



Metropolitan Development Commission Hearing Examiner (November 14, 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, November 14, 2024 **Time:** 1:00 PM

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

Business:

Special Requests

2024-APP-021 | 8111 South Emerson Avenue
Franklin Township, Council District #25

****Special request for thirteen-day waiver of the 23-day notification period for written notice**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-ZON-080 (2nd Amended) | 3720 East Washington Street
Center Township, Council District #18
Marybeth McShea

Rezoning of 0.14-acre from the C-1 (TOD) District to the D-8 (TOD) District to provide for a four unit, multi-family residential development.

****Staff request for continuance for cause to December 12, 2024**

2. 2024-ZON-100 (Amended) | 3550 Division Street
Perry Township, Council District # 22
KM International, Inc. by David Gilman

Rezoning of 5.09 acres from the D-4 district to the D-6 district to provide for residential development.

****Petitioner request for continuance for cause to December 12, 2024, with Notice**

3. 2024-ZON-101 (Amended) | 1820 South Arlington Ave (Amended)
Warren Township, Council District #20
Prime USA, Inc., by David Gilman

Rezoning of 22.02 acres from the D-A (FF) to the D-S (FF) district to provide for a single-family residential development.

****Petitioner request for continuance for cause to December 12, 2024**

4. 2024-ZON-118 | 7851 Sargent Road
Lawrence Township, Council District #4
John Franklin Roesner

Rezoning of 4.611 acres from the D-S (FF)(FW) district to the SU-7 (FF)(FW) district to provide for a community center and associated parking.

****Petitioner request for continuance for cause to December 12, 2024**

5. 2024-ZON-124 | 10026 East 21st Street

Warren Township, Council District #15
Mitthoeffer Properties, by David D. Wilson

Rezoning of 0.46 acres from the C-3 district to the C-5 district, to provide for retail uses.

****Automatic Continuance to December 12, 2024, filed by Registered Neighborhood Organization**

6. 2024-CVR-838 / 2024-CPL-838A / 2024-CPL-838B | 2451 – 2682 West 78th Street, 7649 – 7757 (odd) Diamond Street, 2822 – 2863 Emerald Street, 2801 – 2936 Moonstone Street, 2808 – 2863 Ruby Boulevard, and 7650 – 7740 (even) Walnut Drive

Pike Township, Council District #1
D-5

Apex Realty Group, by David A. Retherford

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. Construction of some dwelling units, depending on the home model, at three stories in height (maximum 2.5 stories in height permitted),
- b. Construction of some dwelling units, depending on the home model, with front loaded garages of up to 70% of the front façade (maximum 30% of the front façade, if within 12 feet of the front building line, or 45% of the front façade if behind 12 feet of the front building line permitted),
- c. 60% landscaped living material in the front yard (minimum 65% landscaped living material in the front yard required),
- d. Minimum main floor area of 550 square feet of livable space on the main floor of a dwelling over one story in height (minimum 660 square feet of livable space on the main floor of a dwelling over one story in height required).

Approval of a Subdivision Plat, to be known as Augusta Heights, Phase 2, dividing 12.28 acres into 83 lots.

Approval of a Subdivision Plat, to be known as Augusta Heights, Phase 3, dividing 3.88 acres into 32 lots.

****Staff request for continuance for cause to December 12, 2024, with Notice**

7. 2024-CZN-839 / 2024-CPL-839 | 7747 Mountain Stream Way

Warren Township, Council District #20
Moses Daly

Rezoning of 0.49-acre from the D-6II district to the D-5II district to provide for a single-family development.

Approval of a Subdivision Plat, to be known as Fisher Creek Condominiums, dividing 0.49-acre into three lots.

****Automatic Continuance to December 12, 2024, filed by Registered Neighborhood Organization**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

8. 2024-APP-020 | 8702 East 35th Street

Warren Township, Council District #9
PK-1

City of Indianapolis, Department of Parks, and Recreation, by Henry Woodburn

Park District One Approval to provide for a splash pad and equipment, rinse shower, and drainage improvements.

9. 2024-APP-021 | 8111 South Emerson Avenue

Franklin Township, Council District #25
HD-1

Sister of St. Francis Health Services, Inc., by Tyler Ochs

Hospital District-One Approval to provide for two temporary trailers during a construction project.

10. 2024-ZON-113 / 2024-VAR-012 (Amended) | 6511 Ferguson Street

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

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

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

11. 2024-ZON-121 | 3351 and 3357 Ruckle Street

Center Township, Council District #8
Katherine McNulty, by Matt McDonagh

Rezoning of 0.30-acre from the SU-1 district to the D-5 district to provide for residential development.

12. 2024-ZON-129 | 5102 Madison Avenue

Perry Township, Council District #23
Steve and Stacia Wicker

Rezoning of 0.42-acre from the C-1 (TOD) district to the D-3 (TOD) district to legalize an existing single-family dwelling.

13. 2024-CVR-837 (Amended) | 2163 and 2179 North Illinois Street

Center Township, Council District #12
Near North Development Corporation, by Audra Blasdel

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development, consisting of 20 dwelling units, with a six-foot corner side yard setback at the intersection of 22nd Street and Illinois Street (minimum eight-foot corner setback required), a four-foot rear yard setback (minimum 15-foot rear yard setback required), a three-foot side yard setback, (minimum five-foot side yard setback required), 800-square-foot Row House – Small Lot size (minimum 1,200 square feet required), livability space ratio of 0.16 (minimum livability space ratio of 0.66 required), and encroachment into the clear sight triangle (not permitted).

14. 2024-CAP-840 / 2024-CVR-840 | 2001 West 86th Street

Washington Township, Council District #1
St. Vincent Hospital and Health, by Kandyn Leach

Hospital District One Approval to provide for wayfinding signage for the Women's and Infants medical facility.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a pole sign, within the clear-sight triangle and a five-foot front yard setback (pole sign not permitted, not permitted within the clear-sight triangle, and a minimum 10-foot front setback required), and two building signs facing an interior private street (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

15. 2024-ZON-050 | 3739 North Kitley Avenue

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

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

16. 2024-ZON-087 (Amended) | 8201 and 8461 Rawles Avenue, 1402 and 1538 South Post Road, and 1215 South Franklin Road

Warren Township, Council District # 20
Scannell Properties, LLC by Misha Rabinowitch

Rezoning of 138.56 acres from the I-3, SU-46 and D-A districts to the I-2 district to allow for an industrial park development.

17. 2024-ZON-093 / 2024-VAR-011 (Amended) | 4410 Allisonville Road

Washington Township, Council District #8
EZ-Stor LLC, by David Kingen & Emily Duncan

Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine parking spaces (minimum 30 parking spaces required).

18. 2024-ZON-096 / 2024-VAR-013 (Amended) | 6158 West 10th Street

Wayne Township, Council District #16
Homes in Motion, LLC, by John Cross

Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence (maximum 3.5 feet height required) and outdoor storage and operations (not permitted).

19. 2024-ZON-097 | 6402 West Southport Road and 7300 South Mooresville Road

Decatur Township, Council District #21
Goose Creek Farms, LLC, by Domonic Dreyer

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

20. 2024-ZON-099 / 2024-VAR-014 (Amended) | 8450 Payne Road and 4025 West 86th Street

Pike Township, Council District #1
Rocky Mountain Energy Holdings, LLC, by Joseph D. Calderon

Rezoning of 33.43 acres from the C-S (FF)(FW), I-2 (FF)(FW), and C-1 (FF)(FW) districts to the C-1 (FF)(FW) district to provide for a battery storage facility.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a barbed wire fence (not permitted), a chain link fence in the front yard (not permitted), an eight-foot fence in the front yard (maximum 3.5 feet height permitted), and an eight-foot fence in the side and rear yards (maximum six-foot fence height permitted).

21. 2024-ZON-112 | 5201 West Raymond Street

Wayne Township, Council District #17
Speedy Way Inc., by David Gilman

Rezoning of 1.53 acres from the SU-9 and D-4 districts to the MU-2 district to provide for multi-family residential and commercial uses.

PETITIONS FOR PUBLIC HEARING (New Petitions):

22. 2024-MOD-018 | 2345 Enterprise Park Place

Center Township, Council District #8
C-S
JVS Transport, LLC, by David Gilman

Modification of Commitments, related to 2003-ZON-840, to modify Commitment Number Two (Attachment "B") Numbers Three and Five, to provide for the outdoor storage and display of heavy equipment on Lots Five, Six, and Seven (current commitment prohibits outdoor storage and display of heavy equipment).

23. 2024-ZON-127 | 6018 North Keystone Avenue

Washington Township, Council District #7
Evolution Process Service, LLC, by Rebekah Phillips

Rezoning of 0.219-acre from the D-3 district to the C-1 district, to provide for office uses.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. 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 **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-080 (2nd Amended)
Property Address: 3720 East Washington Street
Location: Center Township, Council District #18
Petitioner: Marybeth McShea
Current Zoning: C-1 (TOD)
Request: Rezoning of 0.14 acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for a four-unit multi-family residential development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged a timely automatic continuance request filed by the petitioner’s representative that continued this petition from the August 15, 2024 hearing, to the September 12, 2024 hearing.

The Hearing Examiner continued this petition, at staff’s request, from the September 12, 2024 hearing, to the October 10, 2024 hearing, and to the November 14, 2024 hearing, for additional time for continued discussions with the petitioner’s representative.

Staff is requesting a **continuance from the November 14, 2024 hearing, to the December 12, 2024 hearing**, to provide additional time for review of recently submitted documents.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-100 (Amended)

Property Address: 3550 Division Street

Location: Perry Township, Council District # 22

Petitioner: KM International, Inc. by David Gilman

Request: Rezoning of 5.09 acres from the D-4 district to the D-6 district to provide for residential development

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged a timely automatic continuance filed by a registered neighborhood organization that continued this petition from the September 12, 2024 hearing, to the October 10, 2024 hearing.

The Hearing Examiner acknowledged a timely automatic continuance filed by the petitioner’s representative that continued this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing.

Because the petition has been amended it will need to be **continued, with notice, from the November 14, 2024 hearing, to the December 12, 2024 hearing.**



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-101 (Amended)
Property Address: 1820 South Arlington Avenue
Location: Warren Township, Council District # 20
Petitioner: Prime USA, Inc. by David Gilman
Request: Rezoning of 22.02 acres from the D-A (FF) district to the D-S (FF) district to provide for single-family residential development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged a timely automatic continuance request filed by a registered neighborhood organization that continued this petition from the September 12, 2024 hearing, to the October 10, 2024 hearing.

The Hearing Examiner acknowledged a timely automatic continuance request filed by the petitioner’s representative that continued this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing.

Because the petition has been amended it will need to be **continued, with notice, from the November 14, 2024 hearing, to the December 12, 2024 hearing.**



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-118
Property Address: 7851 Sargent Road (Approximate Address)
Location: Lawrence Township, Council District #4
Petitioner: John Franklin Roesner
Current Zoning: D-S
Request: Rezoning of 4.611 acres from the D-S district to the SU-7 district to provide for a community center and associated parking.
Current Land Use: Residential (Single-family dwelling)
Staff Recommendations: To be determined.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

The petitioner is requesting a **continuance for cause from the November 14, 2024 hearing to the December 12, 2024** hearing to allow additional time for staff to consider commitments submitted on November 11, 2024.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the December 12, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-124
Property Address: 10026 East 21st Street
Location: Warren Township, Council District #15
Petitioner: Mitthoefer Properties, by David D. Wilson
Request: Rezoning of 0.46 acre from the D-4 and C-3 districts to the C-5 district to provide for retail uses.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization that would continue these petitions from the November 14, 2024 hearing, to the December 12, 2024 hearing. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **November 4, 2024**
HEARING EXAMINER

Case Number: 2024-CVR-838 / 2024-CPL-838A / 2024-CPL-838B

Property Address: 2451 – 2682 West 78th Street, 7649 – 7757 (odd) Diamond Street, 2822 – 2863 Emerald Street, 2801 – 2936 Moonstone Street, 2808 – 2863 Ruby Boulevard, and 7650 – 7740 (even) Walnut Drive (approximate addresses)

Location: Pike Township, Council District #1

Petitioner: Apex Realty Group, by David A. Retherford

Current Zoning: D-5

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. Construction of some dwelling units, depending on the home model, at three stories in height (maximum 2.5 stories in height permitted)
- b. Construction of some dwelling units, depending on the home model, with front loaded garages of up to 70% of the front façade (maximum 30% of the front façade, if within 12 feet of the front building line, or 45% of the front façade if behind 12 feet of the front building line permitted),
- c. 60% landscaped living material in the front yard (minimum 65% landscaped living material in the front yard required),
- d. Minimum main floor area of 550 square feet of livable space on the main floor of a dwelling over one story in height (minimum 660 square feet of livable space on the main floor of a dwelling over one story in height required).

