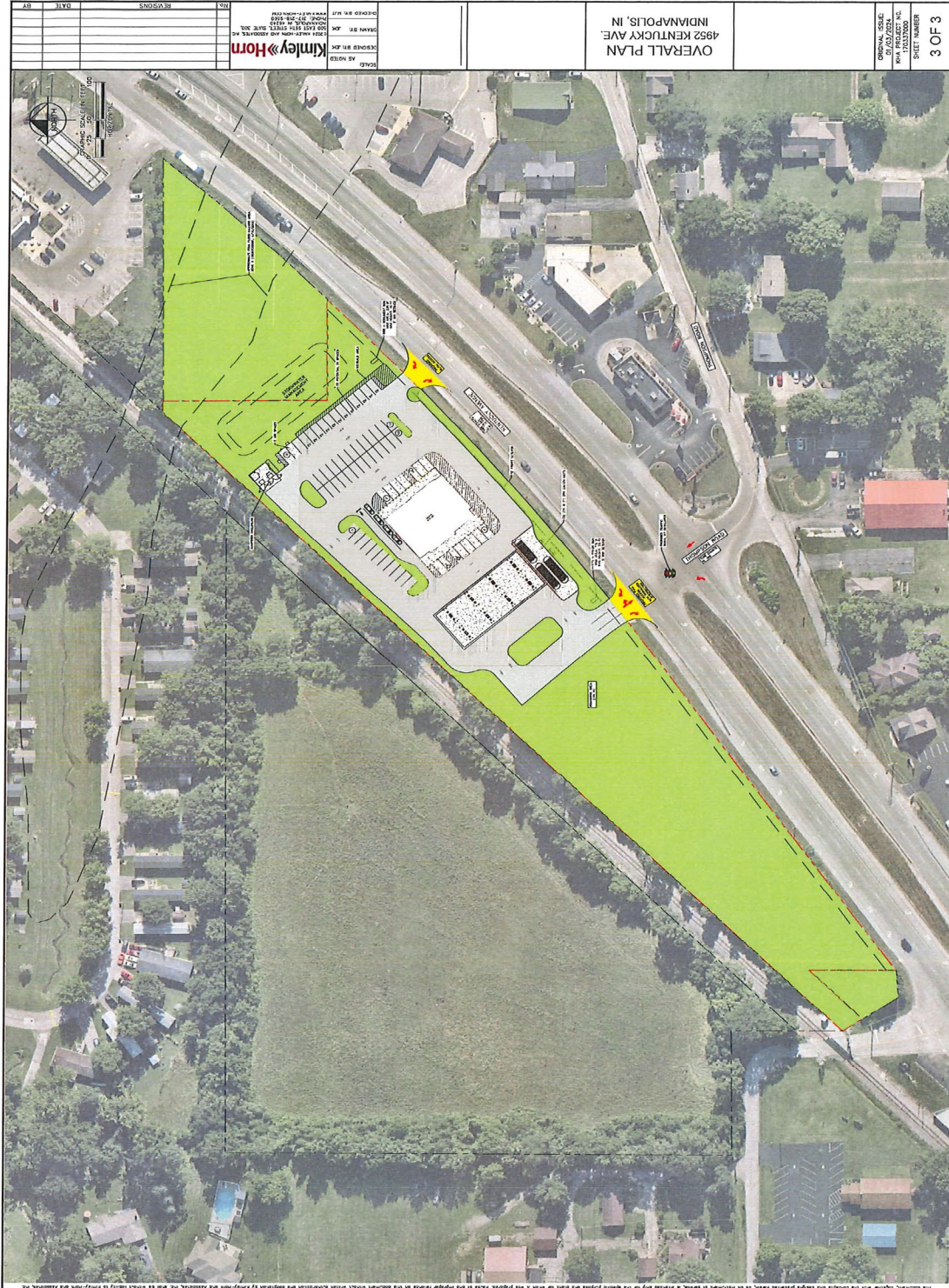


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**WAWA U63FB-FT**

KEY PLAN  
88'11" x 117'11"

BRIDGE SQUARE FOOTAGE: 4,422 SF

**MATERIALS:**

- 1. BRICK
- 2. CONCRETE SIDING
- 3. EIFS OR STUCCO
- 4. ROOF: SLATE
- 5. TILE
- 6. WAWA SIGNAGE

ALL MATERIALS SHALL BE APPROVED AND MANUFACTURED IN ACCORDANCE WITH THE REQUIREMENTS OF THE IBC IN COMPLIANCE OF ZONING CODES.

**FRONT ELEVATION**  
88'11" x 117'11"

**REAR ELEVATION**  
88'11" x 117'11"

**LEFT ELEVATION**  
88'11" x 117'11"

**RIGHT ELEVATION**  
88'11" x 117'11"

**MATERIALS CALCULATIONS FRONT ELEVATION:**

BRICK	7%
EIFS OR STUCCO	50%
GLAZING	32%
TOTAL	89%

**MATERIALS CALCULATIONS REAR ELEVATION:**

BRICK	1%
EIFS OR STUCCO	50%
GLAZING	49%
TOTAL	100%

**MATERIALS CALCULATIONS LEFT ELEVATION:**

BRICK	42%
EIFS OR STUCCO	42%
GLAZING	38%
TOTAL	122%

**MATERIALS CALCULATIONS RIGHT ELEVATION:**

BRICK	1%
EIFS OR STUCCO	42%
GLAZING	57%
TOTAL	100%

**U63FB-FT**  
4952 KENTUCKY AV.  
INDIANAPOLIS, IN 46221

**MATERIALS:**

1 BRICKS	2 BRICKS OR STUCCO	3 METAL: WHITE	4 PAINT: CEILING BRIGHT WHITE
5 BRICKS	6 METAL: WHITE	7 BRICKS	8 BRICKS
9 BRICKS	10 BRICKS	11 BRICKS	12 BRICKS

**WAWA STACKED 8 FUEL CANOPY - TRASH COMPOUND-R**  
 4962 KENTUCKY AV.  
 INDIANAPOLIS, IN 46221



View looking north across intersection of Valley Mills Road the Kentucky Avenue



View looking south at adjacent commercial uses along Kentucky Avenue



View of southern portion of site looking northwest across Valley Mills Road



View of site looking north across Vally Mills Road along railroad tract





View of southern portion of the looking north across Valley Mills Road



View of site looking northwest across Kentucky Avenue



View of site looking west across Kentucky Avenue



View of site looking west across Kentucky Avenue



View of site looking west across intersection of Thompson Road and Kentucky Avenue



View of site looking west across Kentucky Avenue



View of site looking west across Kentucky Avenue



View of northern portion of site looking west across Kentucky Avenue



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-116 (Amended)

**Property Address:** 4105 and 4151 East 96th Street (Approximate Addresses)

**Location:** Washington Township, Council District #4

**Petitioner:** Tom Wood, Inc., by Joseph D. Calderon

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

**Request:** Rezoning of 4.058 acres from the C-S (FW) (FF) district to the C-S (FW) (FF) district to provide for an automobile dealership in addition to the uses permitted with 2023-CZN-869.

**Current Land Use:** Commercial and Industrial

**Staff Recommendations:** Denial

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

**PETITION HISTORY**

This petition was continued for cause from the October 10, 2024 hearing to the October 24, 2024 hearing at the request of staff to correct an addressing error and allow for additional time to meet the published notice requirement.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 4.058-acre subject site is comprised of two undeveloped outlots (Lot 2 and Lot 3) subdivided in 2023 per 2023-PLT-104. The site is part of an overall development plan approved through rezoning petition 2023-CZN-869.

**ZONING**

This petition requests a rezoning from the C-S district to the C-S district to provide for an automobile dealership. It would also allow for automobile, motorcycle and light vehicle service or repair and outdoor display and sales, ongoing in conjunction with automobile sales as accessory uses in addition to the uses already permitted on site per 2023-CZN-869.



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Division of Planning  
Current Planning**

The Special Commercial district (C-S) is established for the following purposes:

1. To encourage:
  - i. A more creative approach in land planning.
  - ii. Superior site and structural design and development.
  - iii. An efficient and desirable use of open space.
2. To provide for a use of land with high functional value.
3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural, or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped, or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

### **STAFF ANALYSIS**

The site was previously approved for the following uses: Commercial and Building Contractor, Offices, Light Manufacturing, Artisan Manufacturing, Recycling Station, Research and Development, Warehousing, Wholesaling and Distribution (including showroom with retail), Consumer Services, repair of Consumer Goods, Medical or Dental Office, Center or Clinic, Hair and Body Care Salon or Service, Financial and Insurance Services, Eating Establishment or Food Preparation, including brewery, distillery or tap room, Indoor Recreation/Entertainment, Retail, Light and Heavy General, Automobile, Motorcycle, and Light Vehicle Service or Repair, Hotel or Motel, Food Trucks, Vocational, Technical or Industrial School or Training Facility, Day Care Center or Nursery School and other Accessory Uses.

Staff's approval recommendation in 2023 was conditional to the removal of the Automobile, Motorcycle, and Light Vehicle Sales use on site.

In staff's opinion the proposed automobile related use would not align with the job generating uses that are otherwise proposed within this development. Instead, land would be dedicated for the storage of vehicles whether for sale or waiting for services/repairs which would not be the highest and best use of the site.



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The subject site is an area surrounded by auto related uses, but that is primarily due to Hamilton County placing their least favorable uses at the City’s border.

Staff would note that there is a significant amount of uses that could be proposed at the two sites that would be permitted without the need to include an additional automobile related use.

For these reasons, staff is recommending denial of the request. There are concerns with the site plan showing limited landscape areas, where staff would request significant front yard landscaping along 96<sup>th</sup> Street in excess of the street frontage landscaping requirements and should meet all other landscape requirements including the Green Factor if approved against our recommendation.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Commercial and Industrial	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	Hamilton County	Automotive Services
South:	C-S / D-7	Offices / Multi-family dwellings
East:	C-S / D-7	Office / Multi-family dwellings
West:	C-S	Offices / Commercial
<b>Thoroughfare Plan</b>		
96th Street	Primary Arterial	87-foot existing right-of-way with 102-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	September 5, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	September 5, 2024	
<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>	September 5, 2024	



## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends office commercial development for most of the site with the eastern property boundary being recommended as a floodway.
- The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.
- **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.
  - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development. Large-Scale Offices Pedestrian connections between buildings should be provided. Street connections to perimeter roads should be provided.
- **Large-Scale Offices**
  - Pedestrian connections between buildings should be provided.
  - Street connections to perimeter roads should be provided.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - Appropriate as a primary use only in major employment centers.
  - Outdoor display of merchandise should be limited.
  - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
  - Should be located along an arterial or collector street.
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- The site falls within an environmentally sensitive overlay, specifically the 100-year flood plain, which removes large-scale offices. However, with the site already being fully developed except for the outlots along the street frontage, there isn't any woodlands, wetlands, or other natural features to be preserved. The development of the site would simply have to meet the flood plain regulations.





**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)

- Not Applicable to the Site.

## ZONING HISTORY

### ZONING HISTORY – SITE

**2023-CZN-869 / 2023-CAP-869; 4105 and 4151 East 96th Street** (subject site), Rezoning of 30.64 acres from the C-S (FW) (FF) district to the C-S (FW) (FF) district to provide for the following uses: Commercial and Building Contractor, Offices, Light Manufacturing, Artisan Manufacturing, Recycling Station, Research and Development, Warehousing, Wholesaling and Distribution (including showroom with retail), Consumer Services, repair of Consumer Goods, Medical or Dental Office, Center or Clinic, Hair and Body Care Salon or Service, Financial and Insurance Services, Eating Establishment or Food Preparation, including brewery, distillery or tap room, Indoor Recreation/Entertainment, Retail, Light and Heavy General, Automobile, Motorcycle, and Light Vehicle Service or Repair, Hotel or Motel, Food Trucks, Vocational, Technical or Industrial School or Training Facility, Day Care Center or Nursery School and other Accessory Uses and Modification of Commitments related to 85-Z-128 and 98-Z-76 to terminate all existing commitments related to these two rezoning petitions, **approved**.

**2023-PLT-104; 4105 and 4151 East 96th Street** (subject site), Approval of a Subdivision Plat to be known as East 96th Street Development, dividing 28.569 acres into three lots, **approved**.

**2021-MOD-006; 4151 East 96th Street** (subject site), Modification of the site plan and Commitment Four of 98-Z-76 to provide for the expansion of the western warehouse building (development shall be substantially compliant with the site plan file-dated April 9, 1998), **approved**.

**2020-ZON-080; 4105 and 4151 East 96th Street** (subject site), Rezoning of 28.6 acres from the C-S (FF) district to the C-S (FF) district to provide for offices; warehousing; shipping and receiving; commercial and building contractors; assembly/modification; retail and wholesale sales with showroom; training and technology center; and conference/meeting rooms, **withdrawn**.

**2018-CZN-861 / 2018-CAP-861; 4151 East 96th Street** (subject site), Rezoning of 28.6 acres from the C-S district to the C-S district to add the sales, rental and repair of light vehicles, and mini-warehouses to the list of approved uses from 98-Z-76, and a modification of commitments to legally establish two signs and to provide for a third sign with a height of ten feet, **withdrawn**.

**2018-UV1-004; 4151 East 96th Street** (subject site), Variance of use to provide for the parking of vehicles for a temporary period, **approved**.

**99-V1-20; 4151 East 96th Street** (subject site), Variance of use to provide for building construction in a floodway, **approved**.

**98-Z-76; 4301 East 96th Street** (subject site), Rezoning of 19.7 acres from the C-S district to the C-S district to provide for retail sales, training center, offices, and warehousing, **approved**.

**86-V3-20; 4301 East 96th Street** (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the expansion of an office-warehouse with paved parking and loading area located at 10 feet from the rear property line (15 feet required), **granted**.



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**85-Z-128A; 4301 East 96th Street** (subject site), Rezoning of 102 acres from the A-2 district to the C-S district to provide for warehousing, distribution, offices, and multi-family dwellings, **approved.**

**ZONING HISTORY – VICINITY**

**2011-ZON-003; 9265 Counselors Row, 9229 Delegates Row, 3665, 3750, 3850, 3939, and 3950 Priority Way, South Drive and 9190 Priority Way, West Drive** (south of site), Rezoning of 49.5 acres from the C-S district to the C-S district to add educational uses to those permitted by 80-Z-91A, **approved.**

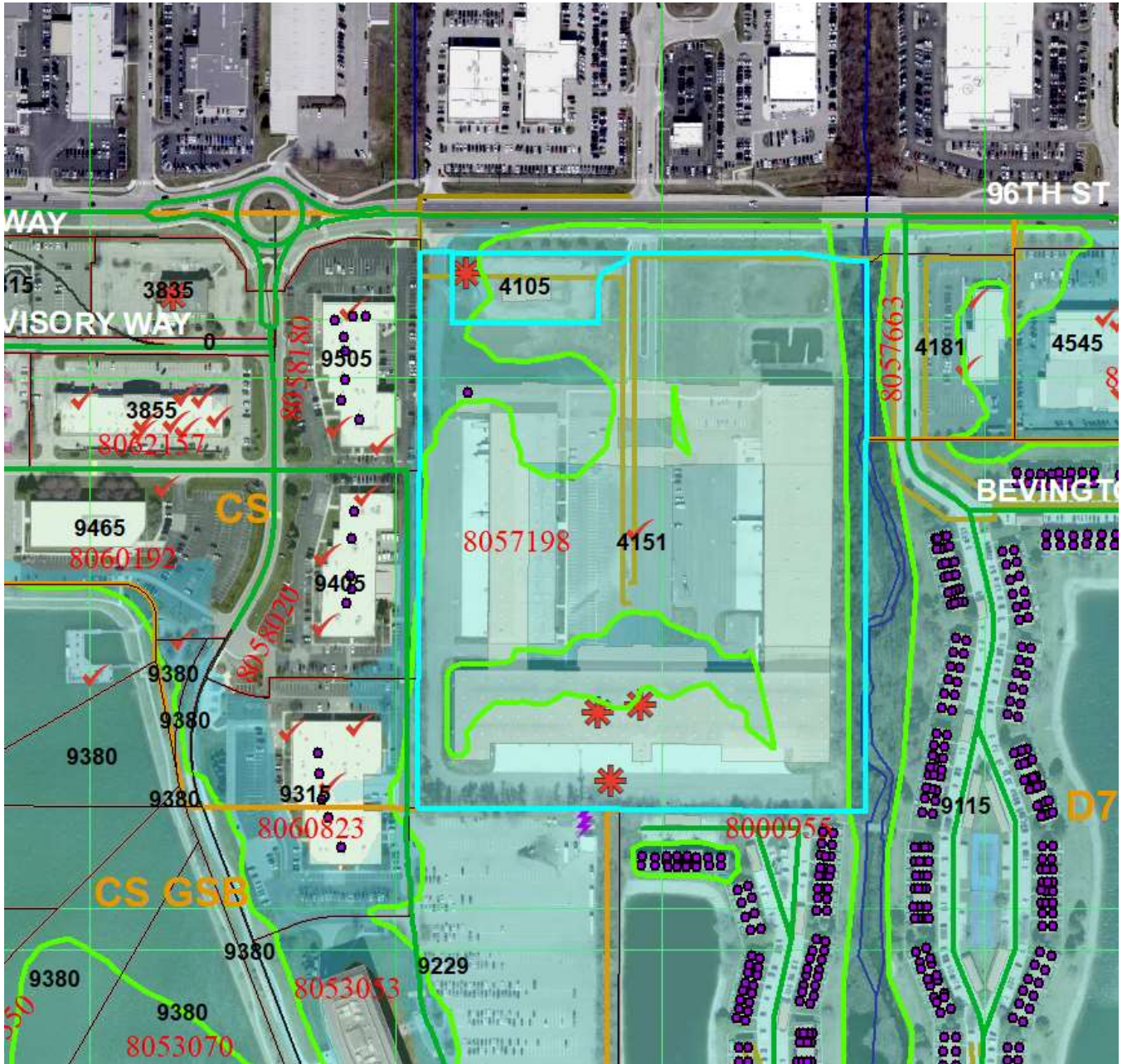
**85-Z-128B; 4301 East 96th Street** (east and south of site), Rezoning of 68 acres from the A-2 district to the D-7 district, **approved.**

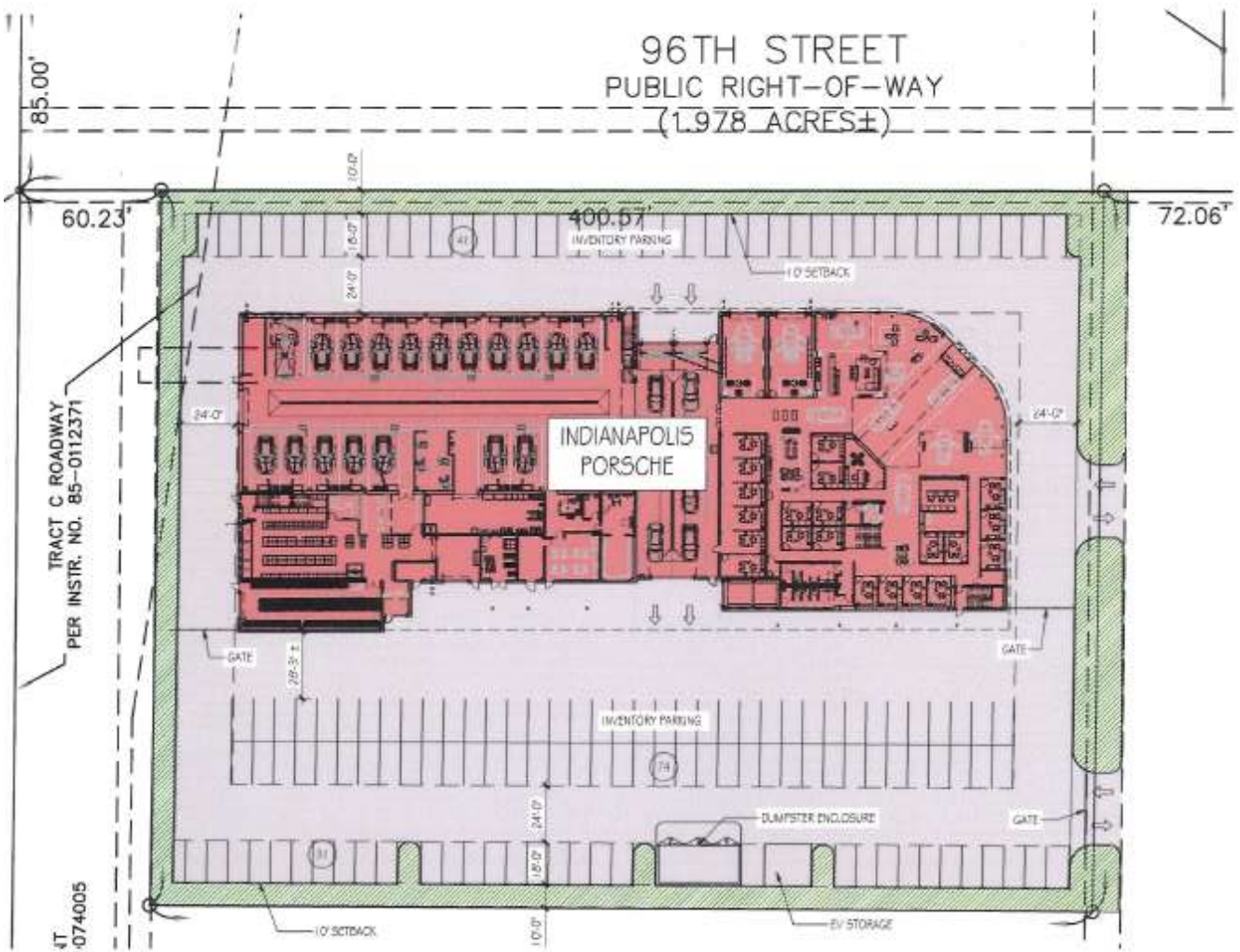
**80-Z-91A; 3801 East 96th Street** (west and south of site), Rezoning of 187.10 acres, being in A-2, SU-23, and GSB secondary districts, to C-S classification to provide for the construction and operation of an office, commercial, industrial research, light industrial, and service complex, **approved.**

**80-Z-91B; 9650 North River Road** (south of site), Rezoning of 61.14 acres, being in A-2, SU-23, and GSB Secondary districts to total GSB Secondary classification to relocate gravel-sand-borrow operation, **approved.**



EXHIBITS





**PENNEY DESIGN GROUP**  
10000 Woodruff Road | Suite 100 | Indianapolis, Indiana 46255  
317.576.1100 | www.penneydesign.com

**Tom Wood Auto Group**  
9828 Allisonville Ct  
Indianapolis, IN 46250

**Site Plan**  
OPTION 1  
8/11/2024

**Indianapolis**  
3885 30th  
Indianapolis  
46202

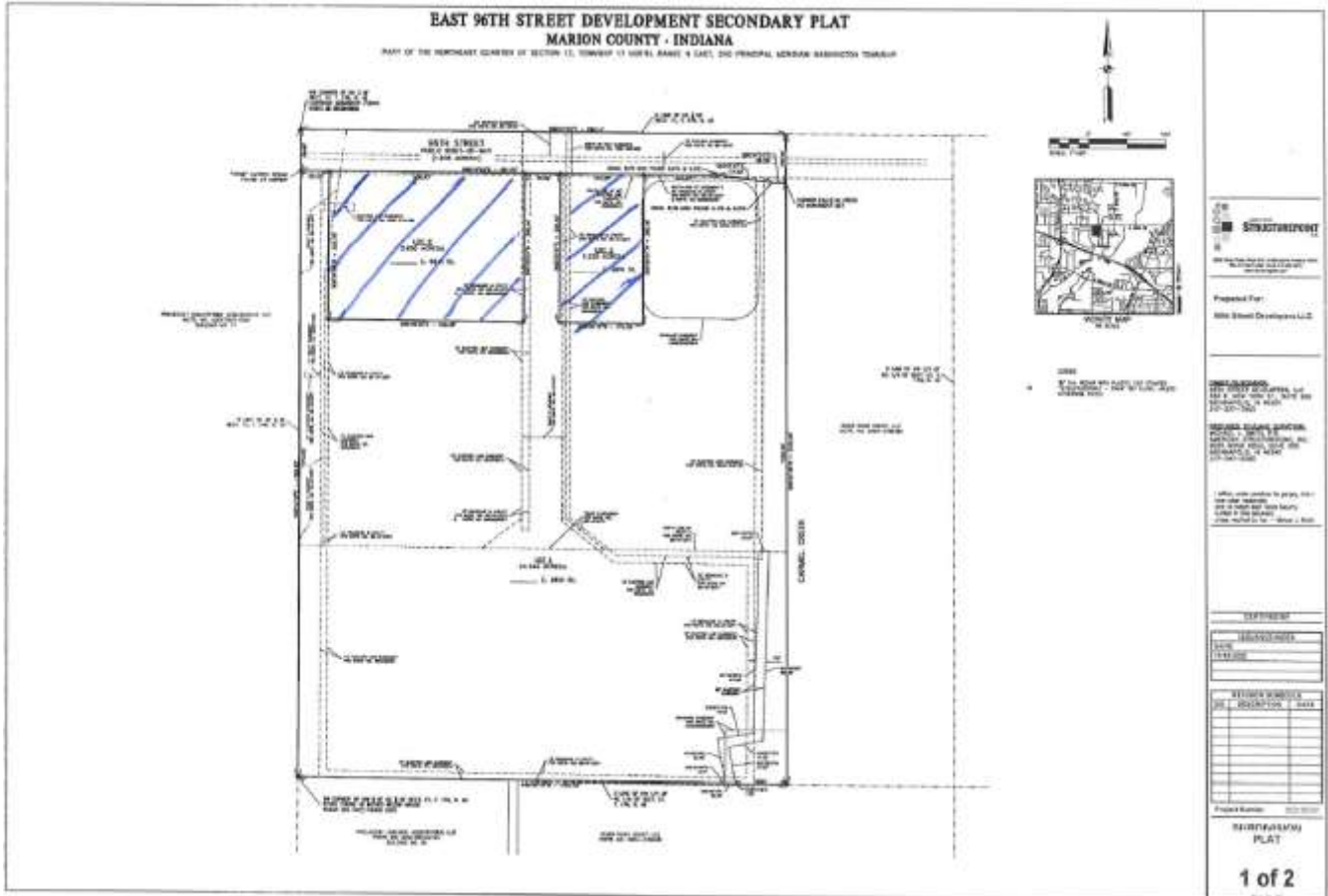


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**Amendment to C-S Development Statement**

Introduction: Petitioner, Tom Wood, Inc., seeks to rezone approximately 4.03 acres of property commonly known as 4105 and 4151 East 96<sup>th</sup> Street (the “Subject Property”) as shown on the Concept Plan attached as Exhibit “A” in order to facilitate relocation of Tom Wood Porsche to the Subject Property. The Subject property is also referred to as Lots 2 and 3 in the proposed East 96<sup>th</sup> Street Development Secondary Plat.

