



Metropolitan Development Commission Hearing Examiner (May 23, 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, May 23, 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-MOD-004 | 5514, 5532, and 5550 Victory Drive

Franklin Township, Council District #24

C-S

Patch Development LLC, by Brian J Tuohy

Modification of Commitments related to 2000-ZON-090 to terminate Commitment #6, which related to fence installation on Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #7, which required the developer to pay \$600.00 for landscape allowance to each of the lot owners of Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #8, which required building materials, color scheme and general appearance of the building to be substantially similar to buildings west of the site, terminate Commitment #15, which required water main extension and sanitary sewer connection, and to modify Commitment 4 (D) to provide that no docks and drive in doors will be located on the front of the building facing south, to modify Commitment #5 to delete and replace with acceleration / deceleration tapers shall be provided at the entrance to the site on Victory Drive, and modify Commitment #9 to provide that the maximum building height above the final grade shall be limited to thirty-six (36) feet.

****Petitioner request for continuance for cause to June 13, 2024, with new Notice**

2. 2023-ZON-129 | 3050 North Illinois Street

Center Township, Council District #8

The Children's Museum of Indianapolis, by Jamilah Mintze

Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building. 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.

****Petitioner to request a continuance for cause to June 27, 2024**

3. 2024-ZON-026 | 7405 and 7425 Westfield Boulevard

Washington Township, Council District #2

7425 Westfield Boulevard LLC and 7405 LLC, by Michael Lang

Rezoning of 1.13 acres from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

****Automatic continuance to June 27, 2024, filed by Petitioner**

4. 2024-ZON-029 | 9401 and 9415 East Southport Road, and 9404 and 9510 East McGregor Road

Franklin Township, Council District #25
Lennar Homes of Indiana, LLC., by Brian J. Tuohy

Rezoning of 112.2 acres from the D-A and D-1 districts to the D-4 district to provide for single-family residential development.

****Staff request for continuance for cause to June 13, 2024**

5. 2024-ZON-030 | 1362 and 1368 North Olney Street

Center Township, Council District #13
Read Investment Trust / Brookside Community Development Corp., by Emily Duncan and David Kingen

Rezoning of 0.29-acre from the C-3 district to the MU-1 district to provide for a mixed-use development.

****Petitioner request for continuance for cause to June 27, 2024**

6. 2024-CAP-815 / 2024-CVR-815 | 2439 and 2455 Dr. Martin Luther King, Jr. Street

Center Township, Council District #12
C-S (W-5)
Meridian Lodge #33 and NWQOL Holding Company LLC, by Bryan Conn

Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 35% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 9% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), a north side yard setback of seven feet, and a south side yard setback of seven feet (minimum 10-foot side yard setbacks required).

****Staff request for continuance for cause to June 13, 2024**

7. 2024-CZN-819 / 2024-CVR-819 | 8215 West Washington Street

Wayne Township, Council District #17
Site 3 West, LLC, by Joseph D. Calderon

Rezoning of 2.7 acres from the SU-46 district to the I-1 district for light industrial uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings) and approximately 140 feet from a protected district to the west and 400 feet from a protected district to the east (minimum separation of 500 feet required from a protected district)

****Staff request for continuance for cause to June 27, 2024, with Notice**

PETITIONS TO BE EXPEDITED:

8. 2024-APP-008 | 2801 Dr. A. J. Brown Avenue

Center Township, Council District #8
PK-1
City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA

Park District One Approval to provide for a restored multi-purpose playing field, new youth baseball, sand volleyball and soccer fields, and walking paths.

9. 2024-ZON-036 (Amended) / 2004-VAR-006 | 365 South Franklin Road

Warren Township, Council District #20

Just Add Water, by Russell L. Brown and Elizabeth Bentz Williams

Rezoning of three acres from the D-2 district to the I-2 district to provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a caretaker or on-site employee within the existing single-family dwelling and a 15-foot south transitional yard for the storage building (50-foot south transitional yard required).

10. 2024-ZON-052 | 2809 and 2811 Shelby Street

Center Township, Council District #19

Renita Ingersoll, by William Ingersoll

Rezoning of 0.22-acre from the C-5 (TOD) district to the D-8 (TOD) district to provide for residential uses.

11. 2024-ZON-053 | 5001 East Raymond Street

Center Township, Council District #19

City of Indianapolis, Department of Business and Neighborhood Services, by Michael Oberhausen

Rezoning of 25.25 acres from the D-2, D-3 (FF) (FW), D-6II (FF) (FW) and C-4 (FF) districts to the SU-9 (FF) (FW) district to provide for government buildings and services, including a 70,000 square-foot animal care center, two dog parks, a livestock barn and outdoor area, and an outdoor kennel area.

12. 2024-CAP-818 / 2024-CVR-818 | 5231 Claybrooke Commons Drive

Franklin Township, Council District #25

C-S

J Enterprises Inn of Exit 101, LLC, by John J. Moore

Modification of Development Plan related to 2005-ZON-169, to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'-3" (maximum height of 65 feet permitted).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'3" (original C-S statement provided for building height to meet C-4 standards, or a maximum height of 65 feet permitted).

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

13. 2024-ZON-032 | 2255 North LaSalle Street and 3350 Roosevelt Avenue

Center Township, Council District #8

Heart Change Ministries, by Emily Duncan and David Kingen

Rezoning of 0.97-acre from the D-5 and C-1 districts to the SU-7 district to provide for training, education and housing related to a not-for-profit organization.

14. 2024-ZON-044 | 918 East 27th Street, 2735, 2739, 2743, 2747, 2751, and 2755 Guilford Avenue (odd), 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2748, 2752, and 2756 Winthrop Avenue (even)

Center Township, Council District #8

Historic Grandview LLC, by Paul J Lambie

Rezoning of 2.4 acres from the D-5 district to the D-8 district for residential development.

15. 2024-CZN-817 / 2024-CVR-817 | 1103 and 1115 East 52nd Street

Washington Township, Council District #7

Fineberg and Solomon, Inc., by Russell Brown

Rezoning of 1.05 acres from the D-5 (W-5) district to the MU-2 (W-5) district to legally establish existing uses and to provide for a potential mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple dwelling units on the southside of an existing two-story building without orientation to a public street (dwelling units must orient and be visible to a public street).

PETITIONS FOR PUBLIC HEARING (New Petitions):

16. 2024-ZON-047 | 5660 West Minnesota Street

Wayne Township, Council District #17
Jason Mansfield

Rezoning of 1.29 acres from the D-3 district to the I-2 district to provide for light industrial uses.

17. 2024-ZON-049 | 2514, 2534, 2548, 2614, 2618 and 2620 West 16th Street

Wayne Township, Council District #12
Benjamin Hughes, Randall Hughes and Speedway Body Shop, Inc, by S. Gregory Zubek

Rezoning of 2.013 acres from the D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts to the C-4 (W-5) district to provide for community-regional commercial uses.

18. 2024-ZON-051 | 4822 East Edgewood Avenue

Perry Township, Council District #24
Edward P. Heeringa, by David A. Retherford

Rezoning of 1.746 acres from the D-A district to the D-S district.

19. 2024-ZON-054 | 1818 South East Street

Center Township, Council District #18
1800 Blok LLC, by Paul J. Lambie

Rezoning of 0.11-acre from the C-3 district to the D-5 district.

20. 2024-CZN-816 / 2024-CVR-816 | 9521 Haver Way

Washington Township, Council District #2
McDonald's USA, LLC, by Timothy Ochs

Rezoning of 1.777 acres from the C-3, C-4 and C-S districts to the C-3 district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a trash enclosure within the front yard of Keystone Avenue (not permitted), restaurant drive through service units, without screening, located on a façade adjacent to a public right-of-way that exceeds 30 feet in width and off-street stacking spaces located within a front yard along a public right-of-way that exceeds 30 feet in width (not permitted), 48 parking spaces (maximum of 40 spaces permitted).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-004
Property Address: 5514, 5532, and 5550 Victory Drive (approximate addresses)
Location: Franklin Township, Council District #24
Petitioner: Patch Development LLC, by Brian J Tuohy
Current Zoning: C-S

Request: Modification of Commitments related to 2000-ZON-090 to terminate Commitment #6, which related to fence installation on Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #7, which required the developer to pay \$600.00 for landscape allowance to each of the lot owners of Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #8, which required building materials, color scheme and general appearance of the building to be substantially similar to buildings west of the site, terminate Commitment #15, which required water main extension and sanitary sewer connection, and to modify Commitment 4 (D) to provide that no docks and drive in doors will be located on the front of the building facing south, to modify Commitment #5 to delete and replace with acceleration / deceleration tapers shall be provided at the entrance to the site on Victory Drive, and modify Commitment #9 to provide that the maximum building height above the final grade shall be limited to thirty-six (36) feet.

Current Land Use: Undeveloped
Staff Recommendations: Staff has no recommendation for this request.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition will be **continued for cause from the May 23, 2024 hearing to the June 13, 2024 hearing** at the request of the petitioner with notice.

STAFF RECOMMENDATION

Staff has no recommendation for this request.

PETITION OVERVIEW

This petition is to be continued to the June 13, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2023-ZON-129

Property Address: 3050 North Illinois Street (Approximate Address)

Location: Center Township, Council District #8

Petitioner: The Children’s Museum of Indianapolis, by Jamilah Mintze

Current Zoning: C-S

Request: Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building.
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.

Current Land Use: Commercial

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the February 15, 2024 hearing to the March 14, 2024 hearing at the request of the petitioner.

This petition was continued for cause from the March 14, 2024 hearing to the April 11, 2024 hearing at the request of the petitioner to allow additional time for updated plans to be provided and reviewed by staff.

This petition was continued for cause from the April 11, 2024 hearing to the May 23, 2024 hearing at the request of staff with new notice to allow additional time for revised plans to be submitted for review. A variance petition was anticipated per the Commercial Design Standards applicable in the Transit-Oriented Development Secondary District, which required new mailed notices to be sent and the publication of the amended request to be completed.

The petitioner failed to submit revised plans and an amended petition for review. Staff is **prepared to request this petition be dismissed due to want of prosecution** if the petitioner does not request a final continuance request to the June 27, 2024 hearing date.

STAFF RECOMMENDATION

Staff has no recommendation for this request.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-026

Property Address: 7405 and 7425 Westfield Boulevard (Approximate Address)

Location: Washington Township, Council District #2

Petitioner: 7425 Westfield Boulevard LLC and 7405 LLC, by Michael Lang

Current Zoning: D-4 (TOD) (FF)

Request: Rezoning of 1.13 acres from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

Current Land Use: Mental health treatment facility and office use

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the April 25, 2024 hearing to the May 23, 2024 hearing at the request of a registered neighborhood organization.

A timely automatic continuance request was filed by the petitioner, **continuing this petition from the May 23, 2024 hearing to the June 27, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation is to be determined.

PETITION OVERVIEW

This petition was continued to the May 23, 2024 hearing and will now be continued to the June 27, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-029

Property Address: 9401 and 9415 East Southport Road and 9404 and 9510 East McGregor Road

Location: Franklin Township, Council District #25

Petitioner: Lennar Homes of Indiana, LLC., by Brian J. Tuohy

Current Zoning: D-A and D-1

Request: Rezoning of 112.2 acres from the D-A and d-1 districts to the D-4 district to provide for single family residential development.

Current Land Use: Agricultural Use

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff understands that the site plan has been amended and will be submitted for review by staff. Staff is requesting a **continuance from the May 23, 2024 hearing, to the June 13, 2024 hearing**, to provide time for review of the amended plan and to amend the Traffic Impact Study (TIS), if necessary.

The Hearing Examiner acknowledged the timely automatic continuance that continued this petition from the April 25, 2024 hearing, to the May 23, 2024 hearing.

The Hearing Examiner continued this petition, at staff’s request, from the April 11, 2024 hearing, to the April 25, 2024 hearing, to provide additional time for the recently submitted Traffic Impact Study (TIS) to be reviewed by staff and any concerns with the study addressed.

PETITION OVERVIEW

This petition is to be continued to the June 13, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-030

Property Address: 1362 and 1368 North Olney Street

Location: Center Township, Council District #13

Petitioner: Read Investment Trust / Brookside Community Development Corp., by Emily Duncan and David Kingen

Current Zoning: C-3

Request: Rezoning of 0.29-acre from the C-3 district to the MU-1 district to provide for a mixed-use development.

Current Land Use: Mixed-use

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the April 25, 2024 hearing, to the May 23, 2024 hearing, at the petitioner’s representative’s request to provide time for discussions with the neighborhood. The petitioner’s representative has requested a **continuance from the May 23, 2024 hearing, to the June 27, 2024 hearing**, for additional time for continued discussions with the neighborhood.

Staff has no objection to this continuance but would not support continuances beyond the June 27, 2024 hearing.

PETITION OVERVIEW

This petition is to be continued to the June 27, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-CAP-815 / 2024-CVR-815

Property Address: 2439 and 2455 Dr. Martin Luther King, Jr. Street

Location: Center Township, Council District #12

Petitioner: Meridian Lodge #33 and NWQOL Holding Company LLC, by Bryan Conn

Request: Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 35% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 9% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), a north side yard setback of seven feet, and a south side yard setback of seven feet (minimum 10-foot side yard setbacks required).

Staff Reviewer: Kathleen Blackham, Senior Planner

CONTINUANCE

The Hearing Examiner continued this petition from the May 9, 2024 hearing, to the May 23, 2024 hearing, at the request of staff to provide additional time for discussion with the petitioner’s representative and architect.

As discussions continue, staff is requesting a continuance from the May 23, 2024 hearing, to the June 13, 2024 hearing, without notice.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-819 / 2024-CVR-819

Property Address: 8215 West Washington Street

Location: Wayne Township, Council District #25

Petitioner: Site 3 West, LLC, by Joseph D. Calderon

Current Zoning: SU-46

Request: Rezoning of 2.7 acres from the SU-46 district to the I-1 district for light industrial uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings) and approximately 140 feet from a protected district to the west and 400 feet from a protected district to the east (minimum separation of 500 feet required from a protected district)

Current Land Use: Undeveloped

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

These petitions will need to be **continued from the May 23, 2024 hearing, to the June 27, 2024 hearing, with notice**, to provide time for an amendment to the request for a variance of development standards.

PETITION OVERVIEW

This petition is to be continued to the June 27, 2024 hearing.

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2024-APP-008
Address: 2801 Dr. A.J. Brown Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA
Request: Park District One Approval to provide for a restored multi-purpose playing field, new youth baseball, sand volleyball and soccer fields, and walking paths.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ This petition would provide for new athletic fields and walking paths at an existing park within the Indy Parks and Recreation System: Frederick Douglass Park.
- ◇ The park is zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;

(Continued)

- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The Comprehensive Plan recommends large-scale park typology for the site.
- ◇ The site plan indicates the proposed improvements would be within the park boundaries. Staff supports this request.

FINDINGS OF FACT

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

The Land Use Plan identifies that the parcel is a Large-Scale Park. The site development plan improves the condition of the park through the refurbishment and conversion of the park's existing football field into a multi-purpose field, additional walking pathways, new youth baseball and soccer fields, a sand volleyball court. The construction of a new family center on the corner of 25th Street and Ralston Avenue is underway and is not a part of this approval petition request.

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

The site development plan calls for enhancements to the existing football field and the creation of a sand volley ball court, new baseball and soccer fields. The plan includes recommendations for the conversion of the football field into a multi-purpose field with a new combined goal/field post, landscaping, and the replacement of the wood bleacher seats. A new walking pathway throughout the park will provide connectivity between the new additions. These additions will improve the current state of the park.

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

There are existing walking pathways throughout the park and sidewalks and trails along its borders. The plan proposes additional internal pathways and connections throughout the park.

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

The existing park already includes sidewalks, trails, and connections to the surrounding neighborhood. The new pathways planned as part of the project will also enhance connectivity across the park.

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

The park is serviced by the owner (Indy Parks) and the Department of Public Works. Property drainage is being designed by a professional engineer and incorporates appropriate low-impact designs.

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

The property is currently a large-scale neighborhood park that includes athletic fields and a family center. The proposed design maintains the current use of the park and proposes enhancements that are appropriate in design, character, grade, location, and orientation with existing conditions.

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

Existing sidewalks and trails are available along the existing park. Additional paths will be built within the park.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1

Large-scale Park

SURROUNDING ZONING AND LAND USE

North - D-5

Single-family dwellings

South - D-5 / C-1 / MU-2

Single-family dwellings / vacant

East - D-5

Single-family dwellings

West - I-3

Single-family dwellings / Contractor

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN

25th Street is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 48-foot right-of-way and proposed 56-foot right-of-way. Dr A.J. Brown Ave is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 100-foot right-of-way and proposed 56-foot right-of-way. 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 62-foot right-of-way and proposed 66-foot right-of-way. Ralston Ave is designated in the Marion County Thoroughfare Plan as a local street with an existing 60-foot right-of-way and proposed 48-foot right-of-way

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

ZONING HISTORY

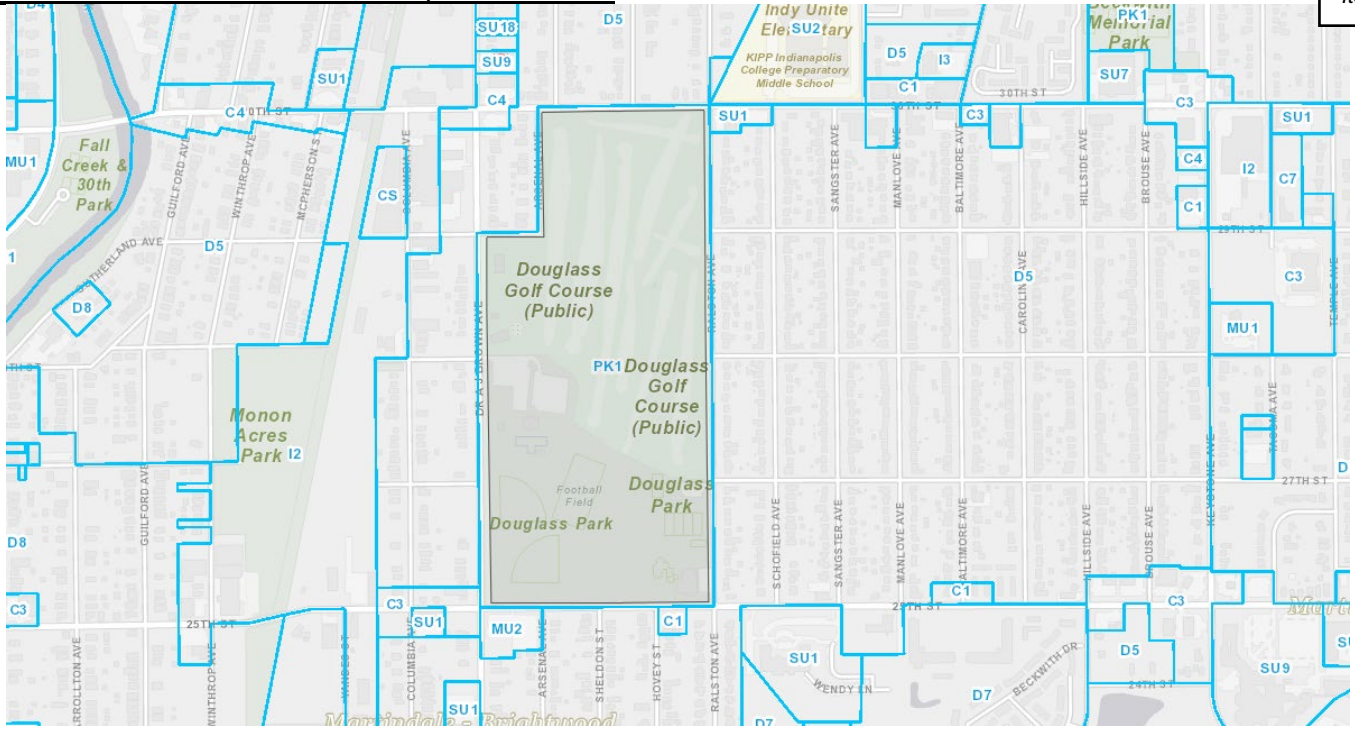
SITE

None.

VICINITY

2020-CZN-842, 2450 & 2458 North Arsenal Avenue, rezoning of 1.32 acres from the C-1 district to the MU-2 district to provide for mixed-use development, **granted**.

BB



Location Map, Douglass Park



Aerial view, Douglass Park

(Continued)



Site Plan, Douglass Park



Site photo – northern area of improvements



View of football fields



View of baseball fields

(Continued)



View of south section of park



View south along Dr. A.J. Brown Ave



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 23, 2024

Case Number:	2024-ZON-036 (Amended) / 2024-VAR-006
Property Address:	365 South Franklin Road
Location:	Warren Township, Council District #20
Petitioner:	Just Add Water, by Russell L. Brown and Elizabeth Bentz Williams
Current Zoning:	D-2
Request:	Rezoning of three acres from the D-2 district to the I-2 district to provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a caretaker or on-site employee within the existing single-family dwelling and a 15-foot south transitional yard for the storage building (50-foot south transitional yard required).
Current Land Use:	Single-family dwelling and outdoor storage
Staff Recommendations:	Approval, subject to the commitments noted below:
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the April 25, 2024 hearing, to the May 23, 2024 hearing, at the request of staff to provide additional time for preparation of the required legal notice.

STAFF RECOMMENDATION

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

1. A 45-foot half right-of-way shall be dedicated along the frontage of South Franklin 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 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.
3. Development of the site shall be in accordance with the Plan of Operation, file-dated March 21, 2024, and the updated site plan, file-dated April 29, 2024.