Approval of a Subdivision Plat, to be known as Augusta Heights, Phase 2, dividing 12.28 acres into 83 lots.

Approval of a Subdivision Plat, to be known as Augusta Heights, Phase 3, dividing 3.88 acres into 32 lots.

Current Land Use: Undeveloped

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner



PETITION HISTORY

Staff is requesting a **continuance for cause from the November 14, 2024 hearing to the December 12, 2024 hearing** to allow the petitioner additional time to amend the request with the addition of a few variances and another address. This will require new notice to be sent.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the December 12, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-839 / 2024-CPL-839

Property Address: 7747 Mountain Stream Way

Location: Warren Township, Council District # 20

Petitioner: Moses Daley

Request: Rezoning of 0.49 acre from the D-6II district to the D-5II district to provide for a single-family development.
Approval of a subdivision Plat, to be known as Fisher Creek Condominiums, dividing 0.49 acre into three lots.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization that would continue these petitions from the November 14, 2024 hearing, to the December 12, 2024 hearing. This would require acknowledgement from the Hearing Examiner.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER** **November 14, 2024**

Case Number: 2024-APP-020

Property Address: 8702 East 35th Street (approximate address)

Location: Warren Township, Council District #9

Petitioner: City of Indianapolis, Department of Parks, and Recreation, by Henry Woodburn

Current Zoning: PK-1

Request: Park District One Approval to provide for a splash pad and equipment, rinse shower, and drainage improvements.

Current Land Use: Park

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The subject site is developed with a park located in the Far Eastside neighborhood and is surrounded by single-family dwellings.

PARK DISTRICT ONE APPROVAL

The site is zoned PK-1 and would allow for the redevelopment of the park to provide for provide for a splash pad and equipment, rinse shower, and drainage improvements. Existing improvements include a shelter, restrooms and playground equipment. 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.



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

Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan,
- b. Create and maintain a desirable, efficient, and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses,
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities,
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads,
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

STAFF ANALYSIS

The proposed updates to the park with splash pad and equipment, rinse shower, and drainage improvements would align with the park recommendation of the Comprehensive Plan and would be compatible within the residential neighborhood.

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

GENERAL INFORMATION

Existing Zoning	PK-1	
Existing Land Use	Park	
Comprehensive Plan	Park	
Surrounding Context	Zoning	Land Use
North:	D-4 / SU-2	Residential (Single-family dwellings) / School



Department of Metropolitan Development
 Division of Planning
 Current Planning

South:	I-2	Industrial Businesses
East:	D-4	Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		
35 th Street	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 2, 2024	
Site Plan (Amended)	N/A	
Elevations	October 2, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	October 2, 2024	
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 the site for park use as a legacy recommendation.

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



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

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

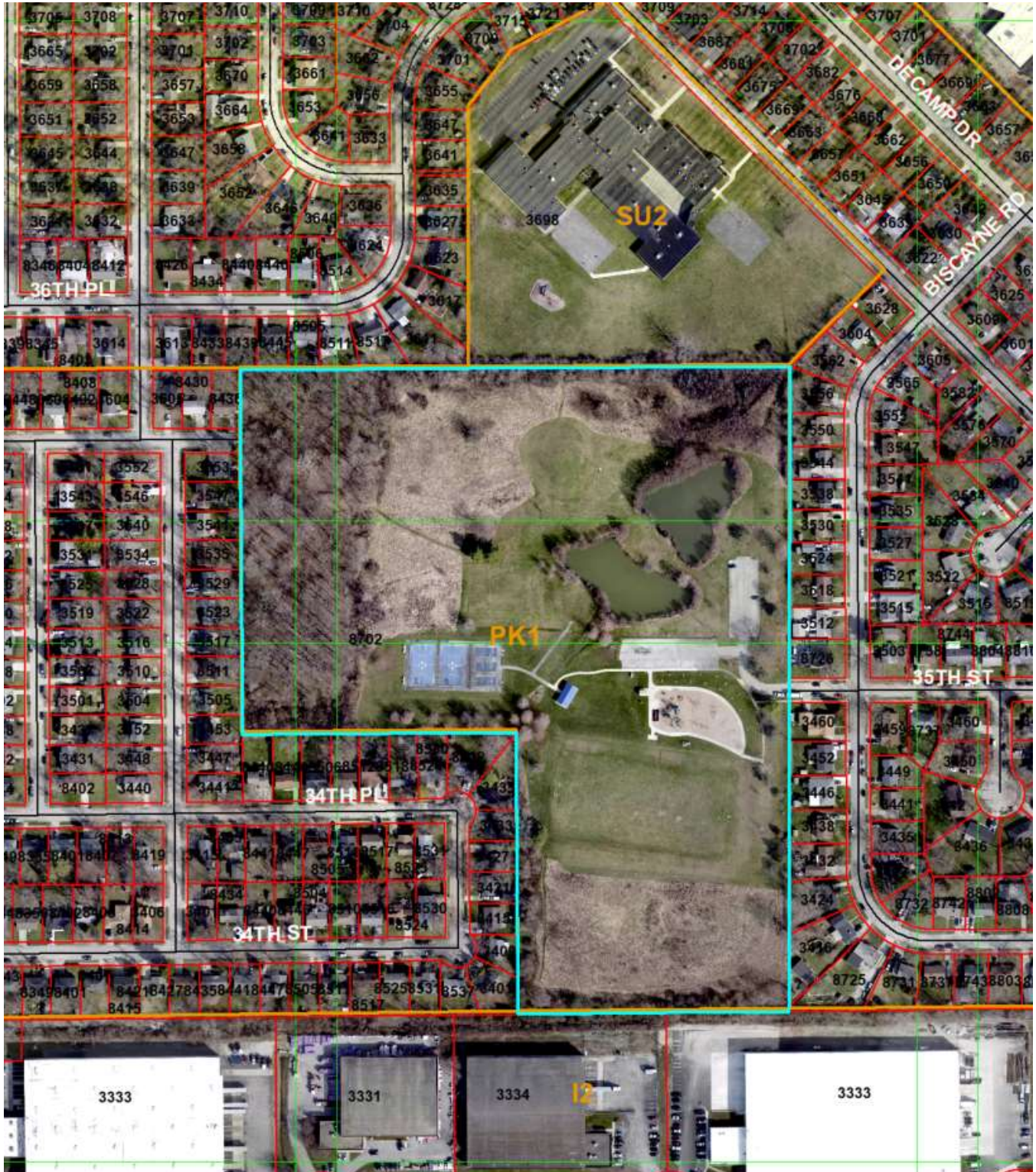


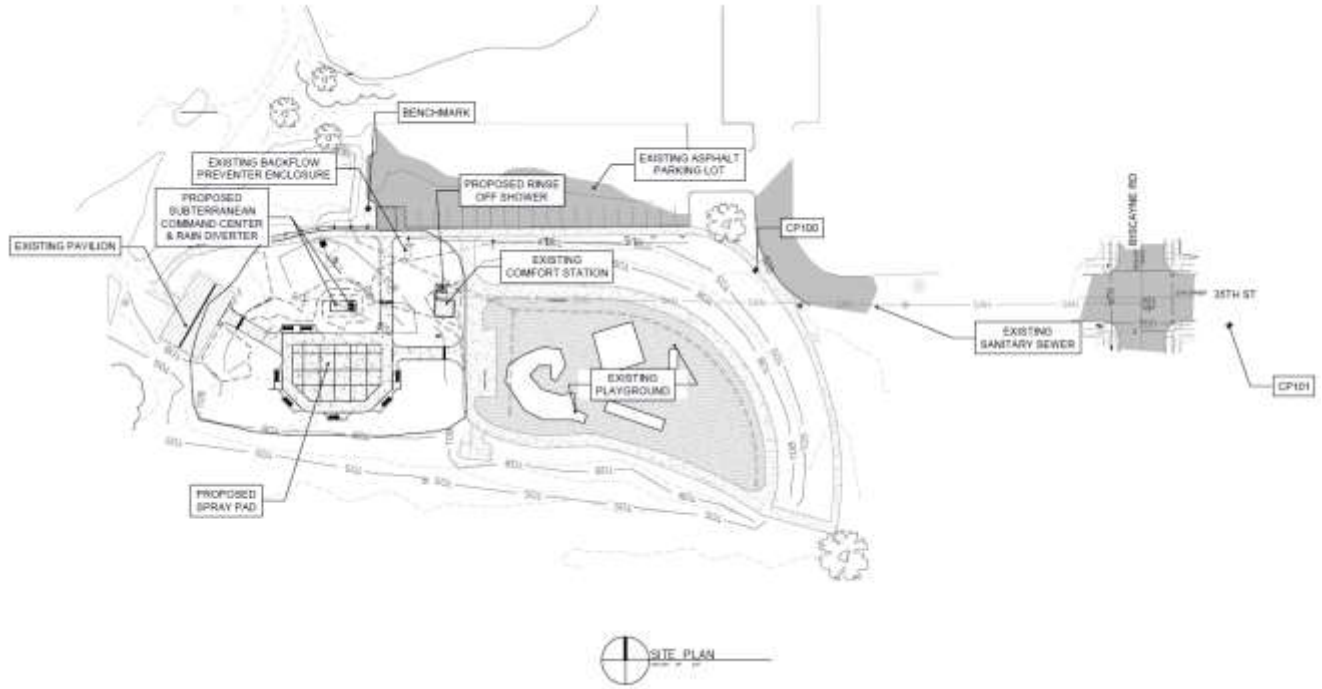
ZONING HISTORY

Zoning History - Site

85-AP-90; 8702 East 35th Street (subject site), Park District One Approval to provide for an access road and parking lot, **approved.**

EXHIBITS







Dubarry Park, Indianapolis, IN
Version C - 4/2022
Colors approved as shown.





Petition Number _____

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

FINDINGS OF FACT

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

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

The Land Use Plan identifies that the parcel is a Park, zoned PK1, surrounded by zones D4, I2, D5, and SU2. Per the Consolidated Zoning/Subdivision Ordinance, parks or playgrounds are permitted uses in all zoning districts. The site development plan improves the condition of the park through the development of a new splash pad adjacent to the existing playground as well as drainage improvements and an exterior rinse shower to be attached to the existing comfort station. Sidewalks are also planned to connect the splash pad to existing park features.

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 the construction of a new splash pad with sidewalks to connect to existing features within the park. Additional improvements will be made to the drainage within the park.

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

Existing paths and parking spaces are available within the park, and new sidewalks are proposed to connect the splash pad to the existing features.

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

Existing controls are already included in and adjacent to the existing park, and new sidewalks and benches will be added to connect the proposed splash pad to existing park features.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

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

The property is currently within a suburban neighborhood park that includes a playground and green space.
The proposed splash pad enhances existing park features and adds connectivity and functions complimentary to its continued use as a park.

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 paths are already included in the existing park; and new sidewalks and benches will be added to connect the proposed splash pad to existing park features.

DECISION

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

Adopted this _____ day of _____, 20____

Commission President/ Secretary



Photo of the exiting park looking southwest.



Photo of the existing park and parking looking west.



Photo of the existing playground equipment looking south.



Photo of the existing playground equipment and restrooms looking south.



Photo of the proposed location of the proposed splash pad looking south.



Photo of the proposed location of the proposed splash pad looking east.



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



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**

Case Number: 2024-APP-021

Property Address: 8111 South Emerson Avenue

Location: Franklin Township, Council District 25

Petitioner: Sister of St Francis Health Services, Inc., by Tyler Ochs

Current Zoning: HD-1

Request: Hospital District One Approval to provide for two temporary trailers during a construction project.

Current Land Use: Hospital Campus

Staff Recommendations: Approval

Staff Reviewer: Eddie Honea, Interim Current Planning Administrator

PETITION HISTORY

The November 14, 2024, hearing is the initial hearing of this land use filing.

STAFF RECOMMENDATION

Staff recommends approval of the request.

PETITION OVERVIEW

- This 106.35-acre property is zoned HD-1 and is improved with a Hospital Campus. Various commercial and institutional uses are located to the north, across Stop 11 Road, within the HD-2, SU-1, C-1, CS and C-3 Districts. West of the subject site are primarily single-family dwellings, within the D-4 District, with commercial within the C-3 District. Multi-family and single-family dwellings, within the HD-2 and D-4 Districts are located to the south. I-65 abuts the sites eastern lot line.
- The request would allow for the temporary location of two construction trailers, as well as associated temporary walkway enclosures and utility structures. The general area of these temporary improvements is indicated as a green dot on the zoning map in the Exhibits section of this report.
- New structures that exceed 2,500 square feet within the Development Plan Districts are required to obtain approval by the Metropolitan Development Commission. This approval is intended to ensure that institutional growth is done in a manner compatible with its immediate context and that the Comprehensive Plan, and any specific recommendation therein, are reinforced.