Zoning: The Subject Property is currently zoned C-S, most recently as part of Case No. 2023-CZN-869. In order to develop the Subject Property as an Auto Dealership, the C-S Development Statement filed as part of 2023-CZN-869 needs to be amended solely to add the proposed use.

The following proposed permitted primary uses of Lots 2 or 3 shall be as follows:

- a) Medical or Dental Office, Center, or Clinic
- b) Hair and Body Care Salon or Service
- c) Financial and Insurance Services
- d) Consumer Services, repair of Consumer Goods
- e) Offices (Business, Professional or Government)
- f) Eating Establishment or Food Preparation, including brewery, distillery, tap room
- g) Indoor Recreation/Entertainment
- h) Retail, Light and Heavy General
- i) Hotel, Motel
- j) Day Care Center, Nursery School
- k) Automobile Sales

Permitted Accessory Uses of the Subject Property shall include the following:

- 1) Wireless Communication Facilities
- 2) Game Courts
- 3) Outdoor Storage (limited to Lot 1 only, to a maximum of twenty-five percent (25%) of total square footage of all buildings on Lot 1)
- 4) Outdoor Display and Sales, Temporary
- 5) Outdoor Seating or Patio
- 6) Renewable Energy Facility, Solar, Geothermal or Wind





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- 7) Satellite Dish Antenna
- 8) Sign(s)
- 9) Temporary Construction Yard, Office, or Equipment Storage
- 10) Temporary Outdoor Event (no more than fifteen (15) consecutive days in any sixty (60) day period)
- 11) Vending Machines/Self-Serve Kiosk (outside)
- 12) Sidewalk Café/Food Trucks
- 13) Walk-up Window
- 14) Drive Through
- 15) Automobile, Motorcycle and Light Vehicle Service or Repair (in conjunction with Automobile Sales use described above)
- 16) Outdoor Display and Sales, Ongoing (in conjunction with the Automobile Sales described above)

Development Standards:

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

Landscaping plans are not yet fully developed for Lots 2 and 3. Prior to obtaining an improvement location permit for a new building, a detailed landscaping plan, consistent with that required for commercial uses set forth in Ch. 744, Art. V of the Zoning Ordinance, shall be submitted for Administrator's Approval. Off-street parking shall conform to the requirements set forth in Ch. 744, Art. IV of the Zoning Ordinance.

Signs:

The following sign types shall be permitted for Lots 2 and 3:

- 1) Monument (Business identification) Sign not to exceed twelve (12) feet in height and no more than one (1) for each lot
- 2) Ground (Business identification) Sign, in lieu of a monument sign, and no more than one (1) for each lot
- 3) Wall Signs, Awning, Canopy and Window Signs
- 4) Incidental, Temporary, and Other Signs as would otherwise be permitted in a commercial zoning district



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Phasing of Development:

The project may be developed as generally shown on the conceptual site plan submitted with the C-S Rezoning Petition and this C-S Development Statement (the “Concept Plan”); provided, however, prior to applying for an Improvement Location Permit for a new building/development of a lot, a final site and development plan, consistent with the standards contained in this C-S Statement, shall be tendered for Administrators Approval.

44438989.1

Exhibit "A"  
Concept Plan

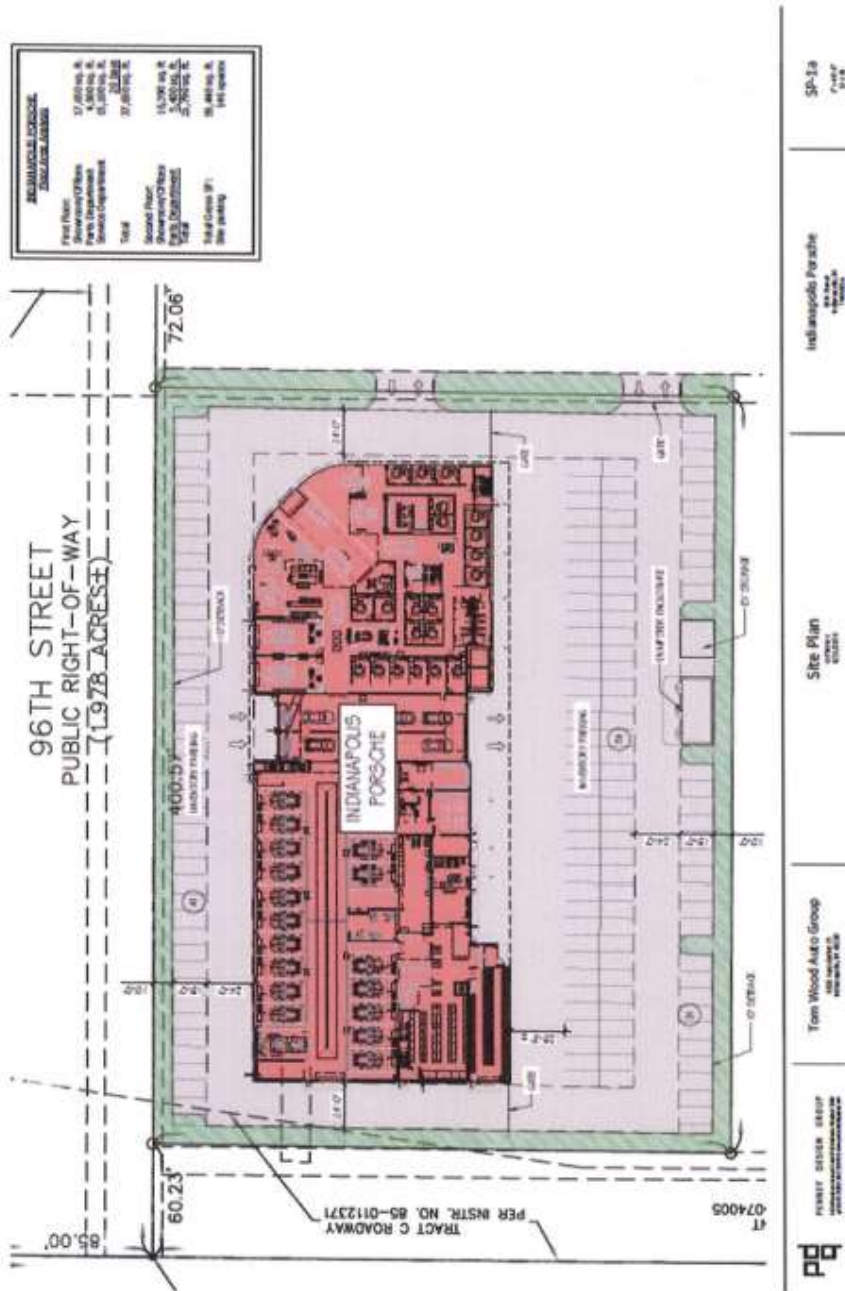




Photo of the proposed location of the dealership looking south across 96th Street.



Photo of the proposed location of the dealership looking east from the western most driveway.



Photo of the other outlot east of the proposed dealership location.



Close up of the eastern outlot.



Photo of the commercial uses west of the site.



Photo of a car rental business north of the site in Hamilton County.



Photo of a car dealership north of the site in Hamilton County.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

October 24, 2024

**Case Number:** 2024-CVR-826 / 2024-CPL-826 (Amended)

**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) zero-foot corner side setback along Highland Avenue (eight feet required), a 10.67-foot encroachment into the clear sight triangle of New York Street and an eight-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required), and a five-foot rear setback for Lot 5 (15 feet 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:** Approval of the variances and plat.

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

**PETITION HISTORY**

This petition was continued from the July 11, 2024 hearing to the August 15, 2024 hearing at the request of the petitioner to provide additional time to work with staff.

This petition was continued from the August 15, 2024 hearing to the September 12, 2024 hearing at the request of the petitioner to provide additional time to work with staff.

This petition was continued from the September 12, 2024 hearing to the October 24, 2024 hearing at the request of the petitioner to amend the request.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the variance requests.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 25, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:



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Division of Planning  
Current Planning**

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

## PETITION OVERVIEW

### LAND USE

The undeveloped subject site is located in the Near Eastside neighborhood and falls within the Walker's East Ohio Street Addition Subdivision. The site is surrounded a single-family dwelling to the north and east, zoned D-8, by a surface parking lot to the west, zoned C-S, and a park to the south, zoned PK-1.

### VARIANCE OF DEVELOPMENT STANDARDS

The request was amended to eliminate a building height variance and significantly reduced the clear sight triangle encroachment.

The grant of the amended request would allow for the construction of five single-family attached dwellings, with a zero-foot front setback along New York Street for each unit where a 10 to 19.9-foot front yard setback is required, a zero-foot corner side setback along Highland Avenue for one unit where an eight-foot setback is required, a clear sight triangle encroachment, deficient landscaping and a reduced five-foot rear setback for Lot 5 where 15 feet is required.





**PLAT**

The proposed subdivision plat would subdivide the site into five single-family attached lots that would be named Elevate Highland Park. The proposed plat meets the standards of the D-8 zoning district except for the variances requested in the companion variance petition, 2024-CVR-826.

**TRAFFIC / STREETS**

Four of the proposed lots would front on New York Street and one would front along Highland Avenue. No new streets are proposed as part of this petition. Access will be granted from the abutting alley to the west.

**SIDEWALKS**

The sidewalk along New York Street would be relocated and installed per the submitted plan. The existing sidewalk along Highland Avenue would remain.

**STAFF ANALYSIS**

The zero-foot front setback along New York Street is for a staircase in the front yard that provides four units access to the sidewalk. The zero-foot corner side setback along Highland Avenue is also for a staircase for Lot 5 to gain access to the sidewalk. Because the building setback along Highland Avenue will be eight feet and the building setback along New York Street will be five feet, staff determined the staircase encroachment into the corner side yard is supportable.

In working with staff, the corner unit was rearranged to face Highland Avenue and provide minimal encroachment into the clear sight triangle. Furthermore, the Department of Public Works provided the petitioner an example of what their version of a clear sight triangle is, Intersection Sight Distance, and the petitioner provided a visual that they would be outside of that area. The new layout pushed the unit further north which created a reduced rear yard setback to allow a reduction of a clear sight triangle encroachment. Staff is now supportive of the clear sight triangle variance request and the reduced rear setback.

Lastly, the 50% living material would not be met where the staircase takes up the majority of the front yard, but additional landscaping could be proposed in the right-of-way which staff would support.

Staff is recommending approval of the variance requests as amended and the subdivision plat.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-8
<b>Existing Land Use</b>	Undeveloped
<b>Comprehensive Plan</b>	Traditional Neighborhood



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Surrounding Context	Zoning	Land Use
North:	D-8	Residential (Single-family dwelling)
South:	PK-1	Park
East:	D-8	Residential (Single-family dwelling)
West:	C-S	Surface Parking Lot
Thoroughfare Plan		
New York Street	Primary Arterial Street	78-foot proposed right-of-way and 80-foot existing right-of-way.
Highland Avenue	Local Street	48-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	June 9, 2024	
Site Plan (Amended)	September 25, 2024	
Elevations	June 9, 2024	
Elevations (Amended)	September 25, 2024	
Landscape Plan	September 25, 2024	
Findings of Fact	June 9, 2024	
Findings of Fact (Amended)	October 15, 2024	
C-S/D-P Statement	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development of the site.



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- 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.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
  - A mix of housing types is encouraged. 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.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - 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.
  - 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.
- **Attached Housing**
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

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

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018), but not within the Transit Oriented Development Secondary District.
- The site is located within a ½ mile of the closest transit station at Southeastern Avenue and Washington Street, which is classified as a district center typology.



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- Development in the district century typology should include a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 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 floor.
- TOD investments here should leverage significantly higher residential and employment densities, demonstration projects, urban living amenities and workforce housing.
- The proposal would align with the recommendation for more residential density.

### Neighborhood / Area Specific Plan

- The subject site falls within the Near Eastside Quality of Life Plan.

### 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



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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.

•

### Indy Moves

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

- Indy Moves Transportation Integration Plan (2018), specifically IndyMoves PedalIndy 2018 proposes an active transportation system, neighborway, along Highland Avenue from Washington Street to 10<sup>th</sup> Street.
- Neighborways are slow-speed, low-volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.
- Pedal Indy strives to:
  - Improve low-stress conditions for biking
  - Support active transportation options to improve health outcomes
  - Build support and collaboration for multimodal transportation options
  - Lay the groundwork for planning, design, implementation, and evaluation of existing and proposed bike infrastructure
- A protected bike lane exists along New York Street from Davison Street to Rural Street.

## ZONING HISTORY

### Zoning History – Vicinity

**2013-CVR-807; 1205 East New York Street and 237 North Highland Avenue** (southeast of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for 14 dwellings with 15-foot front setbacks along New York Street, Highland Avenue and Marlowe Avenue (25-foot front setback required), and with two detached garages on the lots facing New York Street having eight-foot aggregate side setbacks (10-foot aggregate side setbacks required), **granted.**

**2009-CZN-825 / 2009-CVR-825; 1030 East New York Street, 1021 East Michigan Street, 254, 315, 321, 329, 402 and 411 Dorman Street, 1019 East Vermont Street and 326 Highland Avenue (northwest and west of site)**, Rezoning of 10.35 acres from the I-3-U (FW) (FF), D-8 (FW) (FF), C-2 (FF) to the C-S classification to provide for I-3-U uses, C-1 uses, C-3C uses, multifamily uses, single-family dwellings and off-street parking lots, and Variance of development standards of the Commercial Zoning Ordinance to provide for a trash enclosure in the front yard of Vermont Street and to provide for five free-standing signs with deficient setbacks as follows, a) Sign One with a three-foot setback from New York Street (15-foot setback required), b) Sign Two with a three-foot setback from New York Street (15-foot setback required), c) Sign Three with a three-foot setback from New York Street (15-foot setback required), d) Sign Four with an eight-foot setback from New York Street and a nine-foot setback from Dorman Street (15-foot setback required), and e) Sign Five with a nine-foot setback from Michigan Street and a 12-foot setback from Dorman Street (15-foot setback required)., **approved and granted.**

**2003-DV1-024; 1202 East New York Street** (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 875 square foot single family dwelling and a 535.33 square foot detached garage each with a six-foot front yard setback along Highland Avenue (minimum 25 foot front yard setback required), **granted?**

**99-UV1-69; 1201-1221 East New York Street and 1240-1318 Marlowe Avenue** (southeast of site), Variance of Use to provide for religious uses, **granted.**

**96-UV2-98; 1202 East New York Street** (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a paved parking lot as the primary use (not permitted) for an auction hall located across the street, **denied.**