PETITION OVERVIEW

Rezoning

This 3.0-acre site, zoned D-2, is developed with a single-family dwelling and outdoor storage. It is surrounded by industrial uses to the north, zoned I-2; vacant land to the south, zoned D-2; a single-family dwelling to the east, zoned D-2; and undeveloped land to the west, across South Franklin Road, zoned I-2.

The request would rezone the site to the I-2 district to provide for light industrial uses. “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 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 Plan of Operation, file-dated March 21, 2024, describes the proposed use of the site, hours of operation, employee status, site plan, maximum number of stored units, and lighting. Additionally, changes to the Plan of Operation would be subject to Administrator Approval.

The Comprehensive Plan recommends suburban neighborhood typology.

As proposed, this request would provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building.

The request would not be consistent with the Plan recommendation of suburban neighborhood typology, which is comprised primarily of single-family dwellings with a variety of neighborhood serving commercial businesses.

Staff, however, supports this request because proposed development of the site would have minimal impact on and serve as a buffer to the residential land uses to the east and south. The single-family residence would remain and support the suburban neighborhood typology recommendation. The proposed storage building would be located on the site to allow for a landscaped buffer along the southern and eastern boundaries that abut the protected district. Furthermore, the impact of the building would be mitigated by the north facing overhead doors away from the residential uses. Staff would note that the updated site plan, file-dated April 29, 2024, provides for all overhead doors to be located on the north building façade.

Staff would also note that the rezoning would be compatible with the industrial uses to the north and west.



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Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along South Franklin Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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

Variance of Use and Development Standards

The use variance request would provide for a caretaker or on-site employee within the existing single-family dwelling, which would support the residential character of the site and be consistent with the Plan recommendation of suburban neighborhood typology. It would also serve as a buffer from the storage building that would be located at the southeast corner of the site. Staff, therefore, supports this variance.



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The development standard variance request would provide for a 15-foot transitional yard for the storage building when the Ordinance requires a 50-foot setback. Given the vacant lot to the south and the undeveloped area of the lot to the east, staff believes the reduced setback would have minimal impact on those abutting uses. Furthermore, activity related to the use of the property would be limited towards the north and west, thereby mitigating impact on the residential uses.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Single-family dwelling / outdoor storage	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	I-2 Industrial uses
	South:	D-2 Vacant land
	East:	D-2 Single-family dwelling
	West:	I-2 Industrial uses
Thoroughfare Plan		
South Franklin Road	Primary Arterial	Existing 40-foot right-of-way and proposed 90-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 21, 2024	
Site Plan (Amended)	April 29, 2024	
Elevations	March 21, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 29, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood typology.



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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Because industrial uses are not a recommended land use in the suburban neighborhood typology, there are no 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 Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database



ZONING HISTORY

2022-CZN-864A / 2022-CZN-864B / 2023-CPL-864; 370 South Franklin Road (west of site), requested rezoning of 3.543 acres from the D-A district to the C-7 district and rezoning of 3.45 acres from the D-A district to the I-2 district; and approval of a Subdivision Plat to be known as M.B. Rapp Acres, dividing 6.82 acres into two lots, **approved and granted**.

2020-DV3-012, 375 South Franklin Road (south of site), variance to provide for additions to an existing single-family dwelling and garage with a 0.5-foot north side setback, **granted**.

2018-UV1-028; 370 South Franklin Road (west of site), variance to provide for the expansion of a maintenance and storage building for an adjacent boat sales business with a 28-foot south side setback, **granted**.

2015-UV1-041; 370 South Franklin Road (west of site), variance to provide for the construction of a 5,000-square foot maintenance storage building for an adjacent boat sales business, with paved off-street parking and gravel storage areas, **granted**.

2012-ZON-025, 416 South Franklin Road (south of site), rezoning of 3.9 acres from the D-A district to the I-2-S classification, **approved**.

2012-CZN-815 / 2012-CVC-815 / 2012-CVR-815, 416 South Franklin Road (south of site), rezoning of 12.41 acres from the I-2-S and D-A districts to the I-2-S district; a vacation of a portion of Beechwood Avenue, being 50 feet in width from the east right-of-way line of Interstate 465 to a point 271.96 feet to the east and variance to provide for a 31-foot-tall building addition, with a 45-foot front building setback and a zero-foot parking and access drive setback, with 45,000 square-feet of outdoor truck and trailer storage, **approved and granted**.

2002-DV2-011; 234 South Franklin Road (north of site), requested a variance of development standards to provide for a 14- by 48-foot advertising sign located 50 feet from an existing advertising sign and zero feet from a protected district, resulting in five signs within a one-mile portion of 1-465, **granted**.

99-UV3-98, 375 South Franklin Road (south of site), variance to provide for a plumbing contractor business, **denied**.

95-UV1-15; 333 South Franklin Road (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the operation of a catering hall, within an existing warehouse for on-site and off-site catering, **granted**.



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83-HOV-99; 234 South Franklin Road (north of site), requested a variance of development standards of the Sign Regulations to provide for a 14- by 48-foot advertising sign, **granted**.

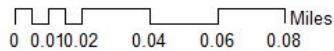
76-UV3-139, 7950 Beechwood Avenue (south of site), variance to permit occupancy of a trailer on rear of lot, for a period of two years, **granted**.

72-UV2-128, 7950 Beechwood Avenue (south of site), variance to permit an existing house trailer to remain on a permanent basis, limited to current occupant, **granted**.

EXHIBITS

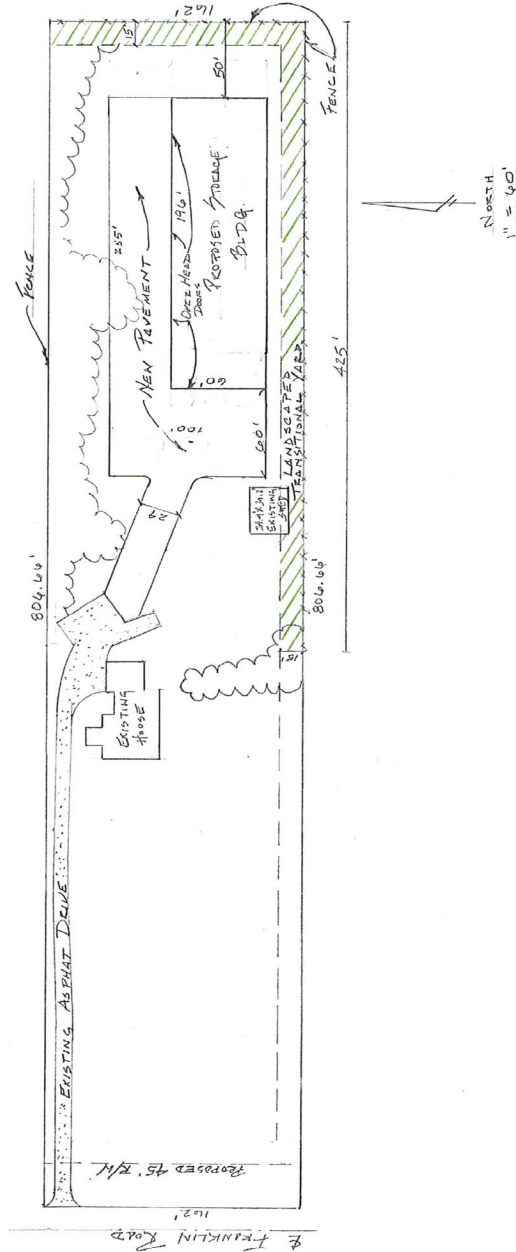


365 South Franklin Road



Updated Site Plan, April 29, 2024

345 S. FRANKLIN ROAD
 SITE PLAN





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PLAN OF OPERATION

365 S. Franklin Road

Intent:

The property owner is also the owner of Just Add Water to the northwest of the site. Petitioner plans to keep the existing structures and provide for a mixed use on the property. The proposal would provide for light industrial use (indoor storage) and the existing residential use (care-taker / employee of owner).

Use:

Light Industrial: Indoor storage of boats, trailers and other recreational vehicles can be transported.

Residential: Single family dwelling for the use of a caretaker of the property or on-site employee.

Hours of operation:

The residential use will be on-going. The light industrial use would only be used to deliver a vehicle or pick one up. Access will utilize the existing curb cut. Hours to access the storage use will be limited to 8AM until 6PM

Employees:

The residential use will be on-going. There will be no on-site employees with the exception of coming and going with vehicles and maintenance of the site. It is anticipated there would be no more than 5 trips per day generated during the busiest season, with few or no trips during off-season.

Site Plan:


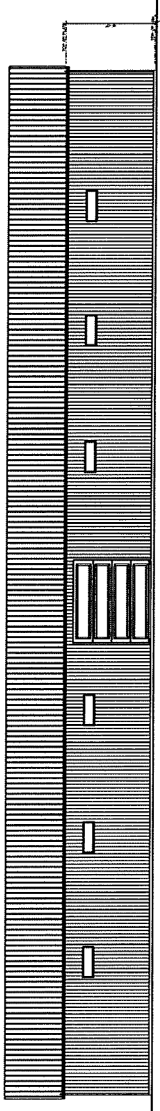
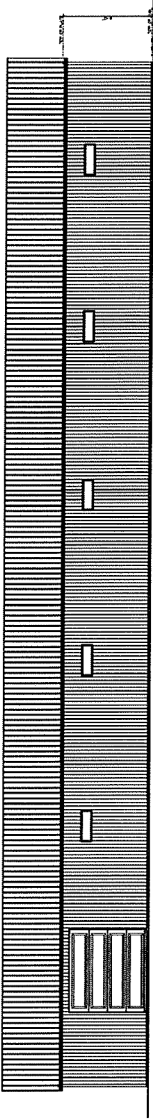
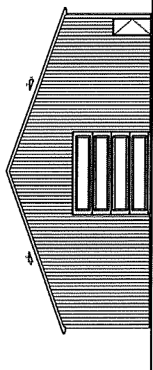
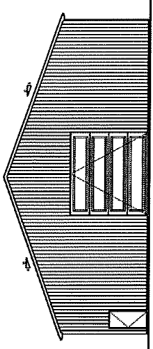
- Climate control: The facility will be heated , but no AC
- Capacity of indoor RV/boat/trailer parking: Maximum 45 units
- Keeping existing structures
- Dedicate 45' half right of way in compliance with the thoroughfare plan.
- Install sidewalk along the S. Franklin Rd. frontage.
- Landscaping and buffering shall be added as follows:
 - 15' transitional yards along the east border and 425' of the south border, measured from the SE corner of the property.
 - These yards will utilize both existing fencing and new fencing to provide screening and security for the site. Landscaping will be added to these yards.
 - If any future storage buildings are added, additional landscaping and fencing would be provided.

Lighting:

Limited to security lighting. All lighting would be shielded and down lit and measuring zero foot candle adjacent to residential zoning.

Future:

Any changes to the Plan of Operation or Site Plan shall be subject to Administrative review and approval.

<p>James Fritsch, Architect 410 N. Walnut St. PHONE: 812.934.8860 BURLINGTON, IN 47308 FAX: 812.934.6560 fritscharchitect@gmail.com</p>		<p>DATE: Wednesday, August 17, 2022 60x196' Pole Bldg Just Add Water</p>	<p>A - 3 01 EA Sheets Proj. Sect. 2022.18</p>
 <p>NORTH ELEVATION SCALE: 1/16" = 1'-0"</p>	 <p>SOUTH ELEVATION SCALE: 1/16" = 1'-0"</p>	 <p>EAST ELEVATION SCALE: 1/16" = 1'-0"</p>	 <p>WEST ELEVATION SCALE: 1/16" = 1'-0"</p>



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed side yard setback reduction will only effect the south property line. The doors of the proposed or any future building will not be oriented to the south. There will be little activity other than maintenance of the building and grounds on the south and will not be injurious to the public health, safety, morals and general welfare of the area .

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

The adjacent property will not be negatively impacted, because the proposed development will provide a landscape buffer along 425' of the south property boundary starting from the rear (east) property line and a fence to screen the view from the south. In the event subsequent buildings are constructed, the landscaping and fence will be extended along the south line to the front (west) setback line.

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

The site is 3 acres in size, but only 162 feet in width. If the 50' transitional yard were met on the south property line, the overhead doors would be required to be on the south side of the building. By keeping the doors oriented to the north, there is more buffer in terms of a blank wall to the south and any activity loading and picking up vehicles is north of the building.

DECISION

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

Adopted this _____ day of _____, 20 _____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

The use has existing on the site for more than 80 years. It continues to be used for residential purposes for the benefit of an employee and/or care taker of the property. This is in keeping with the mix of uses in the area and will not be injurious to the public health, safety, morals or general welfare of the community.

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

The residence is existing and does not affect the area in any adverse manner. The variance is required to permit the retention of the residence after the property is rezoned to light industrial zoning.

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

Historically the property was a farm. The property is currently owned by a business located across Franklin Rd. and the desire is to provide for a mixed use of the property to allow for indoor storage and retain the house for residential use by the business.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the property is used for a residence, but is no longer a farm. The area is a mix of retail, industrial and residential uses. This permits the house to be used as shelter for an employee of the petitioner and or a care taker of the property.

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

The comprehensive plan recommends suburban neighborhood use. Retaining this residence fits that recommendation.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along South Franklin Road



View looking south along South Franklin Road



View of site looking southeast from adjacent property to the north



View of site looking east across South Franklin Road



View of site looking east across South Franklin Road



View of adjacent property to the south looking east across South Franklin Road



View from adjacent property to the north looking south across South Franklin Road



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-052

Property Address: 2809 and 2811 Shelby Street (Approximate Addresses)

Location: Center Township, Council District #19

Petitioner: Renita Ingersoll, by William Ingersoll

Current Zoning: C-5 (TOD)

Request: Rezoning of 0.22-acre from the C-5 (TOD) district to the D-8 (TOD) district to provide for residential uses

Current Land Use: Undeveloped

Staff Recommendations: Approval with commitment.

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

A 39-foot half right-of-way shall be dedicated along the frontage of Shelby Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The 0.22-acre subject site is comprised of two parcels (1002121 and 1002122) located in the McCord and Wheatley's South East platted subdivision and within the Garfield Park Neighborhood.

The site is bordered to the north by a single-family dwelling, zoned C-5, two-family dwellings west across Shelby Street, zoned C-1, a mixed-use building south, zoned C-5, and a single-family dwelling east, zoned D-5.



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REZONING

The request would rezone the sites from the C-5 district to the D-8 district for residential development, which is not permitted in the current zoning district.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The 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 Shelby Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

Aerial images as far back as 1956 show a structure on site at 2811 Shelby Street. A 1916 Baist Map shows a single-family dwelling at this site. Additionally, a Certificate of a Legal Non-Conforming use at this address was granted for one single-family dwelling within a C-5 District per 99-NC-38. Therefore, rezoning the site to be used for residential uses would not be out of character with the historical use of the site.

No evidence was found to determine that the property at 2809 Shelby Street has ever been developed. However, with historical residential development on this block it would not be out of line to also promote residential development at this site.

Additionally, the rezoning of the sites to the D-8 district would align with the Comprehensive Plan recommendation for traditional neighborhood development and would ensure the protection allotted to residential dwellings in protected districts by the Ordinance could be upheld.

For these reasons, staff is supportive of down zoning the properties from the C-5 district to the D-8 district.



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GENERAL INFORMATION

Existing Zoning	C-5 (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	C-5 Residential (Single-family dwelling)
	South:	C-5 Commercial / Residential
	East:	D-5 Residential (Single-family dwelling)
	West:	C-1 Residential (Two-family dwellings)
Thoroughfare Plan		
Shelby Street	Secondary Arterial Street	78-foot proposed right-of-way and 54-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- SoIndy Quality of Life Plan (2017)
- Infill Housing Guidelines (2021)



Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- 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 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.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The property falls within the Red Line Transit-Oriented Development Strategic Plan (2021). The closest station is within a ½ mile south at the intersection of Shelby Street and Troy Avenue.
- This station is classified as a Walkable Neighborhood Typology that would promote a mix of uses at station area and primarily residential beyond, maximum of 3 stories throughout, with no front or side

setbacks at core: zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery, and a mix of multi-family and single-family housing. Structured parking at the core and attractive surface parking at the periphery is recommended.

Neighborhood / Area Specific Plan

- The SolIndy Quality of Life Plan (2017) calls for Shelby Street to become a commercial destination with an increased variety of small local businesses.
- There is an action step to engage with Ball State University College of Architecture and Planning and DMD to lead a transit-oriented development study (TOD) of the Shelby Street corridor from Beecher Street to Hanna Avenue that focuses on creating a village community.
- Another action step listed is to create Shelby Street Merchants Association (SSMA) that is inclusive of all businesses along Shelby Street Corridor from Beecher St. to Hanna Ave.
- Staff is not certain if the proposed action steps have commenced.

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.



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- **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)

- There is an existing on-street bike lane along Shelby Street from Beecher Street to Troy Street.



ZONING HISTORY

Zoning History- Site

99-NC-38; 2811 Shelby Street (subject site), Certificate of Legal Non-Conforming Use for one single-family dwelling within a C-5 District, **granted**.

Zoning History- Vicinity

2021-UV1-011; 1125 McCord Street (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling to convert it into two dwelling units (not permitted) on a 60-foot-wide lot (70-foot-wide lot required), and the construction of a detached garage with access to McCord Street (access required from improved alley), **granted**.

99-UV1-112; 2803 South Shelby Street (north of site), Variance of use of the Commercial Zoning Ordinance to legally establish a single-family residence (not permitted), **granted**.

98-Z-91; 2747 South Shelby Street (north of site), Rezoning of 0.1 acre, being in the C-1 District, to the D-5 classification to provide for a single-family residence, **approved**.

97-UV3-14; 2747 South Shelby Street (north of site), Variance of use of the Commercial Zoning Ordinance to provide for the conversion of a single-family residence into a two-family residence, **granted**

95-UV3-16; 2815 South Shelby Street (south of site), Variance of use of the Commercial Zoning Ordinance to legally establish a heating and cooling business (not permitted) with one residential unit (not permitted), **granted**.

EXHIBITS

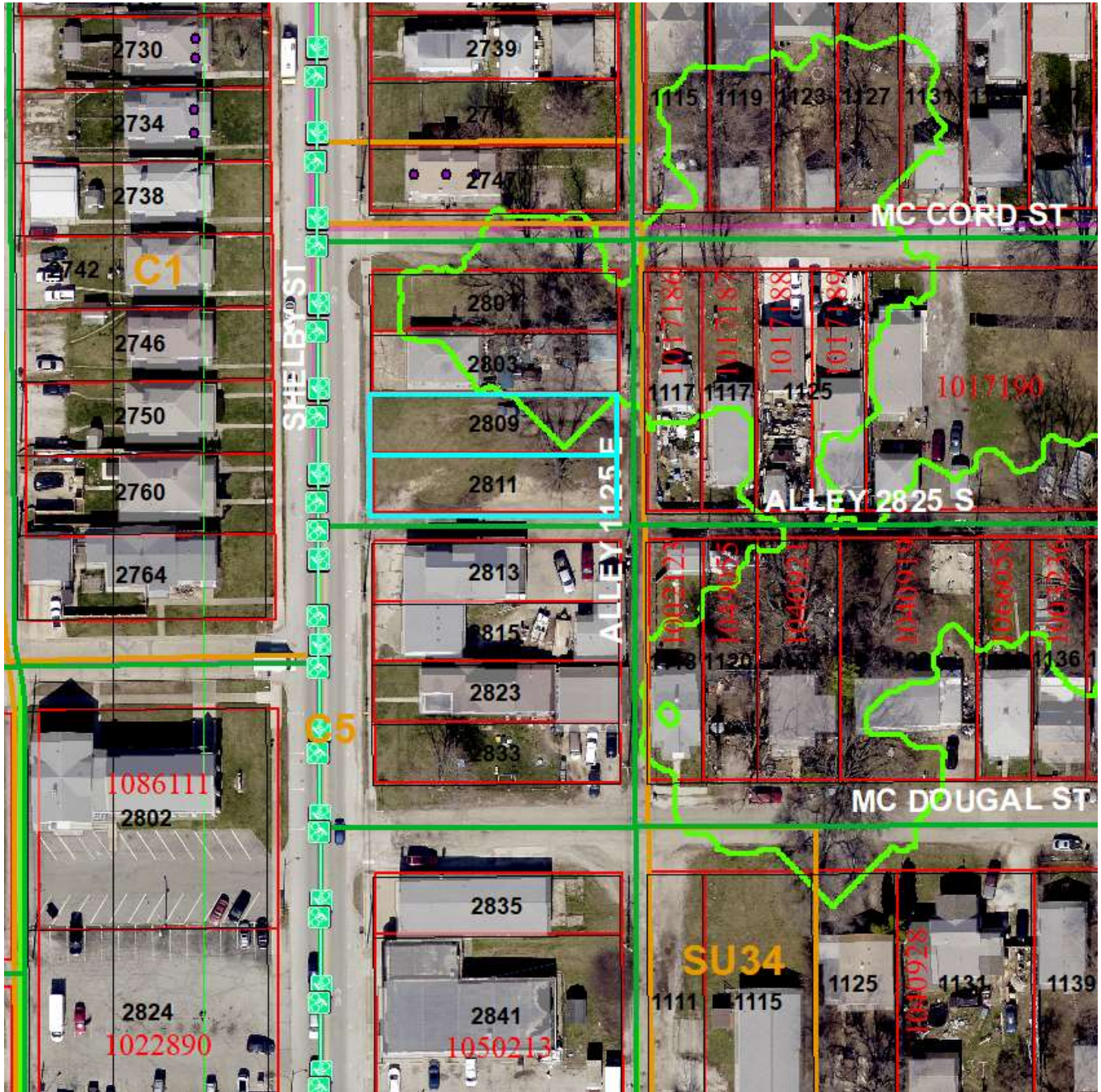




Photo of the subject site.