Department of Metropolitan Development
 Division of Planning
 Current Planning

- Given the temporary nature of the proposed structure, along with their inability to be seen from the two frontage streets, Staff does not have concerns and recommends approval of this request.

GENERAL INFORMATION

Existing Zoning	HD-1	
Existing Land Use	Hospital Campus	
Comprehensive Plan	Special Use	
Surrounding Context	Zoning	Land Use
North:	SU-1 / HD-2	Institutional
South:	HD-2 / D-4	Residential
East:	I-65	Highway
West:	D-4 / C-3	Residential & Commercial
Thoroughfare Plan		
Emerson Avenue	Primary Arterial	119-foot existing and proposed right-of-way
Stop 11 Road	Secondary Arterial	140-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 15, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	October 15, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- I-65 / County Line Road Strategic Plan

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

- [I-65 / County Line Road Strategic Plan]

Infill Housing Guidelines

- [Not Applicable to the Site.]

Indy Moves

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

- [Not Applicable to the Site.]

ZONING HISTORY

[None.]



Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBITS

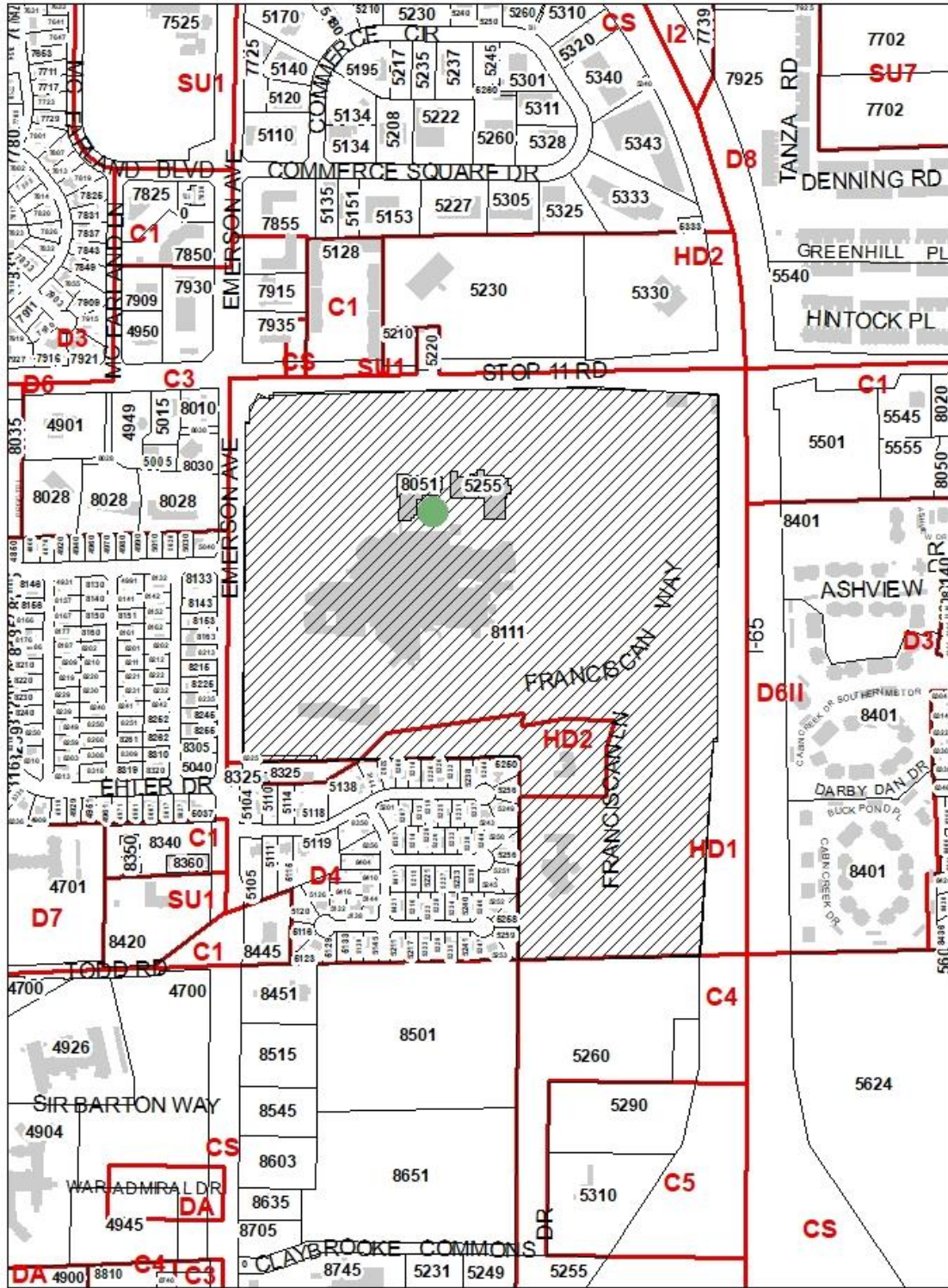




Photo One: Emerson Avenue, Facing South



Photo Two: Facing West, Across Emerson Avenue



Photo Three: Emerson Avenue, Facing North



Photo Four: Hospital Campus, From Emerson Avenue Frontage



Photo Five: Area of proposed trailer location, as seen from the West. Would be located behind one-story walking path connector in background



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-113 / 2024-VAR-012 (Amended)

Property Address: 6511 Ferguson Street (approximate address)

Location: Washington Township, Council District #7

Petitioner: Lone Wolf Properties, LLC, by Misha Rabinowitch

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

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

Current Land Use: Commercial

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the October 24, 2024 hearing to the November 14, 2024 hearing at the request of staff to amend the petition to include a Variance of Use with new notice to be sent.

STAFF RECOMMENDATION

Staff **recommends approval** of the requests.

PETITION OVERVIEW

Land Use

The 0.18-acre subject site is in the Broad Ripple Neighborhood and falls within the Light’s Broad Ripple Subdivision. It is developed with a residential building that has historically be used for commercial uses through use variances.

The site is bordered to the south with a multi-tenant commercial building, zoned C-3, to the east with a music instruction business, zoned D-4, to the north with hair salon, zoned D-4, and to the west with a hair salon, zoned D-4.



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

Rezoning

The grant of the request would rezone the site from the D-4 district to the C-3 district to allow for commercial uses on site.

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

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.

Variance of Use

The grant of the variance would allow for a 751-square foot dwelling unit in the C-3 district, which is not permitted.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-3 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.



Staff Analysis

The primary use of the site would be an art studio with a secondary use of a rental dwelling unit on the second floor.

The business operation would consist of art classes for children and adults, sale of art supplies, an art gallery, and the rental of the space for team building experiences led by professional artists or for private and public events which would be permitted as an accessory use. The sale of beer and wine would take place during adult painting classes or other events on site.

The site is in an area of Broad Ripple that generally consists of single-family dwellings that have been converted to low intense commercial uses through rezonings or use variances. The surrounding properties would be minimally impacted by this rezoning request.

As proposed, the request to the C-3 district would be consistent with the Broad Ripple Village Plan Envision Broad Ripple (2012) for village mixed-use because it would promote two separate uses on site that would be in the existing residential building.

For these reasons, staff is supportive of the requests.

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-4 Hair Salon
	South:	C-3 Multi-tenant Commercial Building
	East:	D-4 Music Instruction Business
	West:	D-4 Hair Salon
Thoroughfare Plan		
Ferguson Street	Local Street	48-foot proposed right-of-way and 44-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	September 5, 2024	
Site Plan (Amended)	N/A	
Elevations	September 5, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 13, 2024	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Broad Ripple Village Plan Envision Broad Ripple (2012)
- Red Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Broad Ripple Village Plan Envision Broad Ripple (2012) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- This site is also located within the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay “is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.”
- This site is located within a ¼ mile walk shed (approximately 700 feet) of the transit station located at the intersection of College Avenue and North 66th Street and is designated with a Walkable Neighborhood typology with the following characteristics:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of three stories throughout
 - No front or side setbacks at core; 0-15 feet front setbacks and 0-20 feet side setbacks at periphery
 - Mix of multi-family and single-family housing



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

- Structured parking at the core and attractive surface parking at the periphery

Neighborhood / Area Specific Plan

- Broad Ripple Village Plan Envision Broad Ripple (2012) recommends that the site be developed for village mixed use.
- This land use category consists of a development focused on a mixed-use core of small, neighborhood office/retail nodes, public and semipublic uses, open space and light industrial development. Residential development densities vary from compact single-family residential development and small-scale multi-family residential development near the “Main Street” or “Village Center” and progress to lower densities outward from this core. Village mixed use areas are intended to strengthen existing, historically rural, small towns and cities within Indianapolis, which are intended to continue as neighborhood gathering places and should allow a wide range of small businesses, housing types, and public and semi-public facilities. This category should be compatible in size and scale to existing villages in Marion County. It will allow development of residential and limited commercial uses on smaller lots than in other sections of rural and suburban Indianapolis.
- Potential development in these areas should focus on design issues related to architecture, building size, parking, landscaping and lighting to promote a pedestrian-oriented “village” or “small town” atmosphere, rather than focusing on residential density. Strip commercial development (integrated centers setback from rights-of-way by parking areas), large-scale freestanding retail uses, and heavy industrial development are generally inappropriate within this land use category. The Plan anticipates that this category will typically be designated as a critical area.
- The site falls within Critical Area 2 of the Plan for the Broad Ripple Village. Broad Ripple originally developed as a distinct village. Over the years, the City of Indianapolis grew out to envelop it. To maintain Broad Ripple’s identity as a distinct place it has been designated as Urban Mixed-Use and Village Mixed-Use. To retain and enhance the village character of Broad Ripple and to promote its evolution into a self-sustaining pedestrian-oriented village it is critical to increase the population density, promote mixed-use development and enhance vitality of the streetscape.
- The site would have the North Village Local Corridor frontage typology that would allow retail, personal services, restaurant, tavern, offices, and residential uses. These are envisioned to have a minimum of 20 feet and a maximum of 40 feet or four stories, whichever is the lesser.

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-VAC-033; 6511 North Ferguson Street (subject site), Vacation of the first alley west of Cornell Avenue from north right-of-way line of 65th Street to a point 175.5 ft. north, **approved**.

91-UV3-75; 6511 North Ferguson Street (subject site), Variance of use of the Dwelling District Zoning Ordinance to permit the operation of a beauty shop within an existing building and a variance for a four-foot ground sign, **granted**.

87-UV2-71; 6511 North Ferguson Street (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and the Sign Regulations to provide for the use of an existing building for retail sales of needlepoint materials and services with a sign located in the front yard, **granted**.

84-UV3-104; 6511 North Ferguson Street (subject site), Variance of use and development standards to permit an office, with off-street parking and a sign, **granted**.

78-UV3-57; 6511 North Ferguson Street (subject site), Variance of use and development standards to permit a yarn shop, with off-street parking and a sign, **granted**.

77-UV3-36; 6511 North Ferguson Street (subject site), Variance of use and development standards to permit a real estate office, with off-street parking and a sign, **granted**.

70-UV1-170; 6511 North Ferguson Street (subject site), Variance of use and development standards to permit the conversion of a residence to a gift shop, with off-street parking and a sign, **granted**.

Zoning History – Vicinity

2022-ZON-104; 6520 Ferguson Street (northwest of site), Rezoning of 0.18 acre from the D-4 (FF) (TOD) district to the C-1 (FF) (TOD) district to provide for office uses, **approved**.

2017-CZN-841 / 2017-CVR-841; 6520 Cornell Avenue (northeast of site), Rezoning of 0.18 acre from the D-4 (FF) district to the C-3 (FF) classification and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 35-foot tall commercial structure (maximum 18-foot height along a transitional yard), with a five-foot north transitional yard and parking with a zero-foot south transitional yard, a three-foot west transitional yard and a one-foot north transitional yard (10-foot transitional yard and eight feet along alley required), a trash enclosure with a one-foot transitional yard (10-foot transitional yard required), and to provide for seven substandard parking spaces (eight parking spaces required, nine by 20-foot spaces and 23-foot aisle required), **approved and granted**.