**EXHIBITS**

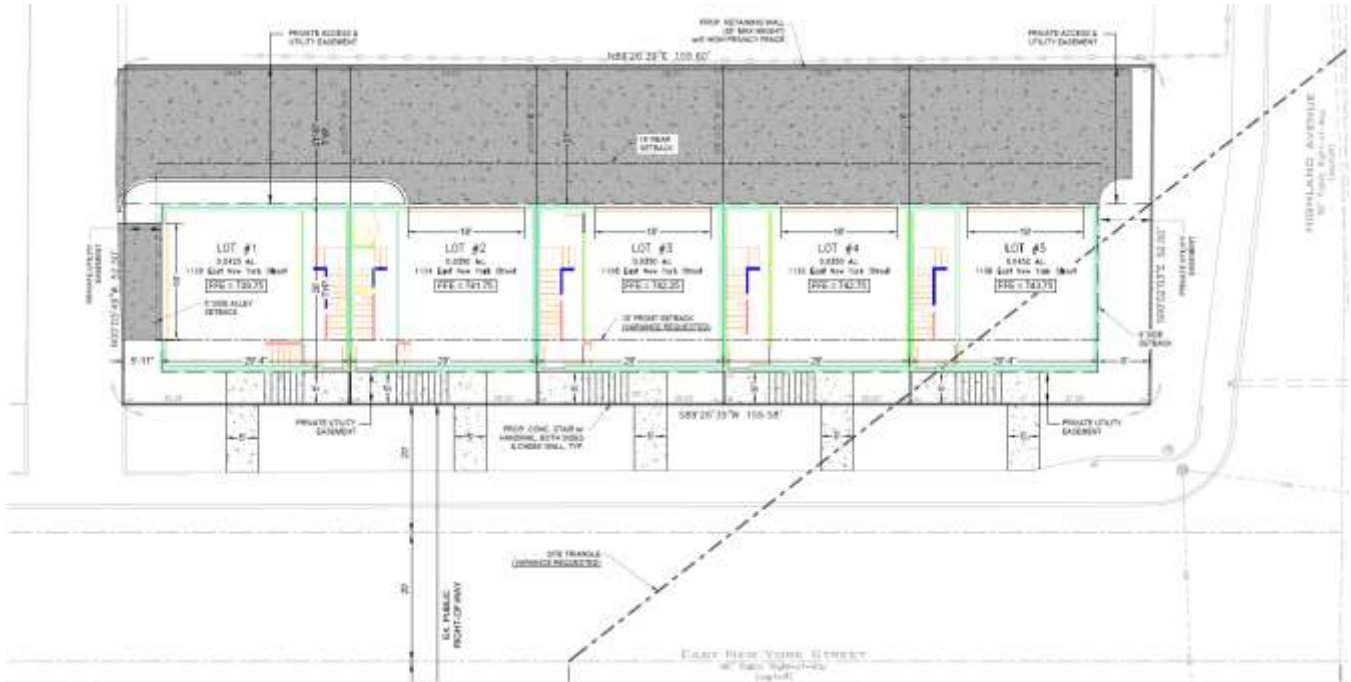




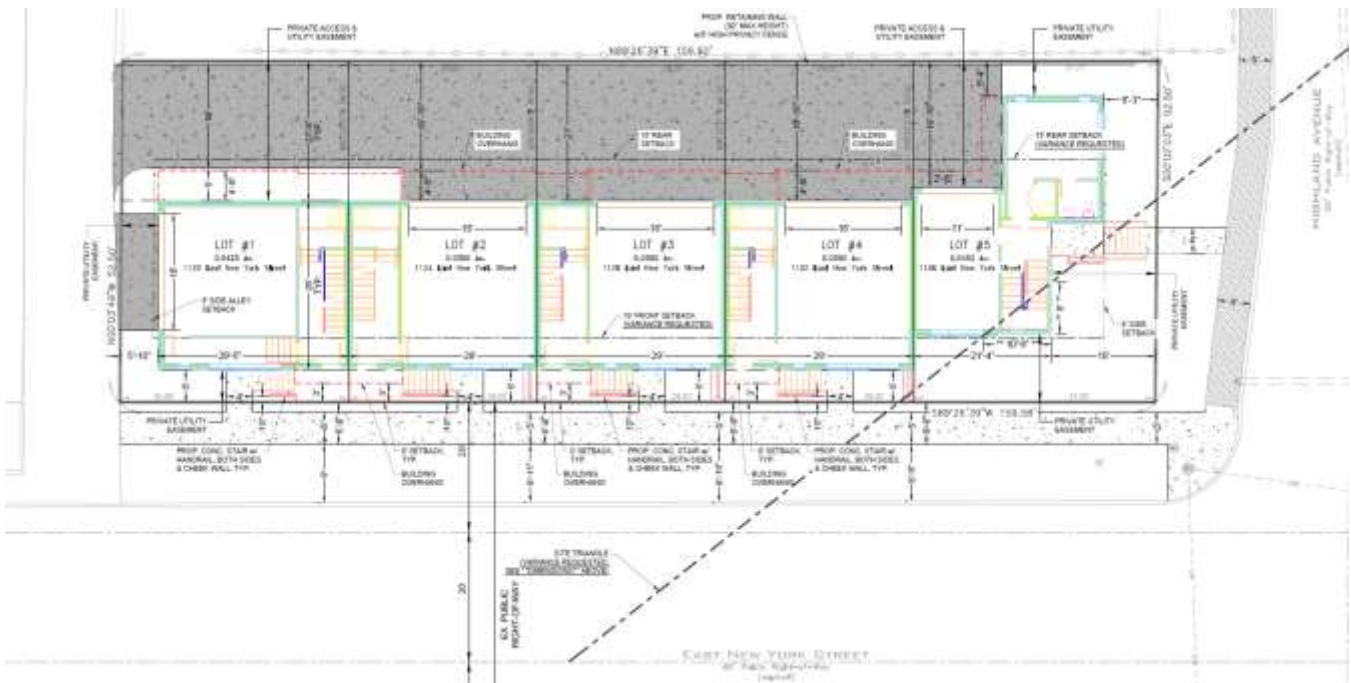




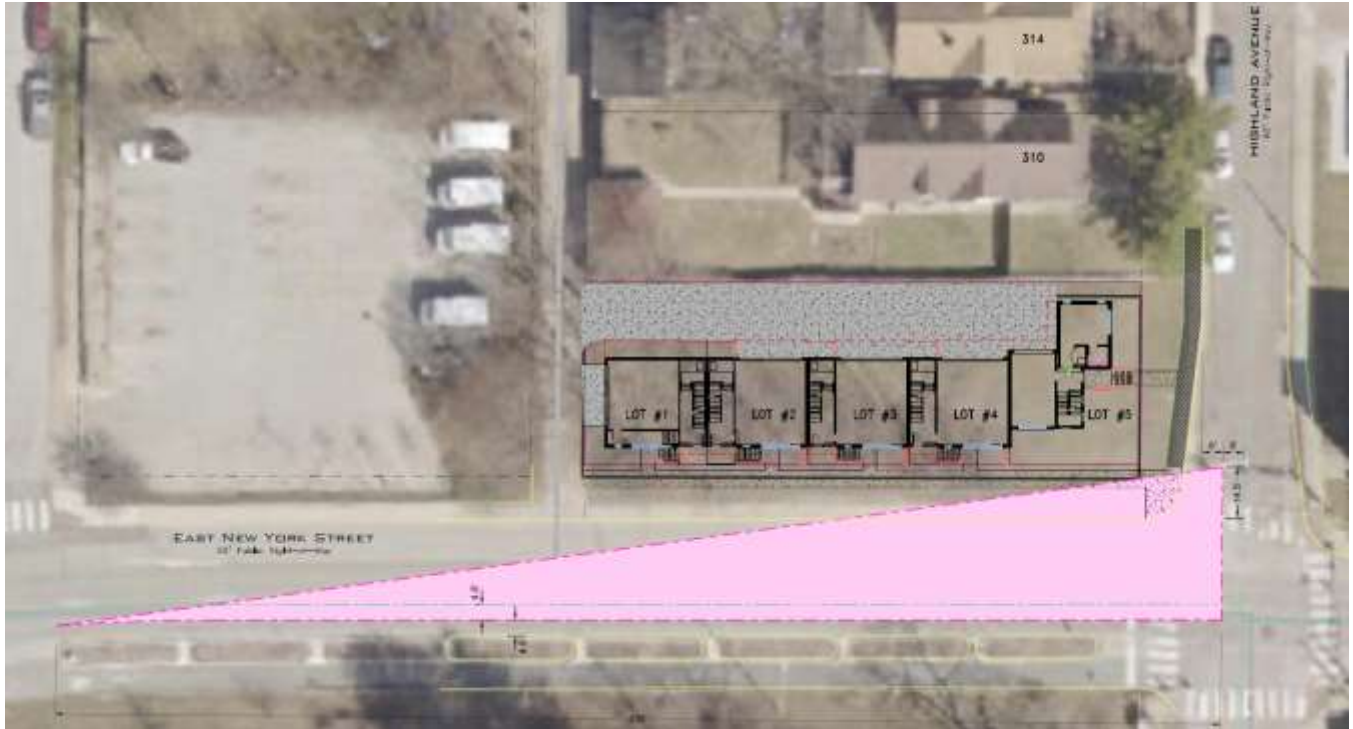
SITE PLAN



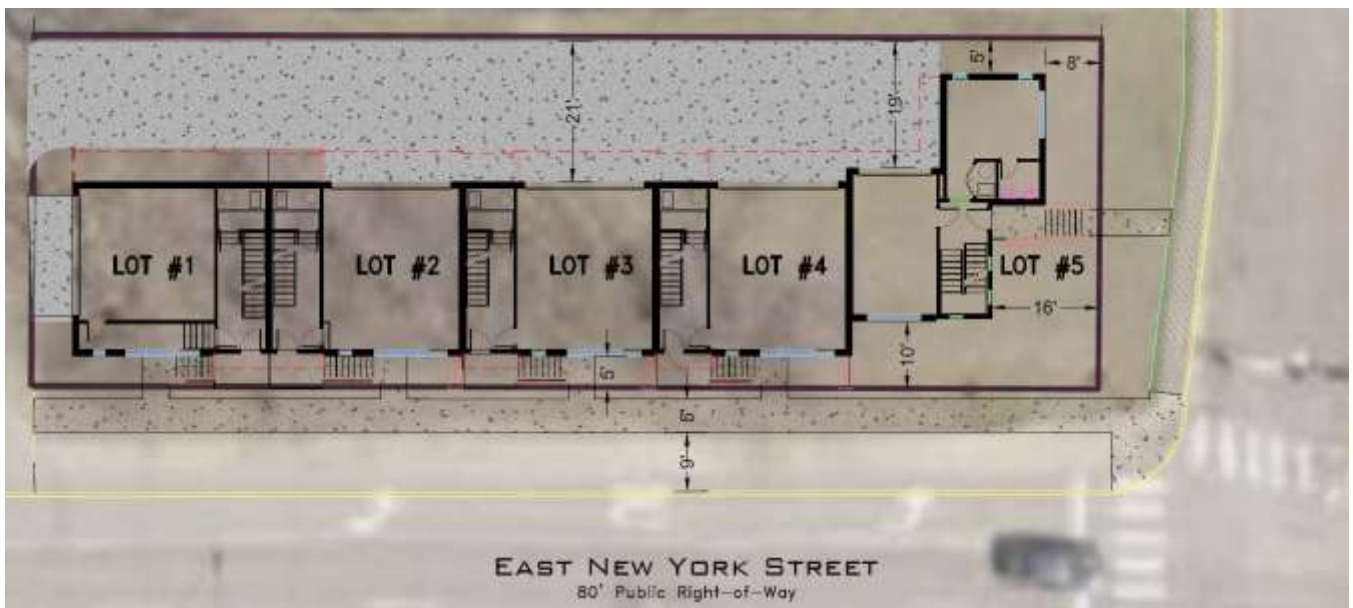
AMENDED SITE PLAN



DPW INTERSECTION SIGHT DISTANCE



PROPOSED SETBACKS CALLED OUT



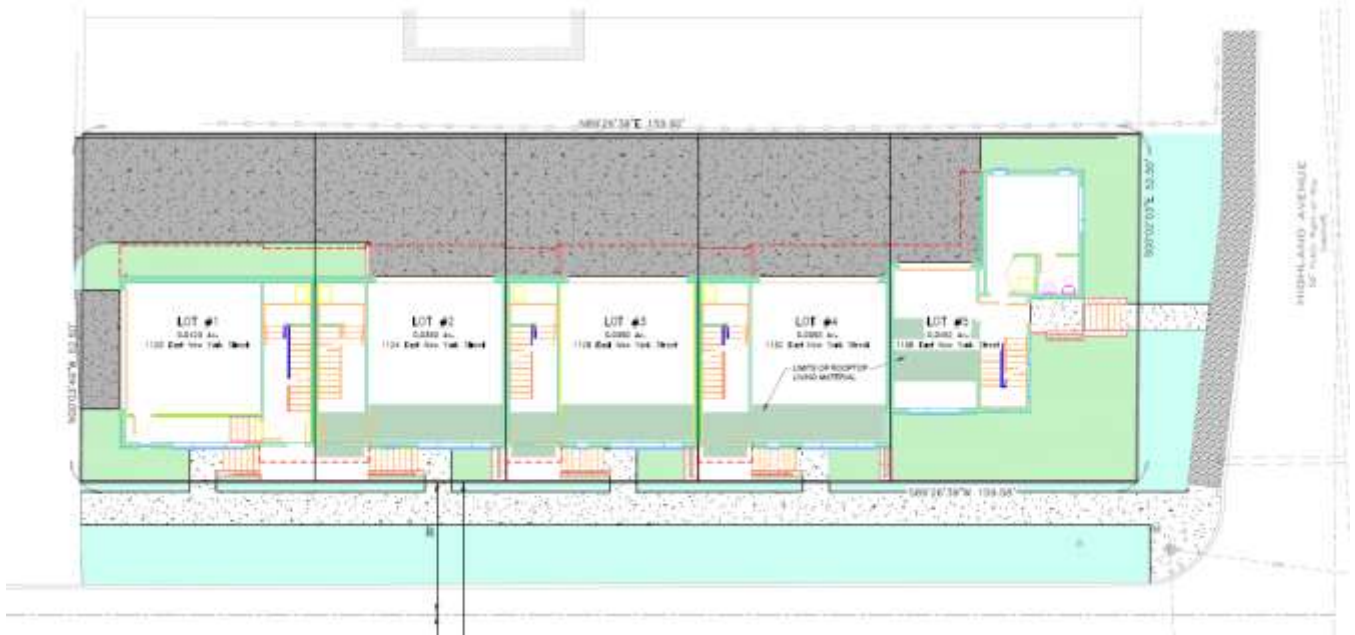


**LEGEND**

-  PROPOSED CONCRETE DRIVE
-  PROPOSED CONCRETE WALK
-  LIVING MATERIAL (PARCEL GROUND-LEVEL)
-  LIVING MATERIAL (ROOFTOP)
-  LIVING MATERIAL (RIGHT-OF-WAY)

**LIVING MATERIAL CALCULATION**

PARCEL GROUND-LEVEL LIVING MATERIAL = 1,322 SF  
 ROOFTOP LIVING MATERIAL = 816 SF  
 RIGHT-OF-WAY LIVING MATERIAL = 2,177 SF  
 TOTAL SITE LIVING MATERIAL = 4,315 SF





ELEVATE AT HIGHLAND PARK

EXTERIOR RENDERING - ZONING PACKET  
09/11/24



South Elevation  
1" = 10'-0"

ELEVATE AT HIGHLAND PARK

EXTERIOR ELEVATIONS - ZONING PACKET  
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East Elevation  
 1" = 10'-0"



West Elevation  
 1" = 10'-0"

ELEVATE AT HIGHLAND PARK

EXTERIOR ELEVATIONS - ZONING PACKET  
 09/11/24



North Elevation  
 1" = 10'-0"

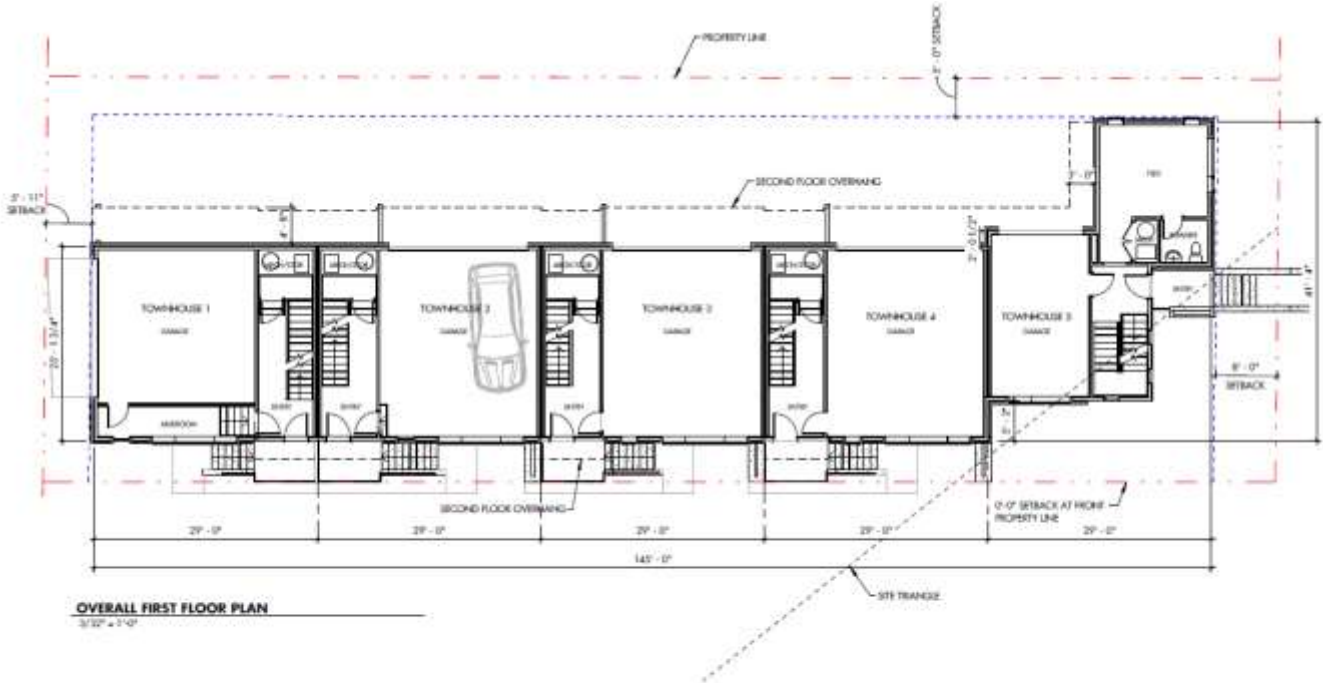
ELEVATE AT HIGHLAND PARK

EXTERIOR ELEVATIONS - ZONING PACKET  
 09/11/24





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ELEVATE AT HIGHLAND PARK

FIRST FLOOR PLAN - ZONING PACKET  
09/11/24



ELEVATE AT HIGHLAND PARK

SECOND FLOOR PLAN - ZONING PACKET  
09/11/24





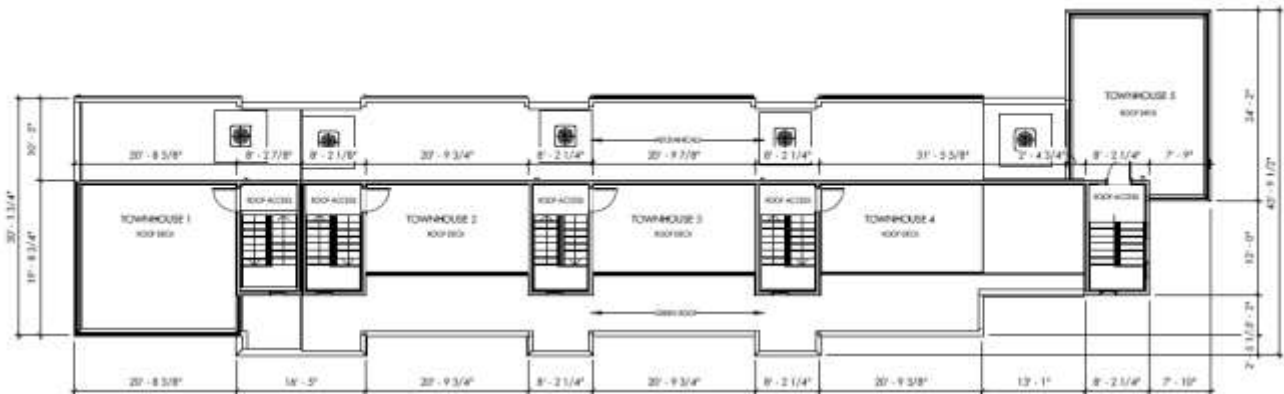
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**OVERALL THIRD FLOOR PLAN**  
 3/32" = 1'-0"

ELEVATE AT HIGHLAND PARK

**THIRD FLOOR PLAN - ZONING PACKET**  
 09/11/24



**OVERALL ROOF PLAN**  
 3/32" = 1'-0"

ELEVATE AT HIGHLAND PARK

**ROOF PLAN - ZONING PACKET**  
 09/11/24







**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 existing undeveloped lot meets conformity and zoning standards for a rowhouse development. Subdividing the lot into five (5) lots for such rowhouse development will not be a detriment to the public health, safety, morals and general welfare of the community. The variance request will not substantially increase the hazard from fire or other dangers to the subject property nor will result in an increase in public expenditure or unduly traffic congestion in the public streets and highways.

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 use and value of the adjacent property will not be affected in a substantially adverse manner. The variance request will not diminish nor impair property values within the neighborhood nor create a nuisance, but is needed for preservation of property rights which are the same as owners of other property in the same or vicinity possessed in D-8 Zoning District.

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

without the variance, the permitted use of the property will result in practical difficulties in the use and proposed development use of the property in compliance with the zoning ordinance.



Photo of the subject site looking west from Highland Avenue.



Photo of the subject site's street frontage along New York Street looking east.



Photo of the subject site looking east from the alley.



Photo of the alley west of the site.



Photo of the parking lot west of the alley.



Photo of the park south of the site.



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



Photo of the single-family dwelling east of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CAP-832 / 2024-CVR-832

**Property Address:** 8640, 8814, and 8816 South Arlington Avenue and 5624 East County Line Road (Approximate Addresses)

**Location:** Enter Township, Enter Council District

**Petitioner:** GP-CM County Line Partners, LLC, by Brian J. Tuohy

**Current Zoning:** C-S

**Request:** Modification of the Development Statement and Commitments for 2022-ZON-060 to Terminate Commitment 11.n, which prohibited outdoor storage / operations, and Commitment 22, which required the site to be developed in substantial conformance with the C-S Statement and the Conceptual Site Plan, file-dated November 18, 2022, and to provide for three outdoor storage areas adjacent to proposed Building 2, in accordance with an amended site plan.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 227 spaces (minimum 246 parking spaces required) and to provide for a 20-foot-tall screen wall within the south side yard (maximum six-foot tall screen wall permitted).

**Current Land Use:** Undeveloped

**Staff Recommendations:** Approval of the modification with commitments. Denial of the variances.

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

**PETITION HISTORY**

This petition was automatically continued from the September 16, 2024 hearing to the October 24, 2024 hearing at the request of a registered neighborhood organization.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the variances.

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

1. The enclosure material surrounding the three outdoor storage locations should have a similar color scheme as the proposed building for better architectural integration. A final elevation of the enclosure material shall be submitted for Administrative Approval prior to the issuance of an Improvement Location Permit.

2. Approval of the three outdoor storage locations shall be subject to the site plan, file-dated August 21, 2024.

## PETITION OVERVIEW

### LAND USE

The subject site is part of an overall development plan, that is currently undeveloped. It is bordered to the north by an apartment complex, zoned C-S, and undeveloped land to the west, south, and east, zoned C-S.

### MODIFICATION

The grant of the request would modify the Development Statement and Commitments for 2022-ZON-060 to Terminate Commitment 11.n, which prohibited outdoor storage / operations, and Commitment 22, which required the site to be developed in substantial conformance with the C-S Statement and the Conceptual Site Plan, file-dated November 18, 2022, and to provide for three outdoor storage areas adjacent to proposed Building 2, in accordance with an amended site plan.

The proposed requests would only be applicable to Building 2 of the development and would not be for the overall development.

### VARIANCE OF DEVELOPMENT STANDARDS

The grant of the variance request would allow for a reduction in parking spaces from the 246 required to the 227 proposed. This would be a parking space reduction of 19 spaces.

The total floor area of 90,000 square feet for the manufacturing portion would require one parking space per 1,000 square feet equaling 90 parking spaces and the total floor area of 235, 000 square feet for the warehousing portion would require one per 1,500 square feet equaling 156 parking spaces.

The other variance request would be to allow for a 20-foot-tall screen wall in the side yard, where the height limitation would be six feet.

### STAFF ANALYSIS

As proposed, the request would continue to be consistent with the I-65 / County Line Road Strategic Plan that recommends interchange area mixed-use.

Staff will be recommending approval of the modification request for outdoor storage and operations since it would be limited to Building 2 of the overall development and would not change any of the existing conceptual landscape plans previously approved in Conceptual Site Plan (pages 1-9) as provided in the staff report. Furthermore, the proposed outdoor storage will be located along the southern building façade



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that will not be visible from the apartment complex to the north and would be fenced and sufficiently screened per the rendering provided to staff.

Staff will request a commitment for the final elevation of the outdoor storage enclosure to be submitted for Administrative Approval to ensure that a similar color scheme of the building would be applied to the enclosure material proposed.

Staff is not supportive of the variance request because the parking space requirement can be reduced by utilizing the parking space adjustments allowed by the Ordinance to eliminate the need for a variance. For example, five shared parking spaces could be proposed onsite that would allow for a reduction of 20 parking spaces since one shared parking space would reduce the requirement by four spaces.

In addition, 35 percent of the required parking spaces could be reduced if other parking adjustments were proposed.

As for the 20-foot wall proposed along the south side setback, staff would not be supportive of this request and would limit the wall height to six feet per the Ordinance limitation for all other districts.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S		
<b>Existing Land Use</b>	Undeveloped		
<b>Comprehensive Plan</b>	Interchange Area Mixed-Use		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>	
	North:	C-S	Multi-family dwellings
	South:	C-S	Undeveloped
	East:	C-S	Undeveloped
	West:	C-S	Undeveloped
<b>Thoroughfare Plan</b>			
Arlington Avenue	Primary Collector Street	106-foot proposed right-of-way and 50-foot existing right-of-way.	
County Line Road	Primary Arterial Street	102-foot proposed right-of-way and 99-foot existing half right-of-way.	
I-65	Freeway	No proposed right-of-way and range of 425 to 2, 205-foot existing right-of-way.	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		
<b>Wellfield Protection Area</b>	No		





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Site Plan	August 21, 2024
Site Plan (Amended)	N/A
Elevations	August 21, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	August 21, 2024

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- I-65 / County Line Road Strategic Plan (2014)
- Indy Moves Transportation Integration Plan (2018)

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see the I-65 / County Line Road Strategic Plan (2014) below.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The I-65 / County Line Road Strategic Plan (2014) recommends interchange area mixed-use.
- The Plan identifies this site as being located within Critical Area J, which provides many development considerations, including building materials and design, landscaping, signs, pedestrian connectivity, streetscape appearance, and lighting, that should be factored into how this area should be developed.
- Because this site is considered a gateway into Indianapolis and the Plan included design considerations, staff believes overall site aesthetics are critical.

### Infill Housing Guidelines

- Not Applicable to the Site.



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**Indy Moves**

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

- Indy Moves Transportation Integration Plan (2018) recommends a complete street proposed multi-use path along Arlington Avenue from Southport Avenue to County Line Road.