Photo of 2811 Shelby Street looking west from the alley.



Photo of 2809 looking west from the alley.



Photo of the alley east of the site looking north.



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



Photo of the mixed-use building south of the side across from an alley.



Photo of single and two-family dwellings west of Shelby Street.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-053

Property Address: 5001 East Raymond Street (approximate address)

Location: Center Township, Council District #19

Petitioner: City of Indianapolis, Department of Business and Neighborhood Services, by Michael Oberhausen

Current Zoning: D-2, D-3 (FF) (FW), D-6II (FF) (FW) and C-4 (FF)t

Request: Rezoning of 25.25 acres from the D-2, D-3 (FF) (FW), D-6II (FF) (FW) and C-4 (FF) districts to the SU-9 (FF) (FW) district to provide for government buildings and services, including a 70,000 square-foot animal care center, two dog parks, a livestock barn and outdoor area, and an outdoor kennel area.

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 25.25-acre subject site is an undeveloped parcel in the Near Southeast Neighborhood. It is surrounded by single-family dwellings, zoned D-2 and D-4, and a gas station, zoned C-3, to the north. A single-family dwelling parcel, split zoned D-A and C-4, and undeveloped land, zoned D-A, are east across Emerson Avenue. The site is bordered to the west by a school, zoned SU-2, and single-family dwellings south, zoned D-3.

REZONING

The request would rezone the sites from the D-2, D-3 (FF) (FW), D-6II (FF) (FW) and C-4 (FF) districts, to the SU-9 district for to provide for government buildings and services, including a 70,000 square-foot



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animal care center, two dog parks, a livestock barn and outdoor area, and an outdoor kennel area. These uses are not permitted in the existing zoning districts of the site.

The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer 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.

The D-3 district provides for low or 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 D-6II district is intended principally for medium intensity residential development as a transition between areas of high intensity uses and low intensity uses, or land areas characterized by more challenging terrain or unusual land configuration, such as remnant parcels of land resulting from public works improvements, exhausted mining operations, and changed intensity factors (such as between interstate highway locations, commercial development, and lower-density residential areas). Consequently, the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife, should be incorporated into the development plans and to promote the environmental aesthetic. Permitting a variety of housing types affords flexibility to and opportunity to fulfill the sites challenges. Selective on-site recreational facilities and open space activities must be provided to maximize efficiency, site opportunities, and residents' needs. The district should be in close proximity to major thoroughfares, sewers, school and park facilities. The D-6II district has a typical density of 9 to 12 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan.

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.



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The SU-9 District permits buildings and grounds used by any department of town, city, township, county, state, or federal government.

OVERLAYS

A portion of the site along the eastern property boundary and southern portions of the site along Lick Creek are located within the 100-year flood overlay. The northwest corner of the site and the southern portion of the site along Lick Creek are located within the Forest Alliance Woodlands overlay, which are high-quality woodlands. All efforts possible should be made to preserve these woodlands.

Development would not be proposed in these areas per the conceptual site plan submitted that show the northwest grove to remain and the southern half of the site is not included as part of the development area.

FLOODWAY / FLOODWAY FRINGE

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (SU-9 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Staff Analysis

Final plans will require Administrative Approval since any development on land zoned with a special use designation is regulated by the following Ordinance provision: "No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided."

Staff notified the petitioner that a sidewalk installation along the Emerson Avenue street frontage is required per the Ordinance, which they plan to install in addition to including a cross walk from the primary building across the parking lot to the dog parks.



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The existing sidewalk along Raymond Street should be cleared out and maintained as well since it is overgrown with shrubs, trees, and other plant materials.

The petitioner confirmed that there will not be any barbed wire or electrical fences proposed for the livestock barn or corrals.

As proposed, the request would be consistent with the Comprehensive Plan recommendation for suburban neighborhood development which allows for neighborhood and community serving institutions. The proposed Animal Care Services, including two dog parks, a livestock barn and outdoor area, and an outdoor kennel area, would provide services to the entire Indianapolis-Marion County community. It is planned to be developed in a single phase to include 12.6 acres of the parcel with the remaining portion of the parcel to remain for future development.

For these reasons, staff determined the rezoning request would be supportable.

GENERAL INFORMATION

Existing Zoning	D-2, D-3 (FF) (FW), D-6II (FF) (FW) and C-4 (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood and Floodway	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-2 / D-4 / C-3	Single-family dwellings / Gas station
South:	D-3	Single-family dwellings
East:	C-4 / D-A	Undeveloped / Single-family dwelling
West:	SU-2	School
Thoroughfare Plan		
Raymond Street	Primary Arterial Street	102-foot proposed right-of-way and 112-foot existing right-of-way.
Emerson Avenue	Primary Arterial Street	102-foot proposed right-of-way and 155-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	April 18, 2024	
Site Plan (Amended)	May 14, 2024	
Elevations	May 14, 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

N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- The Comprehensive Plan also identifies the southern portion of this site as Floodway (non-typology land use). “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.
- This site is located within an overlay, specifically the Environmentally Sensitive Areas (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Environmentally Sensitive Areas Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- The Pattern Book serves as a policy guide as development occurs, within the area recommended for suburban neighborhood typology. Below are the relevant policies related to this request:
- **Conditions for All Land Use Types**
 - ▪ All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - ▪ All development should include sidewalks along the street frontage.
 - ▪ In master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Large-Scale Schools, Places of Worship, Community Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial street.



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- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
- Should be located within one-half mile of a bus or rapid transit stop, unless there is no bus service within the institution’s service area.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.
- **Overlay Modifications**
 - No modification noted for Large-Scale Schools, Places of Worship, Community Serving Institutions/Infrastructure, and Other Places of Assembly.

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)

- There is an existing on-street bike lane along Raymond Street from Shelby Street to Southeastern Avenue.

ZONING HISTORY

Zoning History- Site

85-Z-114; 2353 South Riley Avenue (subject site), Rezoning of 0.15 acre being in the SU-2 district to the D-6II Classification to confirm zoning to its use by the Indianapolis Housing Authority, **approved**.

68-Z-197; 5001 to 5007 East Raymond Street (subject site), Rezoning of 26.90 acres, being in A-2, D-2, and D-3 districts to the D-6II classification to provide for the construction of an apartment complex, **approved**.

Zoning History - Vicinity

2023-DV1-052; 2251 Sloan Avenue (west of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a six-foot tall chain link fence within the front yards of Sloan Avenue and Raymond Street (chain link fencing not permitted within front yards, maximum height of 3.5 feet permitted), **denied**.

2023-ZON-072; 2143 & 2145 South Emerson Avenue (northeast of site), Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-5 district to provide for residential uses, **approved**.

2022-CVR-836A; 4800 East Raymond Street (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall front yard fence (maximum 3.5-foot-tall fence permitted), **approved**.

2022-CVR-836B; 4800 East Raymond Street (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for barbed wire on top of a six-foot tall fence (not permitted), **denied**.

2022-CZN-836; 4800 East Raymond Street (northwest of site), Rezoning of 15.41 acres from the SU-5, D-2 and D-A (FW) (FF) districts to the SU-5 (FW) (FF) district to provide for a radio broadcast station, and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall front yard fence (maximum 3.5-foot tall fence permitted) with barbed wire (not permitted), **approved**

2017-UV2-024; 2143 & 2145 South Emerson Avenue (northeast of site), Variance of use to provide for automobile sales, storage trailers, storage of wrecked vehicles and a garage for the preparation of automobiles for sale, **denied**.

2009-ZON-004; 4813 East Raymond Street and 2320 Sloan Avenue (west of site), Rezoning of 8.36 acres, from the D-A District to the SU-1 classification to provide for religious uses, **granted**.

2006-UV1-026; 2414 South Emerson Avenue (south of site), Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to legally establish the keeping and raising of 20 goats and sheep (not permitted) and to legally establish a 429-square foot barn with a 3.5-foot north side



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yard setback (minimum six-foot side yard setback required) and with an 11-foot aggregate side yard (minimum 16-foot aggregate side yard required), **denied**.

2003-UV2-044; 2164 South Emerson Avenue (north of site), variance of use to provide for automobile sales and a variance of development standards to provide for parking and display in the required setback and for a sign in the right-of-way, **approved except sign request, which was withdrawn**.

85-UV2-119; 2164 South Emerson Avenue (north of site), Variance of use to provide for the sales and display of automobiles, **approved**.

64-V-137; 2145 South Emerson Avenue (northeast of site), Variance of use to provide for the outdoor sales and display of automobiles, **approved**.

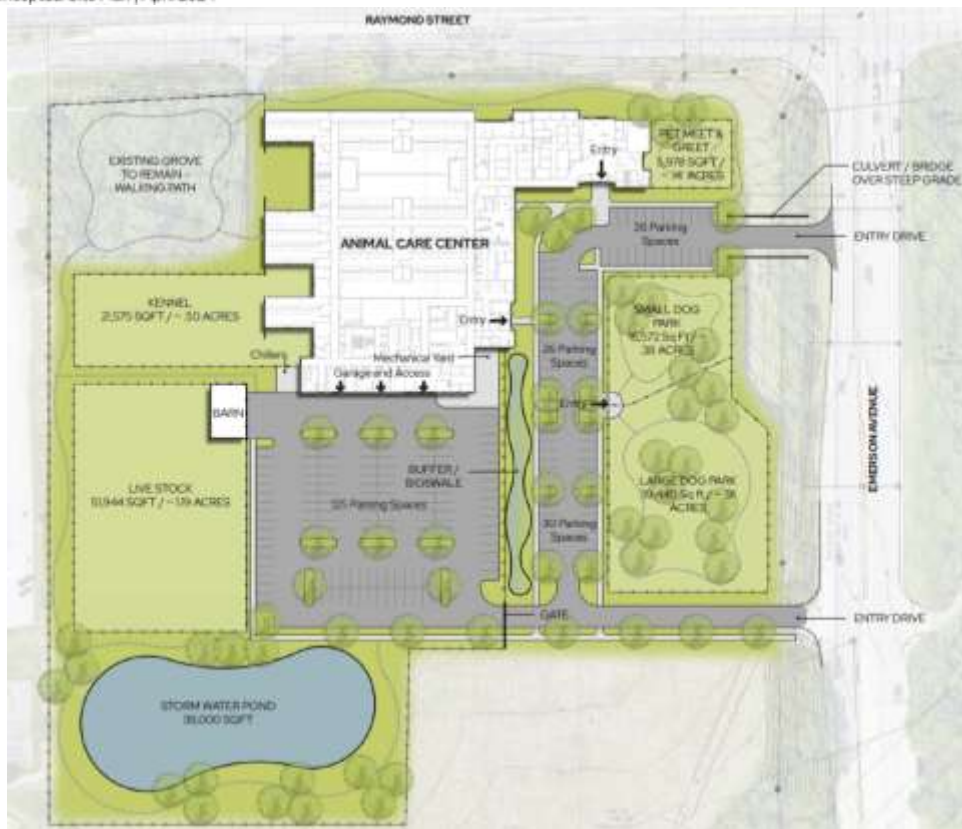
71-Z-206; 4851 East Raymond Street; (west of site), Rezoning of 18.42 acres from the D-2 District to the SU-2 classification to provide for a grade school; **approved**.

EXHIBITS





INDIANAPOLIS ANIMAL CARE CENTER
Conceptual Site Plan | April 2024





Amended Site Plan



EXTERIOR RENDERING (RAYMOND ST. AND EMERSON AVE. INTERSECTION)

MJM Architects | Indianapolis Animal Care Services



EXTERIOR RENDERING (RAYMOND ST. SIDEWALK LOOKING WEST)

MJM Architects | Indianapolis Animal Care Services





EXTERIOR RENDERING (RAYMOND ST. LOOKING EAST)

K&M Architecture | Indianapolis Animal Care Services



EXTERIOR RENDERING (RAYMOND ST. LOOKING WEST)

K&M Architecture | Indianapolis Animal Care Services





EXTERIOR RENDERING (ENTRANCE FROM EMERSON AVENUE)

MM Architects | Indianapolis Animal Care Services



EXTERIOR RENDERING (PLAZA SPACE FACING ADOPTION ENTRANCE)

MM Architects | Indianapolis Animal Care Services





Photo of the subject site looking south of Raymond Street towards the northwest corner



Photo of the subject site looking south from Raymond Street.



Photo of the subject site looking southeast from Raymond Street.



Photo of the subject site looking south of Raymond Street towards the northeast corner.



Photo of the existing sidewalk along Raymond Street looking west.



Photo of the existing sidewalk along Raymond Street looking east.



Photo of the subject site looking southwest.



Photo of the subject site looking west.



Photo of the subject site looking east from the school parking lot.



Photo of the existing grove at the northwest corner of the site to remain.



Photo of the school and associated parking lot.



Single-family dwellings north of the site.



Single-family dwellings north of the site.



Gas station north of the site.



Photo the the C-4 district east of the site.



Photo of the eastern property boundary looking south on Emerson Avenue.



Photo of the eastern property boundary looking north on Emerson Avenue.



Photo of the subject site looking west from Emerson Avenue.



Photo of the eastern property boundary looking south on Emerson Avenue.



Photo of a single-family dwelling south of the subject site looking north.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-CAP-818 and 2024-CVR-818
Property Address: 5231 Claybrooke Commons Drive (Approximate Address)
Location: Franklin Township, Council District #25
Petitioner: J Enterprises Inn of Exit 101, LLC, by John J. Moore
Current Zoning: C-S

Modification of Development Plan related to 2005-ZON-169, to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'-3" (maximum height of 65 feet permitted)

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'3" (original C-S statement provided for building height to meet C-4 standards, or a maximum height of 65 feet permitted)..

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 2.19-acre subject site is an undeveloped lot located in the South Perry neighborhood and is part of a larger planned commercial development project.

The site is bordered by a grocery store to the west, undeveloped land north, and hotels east and south of the site. These properties are zoned C-S and fall within the same planned development.



MODIFICATION

The request includes a modification of Development Plan related to 2005-ZON-169, to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'-3".

The maximum height permitted is 65 feet per the C-4 height limitation that was originally proposed for this C-S district.

VARIANCE

The request also includes a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a hotel with a maximum building height of 69 feet, with architectural building features extending to 79'3".

Again, the original C-S statement provided for building height to meet C-4 standards, which was a maximum of 65 feet.

Staff Analysis

Due to the C-S statement limitations, the proposal could not be developed as proposed without modifying the C-S statement while also requesting the height variance.

Staff determined that the four-foot height change from the maximum 65 feet permitted is a minor deviation and the remainder of the height request would be for architectural features that would enhance the overall appearance of the proposed building.

There is some practical difficulty with an access easement required along the western property boundary that limited the overall lot size where the developer could not expand the building footprint, thus needing to build up instead. The proposed 100 hotel rooms require one parking space per room that further reduced the developable area.

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

Staff would note that the C-S statement listed a capacity of 264 hotel rooms which could be developed as a result of the traffic study completed when the site was rezoned per 2005-ZON-169. If the 264 rooms were exceeded, then an update of the traffic impact analysis dated February 2006 would need to be submitted to confirm that the road improvements provided are adequate to handle additional development. The petitioner is aware of this and would be required to submit an updated traffic impact study at the time of filing for Administrative Approval. Without this proof, the proposed hotel would not be able to be developed.

GENERAL INFORMATION

Existing Zoning	C-S
Existing Land Use	Undeveloped
Comprehensive Plan	Interchange Area Mixed-Use



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Surrounding Context	Zoning	Land Use
North:	C-S	Undeveloped
South:	C-S	Hotel
East:	C-S	Hotel
West:	C-S	Grocery Store
Thoroughfare Plan		
Claybrooke Commons Drive	Private Street	N/A
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 18, 2024	
Site Plan (Amended)	N/A	
Elevations	April 18, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 18, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The I-65/County Line Road Strategic Plan (2008)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see I-65/County Line Road Strategic Plan (2008) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

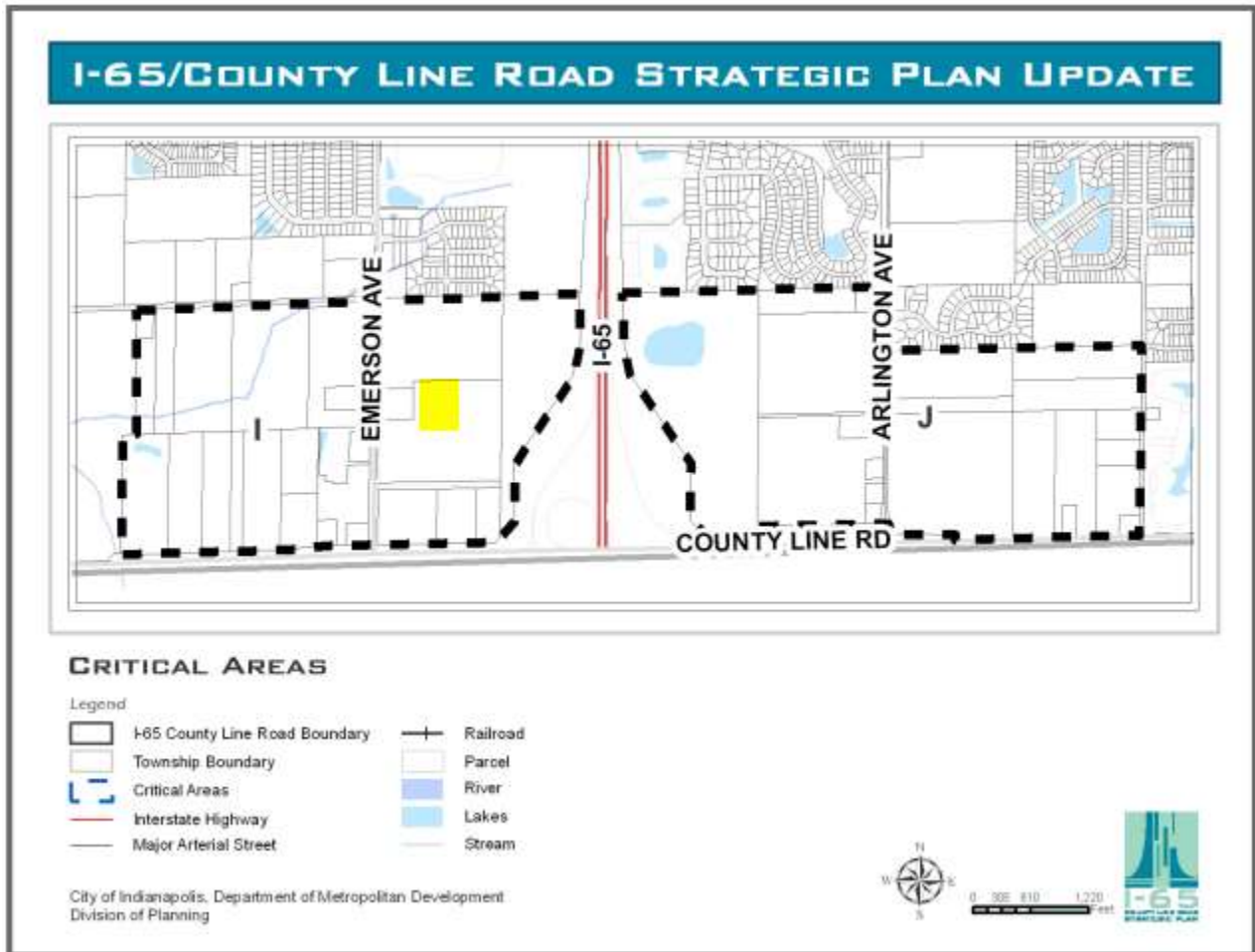
Neighborhood / Area Specific Plan

- The I-65/County Line Road Strategic Plan (2008) recommends Interchange Area Mixed-Use.



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- The subject site falls within Critical Area I of the Plan.
- The Interchange Area Mixed-Use designation for this area allows for flexibility in development of industrial, commercial and multi-family residential projects. However the mix of these uses within the Critical Area should not be haphazard or indiscriminate. Traffic generation, truck traffic, compatibility of uses, integration of uses, and building heights and mass should all be evaluated when considering siting of uses within the Critical Area.
- Recommended land use: Large-scale developments are recommended for the interchange area. Large sites in proximity to interchanges are scarce and should be reserved for uses that need the combination of a large site and immediate interstate access. Examples are large industrial uses, large-scale shopping centers or corporate headquarters. Although small-scale outlot development may be appropriate along some streets or at certain intersections, small- to medium-scale uses should not be sited in ways that preclude large-scale development.



Map of Critical Area I with the location of the subject site highlighted.



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

2005-ZON-169; 8601 & 8651 South Emerson Avenue (subject site), Rezoning of 58 acres from the D-A district to the C-S district to provide for commercial uses, hospital and hospital related uses, and multi-family dwellings as permitted by the C-4, HD-1, and D-7 districts, **approved**.

2003-ZON-153; 8601 South Emerson Avenue (subject site), Rezoning of 56.5 acres from the D-A district to the C-4 district, **withdrawn**.

Zoning History- Vicinity

2023-CAP-850 / 2023-CVR-850; 8545 South Emerson Avenue (northwest of site), Modification of the approved C-S Statement, related to 2005-ZON-169, to provide for three integrated pylon signs (maximum two integrated pylon signs permitted) and variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a third primary freestanding sign within an integrated center (maximum of two freestanding signs permitted), **approved**.