2013-UV2-011; 6516 Ferguson Street (northwest of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for: a massage therapy in the eastern portion of the proposed building (not permitted, previously approved for a gift and antique



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

shop, interior decorator and psychologist office (74-UV1-74A, 74-UV1-131, 80-UV2-51)), to convert the detached garage to an attached garage, with a five-foot rear setback (20-foot rear setback required) for use as a commercial café serving food and non-alcoholic beverages (not permitted), to add two outdoor freezer and refrigeration units (not permitted), with a zero-foot north side setback (minimum five-foot side setback required), to provide for outdoor seating south of and west of the converted garage, with a zero-foot setback from the west property line (not permitted, 20-foot rear yard required), to provide for window signs, and to provide for a four-foot tall, 18-square foot freestanding sign with a four-foot front setback (second revised), and with a parking area with a zero-foot south side setback (minimum five-foot side setback and 13-foot aggregate setback required). **granted.**

2004-UV3-044; 6515 Ferguson Street (north of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a beauty salon (not permitted), **granted.**

2003-UV3-025; 6515 North Ferguson Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a variety and crafts store, **granted.**

99-UV3-72; 6512 North Ferguson Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a 4-seat hair salon (not permitted), with off-street parking, **granted.**

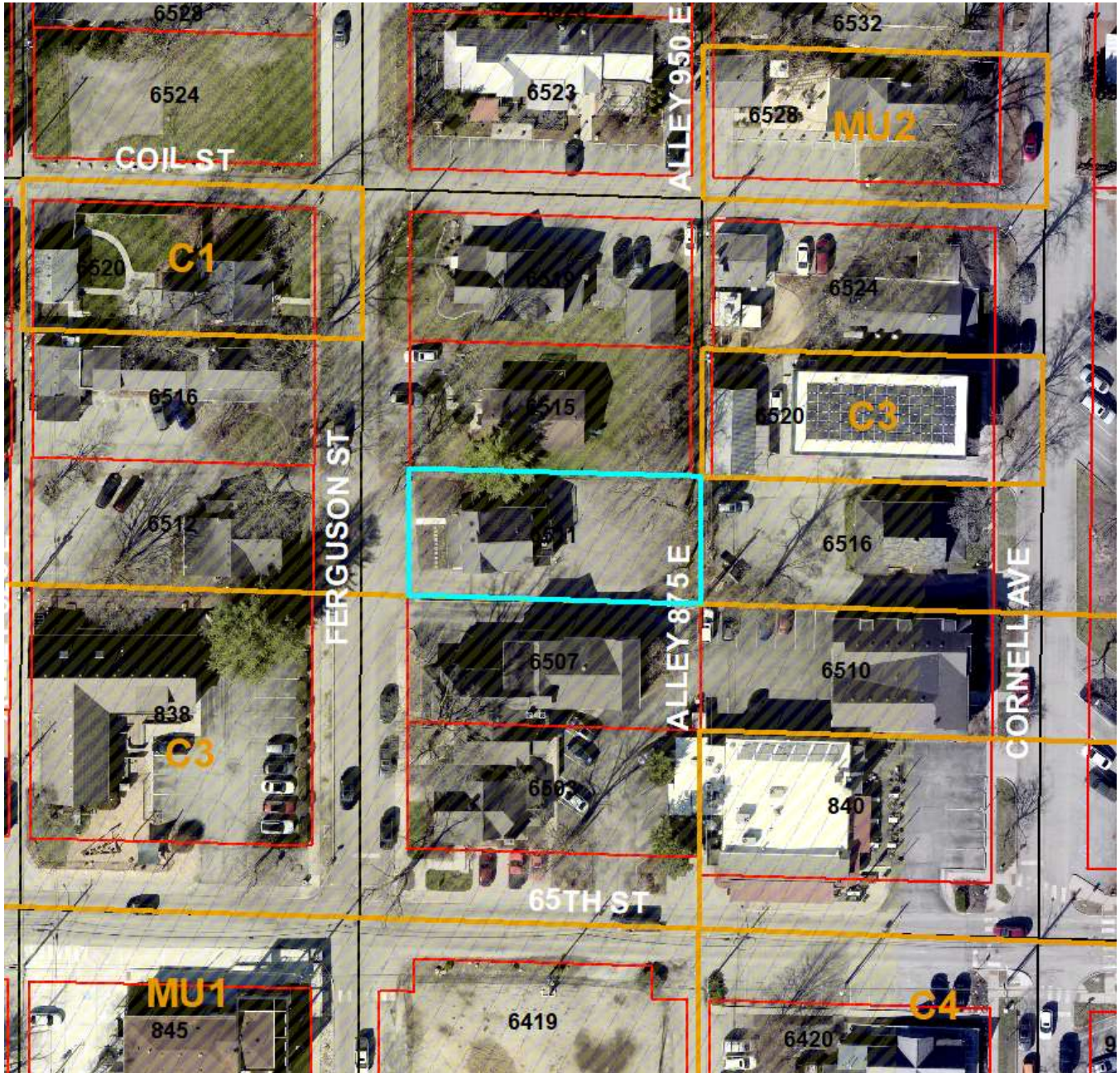
91-UV3-59; 840 East 65th Street (southeast of site), Variance of use and development standards of the Commercial Zoning Ordinance to permit a seasonal sidewalk café within the right-of-way of 65th Street with a total of 12 parking spaces located on site (43 spaced required) and 54 parking spaces provided off site, **granted.**

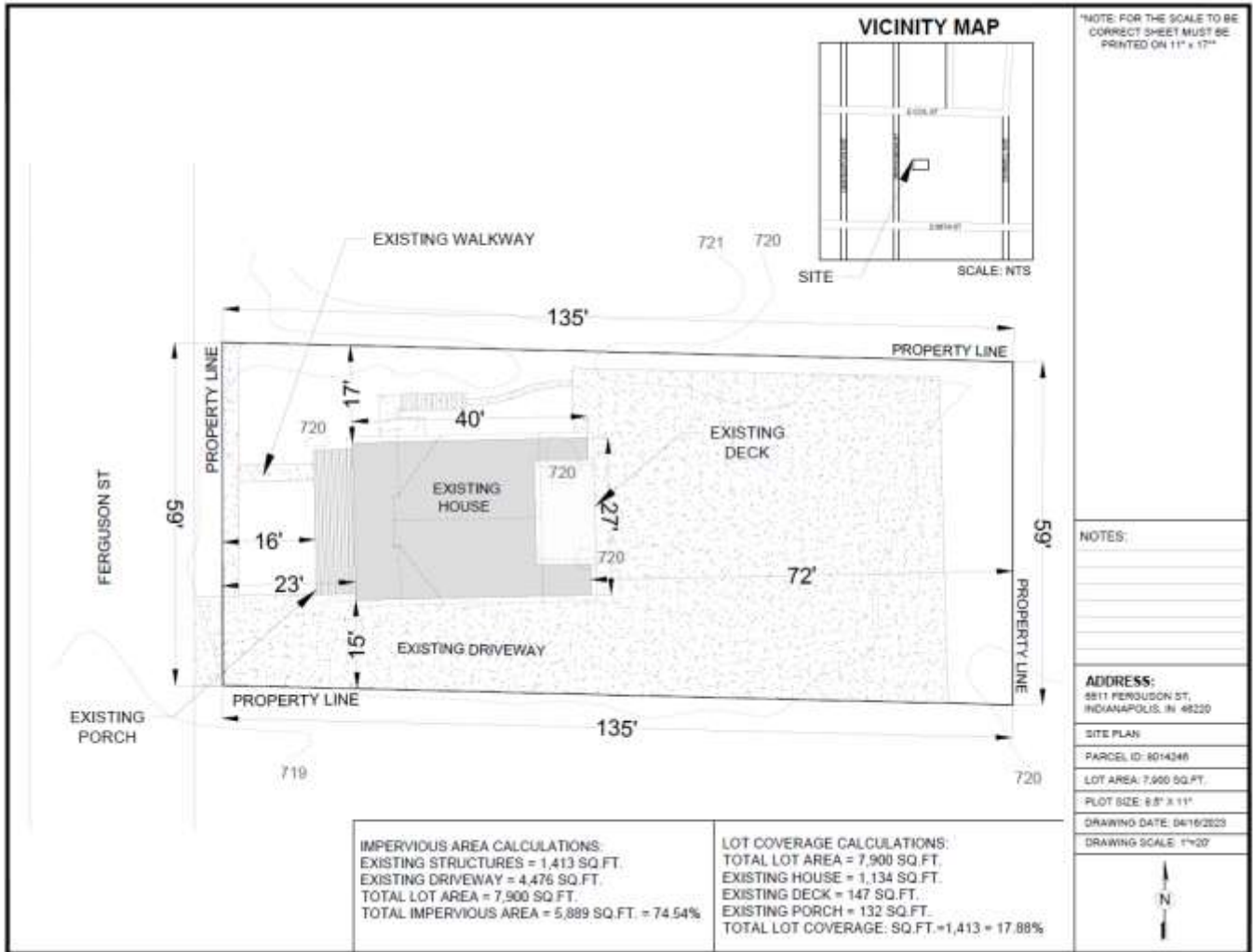
90-UV2-107; 6515 North Ferguson Street (north of site), Variance of use and development standards of the Flood Control Ordinance and Dwelling District Zoning Ordinance to permit the construction of a single-family residence with a lot width of 59 feet (60 feet required) without providing all weather access to a public street at or above one hundred year flood elevation, **granted.**

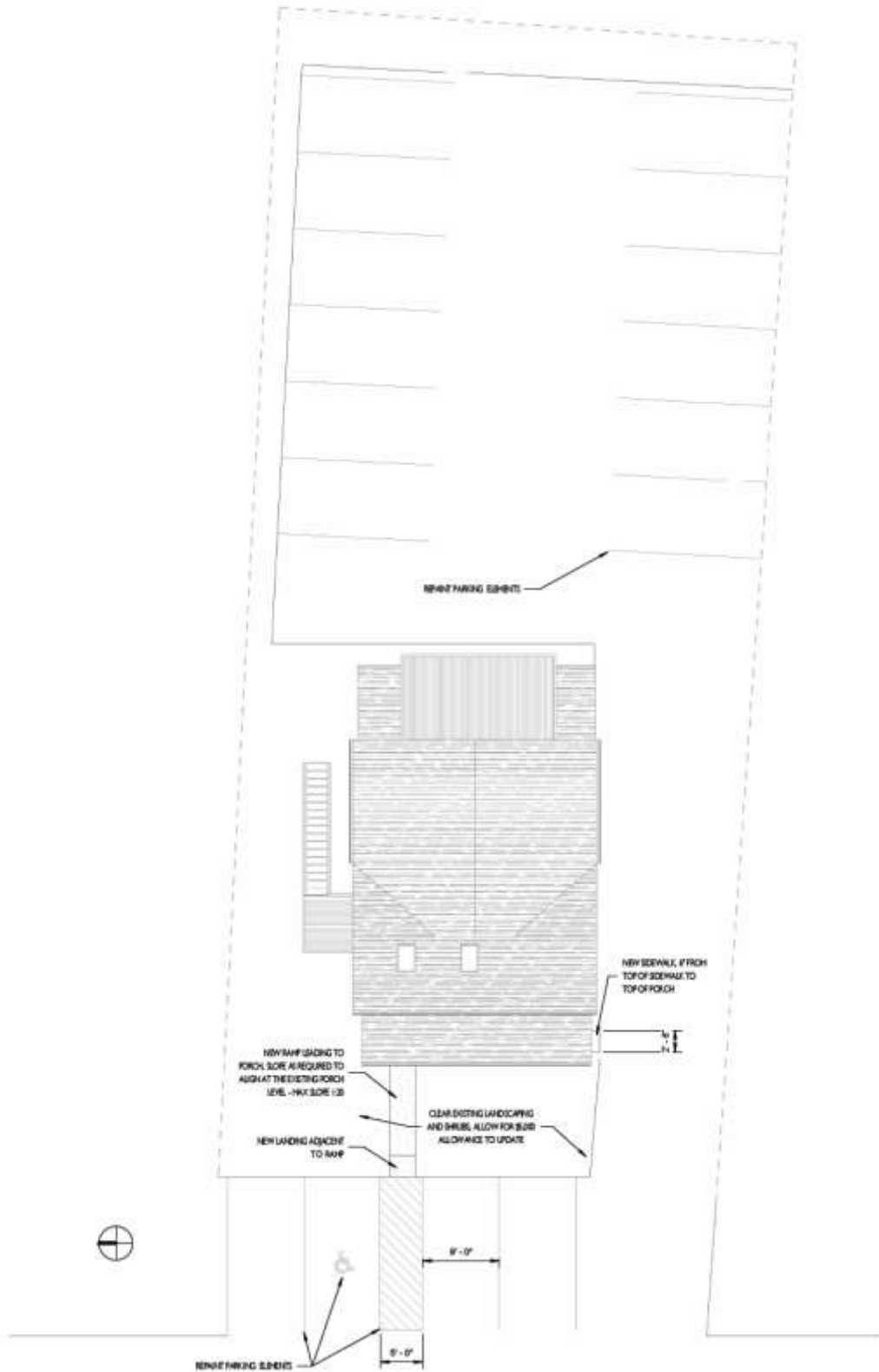
89-Z-228/CV-39; 840 East 65th Street (southeast of site), Rezoning of 0.17 acre to the C-S District, and companion variance for setback and required off-street parking, to allow the reuse of a vacant commercial structure as a micro-brewery and restaurant, **approved and granted.**