## ZONING HISTORY

### Zoning History – Site

**2022-ZON-060 / 2022-VAR-006; 8615, 8640, 8721, 8814, 8816, 8840, 8914, 8950 South Arlington Avenue, 5624, 5740, 6000, 6200, 6336, 6376 East County Line Road, and 8700 Combs Road** (subject site), Rezoning of 208.24 acres from the C-S, C-4 and D-A districts to the C-S district to provide for a commercial and industrial development with limited I-1, I-2 and C-4 uses, Modification of petition 2019-ZON-069 (Commitments recorded at Instrument #2020-00073675) to terminate the C-S Statement, C-S Site Plan and Commitments and replace them with those filed with this petition, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for loading areas between the front building lines and front lot lines (not permitted), **approved and granted.**

**2019-ZON-069; 8516 and 8600 South Arlington Avenue and 5624 East County Line Road** (subject site), Rezoning of 104 acres from the D-A district to the C-S district to provide for approximately 320 multi-family residential units on approximately 22 acres within the northern half of the site and I-1 and C-4 uses on the approximately 82 acres of the remainder of the site. **approved.**

**2009-ZON-030; 8814 and 8816 South Arlington Avenue** (southern parcel), Rezoning of 32 acres, being in the D-A District, to the C-4 classification to provide for community-regional commercial uses, **approved.**

### Zoning History – Vicinity

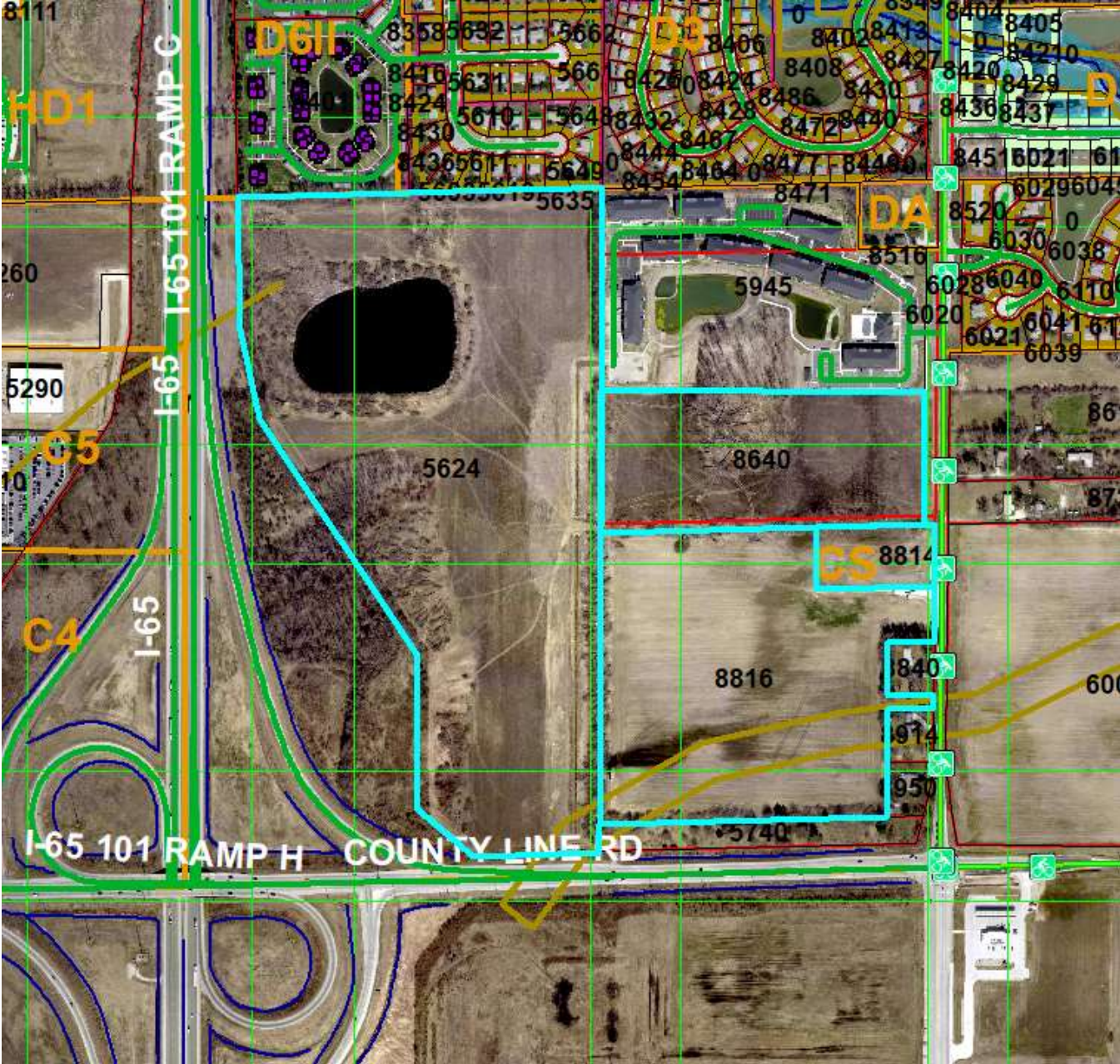
**2019-ZON-069; 8516 and 8600 South Arlington Avenue and 5624 East County Line Road**, requested rezoning of 104 acres from the D-A district to the C-S district to provide for approximately 320 multi-family residential units on approximately 22 acres within the northern half of the site and I-1 and C-4 uses on the approximately 82 acres of the remainder of the site, **approved.**

**2009-ZON-030; 8814 and 8816 South Arlington Avenue**, requested rezoning of 32 acres, being in the D-A District, to the C-4 classification to provide for community-regional commercial uses, **approved.**

**2005-ZON-817; 8511 and 8516 South Arlington Avenue** (northeast of site), Rezoning of 40 acres, being in the D-A District, to the D-P classification to provide for a single-family subdivision for adults only, and a church, **approved.**

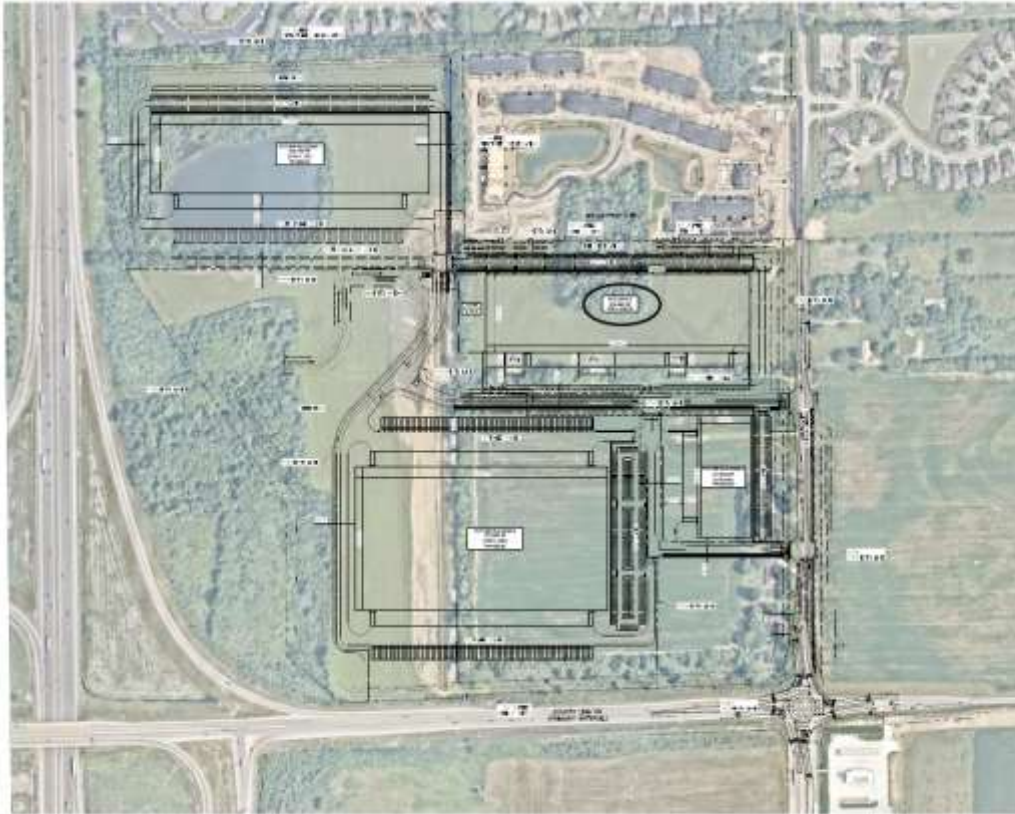
**94-SE1-8 / 94-V1-89; 8516 South Arlington Avenue**, requested a special exception of the Dwelling Districts Zoning Ordinance to provide for a church use and a variance of development standards of the Sign Regulations to permit a 40-square foot ground sign for an existing church use, **granted.**

**EXHIBITS**



Area Map





BUILDING 1 SUMMARY	
Area	1,100 SF
Volume	1,100 SF
FFFE	1,100 SF
FFFE (Net)	1,100 SF

BUILDING 2 SUMMARY	
Area	324,880 SF
Volume	324,880 SF
FFFE	324,880 SF
FFFE (Net)	324,880 SF

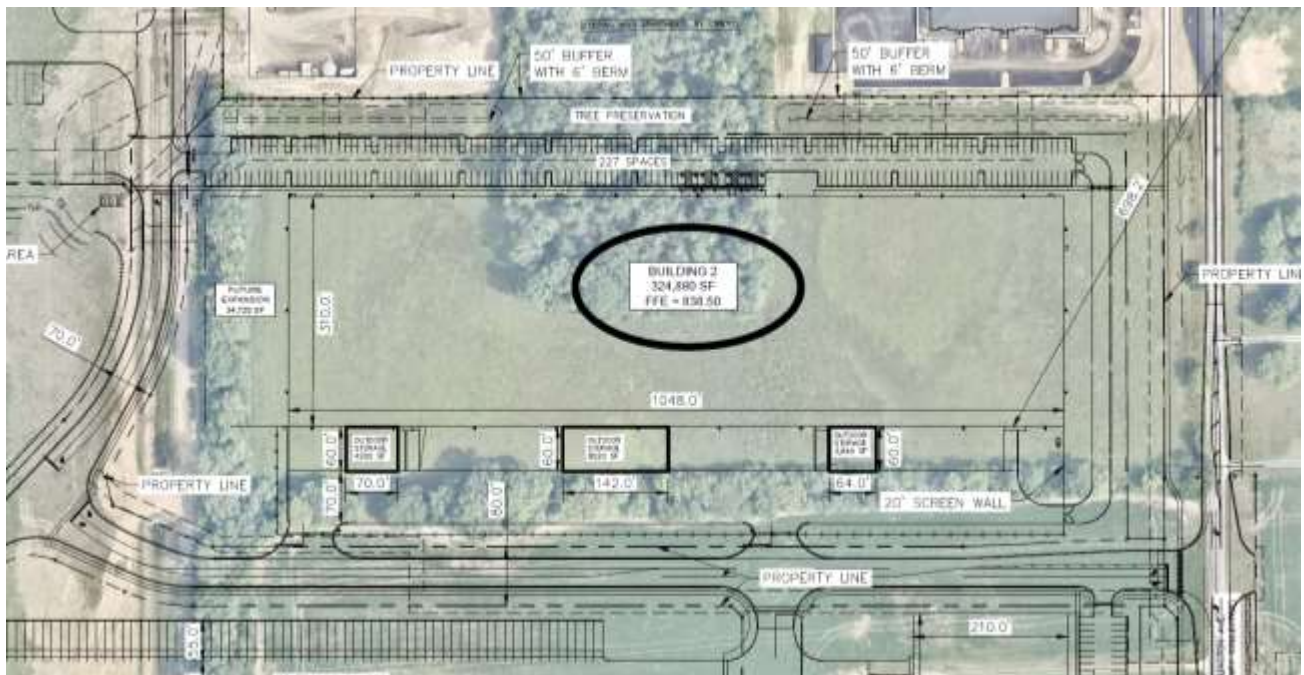
BUILDING 3 SUMMARY	
Area	1,100 SF
Volume	1,100 SF
FFFE	1,100 SF
FFFE (Net)	1,100 SF

BUILDING 4 SUMMARY	
Area	1,100 SF
Volume	1,100 SF
FFFE	1,100 SF
FFFE (Net)	1,100 SF



NWC COUNTY LINE & ARLINGTON AVE

OVERALL DEVELOPMENT EXHIBIT  
INDIANAPOLIS, IN



Proposed Building 2 Rendering



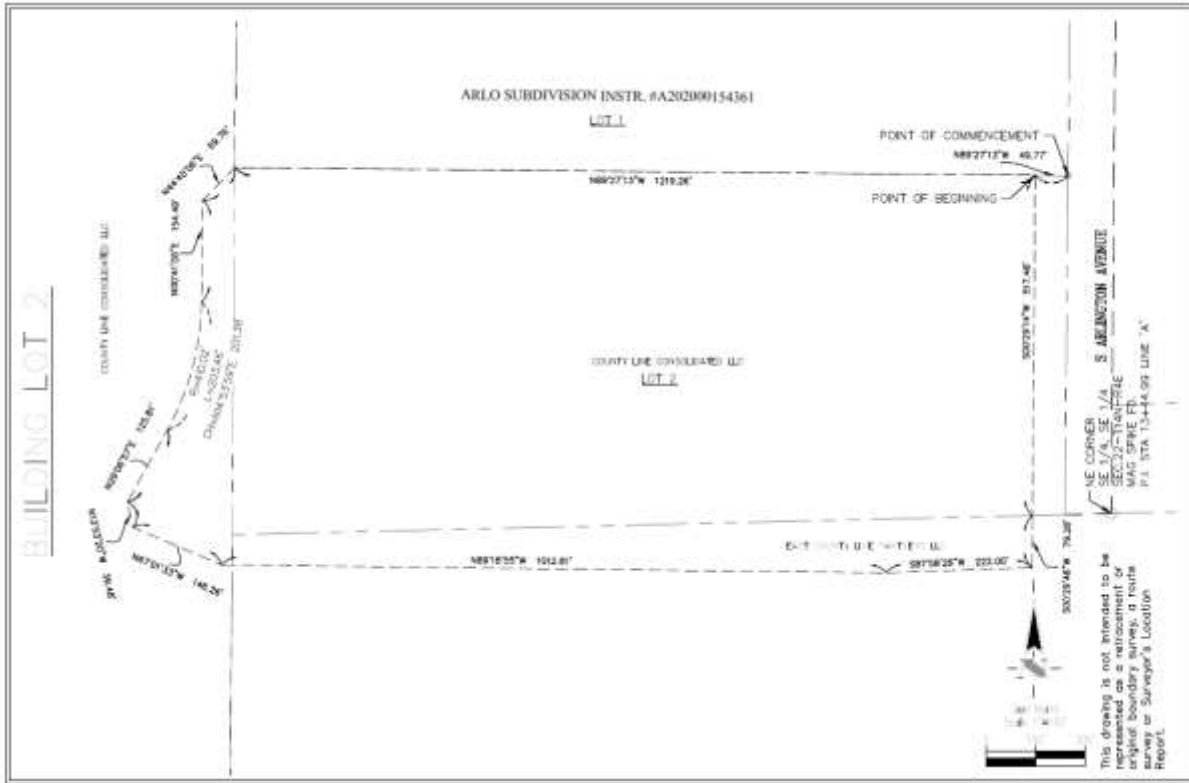
15 JULY 2024

BUILDING 2 - ARLINGTON AVENUE & COUNTY LINE ROAD - INDIANAPOLIS, INDIANA





Department of Metropolitan Development  
 Division of Planning  
 Current Planning



DATE: 08/15/2024		PROJECT NO.: 2419467
DRAWN BY: JJC		DRAWN BY: AJB
CHECKED BY: JJC		CHECKED BY: AJB
DATE: 08/15/2024		PROJECT NO.: 2419467
DRAWN BY: JJC		DRAWN BY: AJB
CHECKED BY: JJC		CHECKED BY: AJB
DATE: 08/15/2024		PROJECT NO.: 2419467
DRAWN BY: JJC		DRAWN BY: AJB
CHECKED BY: JJC		CHECKED BY: AJB

THE SCHNEIDER GEOMATICS  
 10000 N. 10th Street  
 Suite 100  
 Lincoln, NE 68504-1007  
 Telephone: 402.426.7100



BUILDING EASEMENT LOT 2

This drawing is not intended to be represented as a replacement or original boundary survey. It is a copy of a survey or location report.



**Proposal Description**

8640 S. Arlington Avenue, Part of 8814, S Arlington Avenue,  
Part of 8816 S. Arlington Avenue & Part of 5624 E County Line Rd

The approximately 17.996 +/- acre site (“Site”), more particular described on the legal description field herewith, was part of approximately 208 +/- acres zoned to CS in Case No. 2022-ZON-060 (the “2022 Zoning”). The 2022 Zoning was subject to a C-S Statement filed November 18, 2022 (“2022 C-S Statement”) and Commitments recorded as Instrument No. A202200134327 (“2022 Commitments”). Additionally, a Site Plan including the Site was approved on February 20, 2024 (“Approved Site Plan”).

Petitioner proposes to develop on the Site a new approximately 324,880 sf industrial building with approximately 227 automobile parking spaces, limited covered outdoor storage areas on the south side of the building and an approximately 20’ screen wall at the southeast corner of the building, as approximately depicted on the proposed Building 2 Site Plan (“Building 2 Site Plan”) and proposed Building 2 Rendering (“Building 2 Rendering”) filed herewith. To provide for the construction of the new building and other related improvements as approximately depicted on the Building 2 Site Plan and Building 2 Elevation, Petitioner respectfully requests the following, as related to the Site:

1. To modify the 2022 C-S Statement to allow limited covered outdoor storage areas as approximately depicted on the Building 2 Site Plan and Building 2 Rendering.
2. To terminate Paragraph 11.n. of Exhibit 3 of the 2022 Commitments to allow limited covered outdoor storage areas as approximately depicted on the Building 2 Site Plan and Building 2 Rendering.
3. To modify Paragraph 22 of Exhibit 3 of the 2022 Commitments and to modify the 2024 Site Plan to provide for the development of the Site as depicted on the Building 2 Site Plan and Building 2 Rendering.
4. A variance of Chapter 744, Article IV, Section 02 (Table 744-402-1) to reduce the required parking to provide for approximately 227 automobile parking spaces.



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: See attached Exhibit 1

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. As to the Site, Commitment Numbers 11.n. and 22 of the Commitments recorded as Instrument No. A202200134327 and made in connection with Petition No. 2022-ZON-060 shall be terminated.
2. The following shall be a new commitment, as to the Site:

Development of the Site shall be in substantial compliance with the site plan and rendering file-dated \_\_\_\_\_.

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 # \_\_\_\_\_.



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 requested parking variance will provide for improvement of the site without an overabundance of surface parking spaces. The proposed number of parking spaces for the business to be located on the site is sufficient to meet the needs of the business's employees, customers and visitors. Less than 1/3 of the proposed approximately 325,000 sf building will be used for manufacturing purposes. The remaining portion of the building will be used as a warehouse, which requires less parking than manufacturing.

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 number of parking spaces for the business to be located on the site is sufficient to meet the needs of the business's employees, customers and visitors, and as such, less parking than required will not adversely affect the use or value of adjacent property. The entire approximately 325,000 sf building will not be used for manufacturing, as approximately 2/3 of the building will be used as a warehouse, which requires less parking than manufacturing. The proposed new building will represent a capital investment on a currently unimproved site, which will increase the assessed value of the site. The reduction in surface parking areas will result in more "green space" being retained on the site.

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

The parking requirements of the zoning ordinance will result in the site being over-improved with unnecessary parking spaces and asphalt area. The parking spaces provided are sufficient for the business's employees, customers and visitors. If the number of parking spaces required is calculated on the basis of square footage by each use within the building, the parking spaces provided in the proposed plan nearly meet the parking spaces required, as calculated as follows: for the 90,000 sf of manufacturing, 90 spaces are required; for the 235,000 sf of warehouse, 156 spaces are required; for a total of 246 spaces required. Petitioner proposes 227 spaces, which is approximately 92% of the required parking under the ordinance if the parking of the proposed uses is calculated as set forth herein.

**DECISION**



Department of Metropolitan Development  
Division of Planning  
Current Planning

Metropolitan Development  
Nov 18 2022  
Division of Planning

**Third Amended**  
*Sub* **C-S Statement**

Petitioner respectfully requests that the approximately 208.24 acre +/- site (the "Site") located at the northwest and northeast corners of Arlington Avenue and County Line Road (the "Intersection") be rezoned to the C-S district to provide for industrial and commercial uses on the Site.

A portion of the Site located at the northwest corner of the Intersection was previously rezoned to the C-S District under Case No. 2019-ZON-069 ("2019 Rezoning"). As part of the 2019 Rezoning, a C-S Statement file-dated March 6, 2020 (the "2019 C-S Statement") was approved. The 2019 C-S Statement included a Conceptual Site Plan as Exhibit A (the "2019 C-S Plan"). Further, Commitments were recorded as part of the 2019 Rezoning as Instrument No. A202000073675 (the "2019 Commitments"). As to the previously zoned C-S portion of the Site, Petitioner requests to replace the 2019 C-S Statement, the 2019 C-S Plan and the 2019 Commitments with the C-S Statement and Conceptual Site Plan to be approved as part of this rezoning and any Commitments recorded in connection with this rezoning.