2021-CZN-866 / 2021-CPL-866; 5260 Claybrooke Commons Drive (northeast of site), Rezoning of 4.73 acre from the C-4 to the C-5 district to allow for a vehicle sales, maintenance, and repair facility, approval of a Subdivision Plat to be known as Claybrooke Commons East, Lot 3, dividing 18.44 acres into one lot and one block, **approved**.

2021-CVR-866; 5260 Claybrooke Commons Drive (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a 20-foot monument sign (maximum ten-foot permitted), **withdrawn**.

2021-DV2-006; 5310 Claybrooke Commons Drive (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an 80-foot tall, 528-square foot pole sign, **approved**.

2021-DV2-028; 8651 South Emerson Avenue (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 38 parking spaces (maximum 28 parking spaces permitted), **approved**.

2020-CZN-814 / 2020-CPL-814, 5310 Claybrooke Commons Drive (northeast of site), Rezoning from the C-4 district to the C-5 district, a plat dividing 27.1 acres into two lots, **approved**.

2020-CVR-814; 5310 Claybrooke Commons Drive (northeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for deficient green factor, interior landscaping, and front yard landscaping, **withdrawn**.



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2020-DV3-058; 8651 South Emerson (northwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 31 parking spaces for a fast-food restaurant (maximum 25 parking spaces permitted), **approved.**

2019-DV1-009; 8825 South Emerson Avenue (southwest of site), Variance of development standards to provide for a drive-through window along a front façade, **approved.**

2017-DV3-034; 5235 Noggle Way (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a fast-food, drive-through restaurant, with 50 parking spaces (maximum 35 parking spaces permitted), **approved.**

2016-DV1-042; 8855 South Emerson Avenue (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 15.3-foot-tall freestanding integrated center sign, within 112 feet of an existing integrated center sign (300-foot separation required), **approved.**

2015-HOV-023; 8825 South Emerson Avenue (west of site), variance to provide for a pick-up area for online shopping and reduced number of parking spaces, **approved.**

2013-HOV-067; 8825 South Emerson Avenue (west of site), Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for 496 parking spaces (824 parking spaces provided) and to provide for a 45.5-square foot price canopy sign, being 28.1% of the canopy area, **approved.**

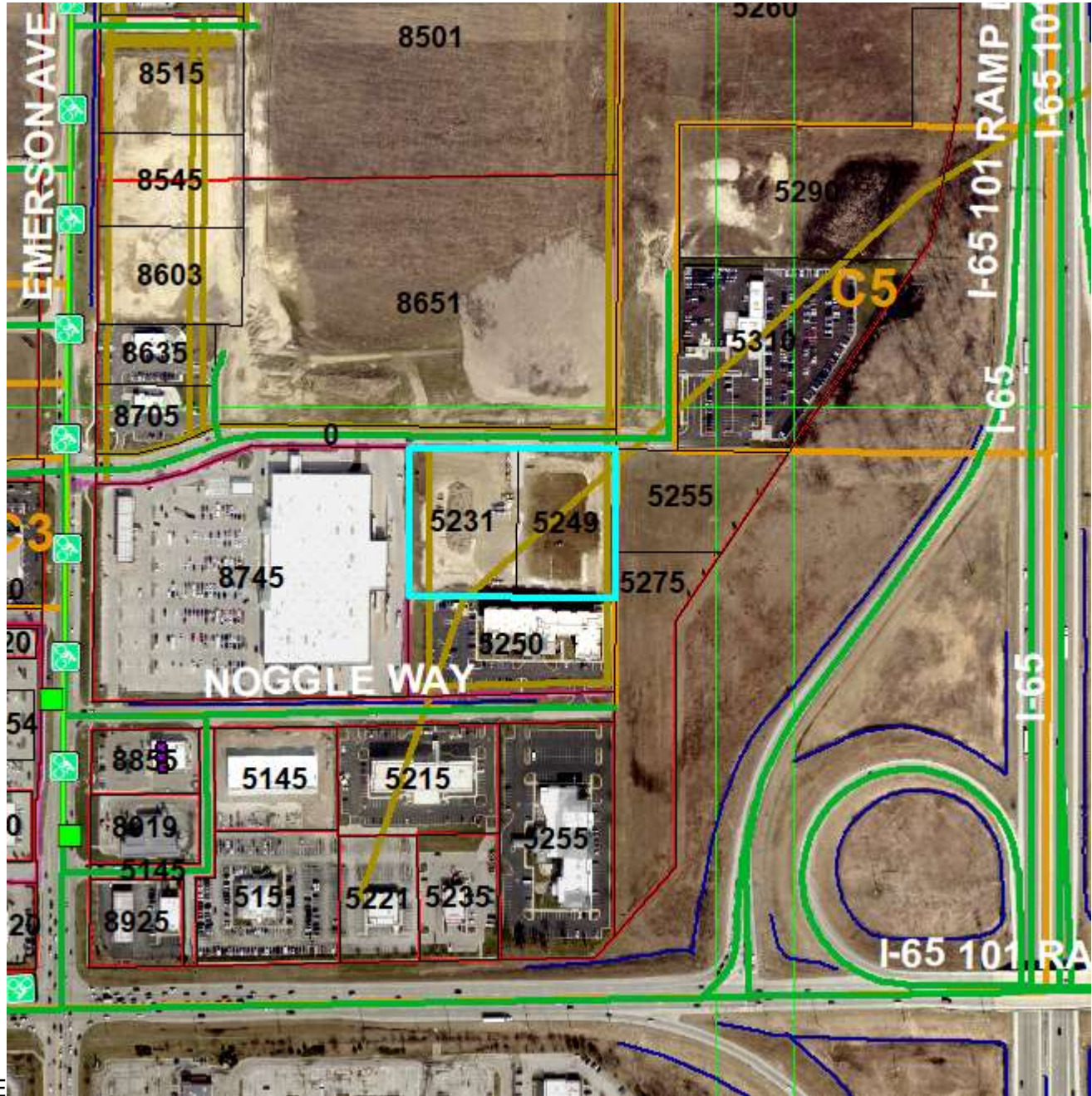
2007-DV3-012; 8921 South Emerson Avenue (south of site), Variance of development standards to provide for a 77-foot-tall hotel, **approved.**

2002-DV3-043; 5250 East County Line Road (northeast of site), Variance of development standards for provide for two advertising signs, **denied.**

99-Z-133; 8921 South Emerson Avenue (south of site), Rezoning of 17 acres from the D-A district to the C-4 classification, **approved.**

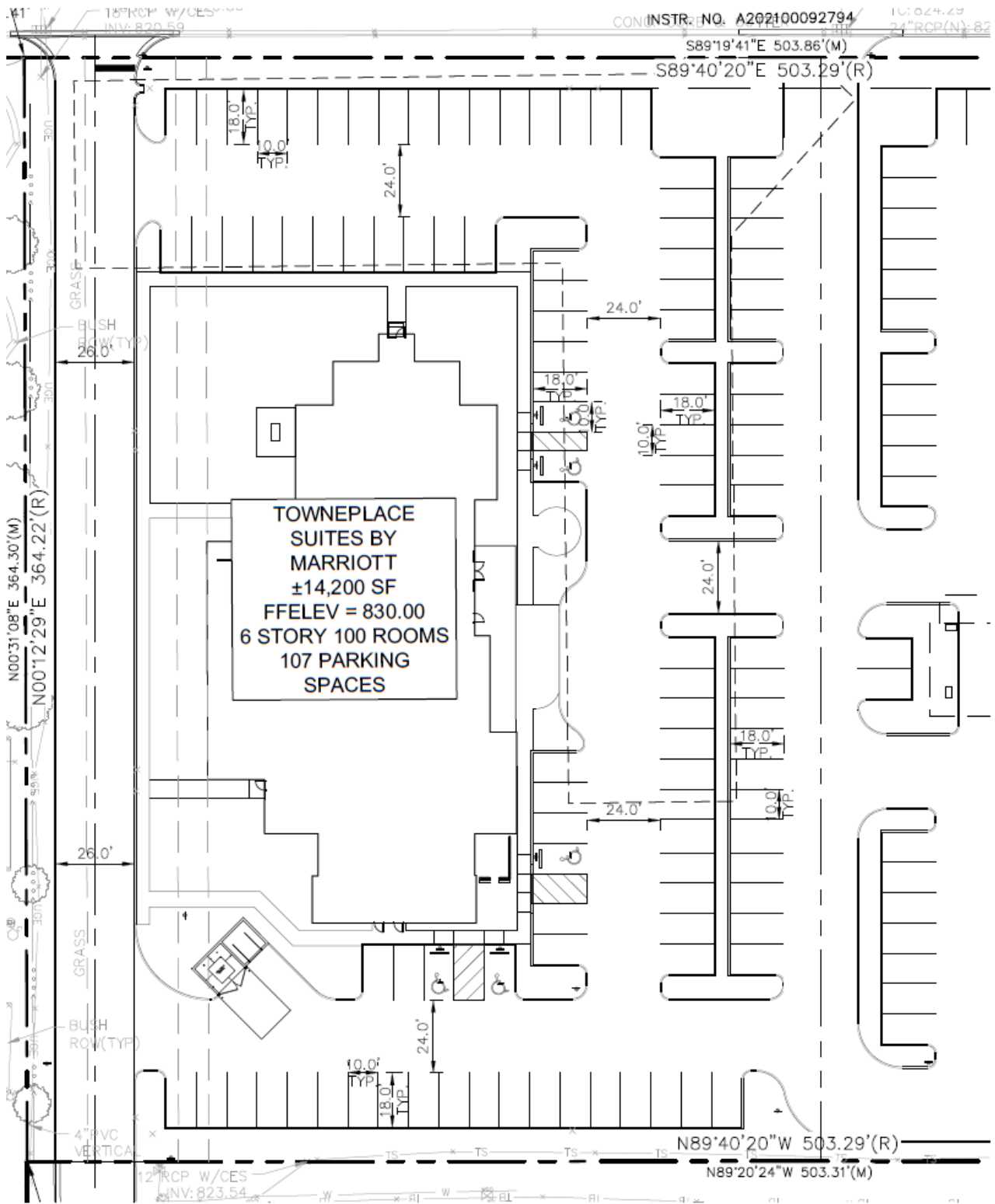
96-Z-232; 8821 South Emerson Avenue (east of site), Rezoning of 29.8 acres from the D-A district to the C-4 classification, **approved.**

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning





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Division of Planning
Current Planning

PRELIMINARY RENDERING OF
THE PROPOSED TOWNEPLACE SUITES MARRIOTT





TPS CL 30 CHANNEL LETTER SIGN - BUILDING MOUNTED SIGNAGE SHOWN FOR INITIAL FEEDBACK ONLY. WILL BE SUBMITTED FOR SIGNAGE PERMIT SEPARATELY AT A LATER DATE



3 SIDE ELEVATION
SCALE: 3/32" = 1'-0"

TFS CL 24 CHANNEL LETTER SIGN
BUILDING MOUNTED SIGNAGE SHOWN FOR INITIAL
FEEDBACK ONLY. WILL BE SUBMITTED FOR
SIGNAGE PERMIT SEPARATELY AT A LATER DATE



4 SIDE ELEVATION
SCALE: 3/32" = 1'-0"

Proposal Description
(the “Site”)

The approximately 2.19 acre Site was rezoned to C-S in 2006, under Petition No. 2005-ZON-169 (the “2006 Rezoning”). See the 2006 Preliminary Development Plan filed herewith (“2006 Preliminary Development Plan”). The 2006 Preliminary Development Plan requires development on the Site to comply with the development standards of the C-4 zoning district, which provide for buildings and structures to be a maximum height of 65’ tall.

Petitioner proposes to develop the Site with a Townplace Suites by Marriott hotel (“Hotel”). A preliminary elevation and rendering of the proposed Hotel are filed herewith. Petitioner proposes the Hotel to be 6-stories tall with a height ranging between approximately 65.5’ and 69’ tall.

In order to provide for the development of the Hotel, Petitioner respectfully requests the following:

- A modification the 2006 Preliminary Development Plan to allow for the Hotel to be greater than 65’ tall and;
- A variance of Table 744-201-3 to allow for the Hotel to be greater than 45’ tall (which is the maximum height for buildings and structures in the C-S District) and 65’ tall (which is the maximum height for buildings and structures in the C-4 District).

2024 Amended Preliminary Development Plan
5231 Claybrooke Commons Drive (the "Site")

The 2005 Preliminary Development Plan ("Preliminary Development Plan") filed in connection with Case No. 2005-ZON-169 (attached hereto as Exhibit 1), and the 2006 approval letter (attached hereto as Exhibit 2) shall remain in full force and effect, except as modified as follows:

Subsection (b) under the Project Permitted Uses/Permitted Standards section of the Preliminary Development Plan shall be revised to state as follows:

b. Commercial / Retail Center. Except as otherwise provided herein, only the following uses shall be permitted: C-4 zoning classification uses (which includes C-1 and C-3 classification uses), as set forth in the Commercial Districts Zoning Ordinance. In addition, all development of the commercial portion of the site shall comply with the development standards of the C-4 zoning district, as set forth in the commercial districts zoning ordinance, provided that the development of a hotel with a height of approximately 65' 5" to 69' tall which height is above the 65-foot C-4 Zoning District's height limitation shall be permitted. All other terms and standards in the Preliminary Development Plan shall remain as originally approved in Case No. 2005-ZON-169.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division I
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 subject site is approximately 2.19 acres located in a commercial development adjacent to I-65. Such commercial development includes other multi-storied buildings. The preliminary plan approved when the site was zoned CS provides that the site be developed in accordance with C4 standards, which allow buildings to be 65' tall. As such, the variance requested by petitioner is for a minimal height variance of 4 feet from what was contemplated on the site when rezoned to CS in 2006. A small height variance of less than 4 feet in a commercial area with other multi-storied buildings will not be injurious to the public health, safety, morals, and general welfare of the community.

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

The new hotel site is surrounded by commercial buildings and will not have an adverse affect on the use or value of the adjacent area. Nearby parcels include Kroger Marketplace (1 parcel West), Hampton Inn & Suites (1 parcel East), Residence Inn by Marriott Indianapolis (1 parcel South), CarMax (2 parcels North East), and an undeveloped parcel (1 parcel North). The height variance for the new hotel will be slightly higher than the development standard, but will be virtually undetectable to the naked eye.

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

The parcel where the hotel is being developed is adjacent to an access road where parking is not permitted. A 50' ingress-egress easement ("50' Easement") runs along the western boundary of the site. Such access road and the 50' Easement shrink the developable area of the site. Marriott's site approval requires 100 rooms and at least 100 parking spaces. Because of the small size of the site and because of the limited developable area within the site, the 50' Easement, and the necessity for 100 surface parking spaces, Petitioner is unable to build the approved hotel and provide the parking required by the zoning ordinance and Marriott unless a slight height variance is approved for the proposed hotel.



Photo of the subject site looking east along Claybrooke Commons Drive.



Photo of adjacent hotels east and southeast of the site.



Photo of the subject site looking southeast.



Photo of the subject site looking south.



Photo looking west along Claybrooke Commons Drive.at the grocery store.



Photo of an existing hotel southeast of the site.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-032

Property Address: 2255 North LaSalle Street and 3350 Roosevelt Avenue (approximate addresses)

Location: Center Township, Council District #8

Petitioner: Heart Change Ministries, by Emily Duncan and David Kingen

Current Zoning: D-5 and C-1

Request: Rezoning of 0.97-acre from the D-5 and C-1 districts to the SU-7 district to provide for training, education and housing related to a not-for-profit organization.

Current Land Use: Residential and Commercial Buildings

Staff Recommendations: Approval)

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the April 25, 2024 hearing to the May 23, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.97-acre site located in the Martindale-Brightwood neighborhood and is comprised of six parcels that are separated by an alley that runs north and south between the parcels. The site is developed with a building and playground west of the alley and a commercial building east of the alley.

The site is surrounded by single-family dwelling to the west and north, zoned D-5, a parking lot east, zoned C-1, and an industrial building south, zoned I-3.



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

REZONING

The request would rezone the sites from the D-5 and C-1 districts to the SU- 7 district to provide for training, education and housing related to a not-for-profit organization, which is not permitted in the existing zoning districts.

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

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

The SU- 7 district permits charitable, philanthropic, and not-for-profit institutions.

Staff Analysis

The proposed zoning district and use would align with both the community commercial and traditional neighborhood development recommendations of the Comprehensive Plan.

Because the not-for-profit organization would be a community and neighborhood serving institution, it would be appropriate to place it in a well-established community.

As proposed, the site would offer training and educational opportunities to the women with children who are striving to avoid homelessness in addition to providing housing.

The organization anticipates having operating hours from 8:00am to 6:00pm, Monday through Friday, with 12 to 15 part-time employees. Other related functions would occur on site such as picnics, celebrations, and recognition programs.

The building at 2255 LaSalle Avenue, although residential in nature, would provide some housing in addition to training and educational classes that would not otherwise be permitted in the existing D-5 district. Therefore, staff determined that rezoning the property and the adjacent residential lot would be supportable since it would allow a cohesive zoning district for all the properties owned by the not-for-profit organization.



Department of Metropolitan Development
Division of Planning
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For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

Existing Zoning	D-5 and C-1	
Existing Land Use	Non-profit Organization	
Comprehensive Plan	Traditional Neighborhood and Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single-family dwellings)
South:	I-3	Industrial
East:	C-1	Parking Lot
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		
LaSalle Street	Local Street	50-foot existing right-of-way with 48-foot proposed right-of-way.
Roosevelt Avenue	Local Street	60-foot existing right-of-way with 48-foot proposed right-of-way.
Adams Street	Local Street	50-foot existing right-of-way with 48-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood development for two of the parcels currently zoned D-5 and recommends Community Commercial development for the remaining parcels currently zoned C-1.
- 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.
- Below are the specifics for uses that would be similar to the proposed not-for-profit organization proposed per the traditional neighborhood recommendation.
- **Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
- **Large-Scale Schools, Places of Worship, Community Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial or collector street. Large-Scale schools should only be located along arterial streets.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses
- 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.
- Below are the specifics for uses that would be similar to the proposed not-for-profit organization proposed per the community commercial recommendation.



- **Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
- **Large-Scale Schools, Places of Worship, Community Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Only recommended as adaptive reuse.
 - Only recommended if the use contributes to the economic viability of the district/if the use generates a customer base for commercial uses.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
- The proposed use would align with both recommendations of the Comprehensive Plan.

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

93-UV1-49; 3350 Roosevelt Avenue (subject site), Variance of use and development standards of the Commercial and Dwelling Districts Zoning Ordinance to provide for general office, sound recording and editing operation within an existing building and a stone parking lot with side yards totaling five feet (10 feet required in the D-5 District) and no rear yard (20 feet required in the D-5 District), granted.

91-UV1-147; 3350 Roosevelt Avenue (subject site), Variance of use and development standards of the Commercial and Dwelling District Zoning Ordinance to provide for the construction of a building to be used for storage for an existing contractor’s business with a front setback from the right-of-way of Roosevelt Street of 16 feet (70 feet front setback required); a front setback of 43 feet from the right-of-way of Adam Street (55 feet front setback required); a rear yard setback of 15 feet (40-foot rear setback required) and to allow the height of materials and equipment in excess of the permitted 20 feet, **voided due to commitments not submitted.**

84-HOV-38; 3352 Roosevelt Avenue (subject site), Variance of development standard for a setback for a warehouse, **granted.**

Zoning History – Vicinity

2011-LNU-029; 3410 Roosevelt Avenue (south of site), Certificate of Legal Non-Conforming Uses for Barbed Wire located in the front yard setback, in front of established buildings, in an I-3-U District. Barbed wire established prior to the adoption of the requirement in the Industrial Zoning Ordinance in 1996, granted.

2251/ 2255 No LaSalle Plan of Operation

- Organization: Heart Change
- Address: 2251 and 2255 No LaSalle Street
- Use: A. 2251 No LaSalle Street
 Provides playground along with 2247 No LaSalle
- B. 2255 No LaSalle Street (design of the residential structure is residential in appearance to blend with the other residential dwellings on the block)
 2.5 bathrooms to serve all occupants of the structure
 Kitchen for all who use the facility for social enterprise.
 Rooms also used for social enterprise for females with children who are striving to avoid homelessness, designed to teach success at work.
 Rooms/ workrooms, one used for sewing and the other for soap felting, part of the instructional and work training use. Rooms on the second level are also used for instructional classrooms.
- Employees: 12-15 part time.
- Parking: 20 paved parking on 2243/ 2247 LaSalle
- Hours of Operation: 8:00 am - 6:00 pm Mondays thru Fridays
 Maximum 12 times a year, on Saturdays and Sundays the premises shall Be used for picnics, celebrations, recognition programs.
- Trash: One commercial dumpster provided
- Sign: Awning sign on primary building for off use
- Safety: Video camera surveillance, security system with video doorbells



Photo of the subject site at 2255 North LaSalle Street.



Photo of the subject site at 3350 Roosevelt Avenue with a playground.



Photo of the rear yard of 2255 North LaSalle Street.



Photo of the rear yard at 3350 Roosevelt Avenue looking southwest.



Photo of the parking lot at 3350 Roosevelt Avenue.



Photo of the alley between the subject sites looking north from Roosevelt Avenue.



Photo of the rear building façade at 3350 Roosevelt Avenue.



Photo of an unenclosed dumpster at 3350 Roosevelt Avenue that will need to be screened.



Photo of the southern building façade looking northeast on Roosevelt Avenue.



Photo of the eastern building façade looking southwest along Roosevelt Avenue.



Photo of single-family dwellings north of the site.



Photo of a surface parking lot east of the site.



Photo of an industrial business south of the site.



Photo of single-family dwellings north of 2255 North LaSalle Street.