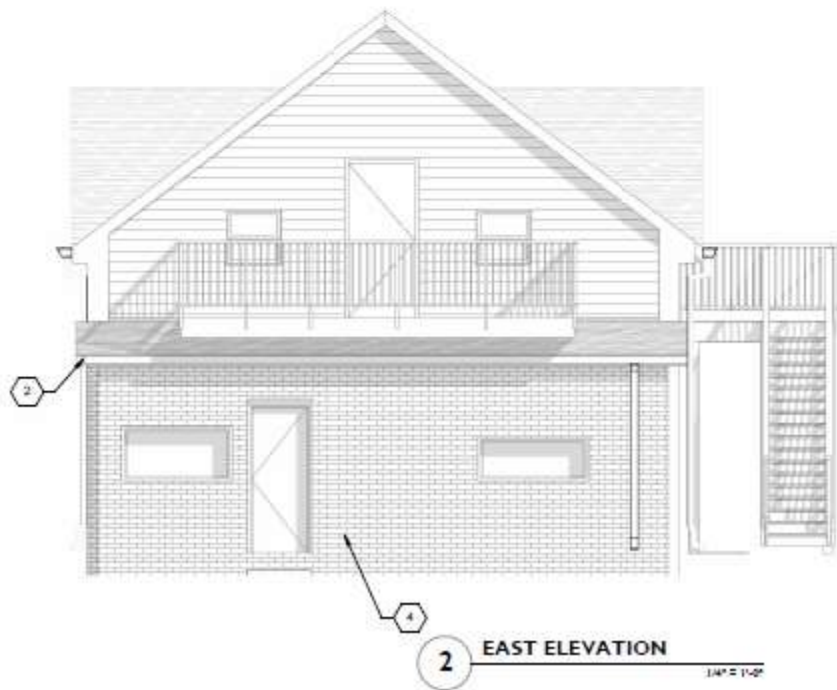
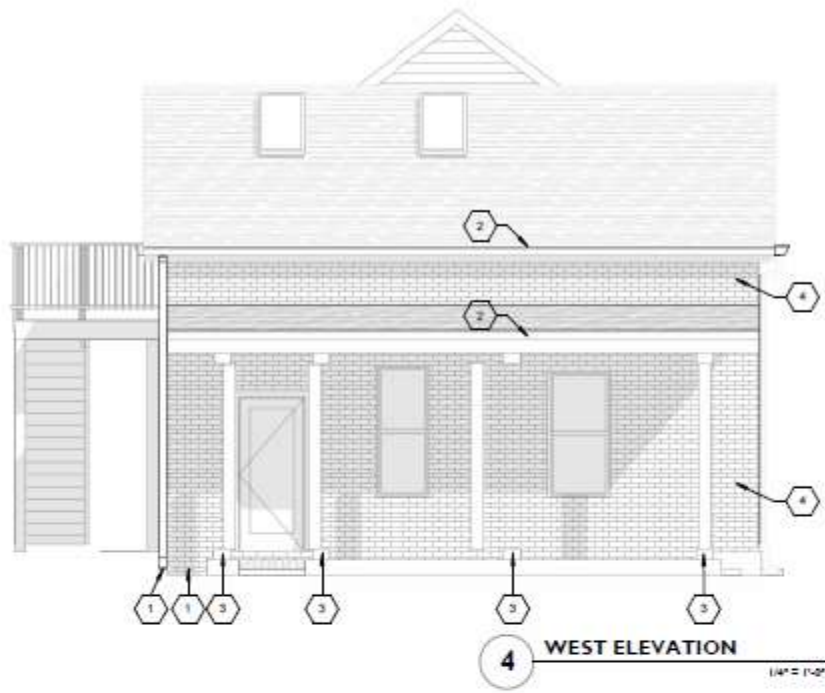
87-UV1-32; 6520 Cornell Avenue (northeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the erection of a building to be used as an office with an addition that connects the subject buildings with the previously established bicycle shop, **granted**

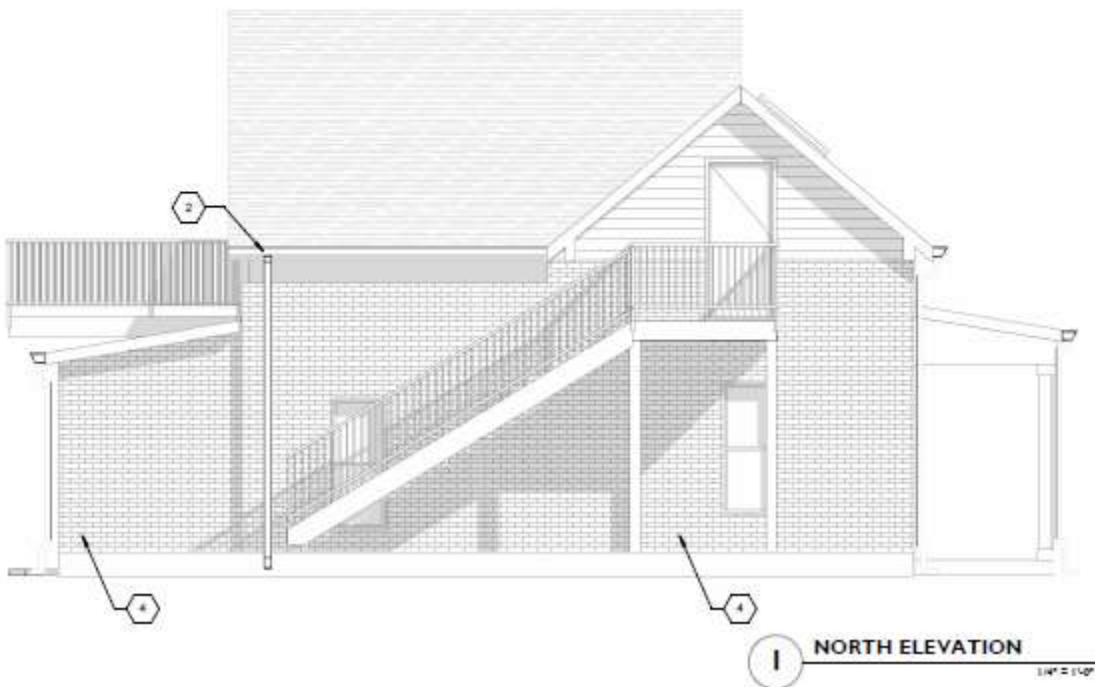
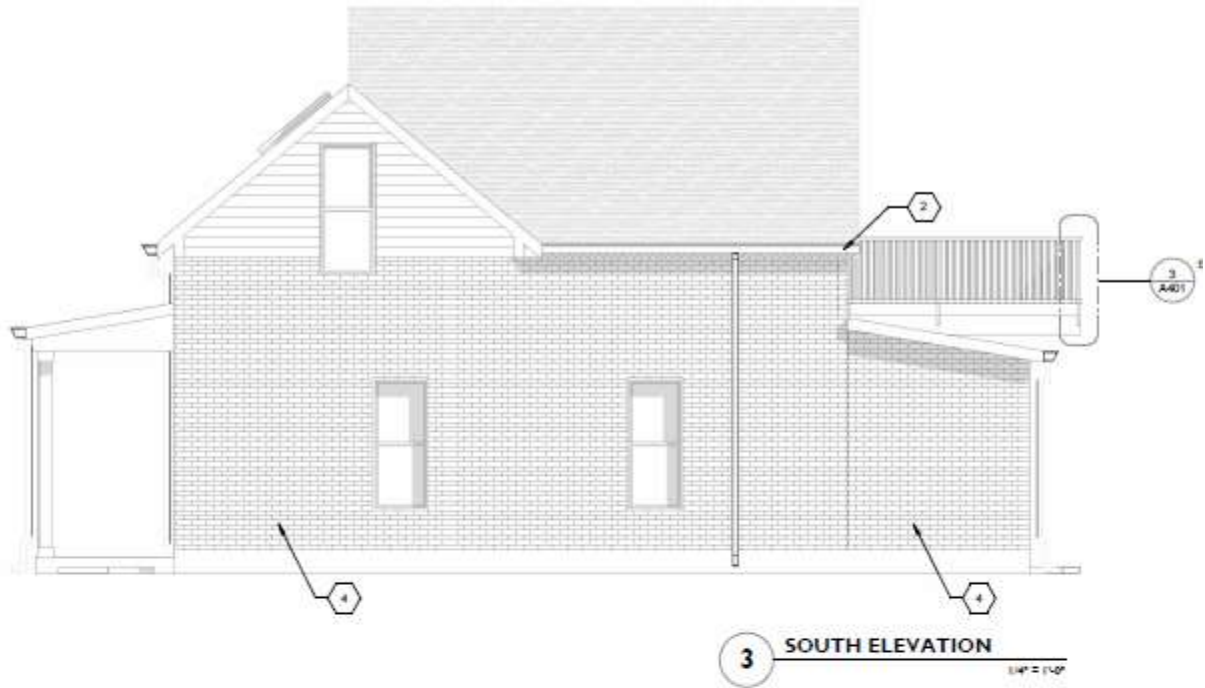
EXHIBITS