Attached as Exhibit A (pages 1 – 9) is a proposed preliminary Conceptual Site Plan (the "Conceptual Site Plan") of the development proposed by Petitioner. Specifically, Petitioner proposes the following:

**A. Industrial Area.**

1. **I-1 / I-2 Uses:** I-1 and I-2 Uses shall be permitted on approximately 108.05 acres at the northwest corner of the Intersection and on approximately 83.79 acres at the northeast corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan (the "I-1 / I-2 Area"). Prior to development of the I-1 / I-2 Area of the Site, a site plan depicting the proposed location of improvements, driveways and ingress and egress to and from this portion of the Site shall be submitted for Administrator's approval, which shall not be unreasonably withheld.
2. Approximately 5.50 acres located within the I-1 / I-2 Area, as approximately depicted on the attached Conceptual Site Plan and labeled "Wetland/Amenity Area", will be retained as an amenity area for use by employees and customers within the I-1 / I-2 Area.
3. The following I-1 / I-2 uses shall be prohibited within the I-1 / I-2 Area:
  - a. Agricultural uses, buildings and structures
  - b. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - c. Garden as a primary use
  - d. Auctioneering / liquidating services
  - e. Dry cleaning plant or industrial laundry
  - f. Outdoor advertising off-premise sign



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Division of Planning  
Current Planning

- g. Heavy equipment sales, service or repair
- h. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
- i. Local power generating facility
- j. Substations / utility distribution nodes
- k. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)
- l. Automobile fueling station
- m. Recycling station
- n. Outdoor storage /operations
- o. Amateur radio antenna (accessory uses)

B. Commercial Area.

1. **C-4 Uses:** C-4 Uses shall be permitted on approximately 6.40 acres at the northwest corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan (the "C-4 Area"). Prior to development of the C-4 Area of the Site, a site plan depicting the proposed location of improvements, driveways and ingress and egress to and from this portion of the Site shall be submitted for Administrator's approval, which shall not be unreasonably withheld.
2. The following C-4 uses shall be prohibited within the C-4 Area:
  - a. Daily emergency shelter
  - b. Elementary, middle or high schools
  - c. Montessori schools that are greater than 15,000 sf (Montessori schools that are less than 15,000 sf, nursery schools and day care centers shall be permitted)
  - d. Religious uses
  - e. Plasma (blood) center
  - f. Substance abuse treatment facility
  - g. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - h. Garden as a primary use
  - i. Check cashing or validation service
  - j. Outdoor advertising off-premise sign
  - k. Adult entertainment business
  - l. Adult entertainment business (retail)
  - m. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
  - n. Ongoing fireworks sales
  - o. Pawn shop
  - p. Local power generating facility
  - q. Substations /utility distribution nodes
  - r. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)

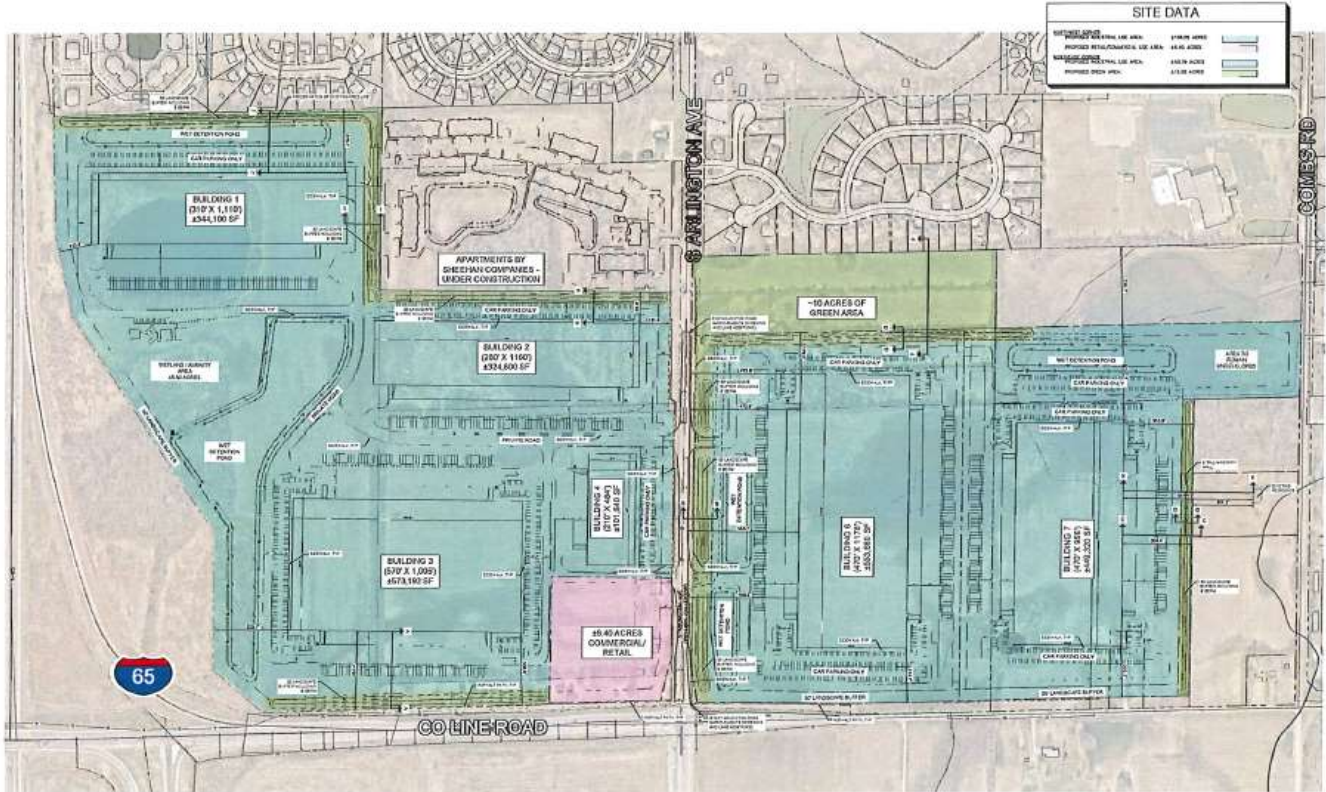


Department of Metropolitan Development  
Division of Planning  
Current Planning

- s. Recycling station
- t. Amateur radio antenna
- u. On-going outdoor display and sales (accessory uses)
- v. Automobile fueling station

C. Proposed Commitments. Petitioner proposes the Commitments file-dated November 18, 2022.

Exhibit A  
Page 1 of 9



**Kimley Horn**

ARLINGTON RD & CO LINE RD PROPOSED DEVELOPMENT

CONCEPTUAL SITE PLAN  
INDIANAPOLIS, IN  
JULY 2023



Exhibit A  
 Page 2 of 9

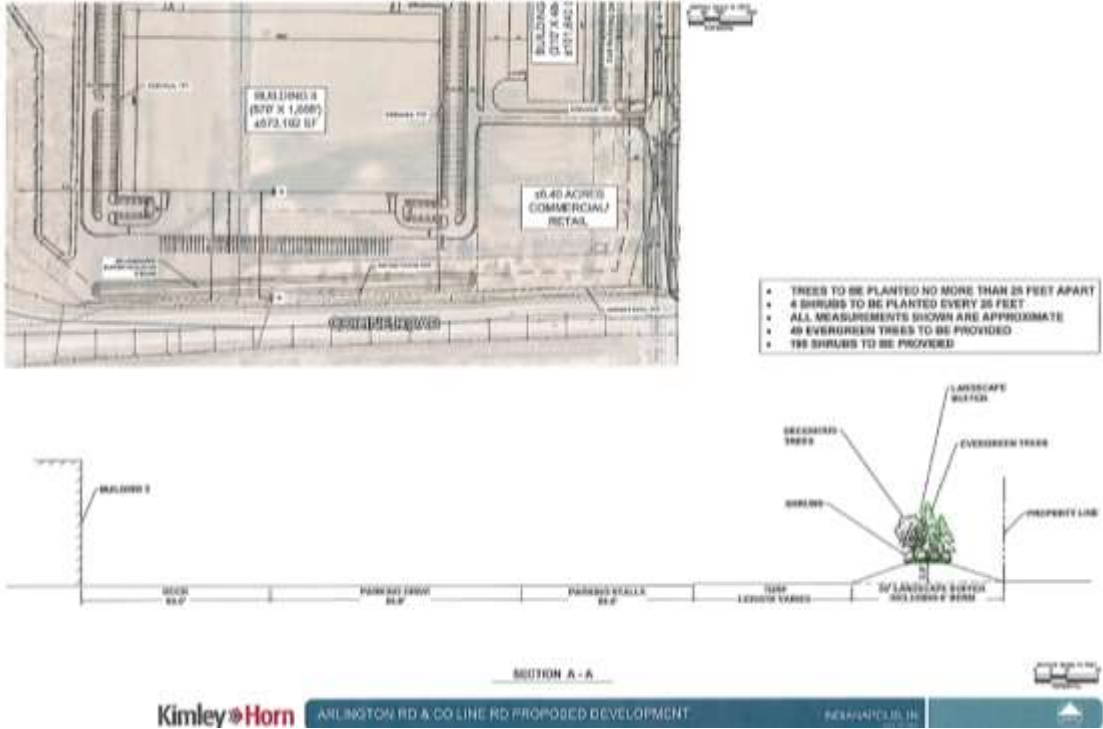


Exhibit A  
 Page 3 of 9

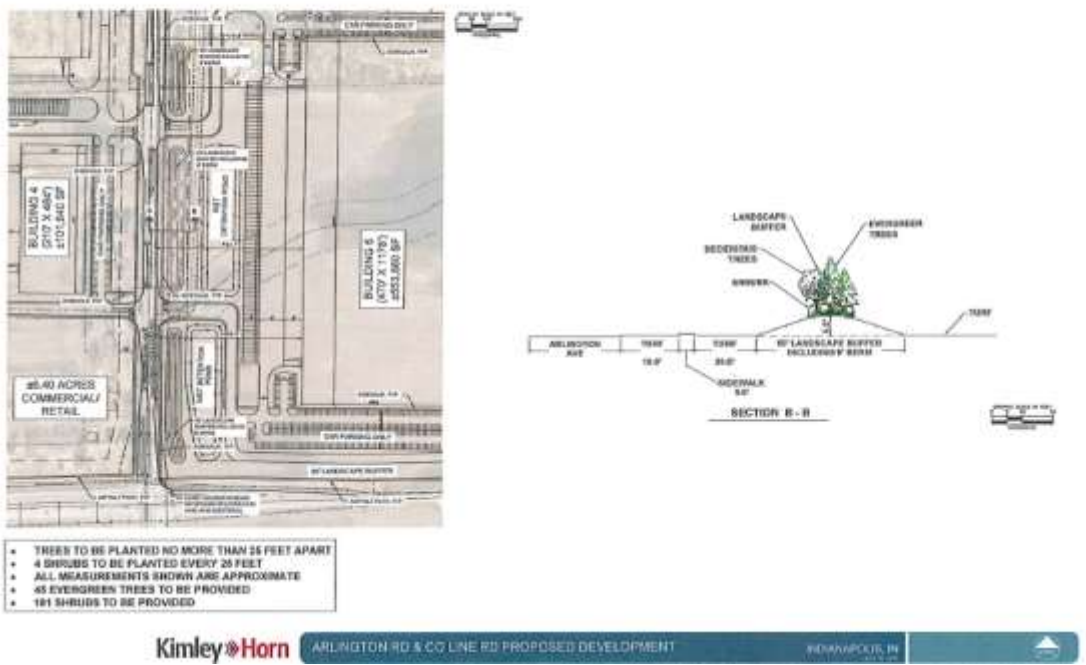




Exhibit A  
Page 4 of 9

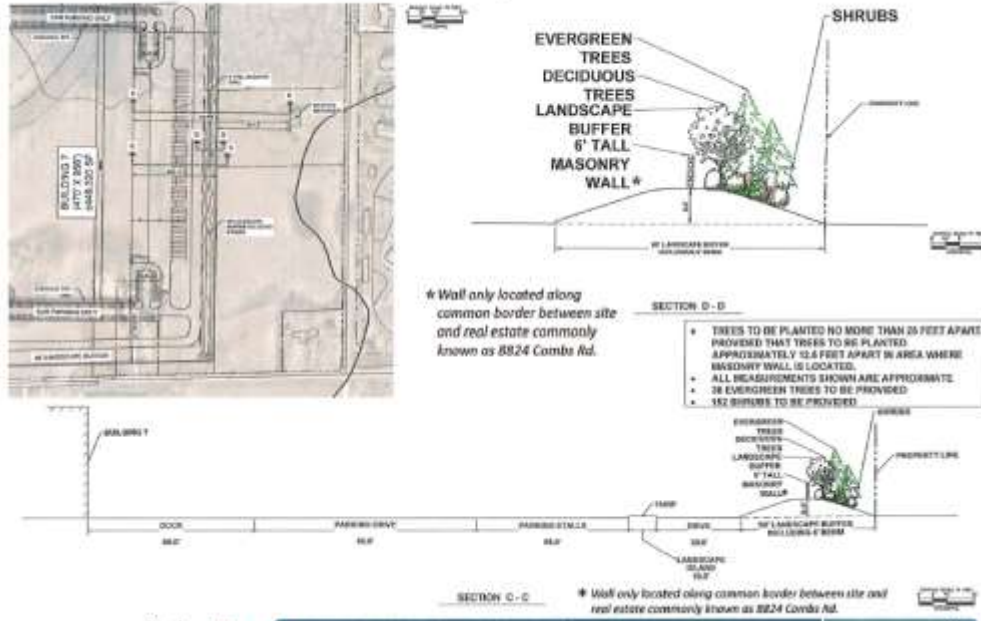


Exhibit A  
Page 5 of 9

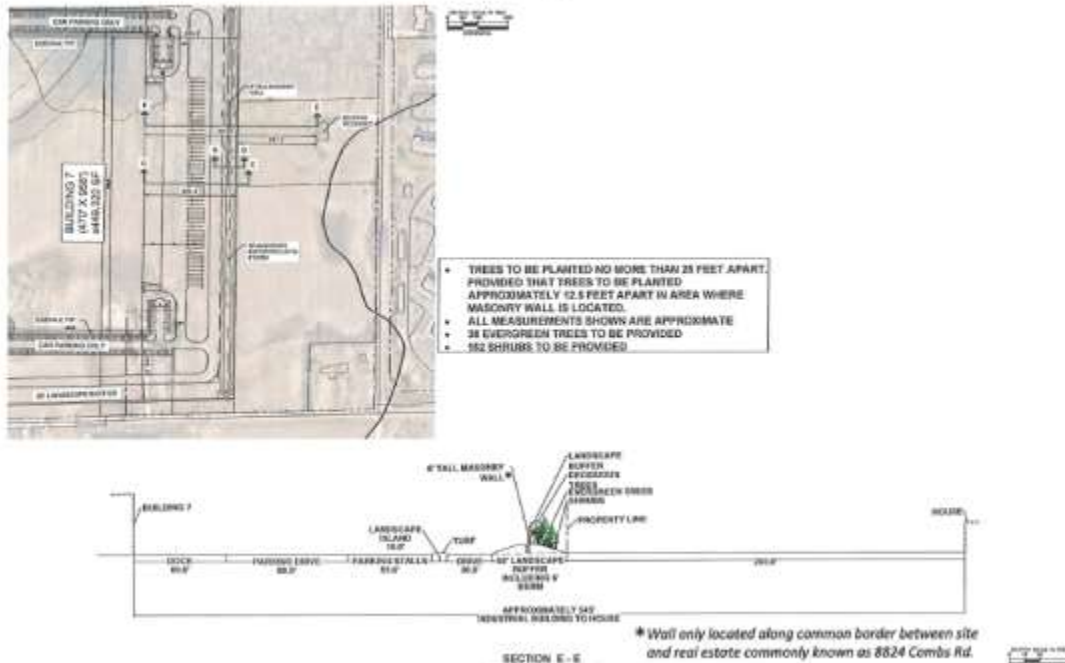
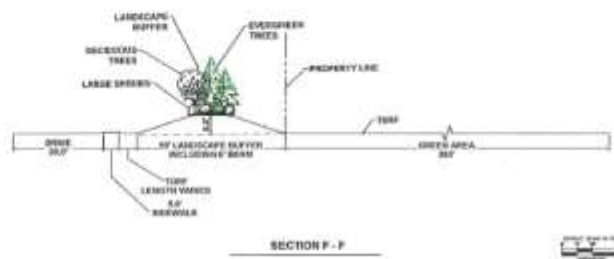
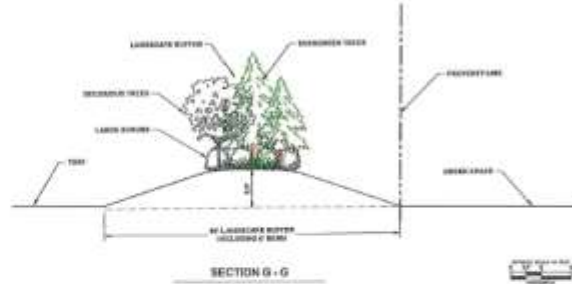
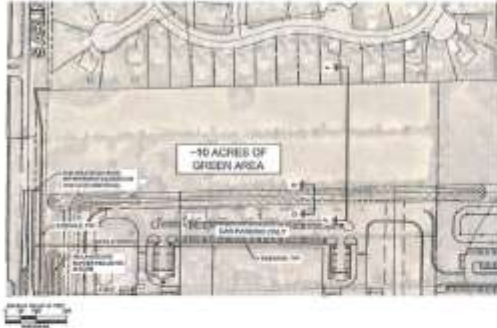
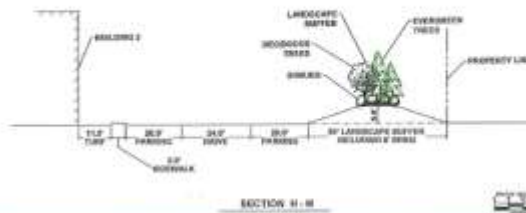


Exhibit A  
 Page 6 of 9



- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 25 EVERGREEN TREES TO BE PROVIDED
- 250 SHRUBS TO BE PROVIDED

Exhibit A  
 Page 7 of 9



- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 25 EVERGREEN TREES TO BE PROVIDED
- 250 SHRUBS TO BE PROVIDED

Exhibit A  
 Page 8 of 9



- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 85 EVERGREEN TREES TO BE PROVIDED
- 340 SHRUBS TO BE PROVIDED

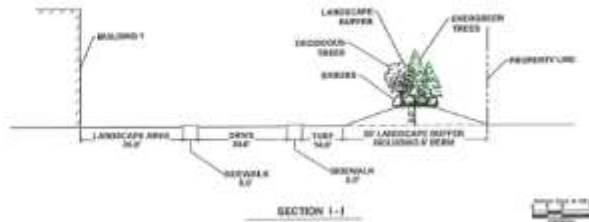
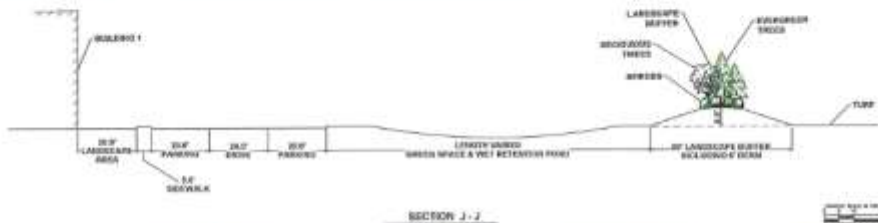


Exhibit A  
 Page 9 of 9



- TREES TO BE PLANTED NO MORE THAN 25 FEET APART
- 4 SHRUBS TO BE PLANTED EVERY 25 FEET
- ALL MEASUREMENTS SHOWN ARE APPROXIMATE
- 85 EVERGREEN TREES TO BE PROVIDED
- 340 SHRUBS TO BE PROVIDED





2022-ZON-060 COMMITMENTS AND C-S STATEMENT

Metropolitan Development  
Nov 18 2022  
Division of Planning

DocId:20110603  
Tx:42028017

*JL* STATEMENT OF COMMITMENTS

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

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

**Legal Description:** *See attached Exhibit 1 and Exhibit 2.*

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. See attached Exhibit 3.

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.

### Exhibit 3

#### Commitments

2022-ZON-060 / 2022-VAR-006

1. Petitioner agrees to install the landscape buffers, including mounding, trees and shrubs as approximately depicted and described on the Conceptual Site Plan attached hereto as Exhibit A (pages 1-9). Such landscaping shall be installed in the various areas of the site upon completion of construction of the buildings adjacent to such landscaped areas. Petitioner shall install a double row of evergreen trees on the landscaped mounds that run parallel to County Line Road, Combs Road and Arlington Avenue and on the portion of the landscaped mound that borders the real estate commonly known as 8824 Combs Road (Parcel No. 3010678). A final landscape plan shall be submitted and subject to Administrator's approval prior to the issuance of an Improvement Location Permit.
2. Petitioner agrees to install an approximately 6' tall masonry wall along the portion of the site that borders the real estate commonly known as 8824 Combs Road (Parcel No. 3010678). The approximate location of the proposed wall is depicted on Pages 1 and 4 of Exhibit A.
3. There shall be no access to / from the site from Combs Road.
4. The area labeled "Area To Remain Undeveloped" located adjacent to and west of Combs Road at the northeast corner of the site shall remain undeveloped. Such area is approximately depicted on Page 1 of Exhibit A. Additionally, the Petitioner agrees to preserve approximately 10 acres of "Green Area" adjacent to and east of S. Arlington Avenue, as approximately depicted on Page 1 of Exhibit A.
5. Any dumpster located east of Building 7 (as labeled on Page 1 of Exhibit A) shall be located to the west of the landscaped buffer labeled D-D (the "D-D Buffer"), such D-D Buffer shall be located along a portion of the eastern border of the site and is approximately depicted on Pages 1 and 4 of the attached Exhibit A. Such dumpster(s) shall be located within an enclosed area located west of the above referenced landscaped buffer.
6. No outdoor storage by an industrial use shall be permitted within 500 feet of a protected district.
7. No lighting shall be installed east of the proposed mound to be located in the D-D Buffer. Any lighting on the easternmost building, labeled Building 7 on the attached Page 1 of Exhibit A, shall be downward directed.
8. The proposed buildings on the site shall not exceed 45' in height; provided that the "Exceptions to Building Height Limits" listed in Table 744-204-1 of the Zoning Ordinance for Marion County, Indiana relating to parapets and to roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating



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Division of Planning  
Current Planning**

fans, skylights, or similar equipment to operate and maintain the structure shall apply. Additionally, no single building shall exceed more than 600,000 sf in size.

9. Petitioner, in its development of the site, shall comply with all Marion County drainage regulations.
10. A 53-foot half right-of-way shall be dedicated along the frontage of South Arlington Avenue and a 40-foot half right-of-way shall be dedicated along the frontage of Combs 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).
11. The following I-1/I-2 Uses shall be prohibited within the approximately 191.84 +/- acres (approximately 108.05 +/- acres near the northwest corner of County Line Road and Arlington Avenue and approximately 83.79 acres at the northeast corner of County Line Road and Arlington Avenue) to be developed for I-1 and I-2 uses:
  - a. Agricultural uses, buildings and structures
  - b. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - c. Garden as a primary use
  - d. Auctioneering / liquidating services
  - e. Dry cleaning plant or industrial laundry
  - f. Outdoor advertising off-premise sign
  - g. Heavy equipment sales, service or repair
  - h. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
  - i. Local power generating facility
  - j. Substations / utility distribution nodes
  - k. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)
  - l. Automobile fueling station
  - m. Recycling station
  - n. Outdoor storage /operations
  - o. Amateur radio antenna (accessory uses)
12. The following C-4 uses shall be prohibited within the approximately 6.4 acre +/- area located at the northwest corner of County Line Road and Arlington Avenue to be developed for commercial uses, which is labeled "Commercial/Retail" on Page 1 of Exhibit A:
  - a. Daily emergency shelter
  - b. Elementary, middle or high schools



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- c. Montessori schools that are greater than 15,000 sf (Montessori schools that are less than 15,000 sf, nursery schools and day care centers shall be permitted)
  - d. Religious uses
  - e. Plasma (blood) center
  - f. Substance abuse treatment facility
  - g. Animal care / boarding / veterinarian services; except that one overnight indoor pet hotel and one veterinarian office shall be permitted
  - h. Garden as a primary use
  - i. Check cashing or validation service
  - j. Outdoor advertising off-premise sign
  - k. Adult entertainment business
  - l. Adult entertainment business (retail)
  - m. Firearm sales; provided that sporting goods stores or other retail stores such as Walmart or similar stores shall be permitted to sell firearms
  - n. Ongoing fireworks sales
  - o. Pawn shop
  - p. Local power generating facility
  - q. Substations /utility distribution nodes
  - r. Wireless communications facilities that are monopoles (small cell towers, roof mounted towers or wall mounted towers shall be permitted)
  - s. Recycling station
  - t. Amateur radio antenna
  - u. On-going outdoor display and sales (accessory uses)
  - v. Automobile fueling station
13. Proposed building elevations shall be submitted for Administrator's Approval which shall not be unreasonably withheld, prior to the issuance of an ILP. Pursuant to the I-65 / County Line Road Strategy Plan for Critical Area J, design features of improvements shall include exterior materials, finished sides, articulated walls, landscaping, location of trash containers and signage. Attached as Exhibit B are photographs of industrial buildings with exterior materials and design features that serve as examples of buildings with acceptable exterior materials and design features for certain elevations of the proposed industrial buildings on the site.
14. No dock doors of an industrial building that is adjacent to protected districts to the north of the site shall face the protected districts to the north.
15. To discourage commercial / industrial traffic from traveling through the Multi-Family development (the "Multi-Family Development") being constructed adjacent to the portion of the site at the northwest corner of County Line Road and Arlington Avenue, no direct access / connection shall be established between the Multi-family Development and the site.
16. In addition to the sidewalks required by ordinance, development of the site shall include an internal sidewalk network for the purpose of connecting the buildings on site to each other. The sidewalks shall be a minimum of 5' in width. Additionally, in lieu of the



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Division of Planning  
Current Planning**

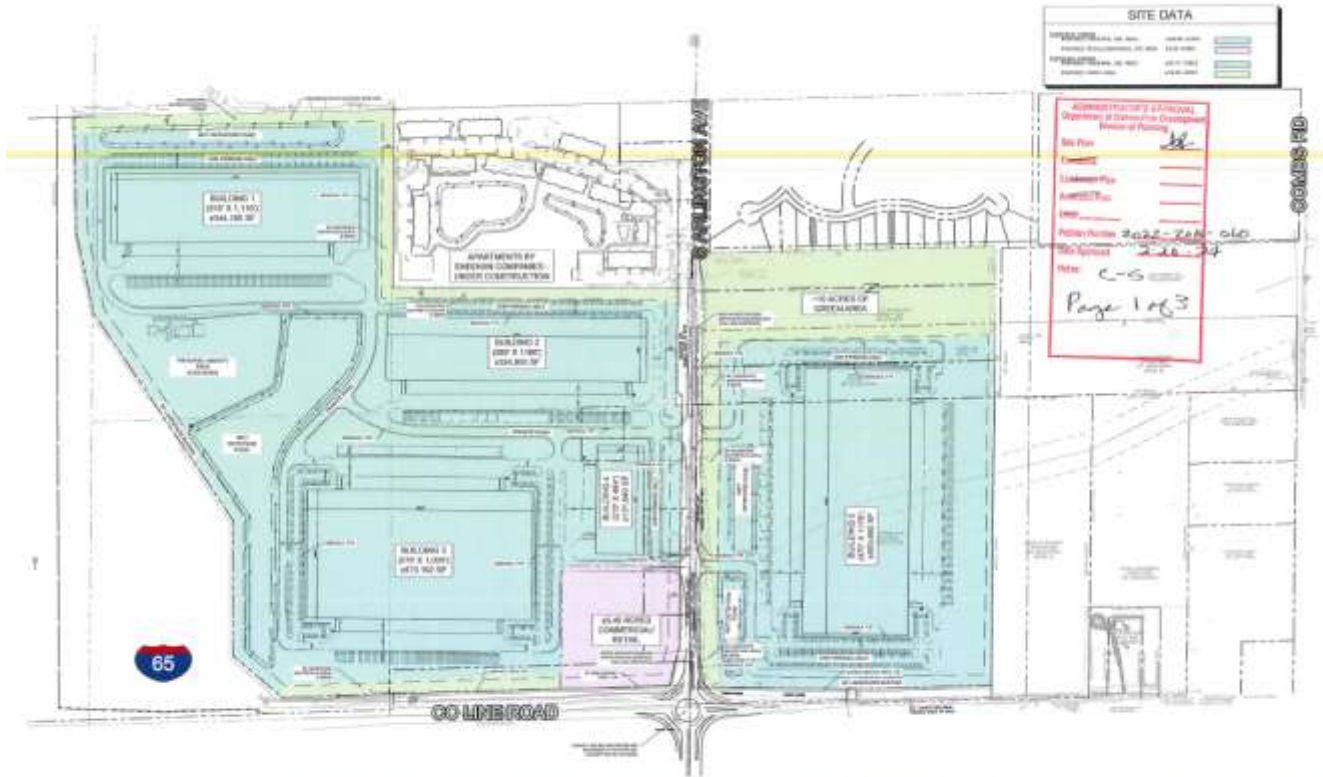
sidewalk along the County Line Road frontage, an approximately 10' – 12' wide asphalt path shall be installed. Installation of such asphalt path shall coincide with installation of roadway improvements to County Line Road.