Photo of single-family dwellings west of the site



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 23, 2024

Case Number:	2024-ZON-044
Property Address:	918 East 27th Street, 2735, 2739, 2743, 2747, 2751 and 2755 Guilford Avenue (odd), 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2748, 2752, and 2756 Winthrop Avenue (even)
Location:	Center Township, Council District #8
Petitioner:	Historic Grandview LLC, by Paul J. Lambie
Current Zoning:	D-5
Request:	Rezoning of 2.4 acres from the D-5 district to the D-8 district for residential development.
Current Land Use:	Vacant land
Staff Recommendations:	Approval, subject to the commitments listed below.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the May 9, 2024 hearing, to the May 23, 2024 hearing at the joint request of remonstrators and the petitioner's representative. No new information has been submitted to the file.

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 elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
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 2.4-acre site, zoned D-5, is comprised of eighteen parcels. It is surrounded by single-family dwellings to the north, across East 28th Street, zoned D-5; single-family dwellings to the south, zoned D-5 and D-8, across East 27th Street; vacant land to the east, across Winthrop Avenue, zoned I-2; and single-family dwellings to the west, across Guilford Avenue, zoned D-5.



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The request would rezone all the parcels to the D-8 (Walkable Neighborhood) District to provide for walkable neighborhood development including two-unit row houses with potential future platting for individual unit sale. “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 D-8 district is one of five dwelling districts that would “implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares.” These districts require urban public and community facilities and services to be available. Additionally, these districts may be used to support nearby commercial and transit investments.

The Comprehensive Plan recommends traditional neighborhood typology for the site. As proposed, this request would be consistent with Plan recommendation as well as the historical residential use of the land. This request would also support the ongoing redevelopment and renewal efforts in this neighborhood.

Environmental Public Nuisances

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

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

Environmental public nuisance means:

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



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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

Existing Zoning	D-5	
Existing Land Use	Vacant land	
Comprehensive Plan	Traditional neighborhood typology	
Surrounding Context	Zoning	Land Use
North:	D-5	Single-family dwellings
South:	D-5 / D-8	Single-family dwellings
East:	I-2	Vacant land
West:	D-5	Single-family dwellings
Thoroughfare Plan		
East 27th Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Winthrop Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
East 28th Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Guilford Avenue	Local Street	Existing 58-foot right-of-way and proposed 48-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood typology.
- “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Pattern Book / Land Use Plan

- *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.

- 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.

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

- The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:
 - Site Configuration
 - Front Setbacks
 - Building Orientation
 - Building Spacing
 - Open Space
 - Trees, Landscaping, and the Outdoors
 - Aesthetic Considerations
 - Building Massing
 - Building Height
 - Building Elevations and Architectural Elements
 - Additional Topics
 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future



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- “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
- Because no elevations were submitted for review to confirm that the proposed dwellings would architecturally be compatible and harmonious with the surrounding land uses and neighborhood character, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Indy Moves

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

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

ZONING HISTORY

2022-ZON-018; 2602, 2634, and 2640 Winthrop Avenue (south of site), requested rezoning 0.40 acre from the I-2 district to the D-8 district to allow for single-family residential, **approved**.

2022-DV3-023; 2703 Guilford Avenue (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family detached dwelling with a reduced rear setback, **granted**.

2021-CZN-850 / 2021-CVR-850; 2606 Winthrop Avenue (south of site), requested rezoning of 0.13 acre from the I-2 district to the D-8 district and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with reduced open space, **approved and granted**.

2021-ZON-015; 2614 and 2618 Winthrop Avenue (south of site), requested rezoning of 0.26 acre from the I-2 district to the D-8 district, **approved**.

2020-CZN-830 / 2020-CVR-830; 2626 Winthrop Avenue (south of site), requested rezoning of 0.251 acre from the I-2 district to the D-8 district and variances of developments standards provide for two, two-family dwellings, with reduced setbacks and open space, **approved and granted**.

2020-ZON-048; 1123 East 25th Street (south of site), requested rezoning of 1.435 acres from the I-4 district to the D-8 district, **approved**.

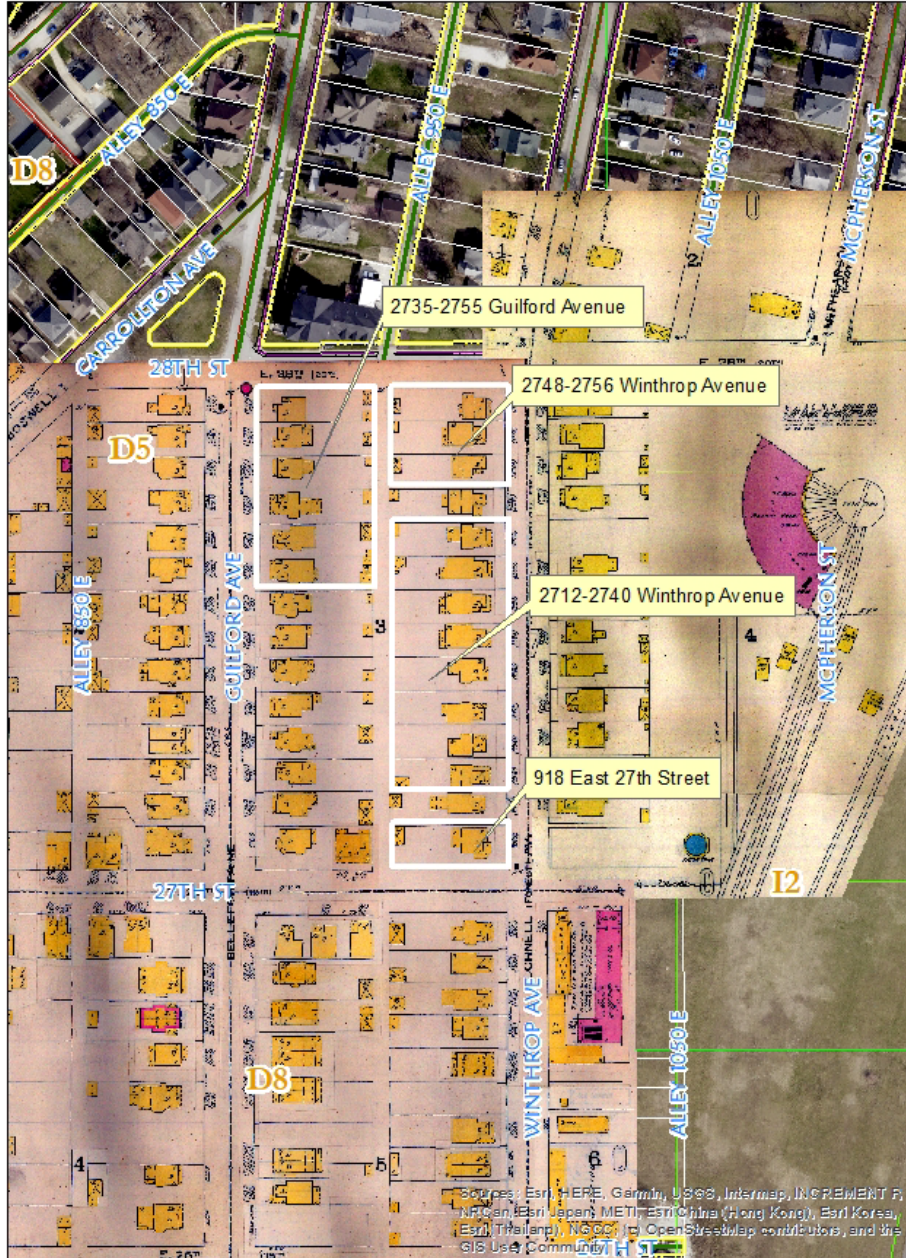
2020-CZN-830 / 2021-CVR-830; 2625 Winthrop Avenue (south of site), requested rezoning of 0.25 acre from the I-2 district to the D-8 district and a variance of development standards to provide for deficient front and side setbacks, distance between dwellings and open space, **approved and granted**.

98-V1-32; 2744 North Guilford Avenue (west of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family residence with reduced parking spaces, lot area and lot width, **granted**.

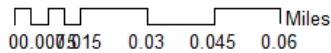
98-V1-31; 2720 North Guilford Avenue (west of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family residence with reduced parking spaces, lot area and lot width, **granted**.

84-UV3-99; 2610 and 2612 Winthrop Avenue (south of site), requested a variance of use to provide for a two-family dwelling in an industrial district, **granted**.

Sanborn Map - 1898



918 East 27th Street, 2735-2755 Guilford Avenue and 2712-2756 Winthrop Avenue





View looking north along Winthrop Avenue



View looking south along Winthrop Avenue



View looking north along Guilford Avenue



View looking south along Guilford Avenue



View looking northeast across intersection of Winthrop Avenue and East 27th Street



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View looking northwest across intersection of Winthrop Avenue and East 28th Street



View looking south on north/south alley west of Winthrop Avenue



View of site looking east across Guilford Avenue



View of site looking east across Guilford Avenue



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-817 / 2024-CVR-817

Property Address: 1103 and 1115 East 52nd Street (Approximate Addresses)

Location: Washington Township, Council District #7

Petitioner: Fineberg and Solomon, Inc., by Russell Brown

Current Zoning: D-5 (W-5)
Rezoning of 1.05 acres from the D-5 (W-5) district to the MU-2 (W-5) district to legally establish existing uses and to provide for a potential mixed-use development.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple dwelling units on the southside of an existing two-story building without orientation to a public street (dwelling units must orient and be visible to a public street).

Current Land Use: Commercial and Residential

Staff Recommendations: Approval with commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 23, 2024 HEARING EXAMINER

This petition was continued from the May 9, 2024 hearing to the May 23, 2024 hearing at the request of the petitioner to allow additional time to discuss concerns from a registered neighborhood organization.

May 9, 2024

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

A 28-foot half right-of-way shall be dedicated along the frontage of 52nd Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).



PETITION OVERVIEW

LAND USE

The 1.05-acre subject site is located in the Monticello Subdivision and part of the Fairground Neighborhood. The site is developed with two commercial buildings and associated parking lot with various tenants and a previously approved dwelling unit and garage within the southern building. It is bordered south and east by single-family dwellings, zoned D-5, industrial uses north, zoned I-2, and commercial and single-family dwellings to the west, zoned D-5.

ZONING

The request would rezone the site from the D-5 district to the MU-2 district.

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

The MU-2 District is intended 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.

VARIANCE

The variance request would allow the proposed dwelling units to not have primary entrances oriented to and clearly visible from a public street frontage as required.

Staff determined that the request would be supportable since the proposal would redevelop and existing building with one unit into a total of three units where access facing the street is not possible due to the existing commercial units on the first floor.

WELLFIELD

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.



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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 are subject to Commission approval.

This site is specifically located within the Fall Creek W-5 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

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 52nd Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

The request to rezone the site from the D-5 district to the MU-2 district would be consistent with the traditional neighborhood recommendation of the Comprehensive Plan because it allows for a full spectrum of housing types where a wide range of neighborhood serving businesses, institutions, and amenities should be present.

The MU-2 district allows for triplex, fourplex, multifamily dwellings, and live/work units and would also allow the existing commercial uses that were previously located in a dwelling district to be permitted in the proposed MU-2 district.

For these reasons, staff is recommending approval of the variance and rezone petitions.

GENERAL INFORMATION

Existing Zoning	Commercial and Residential	
Existing Land Use	D-5	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	I-2 Industrial
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwellings)
	West:	D-5 Residential (Single-family dwellings) / Commercial
Thoroughfare Plan		
52 nd Street	Primary Collector Street	56-foot proposed right-of-way and 109-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	



Overlay	Yes
Wellfield Protection Area	Yes
Site Plan	April 3, 2024.
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A i
Findings of Fact	N/A i
Findings of Fact (Amended)	N/A i
C-S/D-P Statement	N/A i

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- 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.



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- 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.
- **Small-Scale Multi-Family Housing**
 - It is preferred that multi-family housing should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of small-scale multi-family 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.
 - In predominantly platted, single-family neighborhoods, site layouts should be similar in site- and building-orientation as the surrounding single-family homes.
 - Parking should be either behind or interior to the development.
 - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at intersections and limited to an aggregate of 1 acre per intersection.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.

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 Zoning District (TOD).
- The closest station is within ½ mile west located midblock along College Avenue between 51st Street and 52nd Street. This node is classified as a Walkable Neighborhood typology which recommends a mix of uses at station area and primarily residential beyond, maximum of 3 stories throughout, no



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front or side setbacks at core with zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery, a mix of multi-family and single-family housing, and structured parking at the core and attractive surface parking at the periphery.

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)

- 52nd Street has an existing on-street bike lane that starts from College Avenue to Keystone Avenue for this segment.
- The Monon Trail is a multi-purpose trail classified as a Greenway Corridor that runs north and south along the western property boundary.



ZONING HISTORY

Zoning History – Site

2014-HOV-050; 1103 and 1115 East 52nd Street (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a dwelling unit (1103) and garage, with a 290-square foot main floor area (minimum 660 square feet required) and an 18-foot rear setback (minimum 20-foot rear setback required), **granted**.

Zoning History – Vicinity

2016-HOV-006; 5228 Winthrop Avenue (northwest of site), Variance of Use of the Commercial Zoning Ordinance to provide for primary and accessory residential uses, including the expansion of an attached garage (not permitted), **granted**.

2015-UV3-029; 1022 East 52nd Street (northwest of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for offices and restaurants (not permitted), to provide for a parking lot with a 10-foot front setback from Winthrop Avenue and to legally establish a building, with an 11-foot front setback from Winthrop Avenue (20-foot front setback required) and an 80-foot front transitional setback from the centerline of 52nd Street (110-foot front transitional setback from the centerline of 52nd Street required), **granted**.

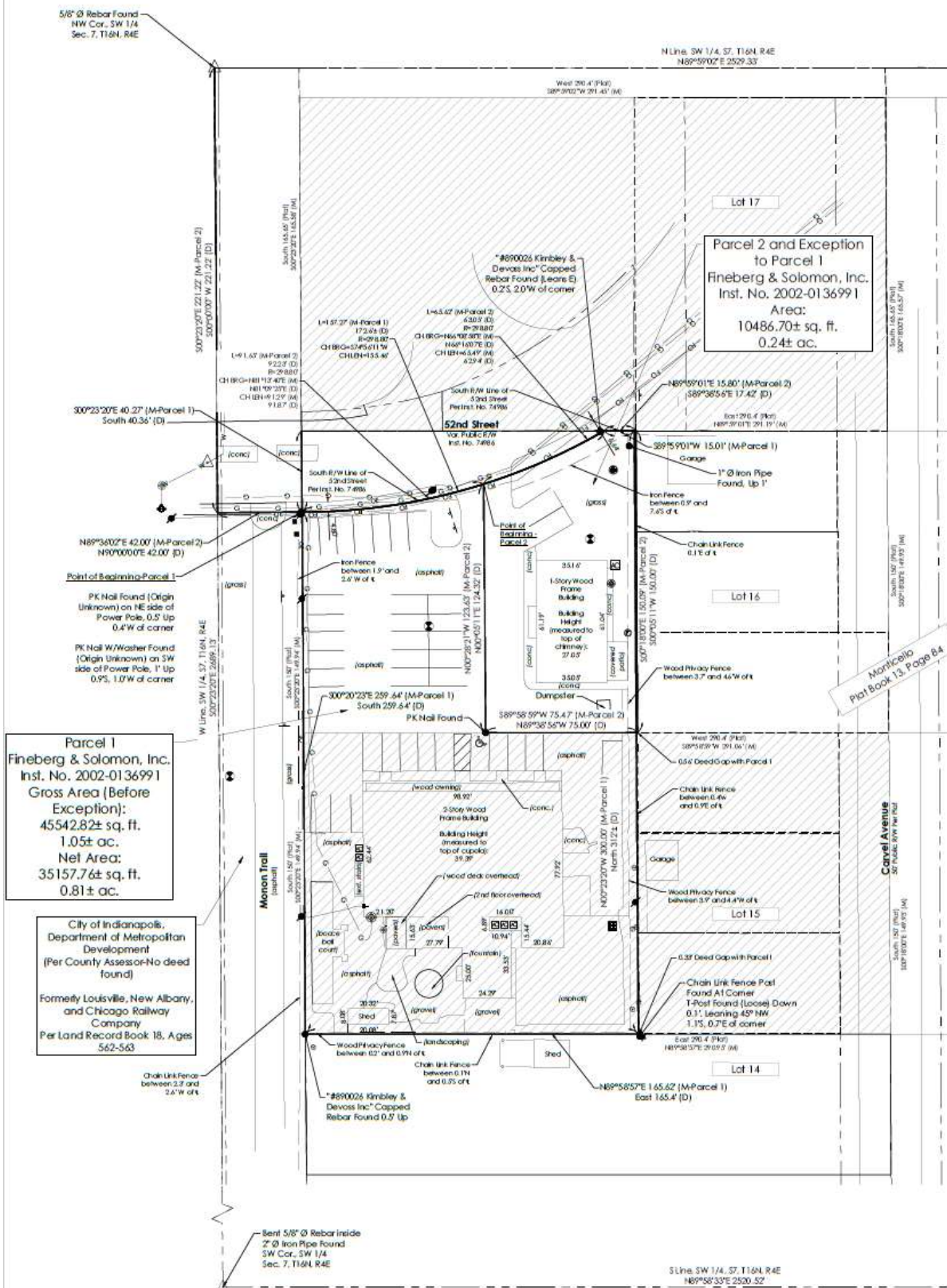
99-UV2-8; 1102 East 52nd Street (north of site), Variance of use of the Industrial Zoning Ordinance to provide for a 12,000 square foot coffee roasting and blending plant with 660 feet of retail coffee sales (not permitted), **granted**.

97-CP-36Z / 97-CP-36V / 97-CP-36VAC; 1102-1115 East 52nd Street (north of site), Rezoning of 7.035 acres from I-4-U (W-5) to I-2-U (W-5) to provide for an industrial park development, with a variance of use of the Industrial Zoning Ordinance to provide for an on-site resident manager for the proposed industrial park, and a vacation of a portion of “Old 52nd Street”, **approved**.

89-UV1-21; 1002 East 52nd Street (northwest of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for the construction of a window manufacturing facility, office and showroom with parking in the front transitional yard, **granted**.



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Monon Trail
Plot Book 13, Page 84



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Current Planning

MARILYN SOLOMON
1103 EAST 32ND STREET
NOMANPOUS, INDIANA 46205

NEW RESIDENTIAL LOFT FLOOR

PROJECT NO. 152

ISSUE DATE: OCTOBER 3, 2014

REVISIONS:

A-2
SHEET NO.

MARK ANASTASIOU
5220 NORTH KAYLOR AVENUE
INDIANAPOLIS, INDIANA 46220
PHONE: (317) 251-2468
FAX: (317) 251-2469
E-MAIL: mark@markanastasiou.com

TYPICAL FLOOR PLAN KEY NOTES:

- ALL FLOOR FINISHES, EXCEPT FOR THE CASE OF THE MASTER BEDROOM, SHALL BE IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND ALL LOCAL ORDINANCES. ALSO SEE NOTES.
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SYMBOL WALL KEY:

ROOF: 1" = 8" (SEE PLAN)

WALLS: 1" = 8" (SEE PLAN)

DOORS: 1" = 8" (SEE PLAN)

WINDOWS: 1" = 8" (SEE PLAN)

STAIRS: 1" = 8" (SEE PLAN)

NEW: 1" = 8" (SEE PLAN)

EXISTING: 1" = 8" (SEE PLAN)

ROOT FINISH SCHEDULE:

NO.	DESCRIPTION	FINISH
1	CONCRETE FLOOR	CONCRETE
2	CEILING	CONCRETE
3	WALLS	CONCRETE
4	ROOF	CONCRETE
5	STAIRS	CONCRETE
6	DOORS	CONCRETE
7	WINDOWS	CONCRETE
8	STAIRS	CONCRETE
9	DOORS	CONCRETE
10	WINDOWS	CONCRETE

NEW RESIDENTIAL LOFT FLOOR PLAN

SCALE: 1/4" = 1'-0"

NORTH



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 intention of the applicant is to convert one existing residential unit into up to three residential units. The current unit is accessed from an entry way on the south side of the building, which is not adjacent to, or visible from, 52nd Street. The additional units would be accessed from the same direction. The unit entries will be well marked and because this is the historic way in which residential unit(s) have been accessed it will not create confusion for those needing to locate the exiting and/or proposed units.

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 conversion will not require any modification to the footprint of the building, which has been used as a mixed use building for many years. The presence of more than one residential unit will not impact the adjoining residential users, only one of which has visibility to the facade in question. The additional dwelling units will allow the property to continue to be profitable and in good repair.

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

The building is already multi-use and all access points located on the northern facade, which is visible from 52nd Street, serve the existing first floor commercial uses. This proposed reuse is not new construction where significant modifications like reorientating entry points can be made during the design process. A residential unit already exists which is accessed from the southern facade. Eliminating the opportunity to repurpose this large rental unit into multiple units solely because of the entry orientation would eliminate future repurposing of the site.

DECISION



Photo of the subject site.



Photo of the subject site.



Photo of the existing commercial tenants on the first floor.



Photo of the east building façade.



Photo of the west building façade and entrance to one of the units upstairs.



Photo of the rear yard and other units at the rear.



Photo of the Monon Trail that borders the subject site to the west and commercial building.



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



Photo of a dwelling and self-storage facility north of the site.