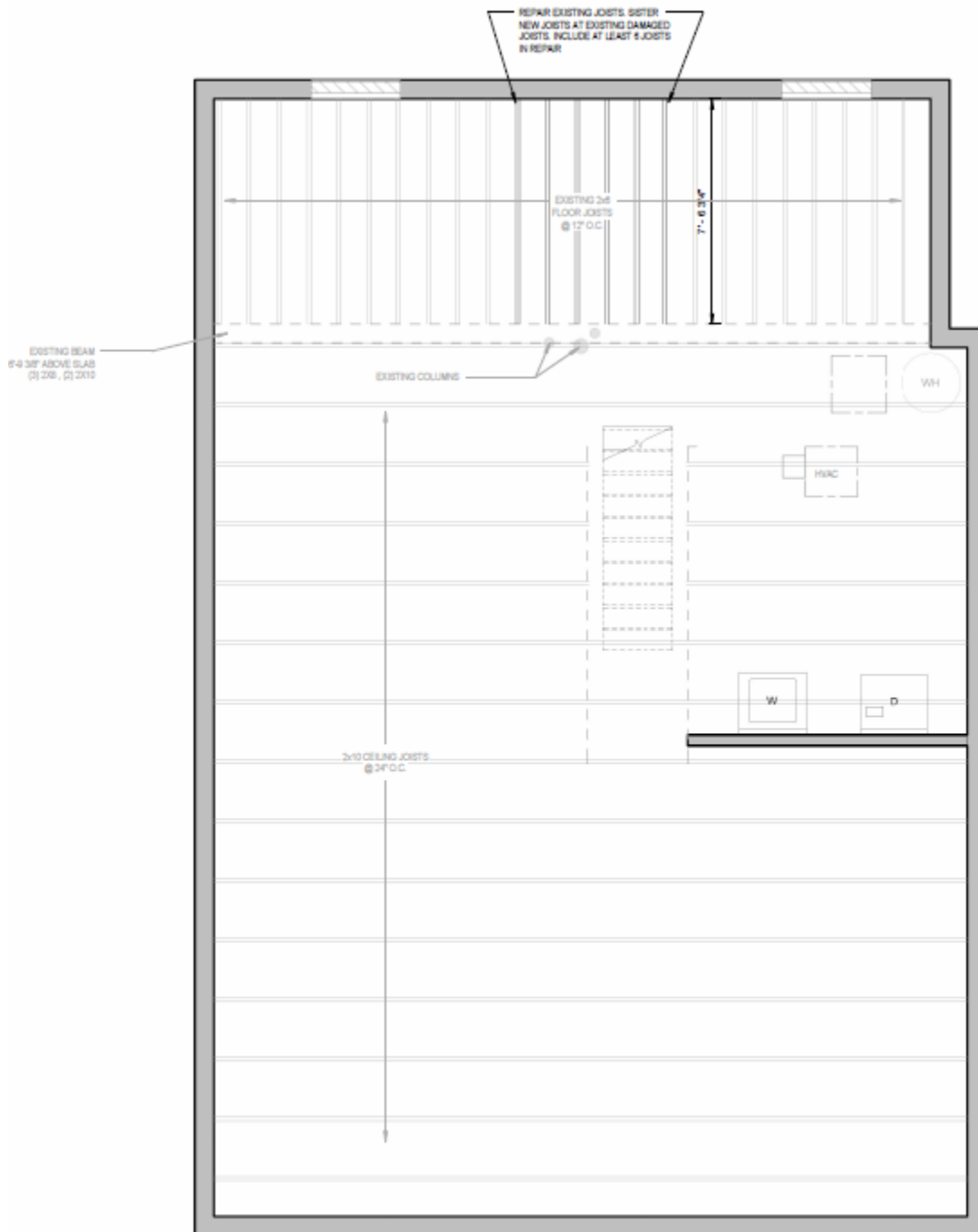




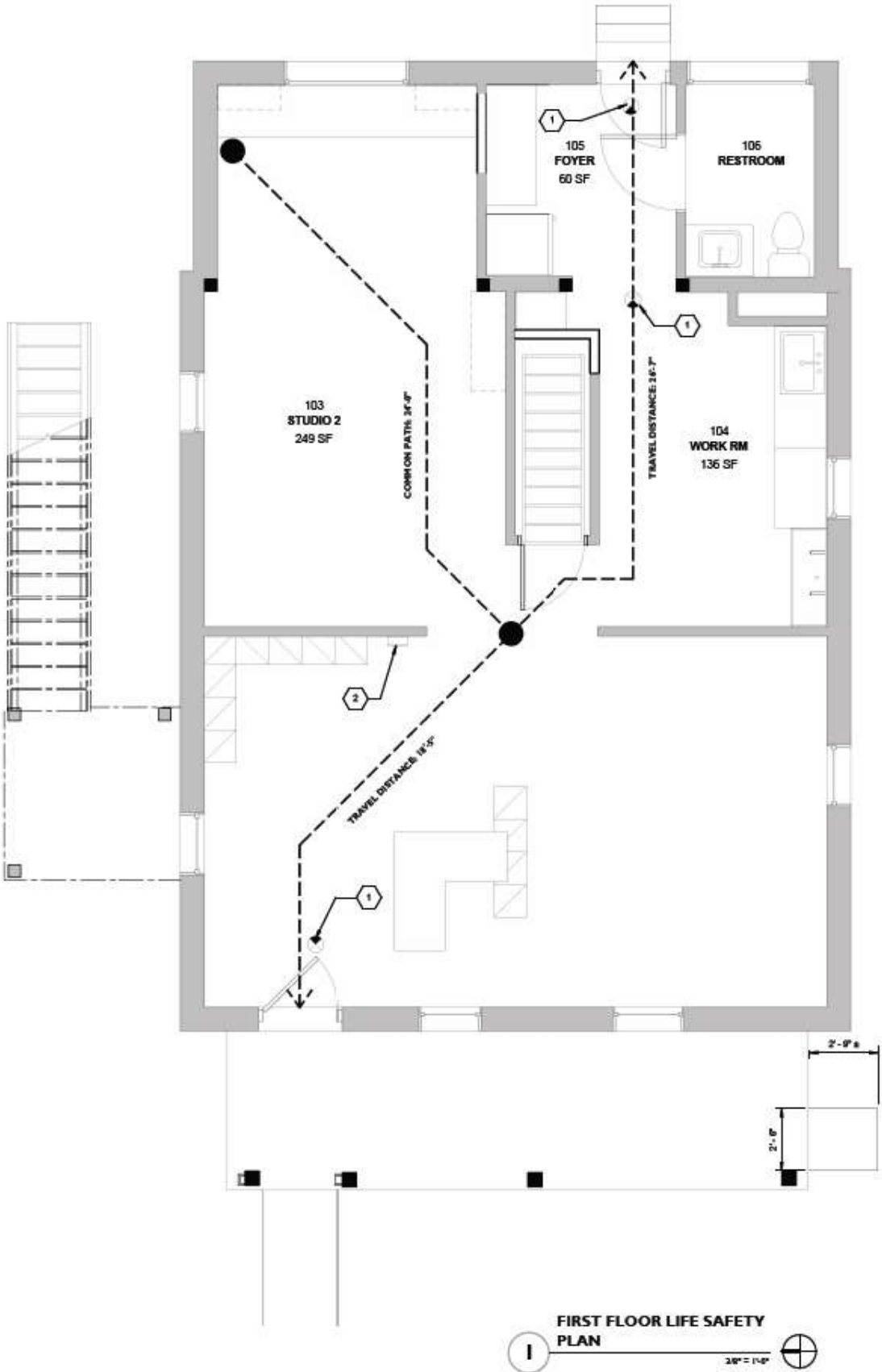




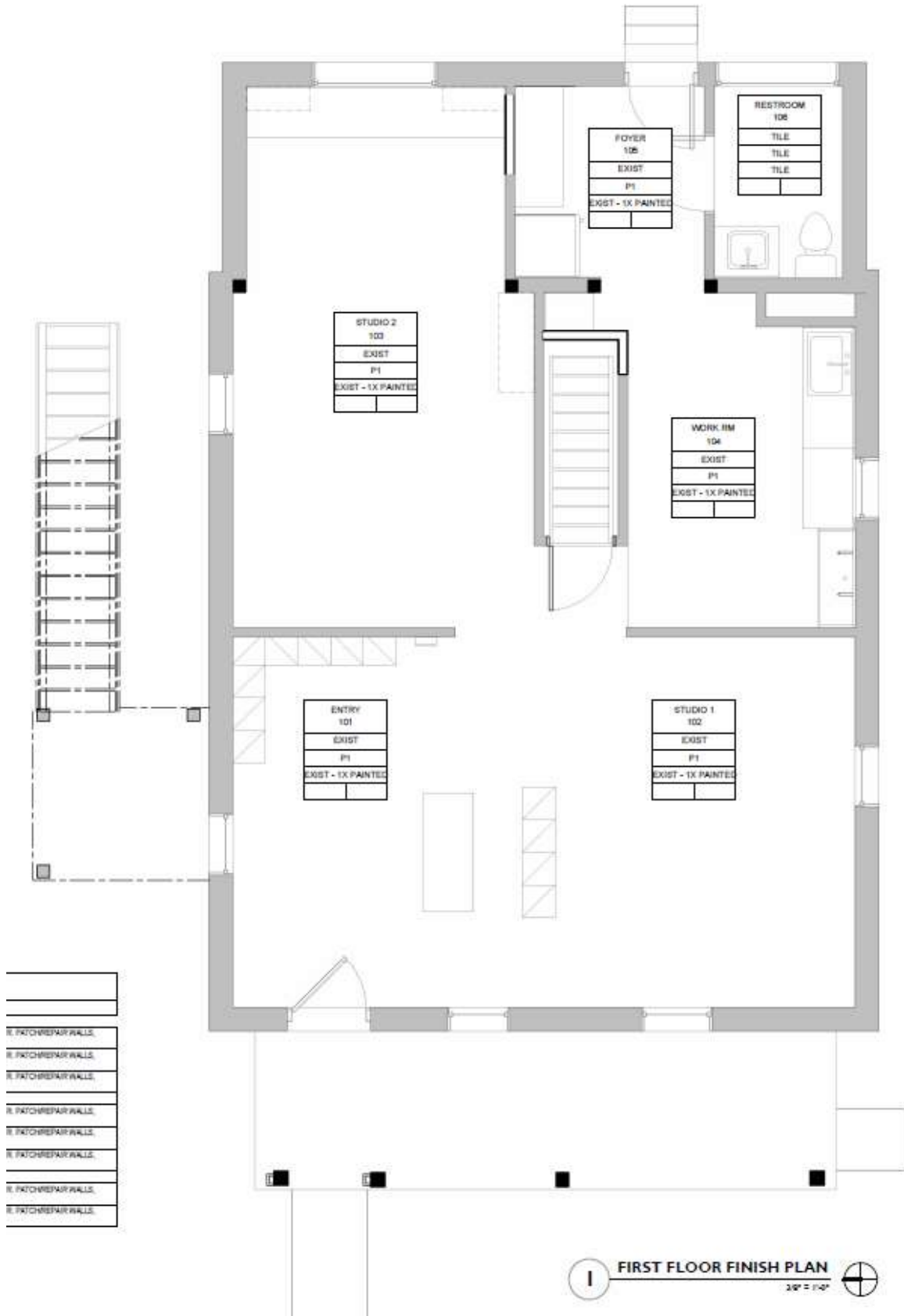


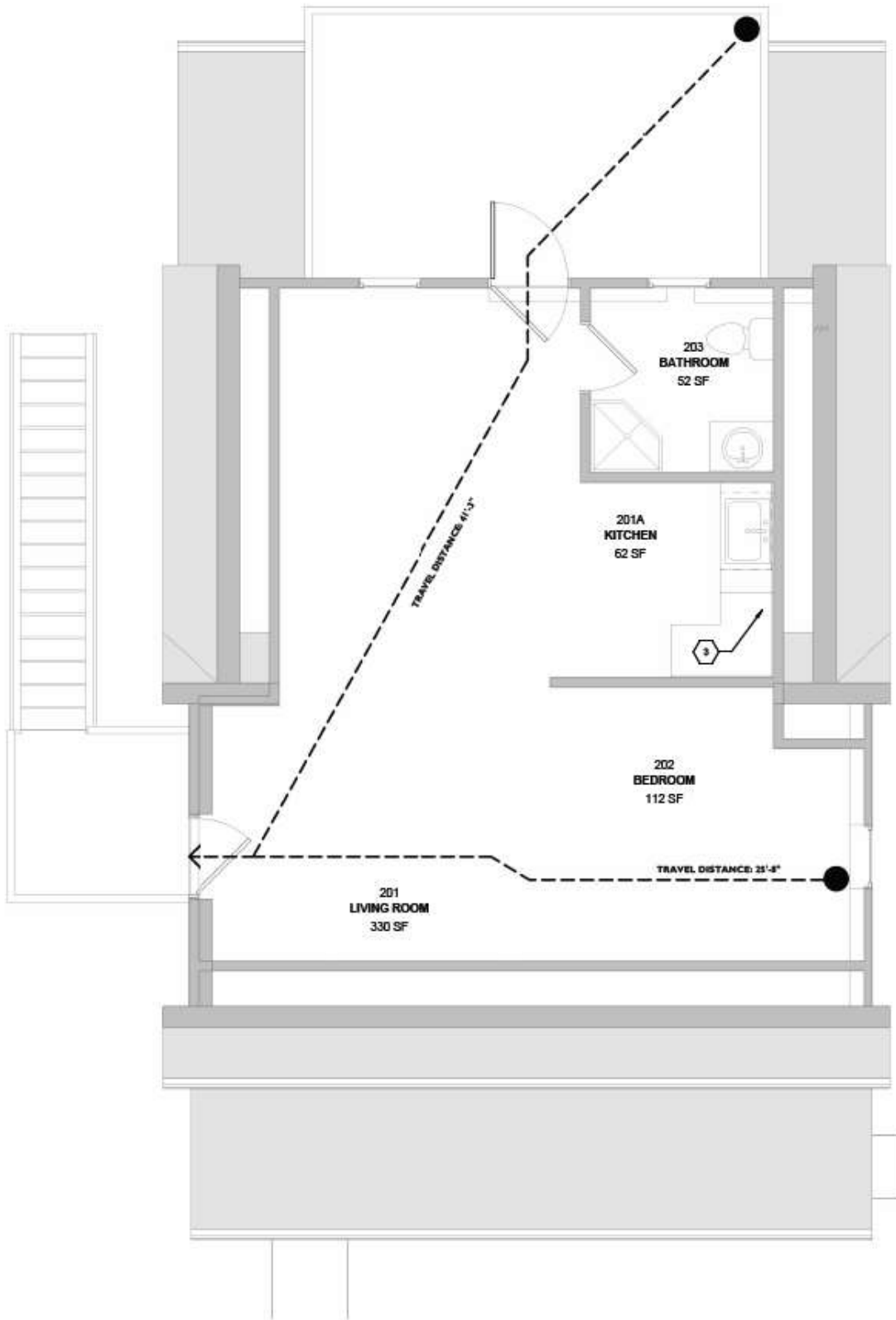


BASEMENT PLAN 1/8" = 1'-0"