17. Prior to completion of Buildings 1, 2 and 3 as labeled on Page 1 of Exhibit A, Petitioner shall install an amenity area in the location labeled "Wetland / Amenity Area" as approximately depicted on Page 1 of Exhibit A. Such amenity area shall include outdoor amenities (i.e. picnic areas and fitness stations) for the employees of businesses located at the site.
18. The roadway improvements recommended within the Traffic Impact Study prepared by A&F Engineering dated June 2022 and within the Memorandum prepared by A&F Engineering to Jill Palmer dated August 9, 2022 shall be completed. The roadway improvements on the west side of Arlington Avenue shall begin upon the commencement of construction of the development on the west side of Arlington Avenue and the roadway improvements on the east side of Arlington Avenue shall begin upon the commencement of construction of the development on the east side of Arlington Avenue.
19. As each portion of the site is developed, a tree assessment and preservation plan (for the portion of the site that is to be developed) by a certified arborist shall be submitted for Administrator's Approval prior to any preparation or disturbance of that portion of the site where development is proposed. Such assessment shall determine the species of trees, their condition and a risk assessment of all trees over 18 inches in diameter that would be impacted by development. In accordance with the Ordinance, if any of the trees are heritage trees that would be impacted, they would be preserved or removed and replaced.
20. A wetlands delineation shall be conducted prior to the issuance of an ILP to assess the existence and quality of the existing wetlands and determine how these areas can be mitigated or preserved and integrated into the proposed development.
21. 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 provided for the proper disposal of trash and other waste.
22. Development of the site shall be in substantial conformance with the Third Amended C-S Statement file-dated November 18, 2022, and in substantial compliance with the Conceptual Site Plan (pages 1 - 9) attached hereto as Exhibit A.





Department of Metropolitan Development  
Division of Planning  
Current Planning



ARLINGTON AVE & CO LINE RD PROPOSED DEVELOPMENT

CONCEPTUAL SITE PLAN  
INDIANAPOLIS, IN





Photo of the subject site street frontage looking south along South Arlington Avenue.



Photo of the subject site looking east towards the South Arlington Avenue.



Photo of the subject site looking southeast.



Photo of the subject site looking south.



Photo of the subject site looking west.



Photo of the apartment complex north of the site.



Photo of the apartment complex north of the site.



Photo of the subject site to the right looking east from the northwest corner of the site.



Photo of undeveloped land northwest of the subject site



Photo of the undeveloped land east of the site.



Photo of the undeveloped land south of the subject site.



Photo of the access drive south of the subject site.



Photo of the undeveloped land south of the subject site.



Photo of the subject to the right looking west.



Photo of the subject site looking west from Arlington Avenue.





**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-MOD-017  
**Property Address:** 25 McLean Place  
**Location:** Center Township, Council District #12  
**Petitioner:** Illinois Street Self Storage LLC, by Michael Rabinowitch  
**Current Zoning:** C-S (RC) (TOD) (W-5)  
**Request:** Modification of Commitments related to 2016-CVR-842 and 2016-CZN-842 to terminate Commitments # 1 and # 2 on Attachment "D" which requires 10,000-square feet of building space to be reserved for office / retail space, artisan food / beverage, artisan manufacturing uses and required the building to be subject to the elevations, filed-dated March 2, 2017.  
**Current Land Use:** Self-storage facility  
**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 commitments 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 1.18-acre site, zoned C-S (RC) (TOD) (W-5), is developed with a self-storage facility. It is surrounded by vacant land and a parking lot to the north, across McLean Place, zoned MU-2 (RC) (TOD) (W-5) and C-4 (RC) (TOD) (W-5), respectively; a multi-family dwelling, office uses with associated parking to the south, zoned C-4 (RC) (TOD) (W-5) and MU-2 (RC) (TOD) (W-5), respectively; office uses and associated parking to the east, zoned C-4 (RC) (TOD) (W-5); and office uses to the west, across North Illinois Street, zoned C-4 (RC) (TOD) (W-5).



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

Petitions 2016-CZN-842 and 2026-CVR-842 rezoned the site to the C-S district to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street with building encroachments into the clear sight triangles of the abutting streets and alleys.

## **MODIFICATION**

The request would modify the commitments Number One and Two related to petitions 2016-CZN-842 and 2016-CVR-842 that required 10,000-square feet of the building space to be reserved for office / retail space / artisan food or beverage / artisan manufacturing uses, with building elevations subject to documents file-dated March 2, 2017.

The Comprehensive Plan recommends urban mixed-use typology for the site.

Staff initially recommended denial of the 2016 petitions because this site was located within the boundaries of three land use plans (North Meridian Street Corridor [16<sup>th</sup> Street to 30<sup>th</sup> Street Land Use Plan], Redline Transit-Oriented Development Strategic Plan, and Near North / Fall Creek Plan) all of which recommended mixed use, when the proposed use was for a self-storage facility with a small office.

Following negotiations with the petitioner and their representative, staff supported the request, subject to 10,000 square feet of the building being reserved for other uses. This agreement was documented in commitments that also included building elevations to be subject to the March 2, 2017 elevations. See Exhibit A.

Five years later the petitioner and their representative filed a modification (2022-MOD-009) to eliminate the agreed upon 2016 commitments. Staff recommended denial of that request and the Metropolitan Development Commission denied the request.

The petitioner and their representative have filed yet another request to eliminate the agreed upon commitments. Following discussions with the petitioner and their representative, staff would accept reducing the amount of square footage dedicated for uses other than self-storage units (warehousing) to 4,000 square feet, thereby agreeing to allow an additional 6,000 square feet of storage.

Staff repeatedly stated the need to preserve commercial space along the North Illinois Street frontage and provided acceptable options (A through D) on August 5, 2024, that would retain commercial space and increase the storage space. See Exhibit B.

On September 5, 2024, the petitioner and their representative filed a modification that would provide a minimum of 2,000 square feet of office and commercial use. See Exhibit C.

Since 2016, updated land use plans for this site have been adopted and now include the Red Line Transit-Oriented Strategic Plan (2021) and the Purple Line Transit-Oriented Strategic Plan (2021), both with a District Center typology of dense mixed-use.



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Division of Planning  
Current Planning**

As submitted staff believes the request of 2,000 square feet of office and commercial use unacceptable and continues to recommend denial. The continued enlargement of the self-storage space runs contrary to City policy, which has evolved since 2016. This land use contributes nothing to the surrounding area and does not promote the principles of community, economic or neighborhood connectivity and engagement that is the cornerstone for the Regional Center and Transit-Oriented Development Secondary districts.

### **Wellfield Protection Secondary Zoning**

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”



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

Again, the Zoning Ordinance establishes Secondary Zoning Districts to further regulate environmentally sensitive areas or areas with increased development and connectivity potential. Secondary Districts have the added effect of creating increased scrutiny for uses that could impact the surrounding areas. Self-storage uses often have an impact on public safety by introducing increased traffic, competing points of pedestrian traffic and vehicular traffic, as well as the potential of unknown environmental contamination from surface run-off.

### **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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Division of Planning  
Current Planning**

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.

**Regional Center**

The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the Regional Center Urban Design Guidelines. The design of the proposed project would be subject to a public review before the Regional Center Hearing Examiner.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S (RC) (TOD) (W-5)	
<b>Existing Land Use</b>	Self-storage facility	
<b>Comprehensive Plan</b>	Urban Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	MU-2 (RC) (TOD) (W-5) / C-4 (RC) (TOD) (W-5)	Vacant land / parking lot
South:	C-4 (RC) (TOD) (W-5) / MU-2 (RC) (TOD) (W-5)	Multi-family dwelling / office uses / parking
East:	C-4 (RC) (TOD) (W-5)	Office uses / parking
West:	C-4 (RC) (TOD) (W-5)	Office uses /parking
<b>Thoroughfare Plan</b>		
North Illinois Street	Primary Arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
Mc Lean Place	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>	Yes – Transit-Oriented Development / Regional Center	
<b>Wellfield Protection Area</b>	Yes – W-5 White River	
<b>Site Plan</b>	September 5, 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 Urban Mixed-Use typology. “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-throughs. This typology has a residential density of at least 25 to 75 units per acre.”
- Indianapolis Regional Center Guidelines (2008).
  - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.

**Pattern Book / Land Use Plan**

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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:



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- *Conditions for All Land Use Types – Urban 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.
  - Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.

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

The Red Line Transit-Oriented Development Strategic Plan (2021) and Purple 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 ¼ mile walk of a proposed transit stop located at the intersection of North Meridian Street and East 22<sup>nd</sup> Street with a District Center typology.
- 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:
  - A dense mixed-use hub for multiple neighborhoods with tall buildings
  - 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



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- 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 describe 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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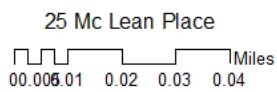
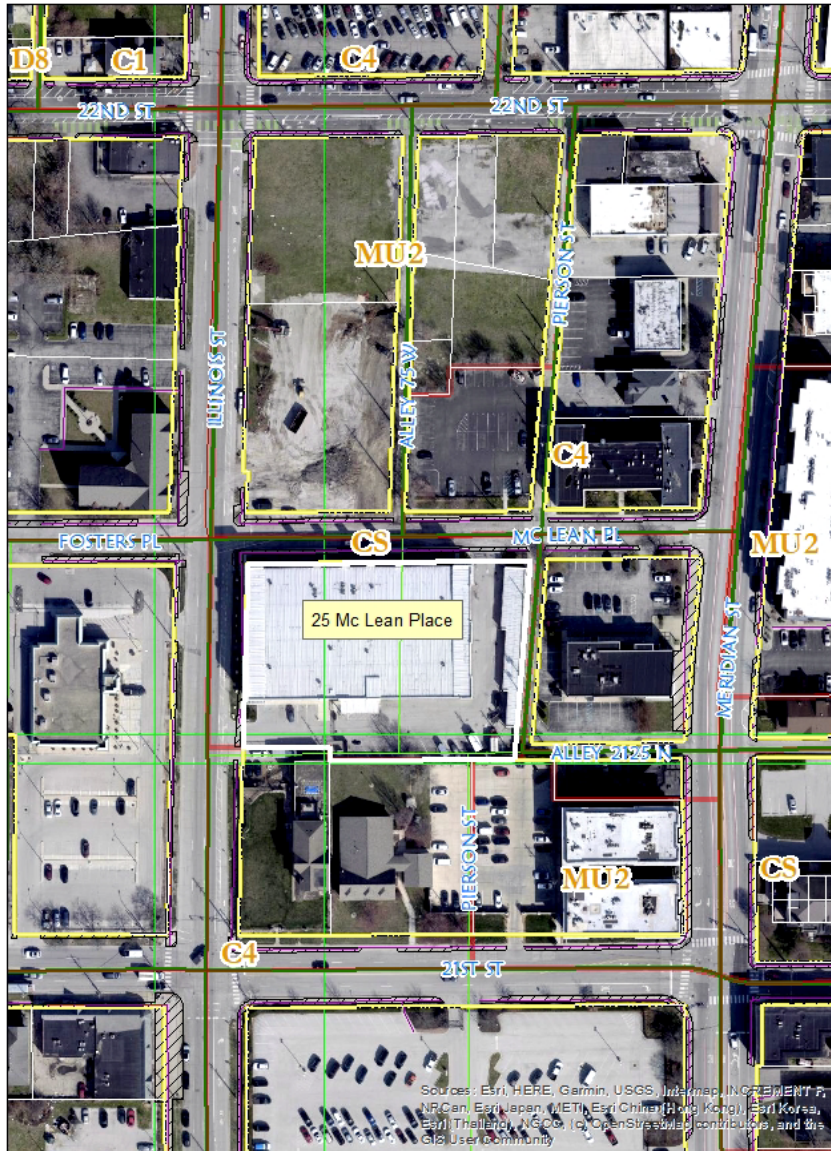
## ZONING HISTORY

**2022-MOD-009; 25 Mc Lean Place**, requested modification of comments related to 2016=CZN-842 and 2016-CVR-842 to terminate Commitments # 1 and #2 on Attachment "D" which required 10,000 square feet of building space to be reserved for office / retail space, artisan food / beverage space, artisan manufacturing uses and required the building be subject to elevations, file-dated March 2, 2017, **denied**.

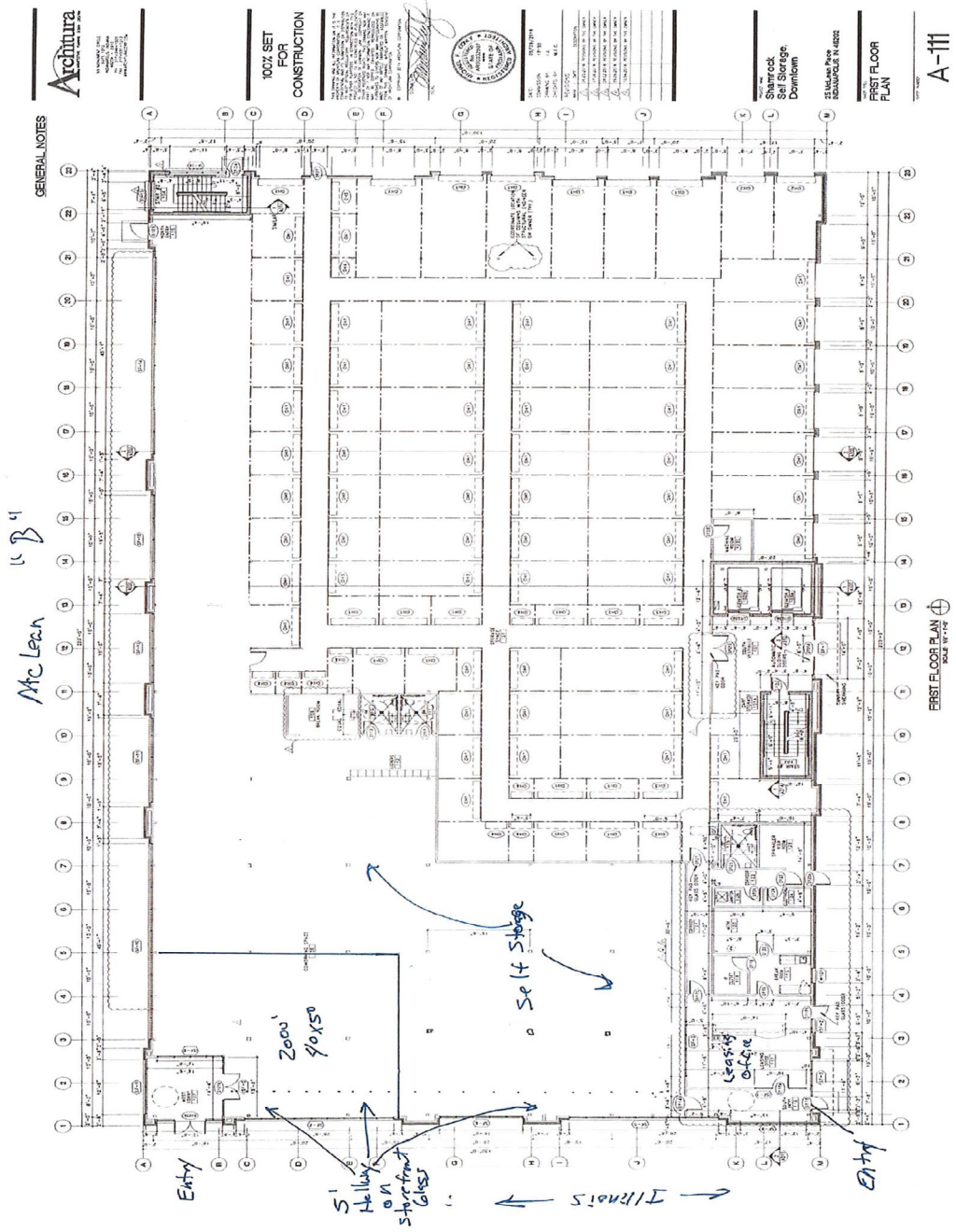
**2017-REG-100; 25 McLean Place**, requested Regional Center Approval to provide for demolition of existing buildings and the construction of a three-story commercial building, with associated surface parking area along Illinois Street, **approved**

**2016-CZN-842 / 2016-CVR-842; 25 Mc Lean Place**, requested rezoning of 1.1 acres, from the C-4 (RC) (W-5) district to the C-S (RC) (W-5) classification to provide for a self-storage facility, MU-1, and MU-2 uses, and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street (10-foot setback required and interior landscaping required), and with building encroachments into the clear sight triangles of the abutting streets and alleys **approved**.

**EXHIBITS**



Site Plan





Department of Metropolitan Development  
Division of Planning  
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EXHIBIT A

W

A201700103358

09/13/2017 9:51 AM  
KATHERINE SWEENEY BELL  
MARION COUNTY IN RECORDER  
FEE: \$ 35.00  
PAGES: 8  
By: DW



STATEMENT OF COMMITMENTS

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

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

Legal Description: (See attached) 25 McLean Place

Statement of COMMITMENTS:

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

*MDC's Exhibit B - - page 1 of 5*

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Division of Planning

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- (a) the adoption of rezoning petition # 2016-CZN-842/ 2016-CVR-842 by the City-County Council changing the zoning classification of the real estate from a C-4 (RC) (W-5) zoning classification to a C-S (RC) (W-5) 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 (RC) (W-5) 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 # 2016-CZN-842/ 2016-CVR-842.

IN WITNESS WHEREOF, owner has executed this instrument this 21 day of AUGUST, 2017.

Signature:

Signature: 

MDC's Exhibit B - - page 2 of 5

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Department of Metropolitan Development  
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Printed: DAVID C. CRICHLAN  
Title /  
Organization OWNER  
Name: \_\_\_\_\_

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

STATE OF INDIANA )  
) SS:  
COUNTY OF MARION )

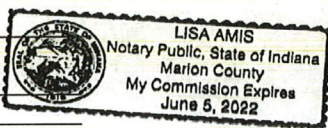
Before me, a Notary Public in and for said County and State, personally appeared DAVID C. CRICHLAN, owner owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained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

Witness my hand and Notarial Seal this 21 day of August, 20 17

Lisa Amis  
Notary Public

Lisa Amis  
Printed Name of Notary Public

My Commission expires: June 5, 2022  
My County of residence: Marion



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. NANCY S. WHITAKER

This instrument was prepared by David Kingen

ATTACHMENT "A"

MDC's Exhibit B -- page 3 of 5

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**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;

*MDC's Exhibit B -- page 4 of 5*

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- (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.