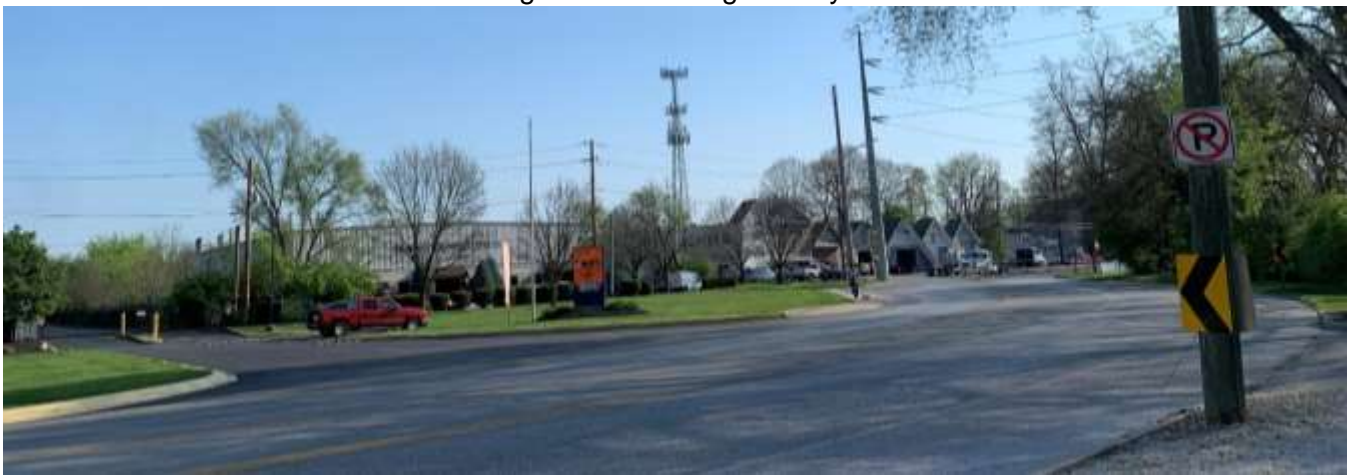


Photo of a coffee company north of the site



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



Photo of the unenclosed dumpster on site.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-047

Property Address: 5660 Minnesota Street

Location: Wayne Township, Council District #17

Petitioner: Jason Mansfield

Current Zoning: D-3

Request: Rezoning of 1.29 acres from the D-3 district to the I-2 district to provide for light industrial uses.

Current Land Use: Residential uses

Staff Recommendations: Approval, subject to the commitment noted below.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

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 1.29-acre site, zoned D-3, is developed with a single-family dwelling and an accessory building. It is surrounded by industrial uses to the north, zoned I-3; industrial uses to the south, across West Minnesota Street, zoned I-2; a single-family dwelling to the east, zoned D-3; and industrial uses to the west, zoned I-3.



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The request would rezone the site to the I-2 district to provide for light industrial uses. “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 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 Comprehensive Plan recommends light industrial typology for the site.

As proposed, this request would be consistent with the Comprehensive Plan recommendation. The Pattern Book, however, removes industrial uses as a recommended land use if adjacent to living typologies. This site is surrounded by industrial uses to the north, south and west. Residential uses abut the site to the east but given the required 50-foot setback along the eastern property line, staff believes an acceptable buffer would be provided.

Because of the adjacent residential uses to the east, any development on the site should comply with the required 50-foot transitional side setback. Staff would not support variance requests to decrease that setback that would result in a negative impact on the residential land use.

During the site visit, staff observed several existing mature trees. Any development on the site would include review and consideration of the Heritage Tree Ordinance provisions during the permitting process.

Environmental Public Nuisances

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

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

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;



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

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

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential uses	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	I-3	Industrial uses
South:	I-2	Industrial uses
East:	D-3	Single-family dwelling
West:	I-3	Industrial uses
Thoroughfare Plan		
West Minnesota Street	Primary Collector	Existing 90-foot right-of-way and proposed 90-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial Neighborhood typologies. 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.

Pattern Book / Land Use Plan

- *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.

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



ZONING HISTORY

2020-ZON-014; 5704, 5708, 5750 and 5790 West Minnesota Street; 1615, 1621 and 1629 Mickley Avenue (west of site), requested rezoning of 6.125 acres, from the D-3 and SU-46 districts to the I-2 district, **approved**.

2020-ZON-074; 5830, 5832, 5836, 5840 and 5842 West Minnesota Street, 1600 and 1616 Lindley Avenue and 5900 Plainfield Avenue (west of site), requested rezoning of 3.26 acres from the D-A, D-3 and SU-46 districts to the I-3 district, **approved**.

2020-ZON-011; 5704, 5708, 5750 and 5790 West Minnesota Street; 1615, 1621 and 1629 Mickley Avenue (west of site), requested the rezoning of 6.125 acres, from the D-3 and SU-46 districts to the I-2 district, **approved**.

2013-UV2-012; 5811 West Minnesota Street (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for a detention center, without overnight stays, **granted**.

2007-ZON-834 / 2007-VAC-834; 5818 West Minnesota Street (west of site), requested a rezoning of 2.866 acres from the A and D-3 Districts to the I-2-S classification to provide for medium industrial uses; a variance of development standards of the Industrial District Zoning Ordinance to provide for outdoor storage/operations within the setbacks and transitional yard, within 60 feet of a protected district, outdoor storage of up to 25 feet in height, and parking with the front yard; and a vacation of a portion of an alley, **approved**.

2006-ZON-115; 5704 and 5818 West Minnesota Street (west of site), requested Rezoning of 9.3 acres, being in the "A" and D-3 Districts, to the I-3-U classification to provide for medium industrial urban uses.

2006 ZON-11; 5704 and 5818 West Minnesota Street (west of site), requested a rezoning of 9.3 acres being in the A and D-3 Districts, to the I-3-U classification to provide for medium industrial urban uses, **withdrawn**.

2006-DV2-057, 1751 South Lawndale Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for the construction of a 50-foot tall, 152-square foot pole sign with a 60.67-square foot electronic variable message sign component (maximum 40-foot height permitted), **granted**.

2001-HOV-016; 1701, 1735, and 1751 South Lawndale Avenue (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the renovation of a 25.265-square feet building with a 47.8-foot front setback from Lawndale Avenue (minimum 50-foot front setback required and a 25.2-foot side setback (minimum 30-foot side setback required), **granted**.



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- 99-V2-134; 1820 South Lawndale Avenue (west of site)**, requested variance of development standards of the Sign Regulations to provide for an advertising sign being 14 by 48 feet in size (maximum 12 by 25 feet permitted), the fourth advertising sign within a one-mile portion of interstate highway (maximum two signs per mile permitted), 400 and 625 feet from two other existing advertising signs (minimum 1,000 feet required), and 12 feet from the right-of-way of Interstate 465 (minimum 60 feet required), **denied**.
- 99-Z-128; 5708 West Minnesota Street (west of site)**, requested a rezoning of 15.168 acres from I-3-U, D-3, and C-1 to the I-3-U classification to conform zoning to an existing industrial park, **approved**.
- 98-V1-58; 1820 South Lawndale Avenue (west of site)**, requested variance of development standards of the Sign Regulations to provide for an advertising sign being 14 by 48 feet in size (maximum 12 by 25 feet permitted); 500, 600, 750, and 750 feet from other advertising signs (minimum of 1,000 feet required); and resulting in five advertising signs within a one-mile portion of I-465 (maximum two advertising signs per mile permitted), **denied**.
- 97-V1-4; 1717 Production Drive (east of site)**, requested a variance of use and development standards of the sign Regulations to provide for the construction of an industrial building with: a) a 30-foot wide transitional front yard setback along Minnesota Street (minimum 100 feet required or minimum 40 feet required with enhanced landscaping); b) parking located in the transitional front yard setback long Minnesota Street (not permitted); c) loading area width of 100 feet (minimum 66 feet required); d) placement of two ground signs (maximum one free standing identification sign on a lot for each frontage on a separate street permitted), **granted**.
- 93-UV1-083; 5811 West Minnesota Street (east of site)**, requested a variance of use of the Industrial Zoning Ordinance, to provide for truck and car rental, maintenance and storage of vehicles, and offices, in an area zoned I-2-S, **granted**.
- 83-HOV-109; 1945 South Lawndale Avenue (west of site)**, requesting variance of size and spacing development standards of the Sign Regulations to allow a 14 by 48-foot advertising pole sign at 60 feet from the interstate right-of-way, **granted**.
- 83-HOV-96; 6001 West Minnesota Street (west of site)**, requesting variance of size, spacing, height and setback development standards of the Sign Regulations to allow a 10.5 by 36-foot advertising pole sign within 1,500 feet of an exit roadway, **granted**.
- 79-V1-24; 5501 West Minnesota Street (east of site)**, requesting a variance of development standards of the Industrial Zoning Ordinance to provide for a warehouse with front loading dock, **granted**.



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74-Z-74; 5696 West Minnesota Street (west of site), requesting the rezoning of 1.828 acres, being in the D-3 District, to the C-1 classification to provide for office building construction, **approved**.

73-Z-58; 5702 West Minnesota Street (west of site), requesting the rezoning of 11.36 acres, being in the D-3 District, to the I-#U classification to provide for industrial development, **approved**.

EXHIBITS



5660 West Minnesota Street
00.000 0.015 0.03 0.045 0.06 Miles



View looking west along West Minnesota Street



View looking east along West Minnesota Street



View of site looking northeast from the property to the south across West Minnesota Street



View of site looking north across West Minnesota Street



View of site looking north across West Minnesota Street



View of adjacent land uses to the south looking east



View of adjacent land use to the west of site looking north across West Minnesota Street

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER **May 23, 2024**

Case Number: 2024-ZON-049
Property Address: 2514, 2534, 2548, 2614, 2618 and 2620 West 16th Street
Location: Wayne Township Council District #12
Petitioner: Benjamin Hughes, Randall Hughes and Speedway Body Shop, Inc., by S. Gregor Zubek
Current Zoning: D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts
Request: Rezoning of 2.013 acres from the D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts to the C-4 (W-5) district to provide for community-regional commercial uses.
Current Land Use: Automobile repair / vacant property
Staff Recommendations: Approval, subject to the commitment noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

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:

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 2.013-acre site, zoned D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts, is comprised of eight contiguous parcels, some which are vacant. It is surrounded by residential uses to the north, zoned D-5 (W-5); commercial uses to the south, across West 16th Street, zoned C-5 (W-5); commercial uses and residential uses to the east, zoned C-5 (W-5) and D-5 (W-5), respectively; and residential and commercial uses to the west, across Holmes Avenue, zoned D-5 (W-5) and C-3 (W-5), respectively.

Petition 64-V-33 provided for an addition to an existing building for automobile repair. Subsequently, petitions 78-UV2-62 and 90-UV1-147 provided for further building expansions.



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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 Near West Neighborhood Land Use Plan recommends community commercial and the C-4 District.

As proposed, this request would be consistent with the Neighborhood Plan recommendations and its historical commercial use. Community commercial 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.

Commercial uses surround the site on the east, south and west. As future development of the site occurs, however, the required buffers for the abutting neighbors to the north would include an eight-foot rear setback, plus the 12-foot-wide east / west alley (20 feet total), along with other required development standards that would improve the sight and mitigate the impact of this use on those residential uses.

Staff would note that except for a few shrubs along a portion of the 16th Street frontage, the site is devoid of landscaping. Furthermore, barbed wire has been installed on portions of the fence, which is prohibited. Staff would strongly encourage the property owner to make improvements to the site that would comply with the current development standards for the C-4 district.

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.”



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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 within 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.

Staff would note the following uses are prohibited in the floodplain:

- a. Jails;
- b. Hospitals;
- c. Assisted living facilities;
- d. Nursing homes;
- e. Laboratories;
- f. Elementary, Middle or High Schools;
- g. Daycare facilities;
- h. Fire stations;
- i. Emergency operation centers;
- j. Police facilities;
- k. Truck, train, or bus terminal, storage or maintenance facility;
- l. Wrecking or salvage facility;
- m. Gas, oil or propane storage facility;
- n. Industrial laundry;
- o. Hazardous waste handling or storage facility; and
- p. Other public equipment storage facilities.



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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 receptacles for proper disposal of trash and other waste.

GENERAL INFORMATION

Existing Zoning	D-5 (W-5), C-3 (W-5) and C-5 (W-5)	
Existing Land Use	Automobile repair / vacant land	
Comprehensive Plan	Community Commercial / C-4	
Surrounding Context	Zoning	Land Use
North:	D-5 (W-5)	Residential uses
South:	C-5 (W-5)	Commercial uses
East:	D-5 (W-5) / C-5 (W-5)	Single-family dwelling / commercial uses
West:	D-5 (W-5) / C-3 (W-3)	Residential uses / Commercial uses



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Thoroughfare Plan		
West 16th Street	Primary arterial	Existing 90-foot right-of-way and proposed 104-foot right-of-way.
Holmes Avenue	Local Street	Existing 48-foot right-of-way and proposed 48-foot right-of-way.
West 17th Street	Local Street	Existing 48-foot right-of-way and proposed 48-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Not Applicable to the Site.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan (2014) recommends community commercial with the following description: This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the use. The uses in the land use category are designed to fulfill a broad range of retail, personal, professional, and business services and are either free standing or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:
 - Maximum Gross Floor Area: 125,000 square feet
 - Maximum Acreage: 25 acres
 - Service Area Radius: 2 miles
 - Location: On an arterial or at the intersection of an arterial with a collector.
 - Maximum Outlots: 3

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

90-UV1-147; 2534 West 16th Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to permit an addition to an existing body shop, **granted**.

80-UV3-56; 2616-2618 West 16th Street, requested a variance of use and development standards to permit the existing building to remain as a tavern, **granted**.

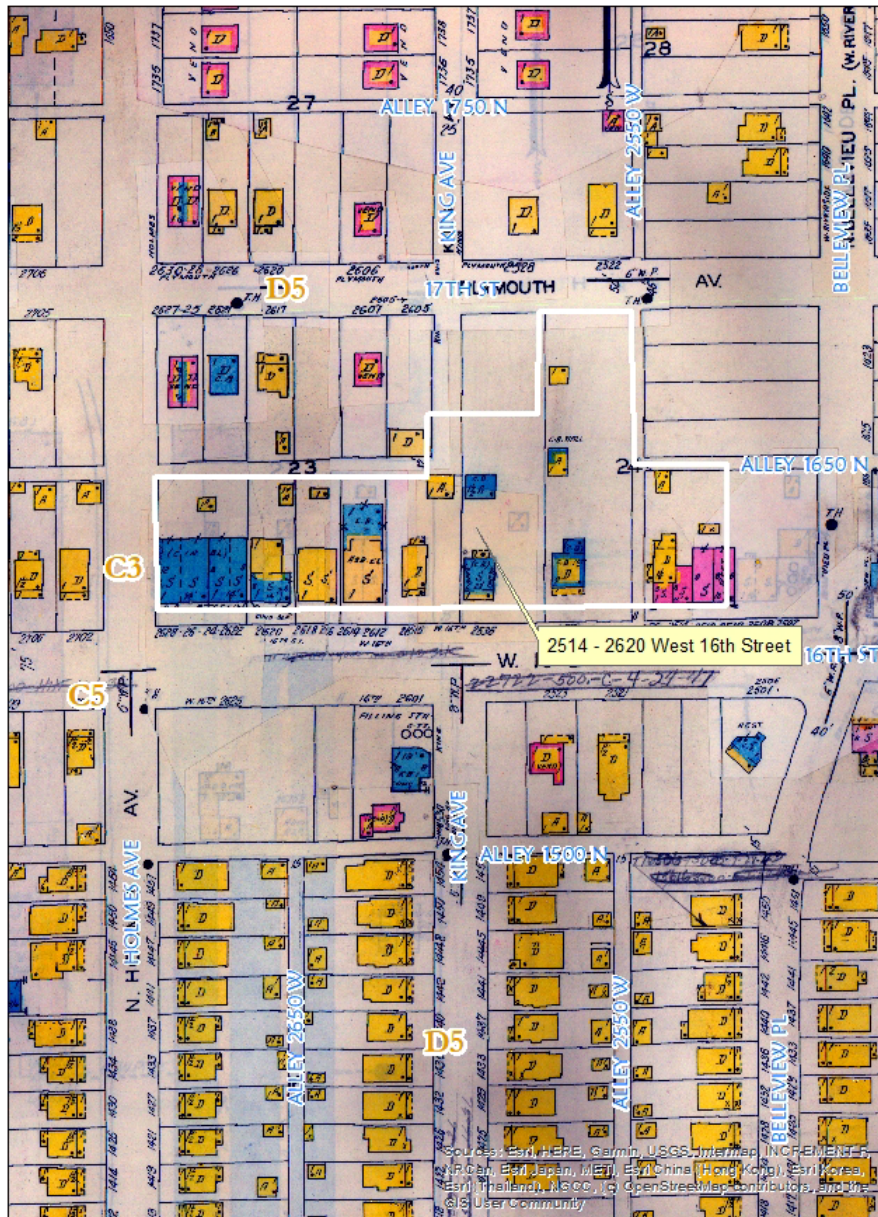
78-UV2-62; 2534 West 16th Street, requested a variance of use and development standards to permit an addition to the front of an existing building for offices for automobile body repairs shop, **granted**.

64-V-33; 2534 West 16th Street, requested a variance of use for an addition to an existing building for auto repair, **granted**.

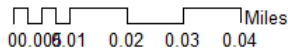
VICINITY

2007-DV3-034; 1626 North Belleview Place (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 1,500-square foot attached garage addition, with reduced setback, **granted**.

Sanborn Map 1915



2514-2620 West 16th Street





View looking east along West 16th Street



View looking west along West 16th Street



View of site looking north across West 16th Street



View of site looking northeast across West 16th Street



View of site looking west across Bellevue Place



View of site looking south across West 17th Street



View of site looking south across West 17th Street



View of site and adjacent residence looking south across West 17th Street



View from site looking north along Holmes Avenue



View of site looking east across Holmes Avenue



View from site looking north at single-family dwellings



View from site looking northeast



View from site looking east



View from site looking west



View from site looking southwest



View from site looking southwest across intersection of West 16th Street and Holmes Avenue



View from site looking west across Holmes Avenue



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-051
Property Address: 4822 East Edgewood Avenue
Location: Perry Township, Council District #24
Petitioner: Edward P. Heeringa, by David A. Retherford
Current Zoning: D-A
Request: Rezoning of 1.746 acres from the D-A district to the D-S district
Current Land Use: Single-family dwelling / accessory structures
Staff Recommendations: Approval, subject to the commitment as noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

This 1.746-acre site, zoned D-A, is developed with a single-family dwelling and accessory structures. It is surrounded by undeveloped land to the north and east, zoned D-A; a single-family dwelling to the south, across East Edgewood Avenue, zoned D-A; and single-family dwellings to the west, zoned D-3.



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The request would rezone the site to the D-S district. “The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Estate development in a natural setting is the typical realization of the district. The D-S district provides for single-family residential lots consisting of at least one acre. A typical density for the D-S district is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and 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 Comprehensive Plan recommends suburban neighborhood typology.

As proposed, this request would be consistent with the Comprehensive Plan recommendation. The suburban neighborhood typology is comprised primarily of single-family dwellings with a variety of neighborhood serving commercial businesses. The request indicates that development of the site would not be changed, and the single-family dwelling and accessory structures would remain.

Department of Public Works

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

GENERAL INFORMATION

Existing Zoning	D-A		
Existing Land Use	Single-family dwelling / accessory structures		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	Zoning	Land Use	
	North:	D-A	Undeveloped land
	South:	D-A	Single-family dwelling
	East:	D-A	Undeveloped land
	West:	D-3	Single-family dwellings
Thoroughfare Plan			
East Edgewood Avenue	Primary Arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.	
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		



Wellfield Protection Area	No
Site Plan	N/A
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:



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- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
 - 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-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.
 - 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.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

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



ZONING HISTORY

2022-CZN-872 / 2022-CVR-872; 4822 East Edgewood Avenue and 5820 South Emerson Avenue, requested rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet and a minimum livability ratio of 1.33, **denied**.

2021-ZON-125 / 2022-VAR-001; 4822 East Edgewood Avenue and 5820 South Emerson Avenue, requested rezoning of 19.92 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development and a variance of development standards to provide for a building height of 56 feet and a minimum livability ratio of 0.51, **withdrawn**.

VICINITY

2006-ZON-133; 5820 South Emerson Avenue (east of site); requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved**.

2006-ZON-134; 5820 South Emerson Avenue (east of site), rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved**.

2004-ZON-049; 5800 South Emerson Avenue (north of site), rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

2002-UV1-004; 5800 South Emerson Avenue (north of site), variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted**.

2002-ZON-012; 5935 South Emerson Avenue (east of site), rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved**.

2005-APP-002; 5905-5935 South Emerson Avenue (east of site), modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved**.

2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site), rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved**.

2005-ZON-215; 5640 South Emerson Avenue (north of site), rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved**.

2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site), rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved**.