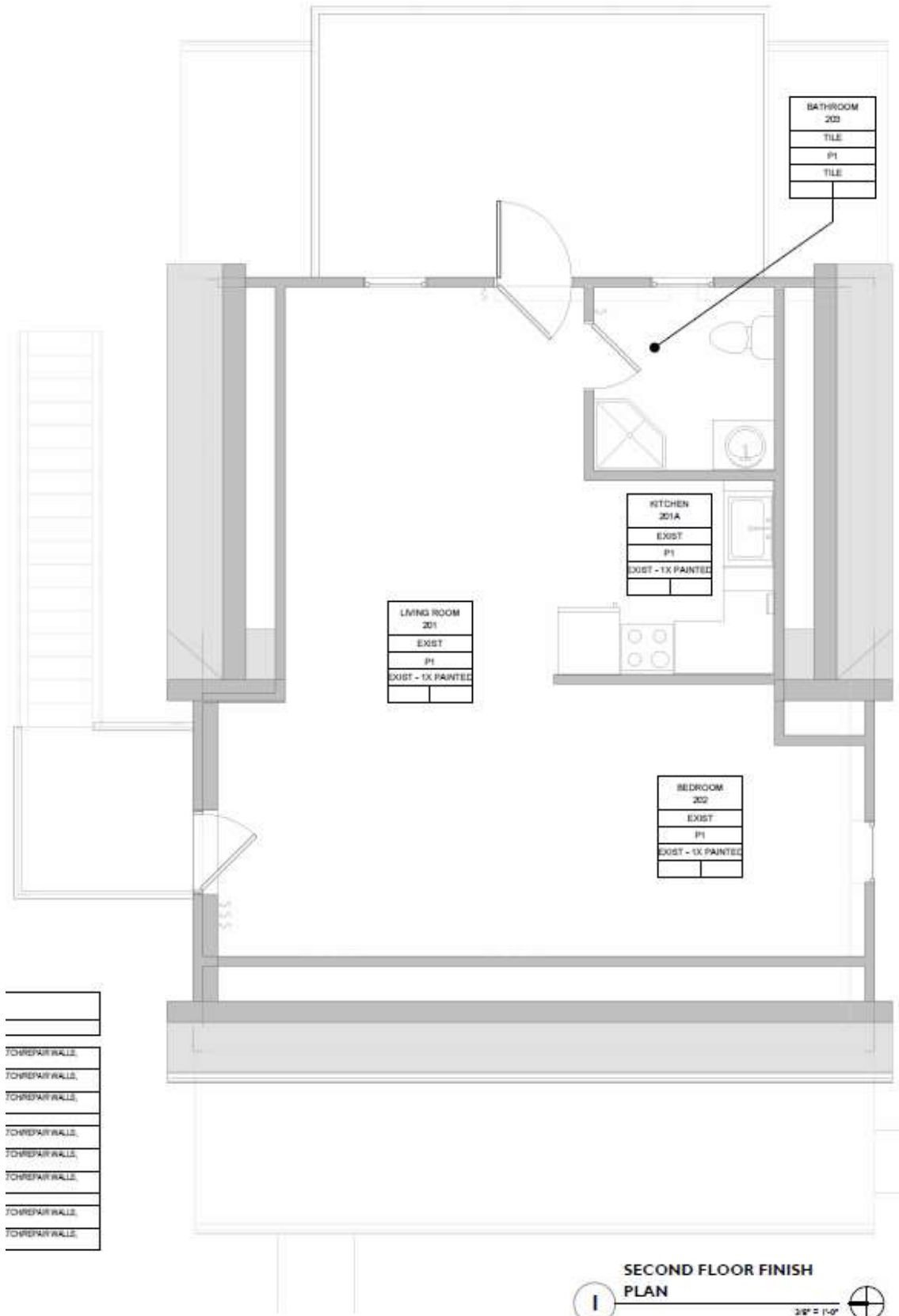


FIRST FLOOR LIFE SAFETY PLAN
1 1/8" = 1'-0"





2 SECOND FLOOR LIFE SAFETY PLAN 2/8" = 1'-0"





Department of Metropolitan Development
Division of Planning
Current Planning

Plan of Operation
6511 Ferguson Street

A. CREATE Art Studio (Primary Use)

Primary use of the property is CREATE Art Studio--a space where people come together to create art, purchase quality art supplies, and support local artists with art work available for purchase. Hosted in a welcoming environment, CREATE Art Studio offers classes that are choice-driven, artist directed, and focused on discovery. Whether a beginning youth, an inspiring young artist, or a seasoned professional, there are many options to learn and develop whatever the desired medium.

The Market

Indianapolis has few opportunities exclusively offering art and craft supplies along with hands on experience and education. CREATE is tapping into the growing number of professional artists in Indianapolis and surrounding communities. Currently, CREATE is actively marketing youth classes to all ages of public, private, and home school students. Many teachers from various schools attend adult classes for continuing education, and adults from all walks of life attend the open 18+ classes. Businesses can rent out the studio to have a team building experience taught/led by professional artists, many who sell professional artwork in the studio gallery.

The Organization

CREATE is owned and operated by Alissa Moody and Christine Sweigart. Sweigart's background is teaching youth art for 20 years, and Moody's operation of adult classes, recruiting new artists, and running the day to day operations form the basis of the company. CREATE is founded on the extreme hospitality from both owners. The goal is to keep young artists growing and give new customers a great, creative, experience to start or continue growing in a welcoming artistic environment. Quickly becoming a Broad Ripple Village Association member, CREATE Art Studio has been a welcoming family friendly stop along the Spring and Fall art tours. Beyond the studio CREATE has started a presence by engaging with the community attending many of the local art fairs with youth activities and encouraging adults to attend the evening classes.

Products, Experiences and Current Class Offerings:

Staff:

Co-Owner Alissa Moody
Co-Owner Christine Sweigart
Assistant Art Teacher - Rotating
Summer Aid/Intern - Rotating
15+ Contracted Artists to help teach and run various adult and youth art classes
(Typically 1 to 2 employees on-site at any given time.)

Current Weekly Time of Operation:

M 10am to 5pm
T 10am to 5pm
W 10am to 5pm
TR 10am to 5pm
F 10am to 5pm

Saturday determined by classes, private or public events

Sunday determined by classes, private, or public events



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

1. Class Offerings:

Mini Maker ages 1.5-4 years old (Various Times)

Art Explorer ages 4-5 years old (10:00am Wednesdays)

Create for Homeschoolers (1:00pm Wednesdays)

Studio Explorer ages 6-9 years old (4:30pm Mondays)
Studio Explorer ages 6-9 years old (4:30pm Tuesdays)
Studio Explorer ages 6-9 years old (4:30pm Thursdays)

Art Lab ages 12-18+ (11:00am Sundays)
Art Lab ages 12-18+ (4:30pm Fridays)

Creatives ages 18+ (Many one evening, two, or four evening package purchases)
Linocut Mini-Workshop with renowned artist Penelope Dullaghan (Sept 14, 4:30pm)
Print making workshop (Class of four 6:30pm to 8:00pm Thursdays Dec 12, 19, Jan 2, 9)
iPhone Photography Mastery Class (6:30pm Thursday August 15th)
Summer Charcuterie Board Making Workshop (6:30pm August 23rd)
Acrylic Canvas Painting Mini-Workshop (6:30pm September 14th)

2. Summer youth Camps (6 Sessions during the Summer for 3 hours per day Monday through Friday)

3. Private events are a large part of the weekend activities at Create. Hosting many youth and adult birthday parties, team building experiences and other celebrations.

4. Public free events have approached CREATE Art Studio to host existing events as the back parking lot area can accommodate a large number of people. We would also like to host movie nights for families, and outdoor artist events.

5. Beer and Wine. CREATE Art Studio is pursuing a beer and wine license to sell, especially, wine during adult painting classes or other experiences.

Within CREATE Art Studio the floor space offers a wide variety of art and craft supplies, while having the wall space to accommodate a rotation of original artwork from both local and traveling artists. With previous wholesale connections, supplies are purchased from manufacturers directly in attempts to avoid any major price mark ups.

Objectives

1. Customer Satisfaction: To create and instill a shopping environment that caters to the needs of the art community of Indianapolis by offering knowledgeable, professional, and compassionate customer service. Our customer satisfaction will be measurable through repeat business.
2. To be both an active and vocal member in the community and to provide continual re-investment through sponsorship of local community activities including local art fairs and events.



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

3. To develop partnerships with local artists and make additional profits by displaying and selling their artwork to both customers and local interior designers.

Keys to Success

In order for CREATE to succeed we must:

1. Aim for satisfaction of 100% of our customers and vendors who attend, teach and experience classes.
2. Promote and advertise in areas where our target customer base will learn about our studio.
3. Continuously review our sales and inventory and adjust our inventory levels as needed.
4. Sell products that are of high and reliable quality. We plan to offer more premium and unique products than other larger arts and crafts stores (Michaels, Hobby Lobby, etc). We will offer promotions to bring customers into the store to purchase goods and explore various lines of services.
5. Connect with local artists and bring in rotating artists to teach a multitude of classes so that customers continue to be intrigued and return.
6. Be an active member of the community and to stay connected through social media and an up to date website.
7. Provide in store classes, demonstration, and events at a variety of hours during the day to serve every client's need.

B. Separate entrance Office/Airbnb and upstairs area (Accessory Use)

650 square feet office space for future business plans. Full bath and kitchen renovated to commercial specifications.



Street View of 6511



View of parking lot looking West to East



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 second floor of the existing residential structure that is being used for commercial use by variance has been renovated to include a kitchen, bath and living space that could be used as office or residential with no negative impact on 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 second floor of the existing residential structure that is being used for commercial use by variance has been renovated to include kitchen, bath and living space that could be used as office or residential with no negative impact on the community.

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

Although the balance of the existing structure is used commercially, the upstairs is structured for residential and office use.

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

Of the existing configuration of the residential structure that is used commercially and the property is surrounded by commercial and mixed use properties.

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

The proposed residential use for the second floor space, in addition to the first floor space, is consistent with the comprehensive plan recommendation of Village Mixed Use.



Photo of the subject site.



Photo of the staircase that leads to the dwelling unit on the second floor.



Photo of the rear parking area looking east.



Photo of the parking lot looking west and the dwelling unit upstairs.



Photo of the southern property boundary and bike parking spaces.



Muti-tenant commercial building south of the site.



Beauty salon north of the site.



Beauty salon west of the site.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-121

Property Address: 3351 and 3357 Ruckle Street

Location: Center Township, Council District #8

Petitioner: Katherine McNulty by Matt McDonagh

Current Zoning: SU-1

Request: Rezoning of 0.30 acres from the SU-1 district to the D-5 district to provide for residential development

Current Land Use: Vacant / Single-family dwelling

Staff Recommendations: Approval

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to substantial compliance with the site plan file-dated October 9, 2024.

PETITION OVERVIEW

Rezoning

This 0.30-acre site, zoned SU-1, is comprised of two contiguous parcels. The northern parcel is vacant, and the southern parcel is developed with a single-family dwelling. It is surrounded by religious uses (vacant) to the north, zoned SU-1; single-family dwellings to south and east, zoned D-5; and single-family dwellings to the west across Ruckle Street, zoned D-5.

When the site was rezoned in 1982 (Petition 81-Z-152), it was one of four contiguous parcels that were owned by the church located to the north, addressed as 3359 North Ruckle Street. According to the Assessor’s Office property cards, the church was constructed in 1940.

As proposed, this request would rezone the site to residential uses. The northern parcel was previously developed with a single-family dwelling that was demolished between 2014 and 2015 and has remained vacant since then. The Assessor’s Office property cards indicate that the existing dwelling on the southern parcel was constructed around 1914.



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

The amended site plan, file-dated October 9, 2024, provides for a detached garage on the vacant parcel with future plans to construct an accessory dwelling unit on the second level.

The rezoning would generally be consistent with the historical residential development of the parcels with a single-family dwelling and a proposed garage. The request would also be consistent with the Neighborhood Plan that recommends residential development at five to eight units per acre and the D-5 District. Staff, therefore, supports this rezoning request.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Vacant lot / Single-family dwelling	
Comprehensive Plan	Residential development at five to eight units per acre	
Surrounding Context	Zoning	Land Use
North:	SU-1	Religious uses (vacant)
South:	D-5	Single-family dwelling
East:	D-5	Single-family dwelling
West:	D-5	Single-family dwelling
Thoroughfare Plan		
Ruckle Street	Local Street	Existing 50-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	September 29, 2024	
Site Plan (Amended)	October 9, 2024	
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 Mapleton Fall Creek Neighborhood Land Use Plan (2013) recommends residential development at five to eight units per acre, specifically the D-5 District.
- This density is consistent with single-family residential development in suburban areas of the city and in transitional areas between suburban and urban patterns of development. Development at this density should not take place on mass transit corridors. Multi-family residential development is acceptable but is unlikely considering the density ranges recommended.

Infill Housing Guidelines

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



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

Additional Topics

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

Indy Moves

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

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



ZONING HISTORY

81-Z-152; 3345, 3351, 3357 and 3359 North Ruckle Street, requested the rezoning of 0.75 acre from the D-5 district to the SU-1 district, **approved**.

VICINITY

2023-ZON-068; 510 and 555 Fairfield Avenue (north of site), requested rezoning of 1.08 acres from the D-5 district to the C-3 district to provide for neighborhood commercial uses, **approved**.

2018-ZON-123; 3345 Ruckle Street (south of site), requested rezoning of 0.15 acre from the SU-1 district to the D-5 classification, **approved**.

2017-UV2-026; 510 Fairfield Avenue (north of site), requested a variance of use to provide for a wireless communications facility and variances of development standards for deficient landscaping and with barbed wire fencing, **denied**.

2006-ZON-001; 3433 Central Avenue (west of site), requested the rezoning of 4.7 acres from the D-3 district to the D-8 district, **approved**.