**LEGAL DESCRIPTION**

*Lots 1-4 & 19-21 and the adjacent vacated alley in Lazarus & Pierce's Meridian Place in Plat Book 8, Page 192 Office of Marion County.*

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ATTACHMENT "D"

Petitioner commits to the following

1. Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on No. Illinois Street and McLean Place, for office/ retail space/ artisan food and beverage/ artisan manufacturing uses.
2. Subject to the elevations, file dated 3/2/17

8/8/17

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AUG 29 2017  
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Current Planning

ATTACHMENT "E":

Petitioner commits to exclude the following uses from the site:

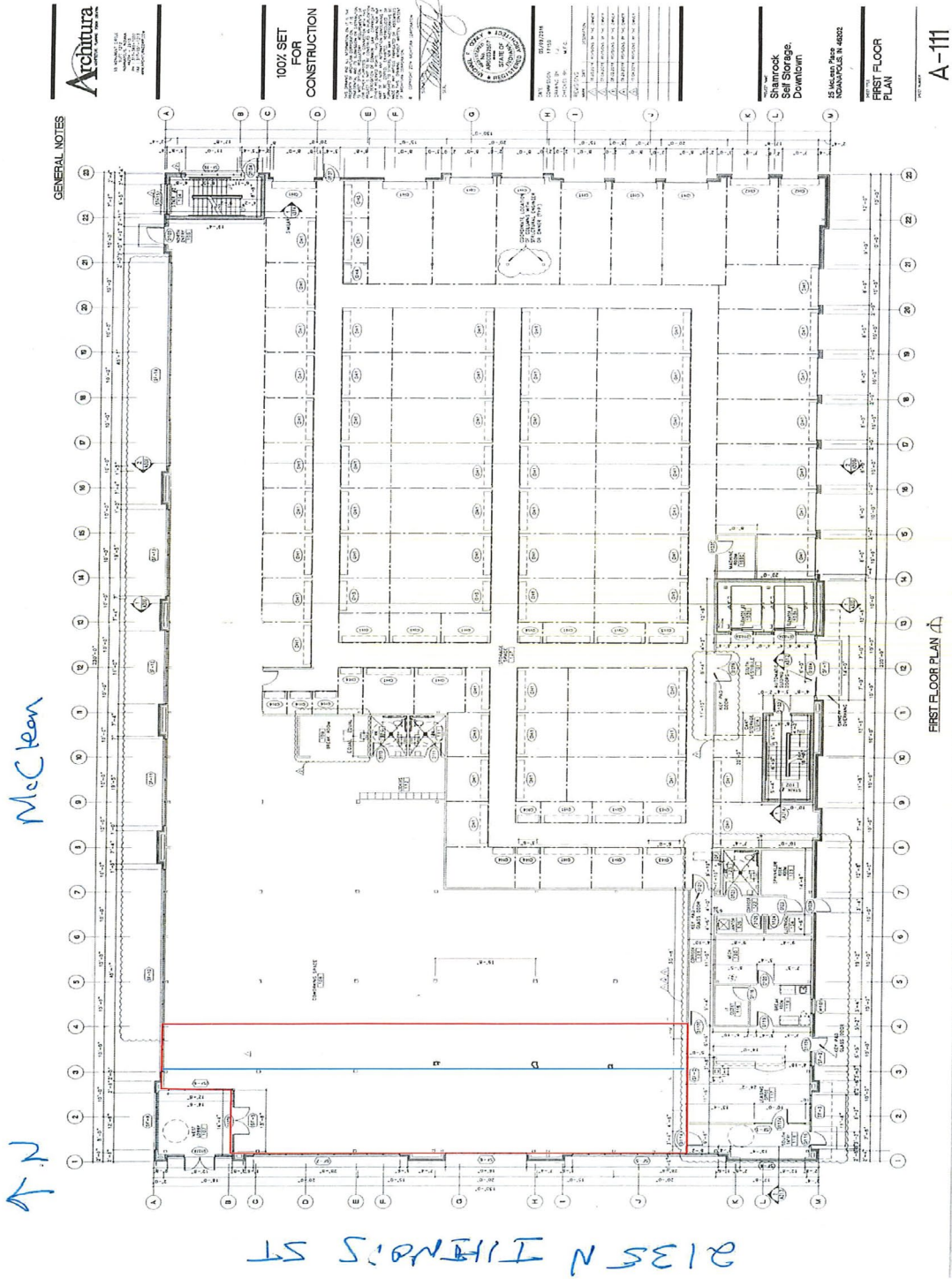
1. Check cashing facility
2. Night club, private club or lounge
3. Outdoor advertising, off premise sign
4. Manufacturing, Light

5/15/17

Metropolitan Development  
AUG 29 2017  
Division of Planning

EXHIBIT B

A

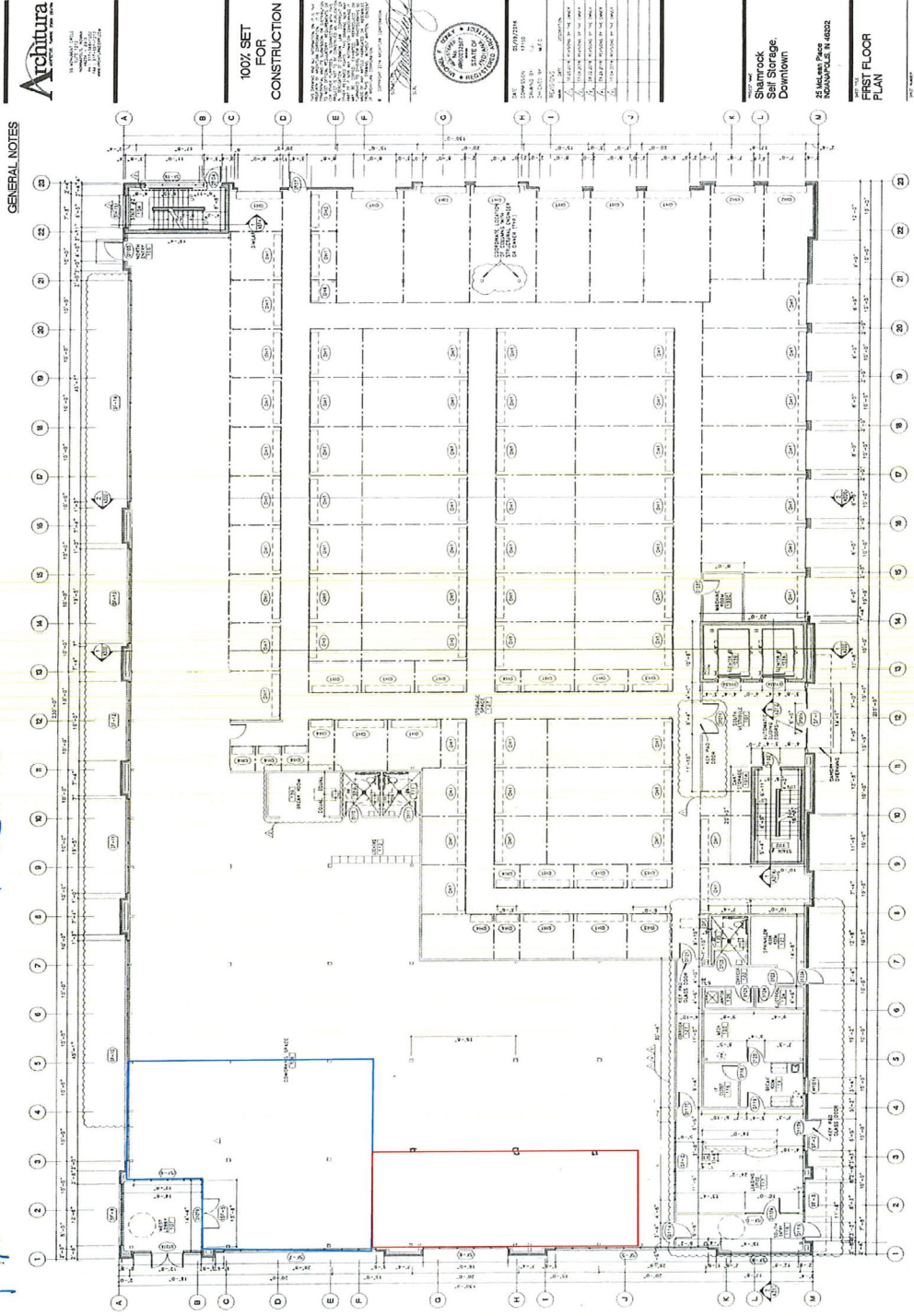


B

McClean

← N

2135 N THOMAS ST



GENERAL NOTES

**Architura**  
 ARCHITECTS  
 1001 N. LAUREL ST. SUITE 200  
 CHICAGO, IL 60610  
 TEL: 312.467.1000  
 WWW.ARCHITURA.COM

100% SET  
 FOR  
 CONSTRUCTION

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.  
 3. ALL DOORS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
 4. ALL WINDOWS ARE 48" WIDE UNLESS OTHERWISE NOTED.  
 5. ALL FLOORS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 6. ALL CEILING ARE 8" CONCRETE UNLESS OTHERWISE NOTED.  
 7. ALL ROOFS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 8. ALL EXTERIOR WALLS ARE 16" CONCRETE ON 4" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 9. ALL EXTERIOR ROOFS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 10. ALL INTERIOR WALLS ARE 12" CONCRETE ON 4" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 11. ALL INTERIOR ROOFS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 12. ALL MECHANICAL ROOMS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 13. ALL ELECTRICAL ROOMS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 14. ALL STAIRS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 15. ALL ELEVATORS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 16. ALL CORES ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 17. ALL CORES ARE TO BE CONCRETE ON 4" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 18. ALL CORES ARE TO BE 12" THICK UNLESS OTHERWISE NOTED.  
 19. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 20. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 21. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.  
 22. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 23. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 24. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.  
 25. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 26. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 27. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.  
 28. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 29. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 30. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.



1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.  
 3. ALL DOORS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
 4. ALL WINDOWS ARE 48" WIDE UNLESS OTHERWISE NOTED.  
 5. ALL FLOORS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 6. ALL CEILING ARE 8" CONCRETE UNLESS OTHERWISE NOTED.  
 7. ALL ROOFS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 8. ALL EXTERIOR WALLS ARE 16" CONCRETE ON 4" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 9. ALL EXTERIOR ROOFS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 10. ALL INTERIOR WALLS ARE 12" CONCRETE ON 4" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 11. ALL INTERIOR ROOFS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 12. ALL MECHANICAL ROOMS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 13. ALL ELECTRICAL ROOMS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 14. ALL STAIRS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 15. ALL ELEVATORS ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 16. ALL CORES ARE TO BE LOCATED AS SHOWN ON THIS PLAN.  
 17. ALL CORES ARE TO BE CONCRETE ON 4" GYPSUM BOARD UNLESS OTHERWISE NOTED.  
 18. ALL CORES ARE TO BE 12" THICK UNLESS OTHERWISE NOTED.  
 19. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 20. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 21. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.  
 22. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 23. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 24. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.  
 25. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 26. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 27. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.  
 28. ALL CORES ARE TO BE 48" WIDE UNLESS OTHERWISE NOTED.  
 29. ALL CORES ARE TO BE 48" DEEP UNLESS OTHERWISE NOTED.  
 30. ALL CORES ARE TO BE 48" HIGH UNLESS OTHERWISE NOTED.

Shamrock  
 Self Storage  
 Downtown

2135 N. THOMAS ST.  
 CHICAGO, IL 60610

FIRST FLOOR  
 PLAN

A-111

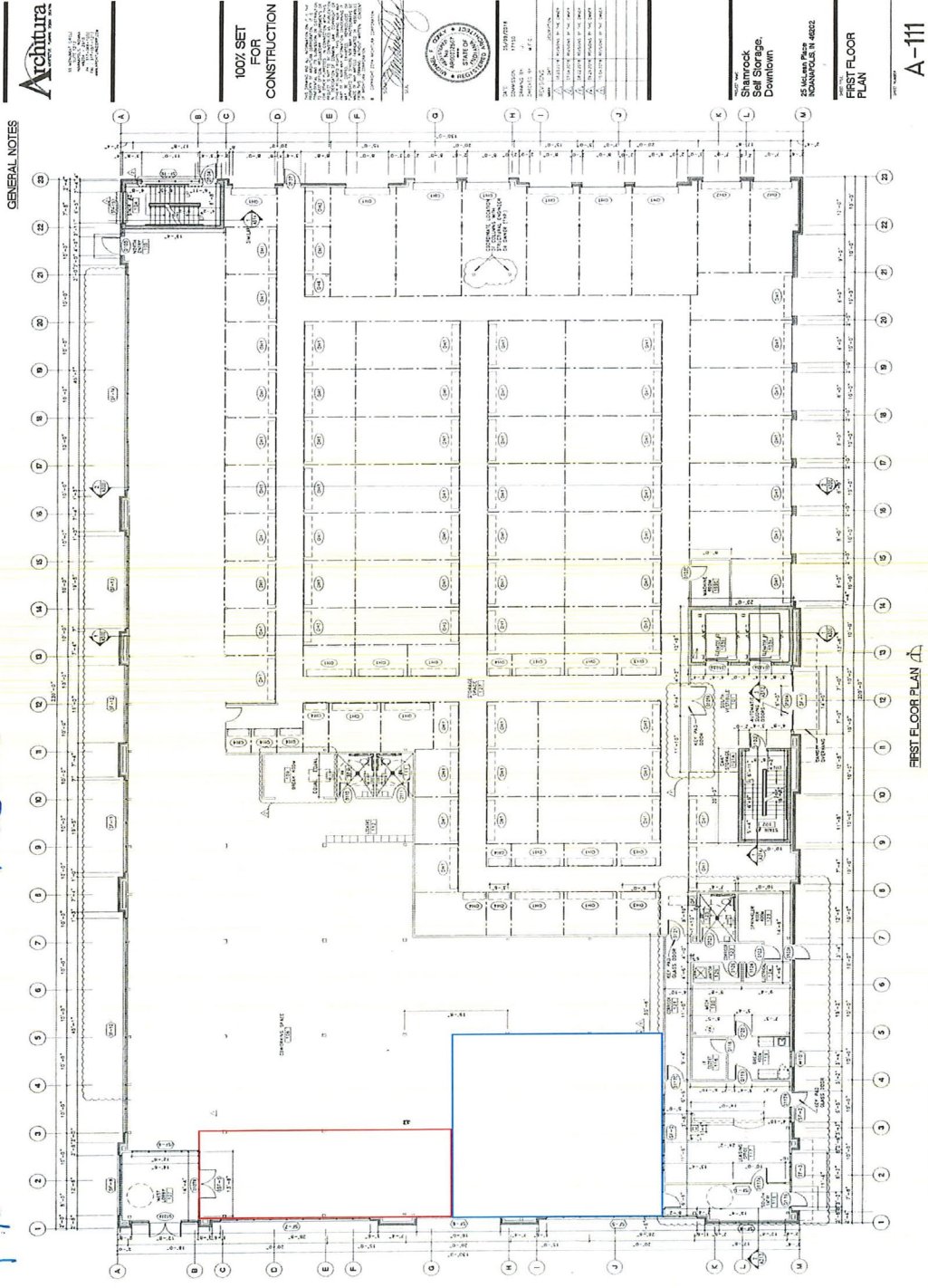
FIRST FLOOR PLAN

C

McCrean

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2135 N THINB'S ST



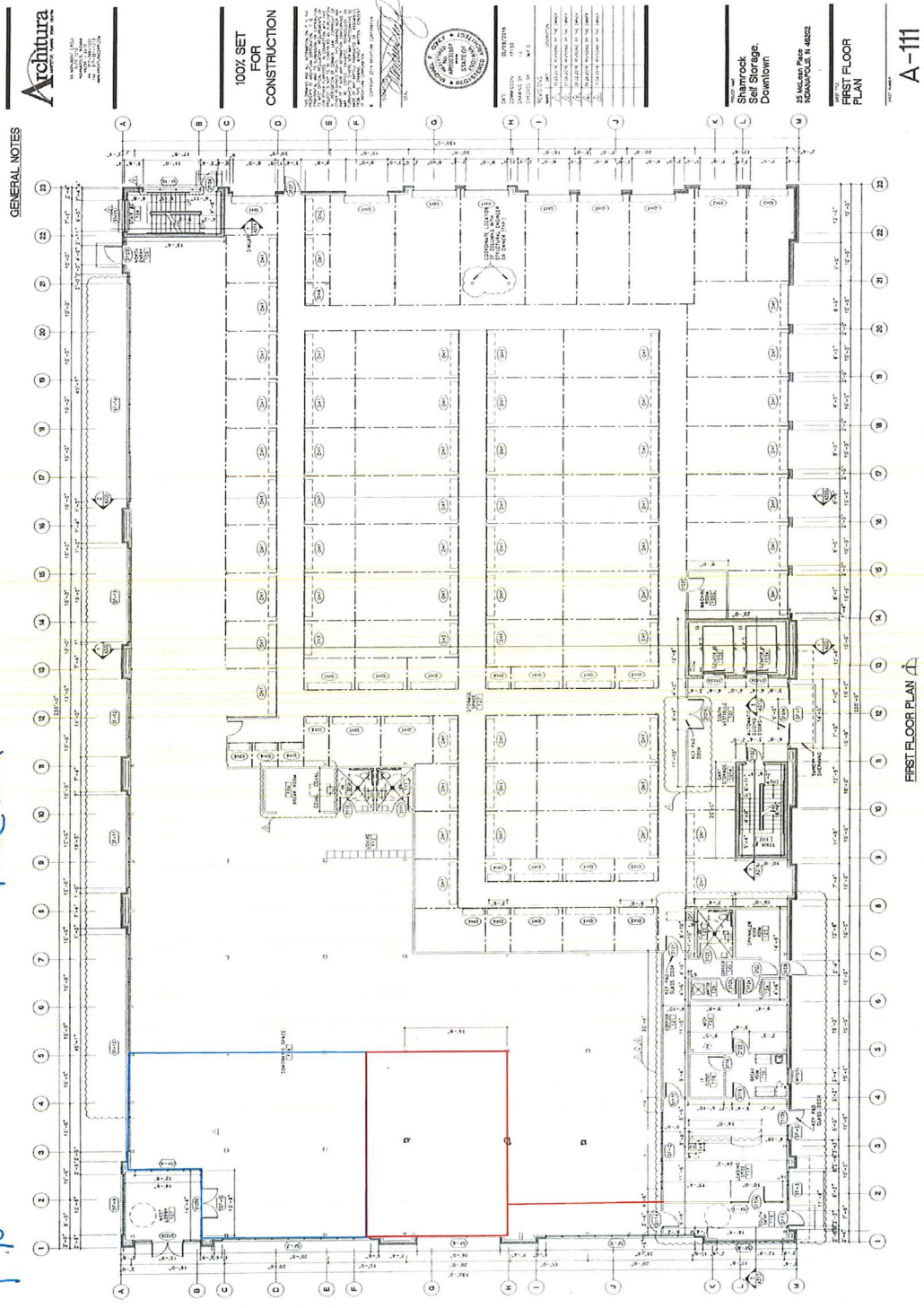
A-111

D

McCrack

← N

2135 N THOMAS ST



**Architura**  
 ARCHITECTURE  
 100% SET FOR CONSTRUCTION

GENERAL NOTES

100% SET FOR CONSTRUCTION

100% SET FOR CONSTRUCTION



PROJECT NO.	11118
DATE	11/15/11
SCALE	AS SHOWN
DESIGNED BY	W.F.C.
CHECKED BY	
APPROVED BY	
DATE	
PROJECT	
DESCRIPTION	
LOCATION	
OWNER	
ARCHITECT	
ENGINEER	

**Sharrock**  
 Self Storage  
 Downloin

25 McCracken Place  
 INDIANAPOLIS, IN 46202

FIRST FLOOR  
 PLAN

A-111

FIRST FLOOR PLAN



EXHIBIT C

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:**

Lots 1-4 and 19-21 and the adjacent vacated alley in Lazarus & Pierce’s Meridian Place in Plat Book 8, Page 192 in the Office of the Marion County Recorder.

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

- 1. The Statement of Commitments recorded as Instrument No. A201700103358 shall be modified as follows:

Petitioner shall reserve and market a minimum of 2,000 square feet fronting on N. Illinois Street and McLean Street for office or commercial use, including artisan food and beverage, artisan manufacturing, community center, and light general retail that is ancillary to the existing self-storage business (e.g., boxes, padding, plastic wrap, and other packing supplies).

- 2. \_\_\_\_\_





Department of Metropolitan Development  
 Division of Planning  
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- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 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 \_\_\_\_\_.

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.



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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 # \_\_\_\_\_ by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

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 \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_*

\_\_\_\_\_  
*Notary Public*  
\_\_\_\_\_  
*Printed Name of Notary Public*  
*My Commission expires:* \_\_\_\_\_  
*My County of residence:* \_\_\_\_\_

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.



Department of Metropolitan Development  
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*This instrument was prepared by Michael Rabinowitch, Dinsmore & Shohl LLP, One Indiana Square, Suite 1800, Indianapolis, IN 46204*

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Secretary, Metropolitan Development Commission



View looking west along Mc Lean Place



View looking east along Mc Lean Place



View looking south along North Illinois Street



View looking north along North Illinois Street



View of site looking east across North Illinois Street



View of site looking east across North Illinois Street



View of site looking east across North Illinois Street



View of site looking northeast across North Illinois Street



View from site looking southwest across North Illinois Street



View from site looking northwest across North Illinois Street





View from site looking north across Mc Lean Place



View from site looking north across Mc Lean Place



View from site looking north across Mc Lean Place



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-119

**Property Address:** 134 & 142 West 30th Street and 3006 Kenwood Avenue (Approximate Address)

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

**Petitioner:** M S One Investments LLC, by Mark and Kim Crouch

**Current Zoning:** Enter Current Zoning District

**Request:** Rezoning of 0.22 acres from the C-4 districts to the D-8 district to provide for four single-family residential dwelling development.

**Current Land Use:** C-4

**Staff Recommendations:** Denial.

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request as submitted.

If the petitioner were to commit to meeting the D-8 district standards, then **staff could recommend 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 39-foot half right-of-way shall be dedicated along the frontage of 30<sup>th</sup> Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. All D-8 development standards shall be met in accordance with Table 742.103.03 and Table 744-701-2 for Terrace Frontage.



## PETITION OVERVIEW

### LAND USE

The 0.22-acre subject site is comprised of three undeveloped parcels (1050958, 1006618, and 1004743) to be combined and subdivided later.

The sites are surrounded to the west by a liquor store across the alley, zoned C-3, to the north by a two-family dwelling, zoned D-3, to the east by a parking garage and storage area, zoned C-S, and to the south by a fire station, zoned SU-9.

### REZONING

This petition would rezone this site from the C-4 district to the D-8 district to allow for single-family residential development.

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

The 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.

### DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along 30<sup>th</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### STAFF ANALYSIS

Staff is recommending denial of the request as submitted because there are concerns with the proposed layout of the site shown in both site plans since there would need to be multiple variances requested for the development of the single-family dwellings.

The amended site plan would require variances for the corner lot for deficient front and rear yards and for not having the front entrance location on east side front façade. Additionally, front loaded garages are prohibited along 30<sup>th</sup> Street per the Terrace Frontage standards and there is the possibility of deficient



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landscaping for the proposed lots. The standards noted in Table 742.103.03 for Detached House – Compact Lot would apply for single-family dwellings and so would the standards in Table 744-701-2 for Terrace Frontage.

If the petitioner were to commit to meeting all D-8 development standards and providing the right-of-way dedication as requested by DPW, then staff could recommend approval of the request. The approval of this rezone does not imply approval or endorsement of the site plan.

Staff would be supportive of the rezoning to the D-8 district because it would allow for residential uses to align with the context of the surrounding area and would increase the housing stock although it would deviate from the community commercial recommendation of the Comprehensive Plan.

### GENERAL INFORMATION

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-8	Residential (Two-family dwelling)
South:	SU-9	Fire Station
East:	C-S	Parking Garage and Storage area
West:	C-3	Liquor Store
<b>Thoroughfare Plan</b>		
30 <sup>th</sup> Street	Primary Arterial Street	78-foot proposed right-of-way and 50-foot existing right-of-way
Kenwood 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>	September 19, 2024	
<b>Site Plan (Amended)</b>	October 10, 2024	
<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)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Infill Housing Guidelines (2021)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends community commercial development at this site.
- 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.
- Although the Comprehensive Plan does not contemplate residential uses, the residential use of the sites would increase the housing stock and would provide additional dwellings in an area where it would be suitable and in line with the context of the surrounding area.

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

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021), but does not fall within the Transit Oriented Development Secondary District.
- The site would be within ¼ mile of the 30<sup>th</sup> Street and Meridian Street transit station, which is classified as a district center typology.
- Development around this station should be a dense mixed-use hub for multiple neighborhoods with tall buildings, 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 floor.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**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.



**Indy Moves**

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

- A bike lane exists along 30<sup>th</sup> Street from Harding Street to Illinois Street.