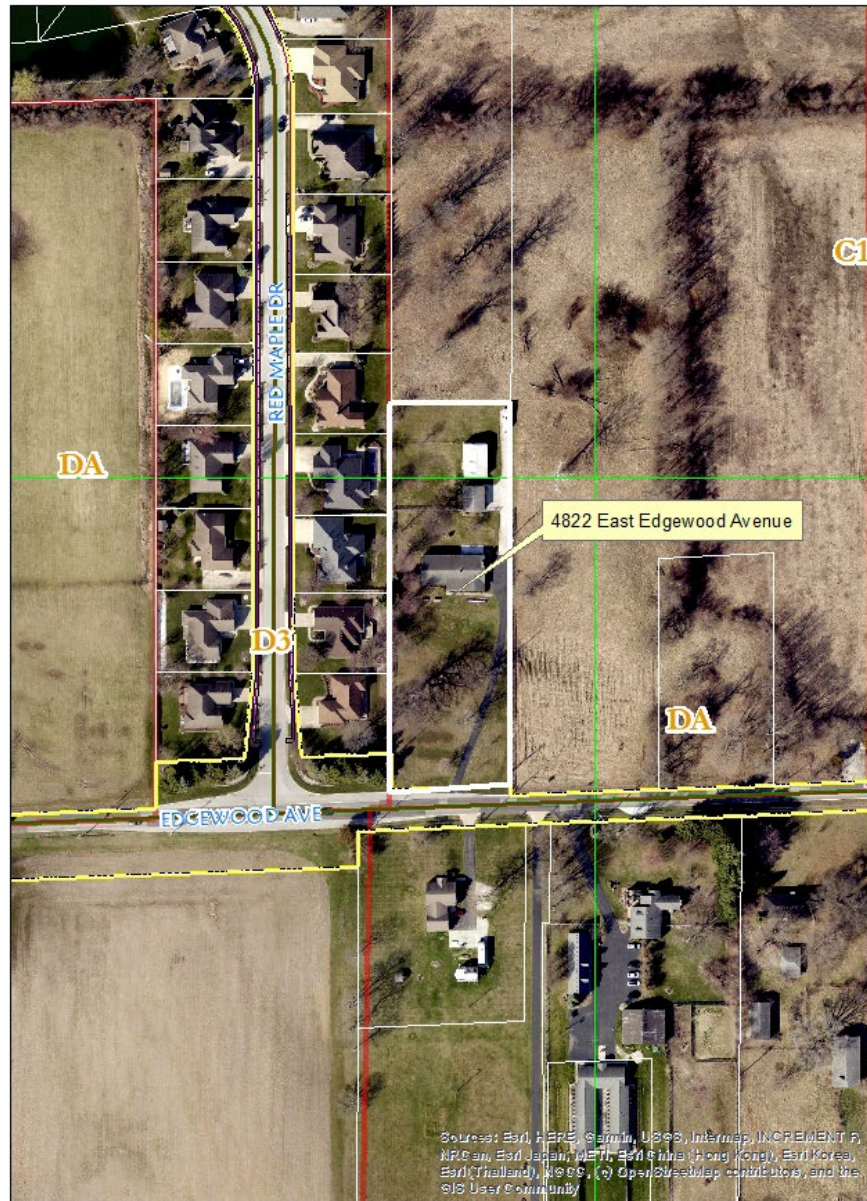
**Department of Metropolitan Development
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95-Z-183; 5728 South Emerson Avenue (west of site), rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved**.

95-Z-73; 4684 East Edgewood Avenue (west of site), rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved**.

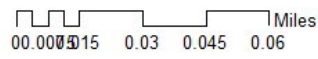
95-Z-35; 4784 East Edgewood Avenue (west of site), rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved**.

EXHIBITS



Source: Esri, FIPS, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, Swisstopo, contributors, and the GIS User Community

4822 East Edgewood Avenue





View looking west along East Edgewood Avenue



View looking east along East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of adjacent property to the east looking north across East Edgewood Avenue



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-054
Property Address: 1818 South East Street
Location: Center Township, Council District #18
Petitioner: 1800 Blok LLC, by Paul J. Lambie
Current Zoning: C-3
Request: Rezoning of 0.11-acre from the C-3 district to the D-5 district.
Current Land Use: Vacant property
Staff Recommendations: Approval, subject to the commitment noted below.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

This 0.11-acre site, zoned C-3, is vacant and surrounded by a single-family dwelling to the north, zoned D-5; a single-family dwelling to the south, zoned C-3; single-family dwellings to the east, across South East Street, zoned C-3; and a single-family dwelling to the west, zoned D-5.

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



The Comprehensive Plan recommends Traditional Neighborhood typology for this site.

As proposed, this rezoning would be consistent with the Comprehensive Plan recommendation.

According to historical maps this residential-sized parcel was developed with dwelling around the turn of the century, which was demolished between 2014 and 2015. The current C-3 zoning district does not reflect the long-time residential use. Staff supports this rezoning because it would match the zoning classification with the current residential use and would contribute to the current redevelopment efforts in this neighborhood.

Staff would note that alleys abut the site along the western and southern boundaries. As development occurs on this parcel, consideration and attention would be required related to visibility and the clear sight triangle.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Vacant land	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-5 Single-family dwelling
	South:	C-3 Single-family dwelling
	East:	C-3 Single-family dwellings
	West:	D-5 Single-family dwelling
Thoroughfare Plan		
South East Street	Primary Arterial	Existing 50-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Pattern Book / Land Use Plan

- *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.

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

- 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

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

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



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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 describes the purpose, policies, and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW).
 - Identify roadways for planned expansions or new terrain roadways.
 - Coordinate modal plans into a single linear network through its GIS database.



ZONING HISTORY

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855; 1802 South East Street (north of site), requested rezoning of 0.11 acre from the C-3 District to the MU-2 district to provide for a mixed-use development; a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit row house with a reduced elevations of the first story, patios encroaching into the right-of-way on Iowa Street, reduced lot area and setbacks, parking and service area located within a transitional yard, deficient landscaping/street trees and encroachment into the clear sight triangle of East Street and Iowa Street; and approval of a Subdivision Plat to be known as Blok's Replat of Lot 98 in Kappes & Franks Subdivision, dividing 0.11 acre into three lots, **approved and granted**.

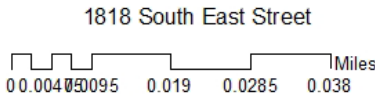
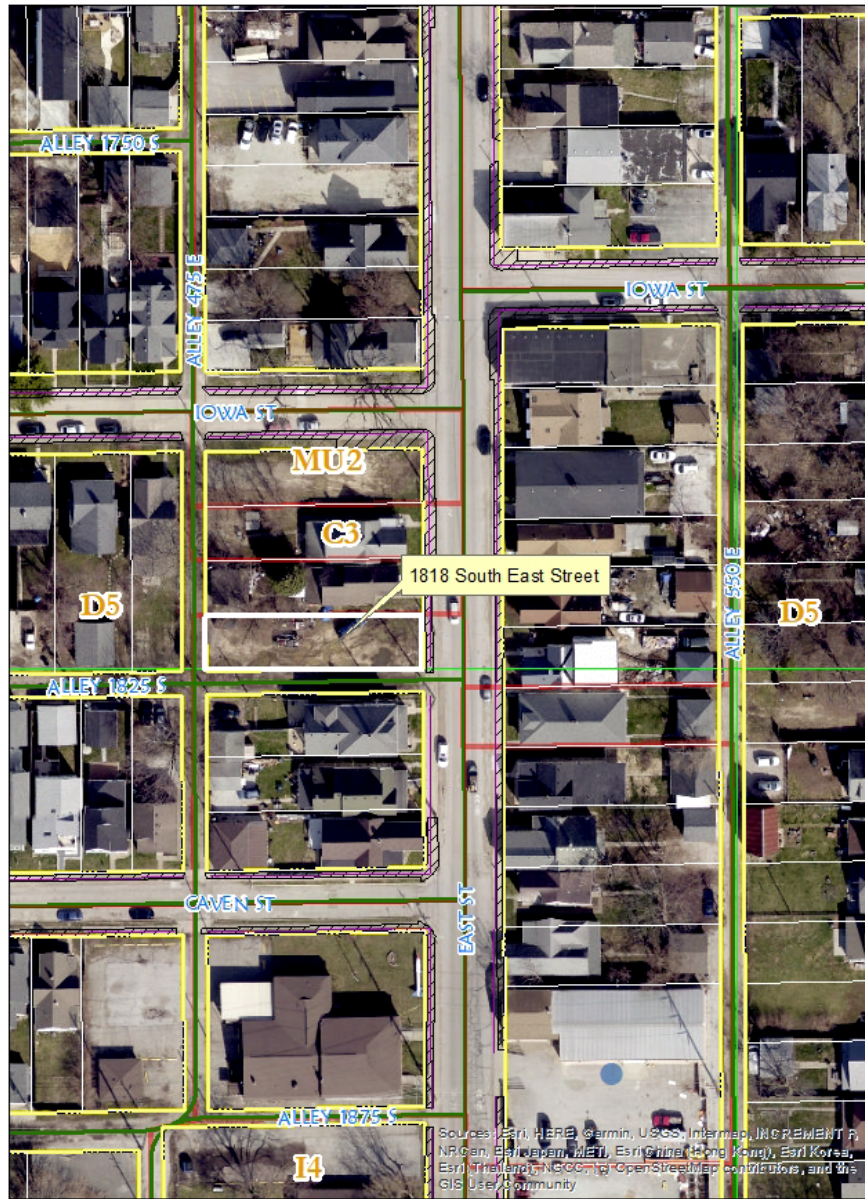
2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue (north of site); requested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

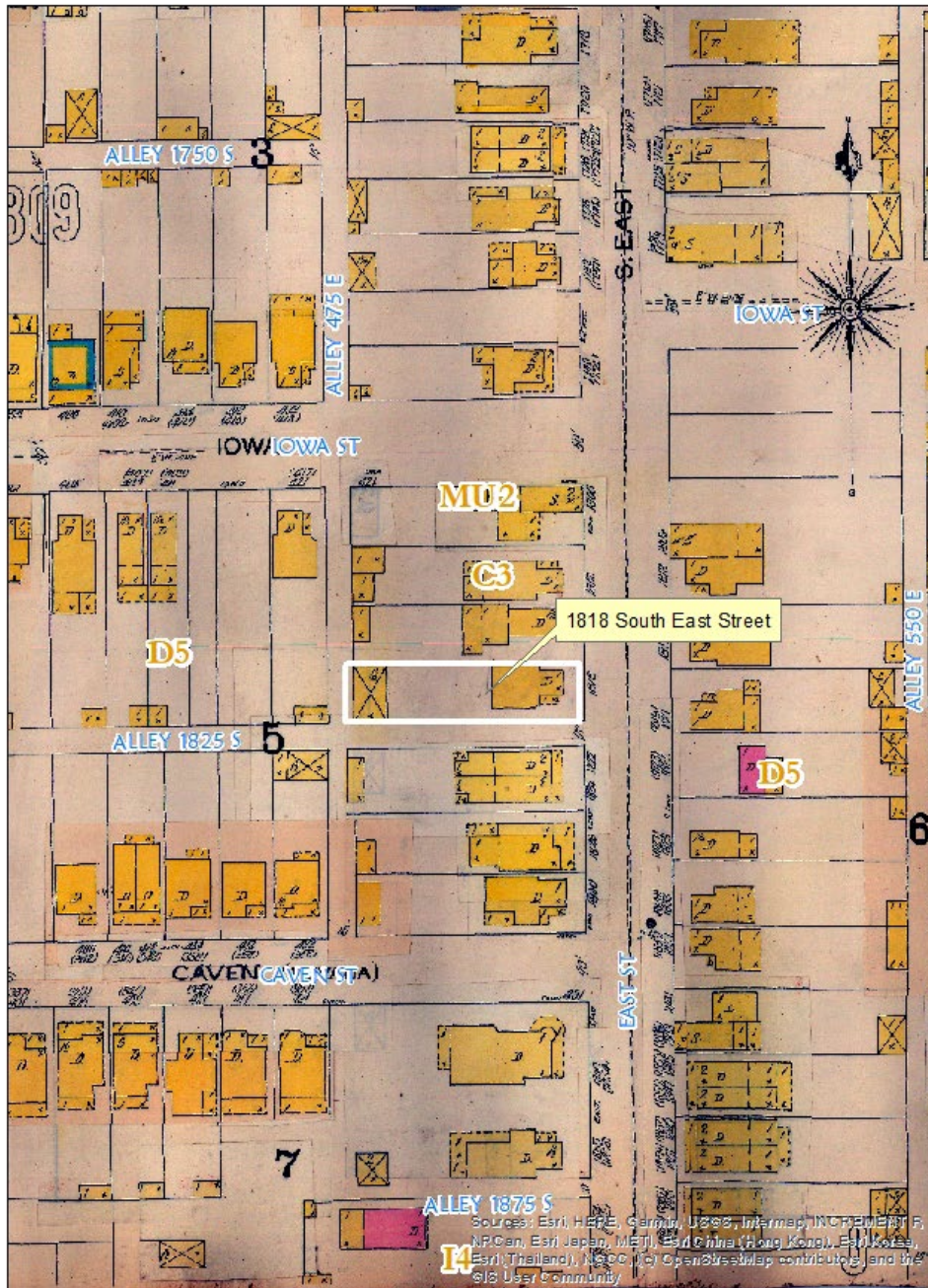
2021-HOV-040, 1821 South East Street, variance to provide a 720-square-foot addition to a single-family dwelling and 441-square-foot detached garage with a 3.67 south side transitional yard and a five-foot rear transitional yard, **granted**.

2002-UV3-007, 1801 South East Street, variance to legally establish a cabinet shop within a 2,721 square foot commercial building located six feet from the right-of-way of East Street and two feet from the right-of-way of Iowa Street, and a parking and maneuvering area located two feet from Iowa Street and seven feet from a protected district without required landscaping and screening, **granted**.

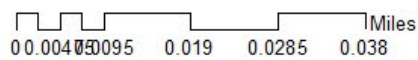
97-UV2-84, 421 East Iowa Street, variance to legally establish the conversion of a single-family dwelling to a two-family dwelling, with a lot area of 4,416 square feet, a lot width of 32 feet, and a main floor area for a one-story building of 687 square feet and 622 square feet per unit, **granted**.

EXHIBITS





1818 South East Street





View looking south along South East Street



View looking north along South East Street



View of site looking west across South East Street



View of site looking west across South East Street



View of site looking east from abutting north / south alley along the western boundary



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-816 / 2024-CVR-816

Property Address: 9521 Haver Way (approximate address)

Location: Washington Township, Council District #2

Petitioner: McDonald’s USA, LLC, by Timothy Ochs

Current Zoning: C-3, C-4 and C-S
Rezoning of 1.777 acres from the C-3, C-4 and C-S districts to the C-3 district.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a trash enclosure within the front yard of Keystone Avenue (not permitted), restaurant drive through service units, without screening, located on a façade adjacent to a public right-of-way that exceeds 30 feet in width and off-street stacking spaces located within a front yard along a public right-of-way that exceeds 30 feet in width (not permitted), 48 parking spaces (maximum of 40 spaces permitted)..

Current Land Use: Undeveloped

Staff Recommendations: Approval of the rezoning. Split recommendation for the variances..

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

Staff **recommends approval** of the restaurant drive through service units located on a façade adjacent to a public right-of-way that exceeds 30 feet in width and off-street stacking spaces located within a front yard along a public right-of-way that exceeds 30 feet in width.

Staff **recommends denial** of the drive-through services without screening, dumpster in the front yard, and excessive parking request.

PETITION OVERVIEW

LAND USE

The 1.777-acres subject site is currently shown as right-of-way property owned by the City of Carmel for the roundabout development that no longer requires this land area. The site is in the process of being



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Division of Planning
Current Planning**

established as a parcel within the Indianapolis-Marion County jurisdiction. It consists of undeveloped land that is split zoned C-3, C-4 and C-S.

The site is surrounded by commercial development in each direction zoned C-4, C-5, and C-S with an auto dealership being north of the site in Hamilton County.

ZONING

The request would rezone the site from the C-3, C-4 and C-S district to the C-3 district to allow for a restaurant on site.

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.

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 C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.



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VARIANCE OF DEVELOPMENT STANDARDS

Per Table 744-402-1: Required Parking Table, eating establishments are required to have a minimum of one parking space per 150 square feet and can have a maximum of one parking space per 100 square feet.

Based on the proposed 4,050 square foot building, a minimum of 27 parking spaces are required and a maximum of 40 parking spaces are permitted.

The original site plan noted 48 parking spaces proposed, but an amended site plan eliminated eight parking spaces and notes a total of 40 parking spaces which would not require the parking variance.

Additionally, the original site plan noted the dumpster to be within the front yard of Keystone Avenue, but the amended site plan shows the relocation of the dumpster to be in line with the eastern building façade of the primary building which would no longer be in the front yard. Therefore, the variance for the dumpster in the front yard would not be required.

Drive-through facilities are only permitted in the C-3, C-4, C-5, C-7, and MU-1 districts and must meet the requirements of Section 744-406. A drive-through use-specific standard requires that “in all instances, service units shall be screened from all public rights-of-way that exceed 30 feet in width regardless of proximity”.

The site has two front yards facing 96th Street and Keystone Avenue and two side yards facing Haver Way and along the southern property boundary. A landscape plan was provided which shows that landscaping will be proposed along both street frontages. Therefore, the variance to not have screening is not necessary. However, the required landscaping will need to be met, which will be verified at the time of permitting.

Staff Analysis

The rezoning request would be consistent with the community commercial recommendation of the Comprehensive Plan and the development of the surrounding area that consists of a variety of commercial businesses.

The petitioner submitted and amended site plan that relocated the dumpster outside of the front yard and eliminated the excessive parking originally proposed. Therefore, these two variances should be withdrawn by the petitioner since they are no longer needed per the amended site plan.

The variance for no screening of the drive through service units was included in case landscaping was not proposed. However, a landscape plan was submitted to the case file that would provide screening along the two street frontages. When permits are filed, the required landscaping will be confirmed to meet the standards of the Ordinance. Specifically, the required front yard landscaping and screening would only be relevant along 96th Street and Keystone Avenue since Haver Way is a private street and is considered a side yard to the west. Staff would not support screening that would not meet the Ordinance requirements.



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Staff determined that there is a practical difficulty of the site due to the two street frontages, which would not allow for drive-through units to be facing the right-of-way or for stacking spaces to be located in the front yard of Keystone Avenue. However, considering that traffic at the northeast corner of the property would be heading east or south onto the ramp, the drive-through unit and stacking spaces would be visually obstructed due to the proposed landscaping. Furthermore, the headlights of the vehicles in the drive-through would not be facing direct oncoming traffic.

For these reasons, staff is supportive of the rezoning request and variance associated with the drive-through units and stacking spaces.

GENERAL INFORMATION

Existing Zoning	C-3, C-4 and C-S	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	Hamilton County	Commercial
South:	C-5	Commercial
East:	C-4	Commercial
West:	C-5 / C-S	Commercial
Thoroughfare Plan		
96 th Street	Primary Arterial Street	55-foot approximate half right-of-way and 119-foot proposed right-of-way
Keystone Avenue	Primary Arterial Street	270-foot existing right-of-way and 124-foot proposed right-of-way.
Haver Way	Private Street	Not included in the Thoroughfare Plan.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 8, 2024	
Site Plan (Amended)	May 1, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	March 8, 2024	
Findings of Fact	March 8, 2024	
Findings of Fact (Amended)	May 16, 2024	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development for 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.

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

2003-ZON-158; 9520 Haver Way (subject site and southwest of site), Rezoning of 1.83 acres from the C-3 district, to the C-S classification to provide for automobile rental (passenger) / cleaning facility, limited to C-3 uses, and a job printing facility and a caterer, **approved**.

94-Z-88; 3131 East 96th Street (subject site), Rezoning of 1.058 acres, being in the C-3 District, to the C-4 classification to provide for an existing gasoline service station with four bay service areas and an attached car wash, **approved**.

94-CV-12; 3131 East 96th Street (subject site), Variance of development standards of the Sign Regulations and Commercial Zoning Ordinance to provide for the placement of a 52.6 square foot ground sign (maximum 20 square feet permitted) 6.42 feet in height (maximum 4 feet permitted), with a logo/identification panel (not permitted), and a 187.1 square foot pole sign with pricing panels (not permitted), **granted**.

Zoning History – Vicinity

2021-ZON-118; 3003 and 3009 East 96th Street (west of site), Rezoning of 1.34 acres from the C-1 district to the C-5 district, **approved**.