## ZONING HISTORY

### Zoning History - Vicinity

**2023-ZON-129; 3050 North Illinois Street** (east of site), Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building and Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building. **withdrawn.**

**2008-ZON-036; 2946 North Capitol Avenue and 2943 Boulevard Place** (southwest of site), Rezoning of 0.98 acre, from the C-4 and D-8 Districts to the SU-1 classification to provide for religious uses, **approved.**

**2004-ZON-840; 3001 North Capitol Avenue** (west of site), Rezoning of 0.32 acre from C-4 and D-8 to C-3 to legally establish and provide for the expansion of a liquor store; **approved.**

**2003-ZON-805; 3130 North Illinois** (east of site) Rezoning of 3.91 acres, being in the D-8 and C-4 Districts, to the C-S classification to provide for a parking garage and pedestrian bridge, **approved.**

**2000-ZON-137; 2950 Kenwood Avenue** (south of site), Rezoning 0.07 acre, being in the D-8 District to the SU-9 classification to provide for the construction of a fire station, **approved.**

**2000-ZON-029; 2959 North Capitol Avenue** (southwest of site), Rezoning of 0.30 acre from C-3 to SU-9 to provide for a fire station; **approved.**

**99-CP-19Z; 2850 – 2960 North Meridian Street, 2869 North Illinois Street, 2870-2960 North Illinois Street** (southeast of site) Rezoning 15.03 acres from the C-1 (RC), C-2 (RC), D-8 (RC) and D-9 (RC) to the C-S (RC) to provide for corporate offices, corporate guest housing, conference center, retreat center, banquet facilities, leasable office space, child care, a religious use, and retail operations, **approved.**

**98-Z-1; 2946 North Kenwood Avenue** (south of site), Rezoning of 0.61 acre from D-8 to SU-9, to provide for the expansion of a fire station, **granted.**

**96-Z-50; 2960, 2952, and 2946 North Capitol Avenue** (southwest of site), Rezoning of 14 acres from C-4 and D-8 to SU-1 to provide for the construction of a new church and fellowship hall, **withdrawn.**

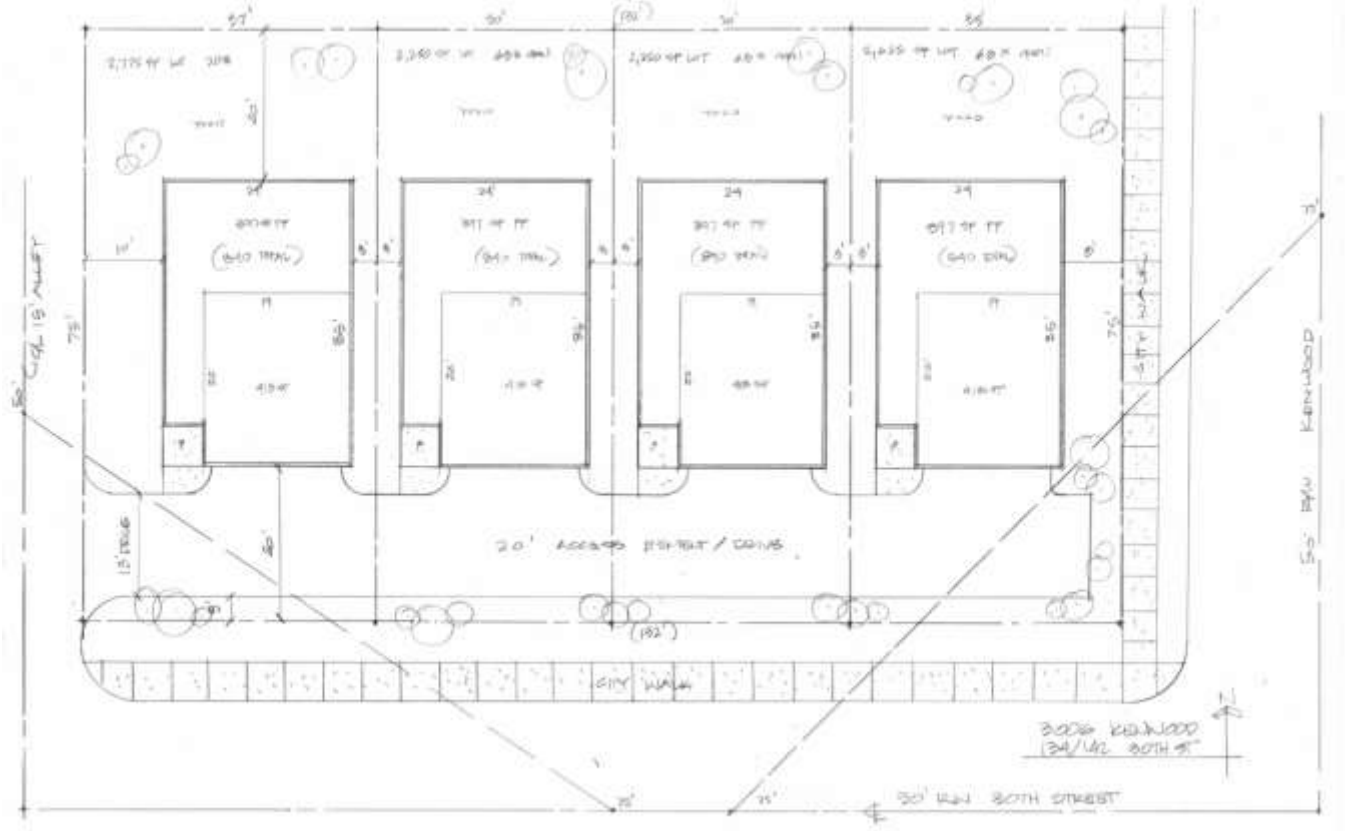
**93-Z-61; 3051-3131 North Illinois Street, 3130 North Meridian Street 120 West 30th Street, 3009-3043 North Kenwood Avenue;** (east of site) Rezoning of 5.0 acres from C-4, D-8 and D-9 to C-S, to provide for parking, **approved.**

**EXHIBITS**





SITE PLAN





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AMENDED SITE PLAN

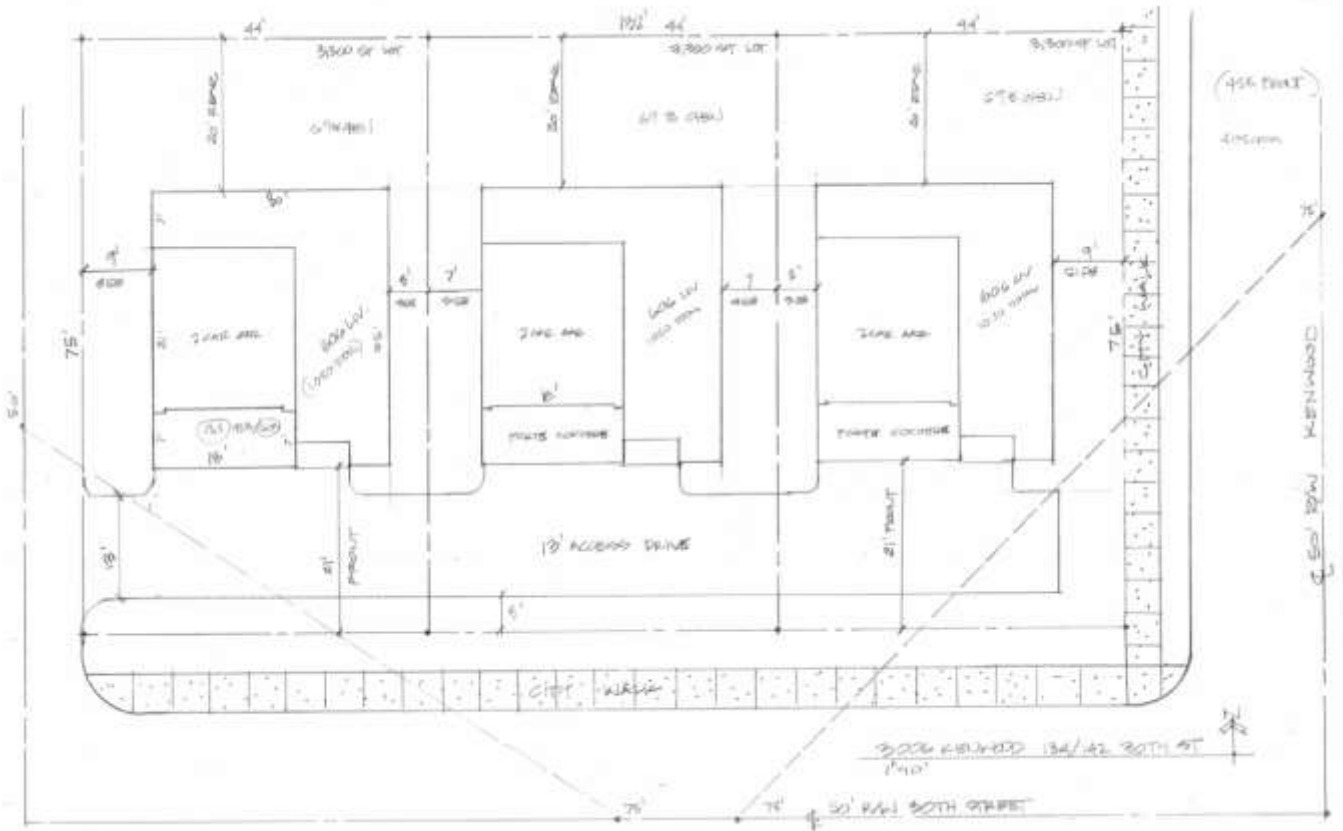






Photo of the two-family dwelling north of the site.



Photo of the fire station south of the site.



Photo of the alley west of the subject site looking north from 30<sup>th</sup> Street.



Photo of the liquor store west of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **October 24, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CZN-837 / 2024-CVR-837 (Amended)

**Property Address:** 2163 and 2179 North Illinois Street

**Location:** Center Township, Council District #12

**Petitioner:** Near North Development Corporation, by Audra Blasdel

**Current Zoning:** MU-2 (RC) (TOD) (W-5)  
Rezoning of 1.2 acres from the MU-2 (RC) (TOD) (W-5) district to the D-8 (RC) (TOD) (W-5)

**Request:** Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development, consisting of 20 dwelling units, with a six-foot corner side yard setback at the intersection of 22<sup>nd</sup> Street and Illinois Street (minimum eight-foot corner setback required), a four-foot rear yard setback (minimum 15-foot rear yard setback required), a three-foot side yard setback, (minimum five-foot side yard setback required), 800-square-foot Row House – Small Lot size (minimum 1,200 square feet required), livability space ratio of 0.16 (minimum livability space ratio of 0.66 required), and encroachment into the clear sight triangle (not permitted).

**Current Land Use:** Vacant property

**Staff Recommendations:** Approval, of the rezoning request.

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

**PETITION HISTORY**

This is the first public hearing on these petitions. However, the variance request will need to be continued to the November 14, 2024 hearing. An additional variance of a development standard was requested that required new notice, but due to timing issues, staff is requesting that the rezoning be heard, followed by the variance amendment at a later hearing. The staff report will be updated to comment on the variance requests.

**STAFF RECOMMENDATION**

Approval, subject to substantial compliance with the site plan and elevations file dated September 9, 2024 and the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

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





## PETITION OVERVIEW

This 1.2-acre site, zoned MU-2 (RC) (TOD) (W-5), is comprised of two vacant parcels. It is surrounded by commercial uses to the north, across East 22<sup>nd</sup> Street, zoned C-4 (RC) (TOD) (W-5); a self-storage facility to the south, across Mc Lean Place, zoned C-S (RC) (TOD) (W-5); undeveloped land and a parking lot to the east zoned MU-2 (RC) (TOD) (W-5) and C-4 (RC) (TOD) (W-5), respectively; and office uses to the west, across North Illinois Street, zoned C-4 (RC) (TOD) (W-5).

Petitions 2019-CZN-820 and 2019 CVR-820 rezoned the site to the MU2 (RC) district and provided for variances of development standards to allow for mixed-use buildings up to 55-feet tall, with commercial space, multi-family dwellings and parking, without interior landscaping and with a zero-foot setback along Mc Lean Place.

## REZONING

The request would rezone both parcels to the D-8 (RC) (TOD) (W-5) (Walkable Neighborhood) District. “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.”

Walkable neighborhoods advance livability principles and “implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.”

The Comprehensive Plan recommends urban mixed-use typology for the site.

As proposed, this request would generally be consistent with the Plan recommendation, the Pattern Book and the Transit-Oriented Development overlay.

The Development Statement explains that 20 three-story townhomes would be constructed on the northern portion of the site, with three proposed single-family dwellings on the southern portion of the site at a future date. This would result in an overall density of 19.16 units per acre.



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## Regional Center

The site is located within the Regional Center Secondary District. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the Regional Center Urban Design Guidelines. The design of the proposed project would be subject to a public review before the Regional Center Hearing Examiner.

## Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises, or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture.



Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

**Environmental Public Nuisances**

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

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

Environmental public nuisance means:

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

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	MU-2 (RC) (TOD) (W-5)
<b>Existing Land Use</b>	Vacant
<b>Comprehensive Plan</b>	Urban Mixed-Use
<b>Surrounding Context</b>	<u>Zoning</u> <span style="float: right;"><u>Land Use</u></span>

North:	C-4 (RC) (TOD) (W-5)	Commercial Uses
South:	C-S (RC) (TOD) (W-5)	Self-storage Facility
East:	MU-2 (RC) (TOD) (W-5) / C-4 (RC) (TOD) (W-5)	Vacant land / parking lot
West:	C-4 (RC) (TOD) (W-5)	Offices uses
<b>Thoroughfare Plan</b>		
North Illinois Street	Primary arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
West 22 <sup>nd</sup> Street	Primary arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes. – Transit-Oriented Development / Regional Center	
<b>Wellfield Protection Area</b>	Yes – White River W-5	
<b>Site Plan</b>	September 9, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	September 9, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	September 9, 2024	
<b>Findings of Fact (Amended)</b>	October 15, 2024	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Urban Mixed-Use typology. “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-throughs. This typology has a residential density of at least 25 to 75 units per acre.”



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- Indianapolis Regional Center Guidelines (2008).
  - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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 – Urban 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.
  - Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- *Conditions for All Housing*
  - 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.
  - 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.
- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
  - Should have a minimum of 10 units per acre.



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- *Small-Scale Multi-Family Housing* (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).
  - 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 Red Line Transit-Oriented Development Strategic Plan (2021) and Purple 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 ¼ mile walk (approximately 518 feet) of a proposed transit stop located at the intersection of North Meridian Street and East 22<sup>nd</sup> Street with a District Center typology.
- 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:
  - A dense mixed-use hub for multiple neighborhoods with tall buildings
  - 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**

- Not Applicable to the Site.



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### 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 describe 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-CZN-820 / 2019-CVR-820; 2163 and 2179 North Illinois Street**, requested rezoning of 1.19 acres from the C-4 (RC) (W-5) district to the MU-2 (RC) district and variances of development standards to provide for mixed-use buildings up to 55-feet tall, with commercial space and multi-family dwellings and with parking, without interior landscaping and with a zero-foot setback along McLean Place in front of the building, **approved and granted**.

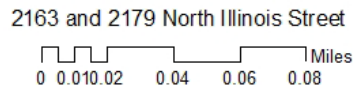
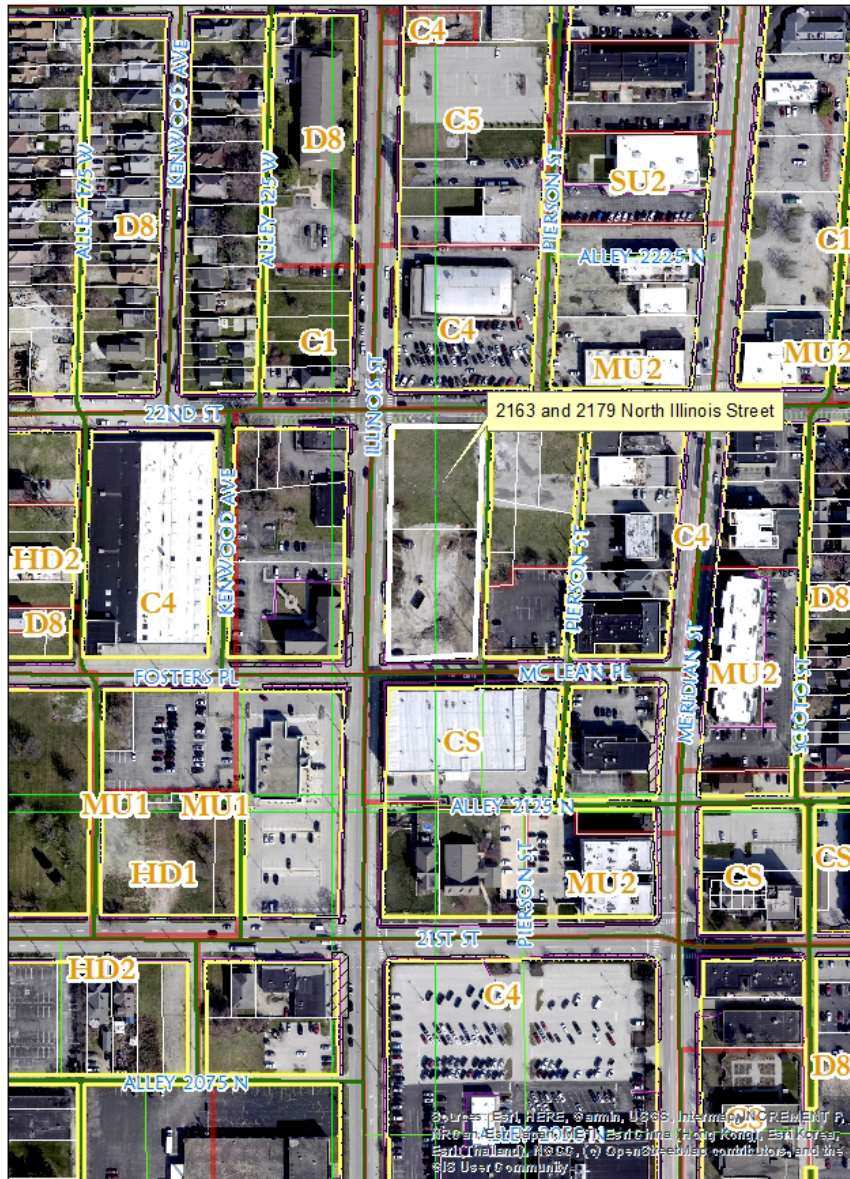
### VICINITY

**2019-ZON-046; 17 West 22<sup>nd</sup> Street and 2176 North Illinois Street (adjacent to the east)**, requested a rezoning of 0.731-acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) district, **approved**.

**2018-ZON-111; 2102 North Meridian Street**, requested a rezoning of 0.71 acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, **approved**.

**2016-CZN-842 / 2016-CVR-842; 25 McLean Place**, requested a rezoning of 1.1 acres, from the C-4 (RC) (W-5) District, to the C-S (RC) (W-5) classification to provide for a self-storage facility, MU-1 and MU-2 uses, with use exceptions and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street and with building encroachments into the clear sight triangles of the abutting streets and alleys, **approved and granted**.

EXHIBITS





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#### DEVELOPMENT STATEMENT

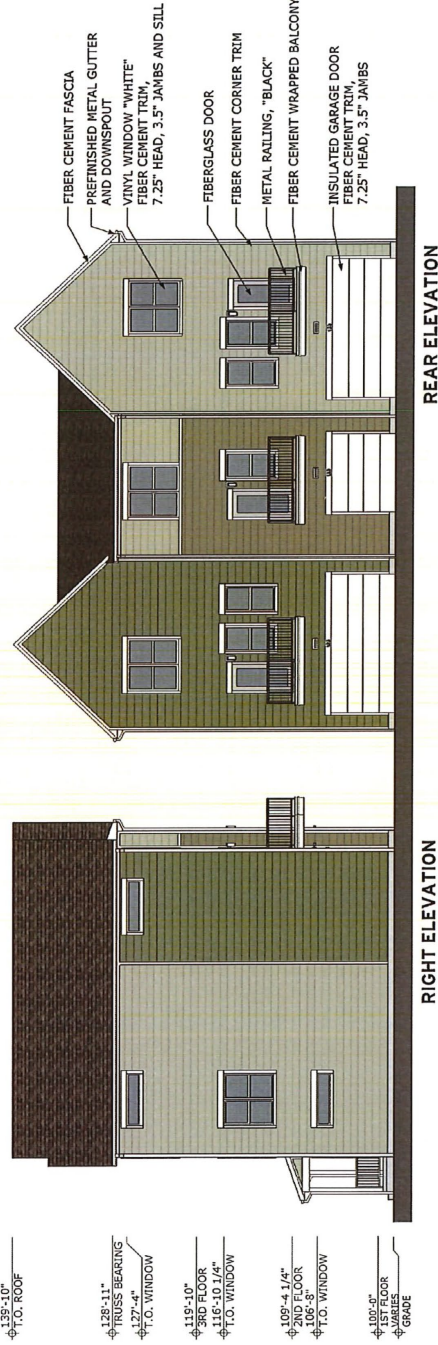
The 22<sup>nd</sup> & Illinois Townhomes project will consist of 20 townhomes in the heart of the emerging Indy Health District that will increase housing stock diversity through an affordable for-sale option. The project to be located at 2179 North Illinois Street and will compliment 128-units of affordable rental housing across the street and contribute to a transit-oriented development corridor contributing to community and economic development goals through the connectivity of housing, multi-modal transportation, workforce development, and attraction of new commercial activity.

The 22<sup>nd</sup> & Illinois Townhomes will bridge the recent single-family remodeling investments to the west of Meridian Street to the commercial corridor developed along 22nd Street, making the neighborhoods more cohesive and connected. The project will reposition a vacant brownfield site into an active neighborhood housing anchor, complete with healthy housing amenities. The project provides much needed for-sale workforce housing for major employers and their employees. The 22<sup>nd</sup> & Illinois Townhomes site is firmly within the IU Health District Core Area with a target of workforce housing for the new IU Health hospital being built down the street from the site's location. The site is connected to the hospital by the Highland Heritage Connector Trail, a multimodal path that Near North Development Corporation (NNDC), in partnership with IU Health, the City of Indianapolis, and residents of the Meridian Highland Neighborhood, installed in 2023. The same trail also connects the housing and IU Health's new hospital (residence and workplace) to Barton Park, a city-owned recreational park that serves as one of the hidden gems on the Near Northside of Indianapolis. The project is built through a lens of responsible community development as to not hike assessed values and property taxes for existing neighborhood residents.











View looking south along North Illinois Street



View looking north along North Illinois Street





View of site looking north across Mc Lean Place



View of site looking northwest from adjacent property to the east



View of site looking north from adjacent property to the east



View of site looking west



View of site looking west



View of site looking west



View of site looking south across West 22<sup>nd</sup> Street



View of site looking south across West 22<sup>nd</sup> Street

**METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA  
PETITION FOR VARIANCE OF USE  
NEGATIVE FINDINGS OF FACT**

1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE the use of a six-foot tall chain link fence in the front yard and clear sight triangle is prohibited. Allowing it to obstruct sight visibility would be injurious to the public health, safety, morals, and general welfare of the community.
2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT CAUSE THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY TO BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE allowing the proposed six-foot tall chain link fence could create a precedent for other sites to request chain link fences in the front yard which would negatively affect the value of the area adjacent to the property.
3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE no substantive data or evidence has been provided to indicate that other alternative security measures had been investigated or that a six-foot tall chain link fence would prevent theft.
4. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WOULD CONSTITUTE AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE the site could be used for the uses permitted in the current zoning district without the need of a six-foot tall chain link.
5. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE the proposed chain link fence was requested for the anticipated automobile repair shop that would not align with the Comprehensive Plan recommendation of traditional neighborhood development.

**DECISION**

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

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


**METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA  
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**NEGATIVE FINDINGS OF FACT**

1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE the six-foot height and location of the chain link fence in the front yard and clear sight triangle is prohibited. Allowing it to obstruct sight visibility would be injurious to the public health, safety, morals, and general welfare of the community.
2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT 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 allowing the proposed six-foot tall fence in an area that is not permitted could imply that use of the site would be a much more intense use that would substantially affect the value of the area in an adverse manner.
3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE no substantive data or evidence has been provided to indicate that other alternative security measures had been investigated or that a six-foot tall chain link fence would prevent theft.

**DECISION**

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

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