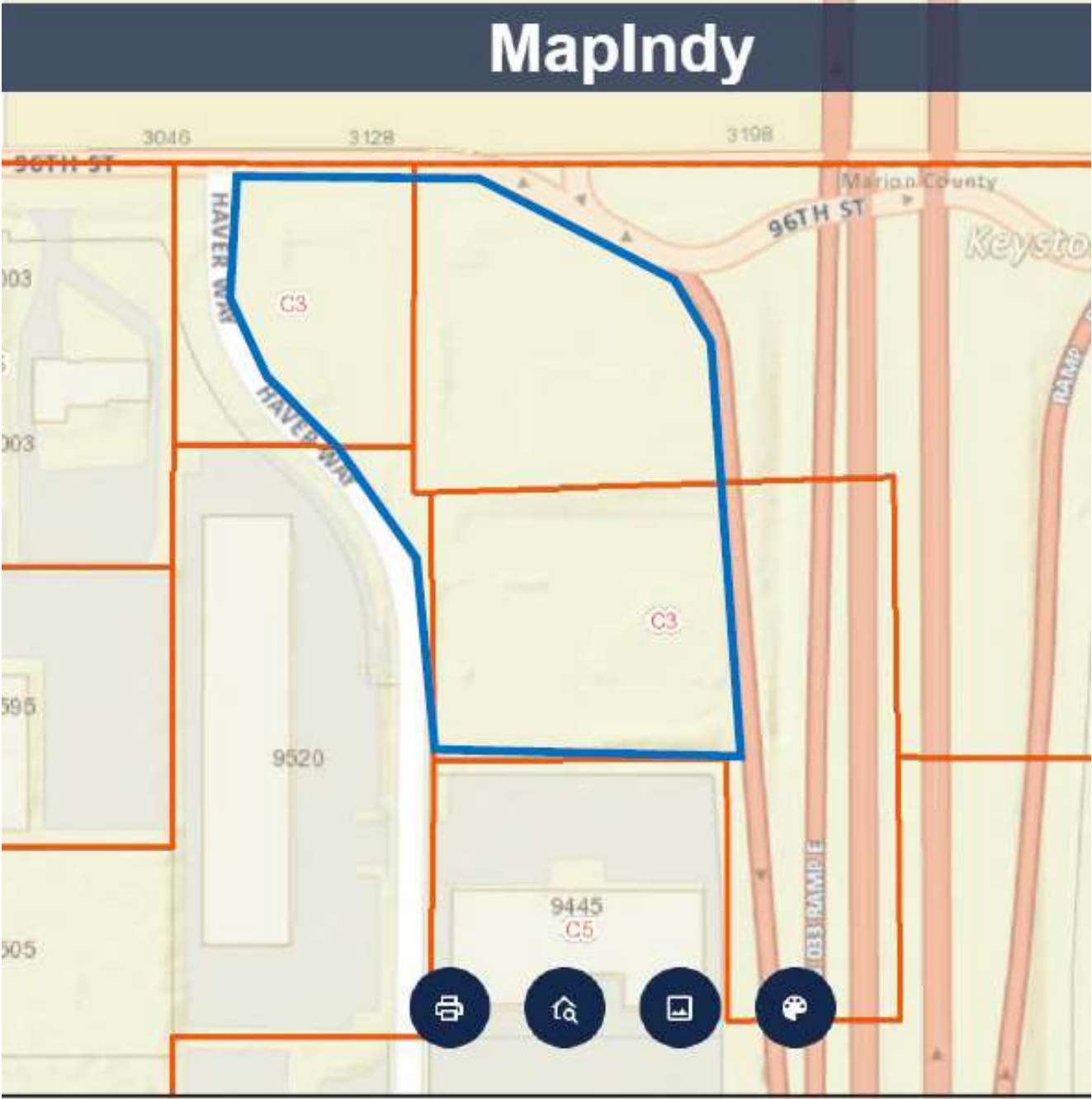
2014-ZON-018; 3009 East 96th Street (west of site), Rezoning of 0.67 acre, from the C-1 District to the C-5 classification to provide for automobile sales, **withdrawn**.

99-CP-15Z; 9415 Whitley Drive (southwest of site), rezoning 0.93 acre from the C-S to C-S classification to provide for a 10, 200 square foot office building, **approved**.

99-Z-174; 9445 Haver Way (south of site), Rezoning of 0.94 acre from C-3 to C-5 to provide for general commercial uses, including automobile sales and display, **approved**.

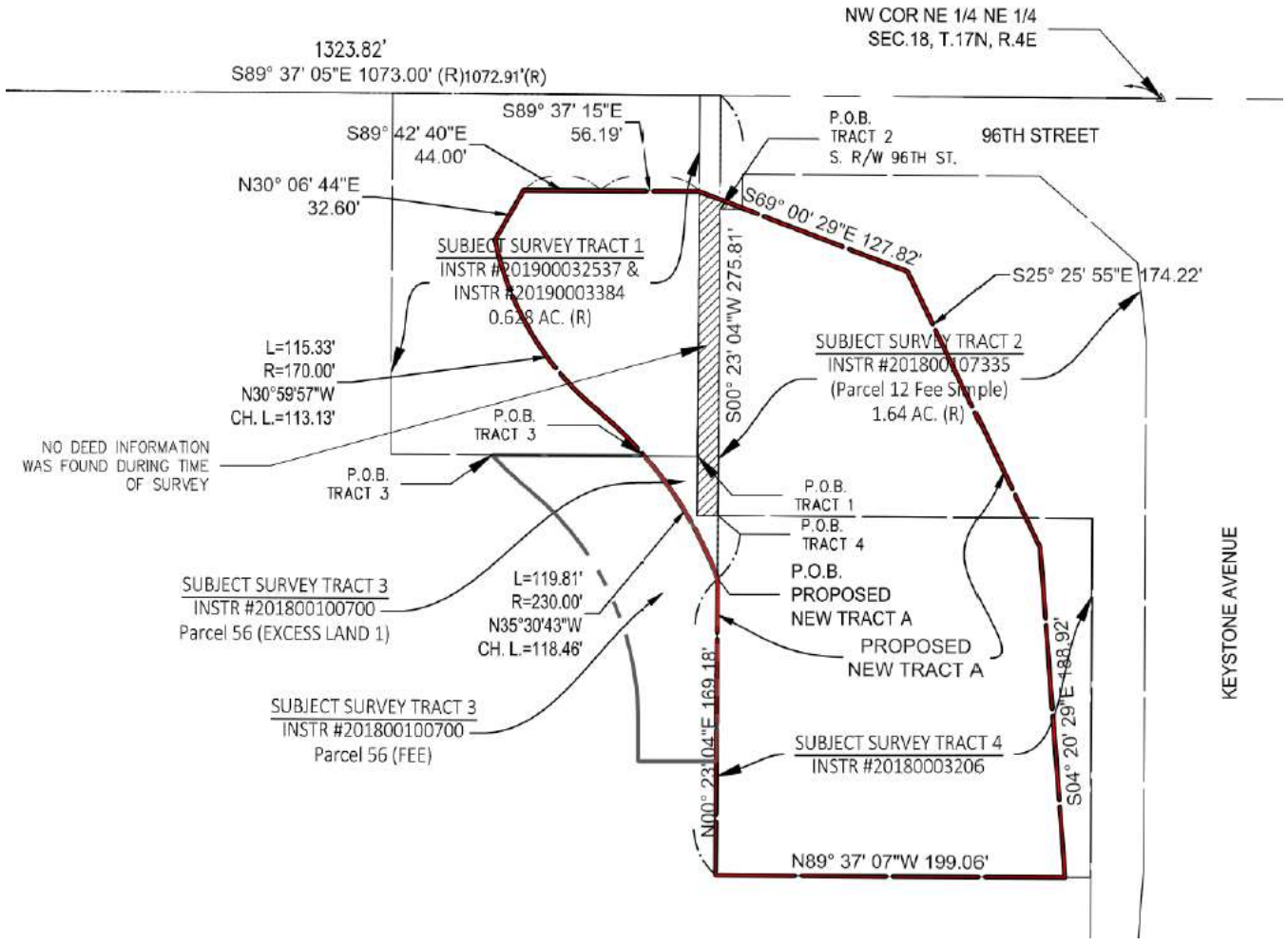
89-Z-117; 9410 Whitley Drive (southwest of site), Rezoning of 10.267 acres, being in the C-1 District, to the C-S classification, to provide for the construction of self-storage mini-warehouses, **approved**.

EXHIBITS

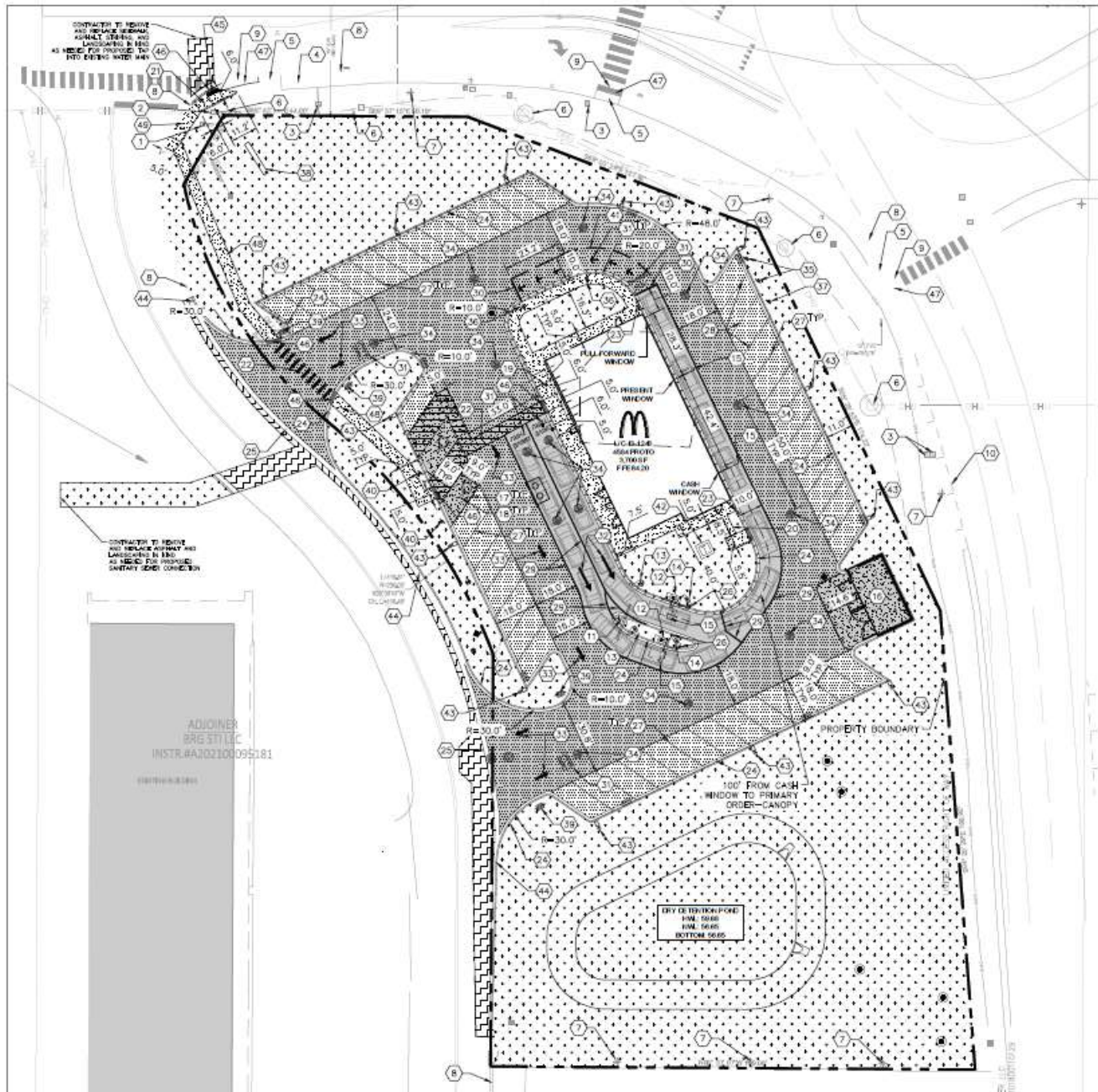




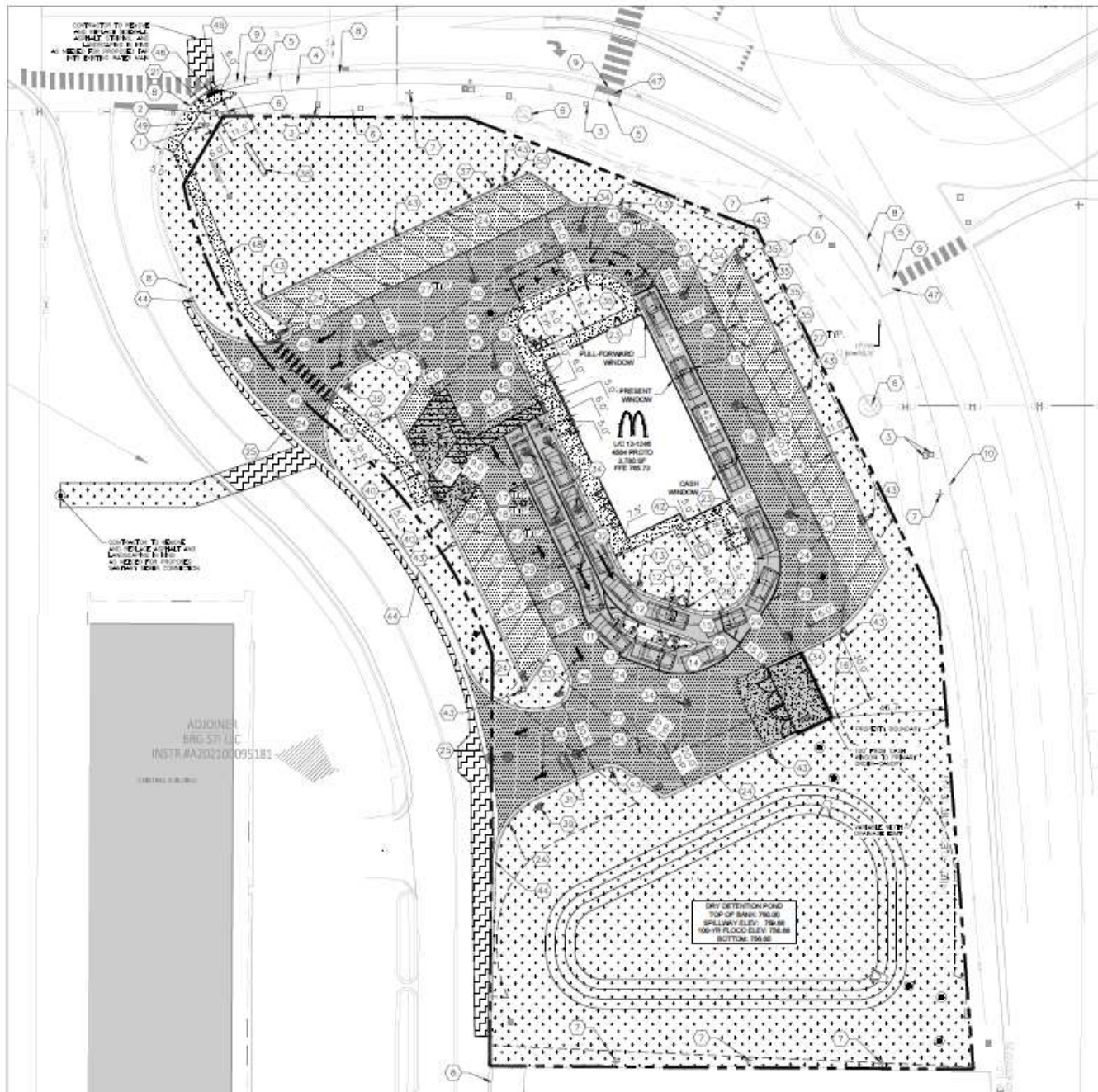
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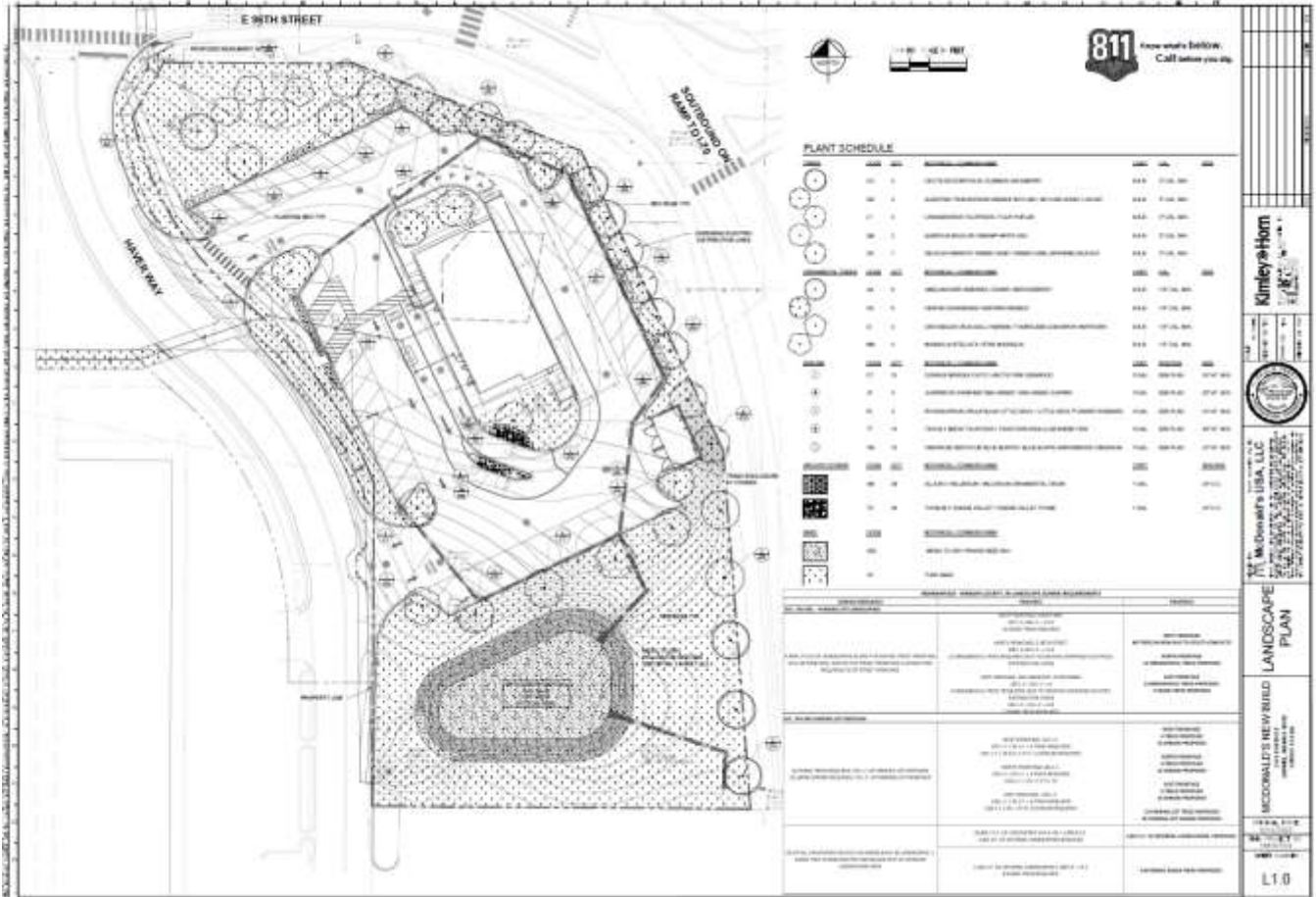


SITE PLAN



AMENDED SITE PLAN







FINDINGS OF FACT

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division [redacted]
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 presence of the service unit facing the southwest intersection of Keystone and 96th St., and the presence of stacking spaces facing this intersection and facing Haver Way, will not have a negative impact on the public since the site has been well-designed to mitigate any potential impacts:

- 1) There are no drive-through components on 96th St.; instead these are focused on Haver Way, the adjacent undeveloped lot, and the Keystone/96th St. interchange. Also, at this point Keystone is elevated and therefore there will not be a direct view from Keystone to the service unit.
- 2) The flow of drive-through and other traffic has been well-designed and will not have any negative impacts on traffic either on- or off-site.
- 3) The drive-through components are set back substantially from the adjacent traffic lanes and screened by landscape buffering.

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 site is surrounded by commercial uses of similar intensity as the proposed use, with zoning of C5 and CS (a strip mall), and a heavily-traveled four-lane divided arterial (Keystone Ave.) These uses will not be negatively impacted by the proposed use.

The site design helps to minimize any potential impacts to the extent possible as described above, by:

- the drive-through design/orientation,
- the well-designed traffic flow for drive-through and other traffic, and
- the setbacks and landscaping.

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

The site is valuable because of its location at the intersection of two Primary Arterials (Keystone and 96th) and a local street (Haver Way.) However this means it is surrounded by public right-of-way on three sides.

The space required for the the drive-through and its stacking spaces requires it to wrap around the building on three sides.

The site design helps to minimize any potential impacts to the extent possible as described above, particularly by avoiding any drive-through component facing 96th Street and and instead focusing it on Haver Way, the adjacent undeveloped lot, and the Keystone/96th interchange.



AMENDED FINDINGS OF FACT

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The requested variance will not have a negative impact on the public since the site has been well-designed to mitigate any potential impacts:

- 1) There are no drive-through components on 96th St.; they are focused on Haver Way, the adjacent undeveloped lot, and the Keystone/96th St. interchange, where Keystone is elevated and there will be no direct view.
- b) The flow of drive-through and other traffic has been well-designed and will not have any negative impacts on traffic either on- or off-site.
- c) The drive-through components are set back substantially from the adjacent traffic lanes and screened by landscape buffering.

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 site is surrounded by commercial uses of similar intensity as the proposed use, with zoning of C5 and CS (a strip mall), and a heavily-traveled four-lane divided arterial (Keystone Ave.) These uses will not be negatively impacted by the proposed use.

The site design helps to minimize any potential impacts to the extent possible, as described above, by:

- a) the drive-through design/orientation, b) the well-designed traffic flow for drive-through and other traffic; and c) the setbacks and landscaping.

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

The site is valuable because of its location at the intersection of two Primary Arterials (Keystone and 96th) and a local street (Haver Way.) However this means it is surrounded by public right-of-way on three sides.

The space required for the the drive-through and its stacking spaces requires it to wrap around the building on three sides.

The site design helps to minimize any potential impacts to the extent possible as described above, particularly by avoiding any drive-through component facing 96th Street and instead focusing it on Haver Way, the adjacent undeveloped lot, and the Keystone/96th interchange.



Photo of the subject site looking east northeast from Haver Way.



Photo of the subject site looking east from Haver Way.



Photo of the subject site looking southeast from across Haver Way.



Photo of the eastern property boundary and adjacent interstate ramp.



Photo of the northern property boundary looking south from 96th Street.



Photo of the northern property boundary looking southeast from 96th Street.



Photo of the interstate ramp east of the site.



Photo of the roundabout and interstate ramp entrance northeast of the site.



Photo of the commercial building south of the site.



Photo of the commercial shopping strip west of the site.



Photo of the commercial shopping strip west of the site.



Photo of the commercial property west of the site.



Photo of the auto dealership north of the site across 96th Street in Hamilton County.