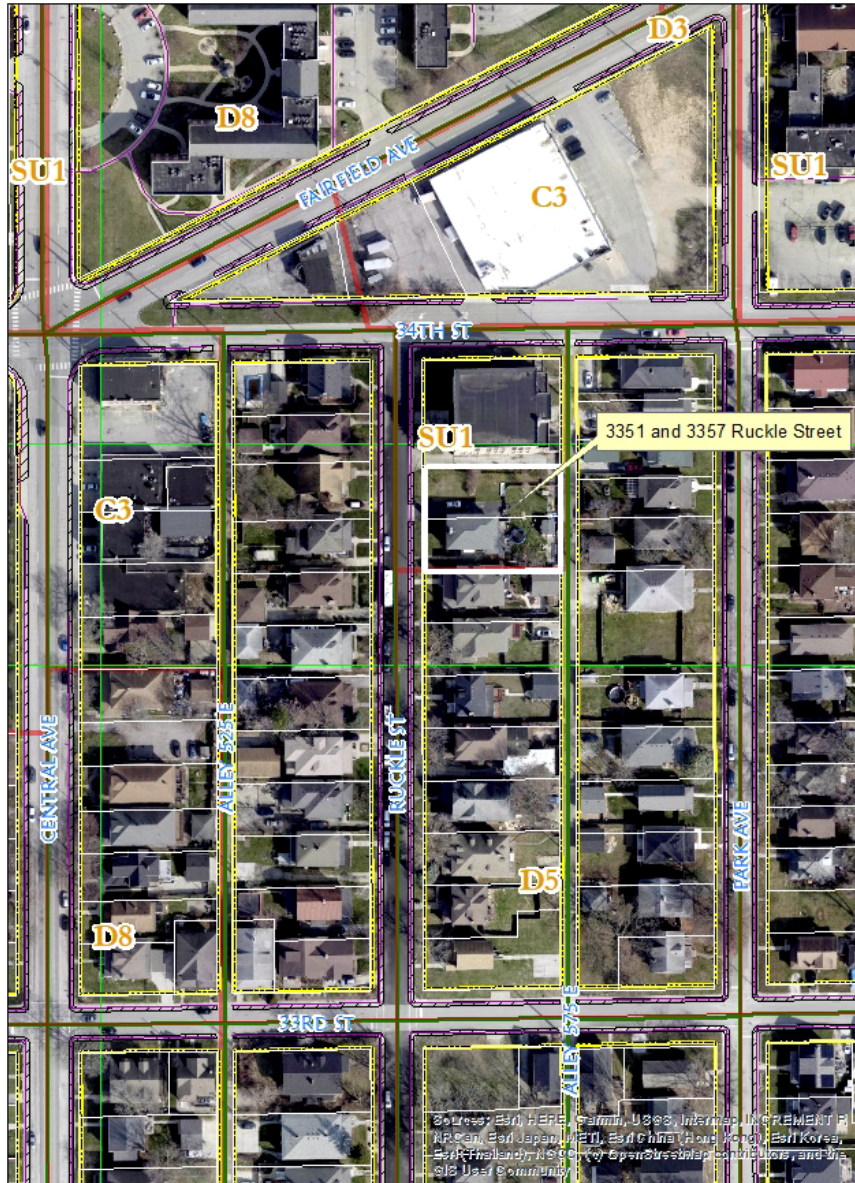
2003-UV1-039; 3433 Central Avenue (west of site), requested a variance of use to legally establish four multi-family residential structures, **approved**.

2002-UV3-018; 3421 North Park Avenue (east of site), requested a variance of use to provide for a food pantry and related offices, **approved**.

98-Z-185; 3421 North Park Avenue (east of site), requested the rezoning of 1.35 acre from the D-5 district to the SU-1 district, **approved**.

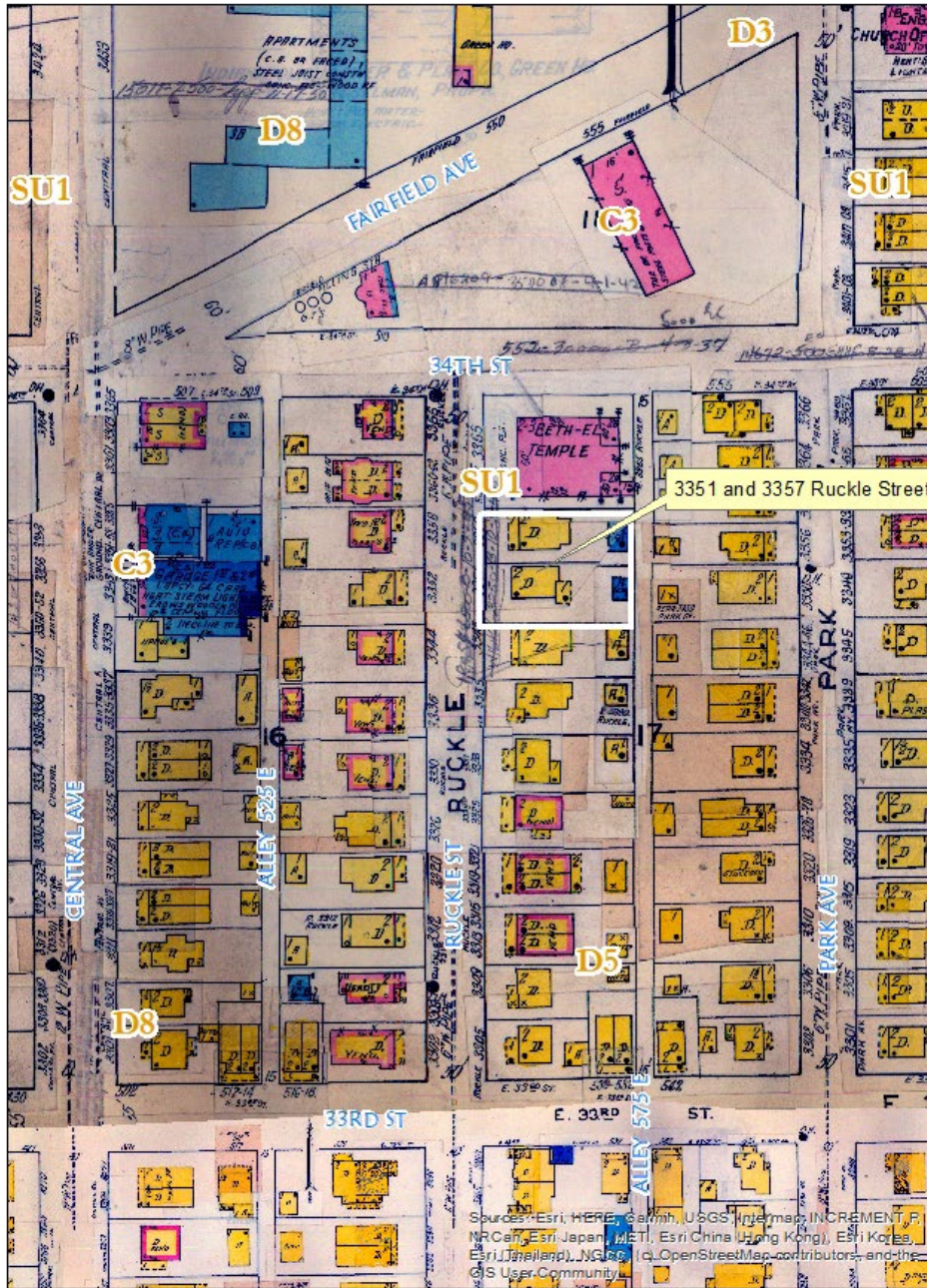
90-Z-137; 3502 Watson Road (north of site), requested the rezoning of 1.3 acre from the D-3 district to the D-8 district, **approved**.

EXHIBITS

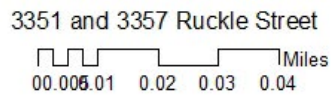


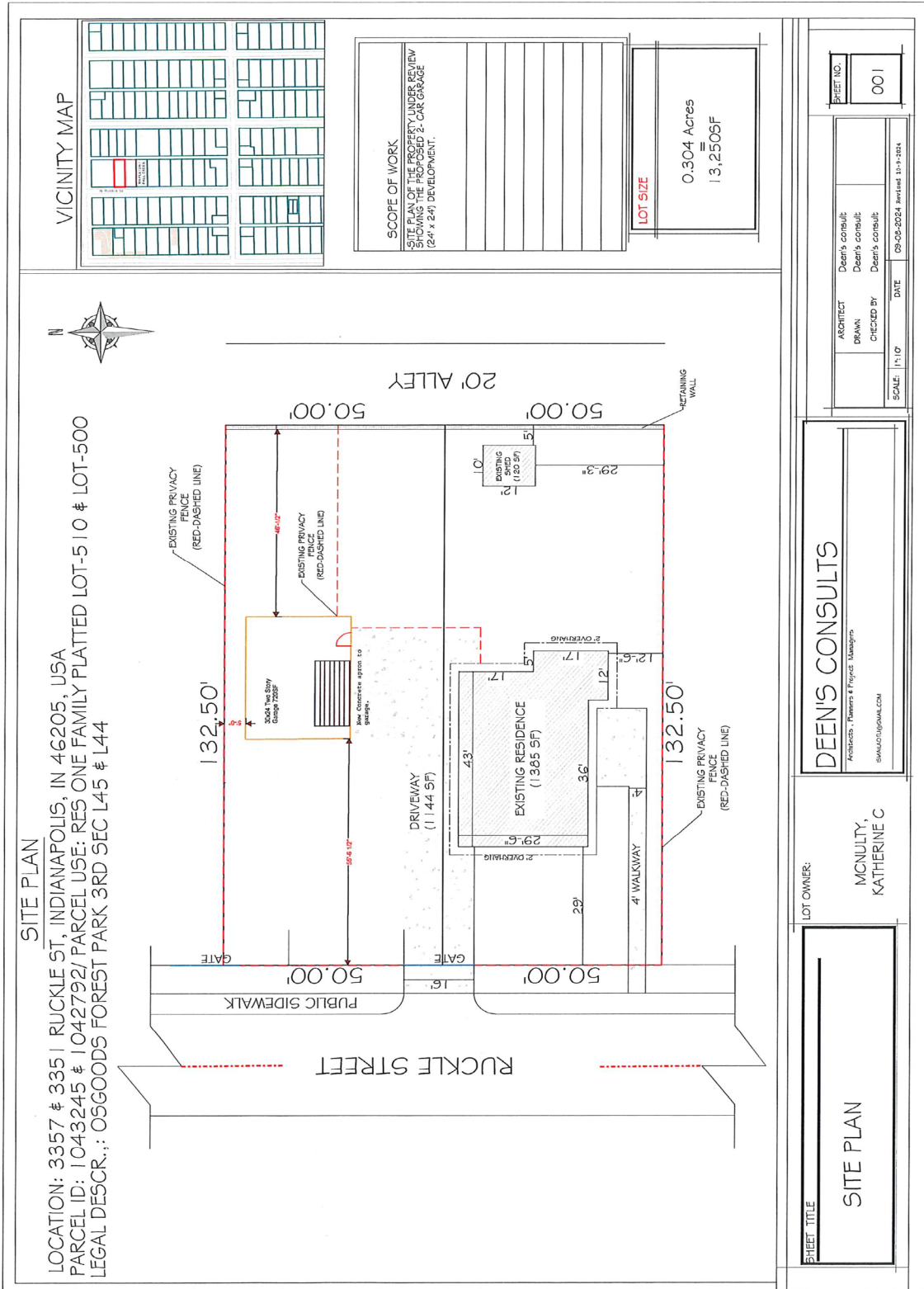
3351 and 3357 Ruckle Street
0.00 0.01 0.02 0.03 0.04 Miles

Sanborn 1915



Sources: Esri, HERE, Garmin, USGS, Intel, mapbox, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Japan), NGA, IGN, OpenStreetMap contributors, and the GIS User Community







View looking north along Ruckle Street



View looking south along Ruckle Street



View looking east across Ruckle Street



View of site looking east across Ruckle Street



View looking north along north / south alley along the eastern property boundary



View looking south along north / south alley along the eastern property boundary



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-129
Property Address: 5102 Madison Avenue
Location: Perry Township, Council District #23
Petitioner: Steve and Stacia Wicker
Current Zoning: C-1 (TOD)
Request: Rezoning of 0.42 acre from the C-1 (TOD) district to the D-3 (TOD) district to legalize an existing single-family dwelling.
Current Land Use: Residential uses
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to the site plan, file-dated September 29, 2024.

PETITION OVERVIEW

This 0.42-acre site, zoned C-1 (TOD), is developed with a single-family dwelling. It is surrounded by a commercial use to the north, across Turk Street, zoned C-1 (TOD); commercial uses to the east, across Madison Avenue, zoned C-1 (TOD); educational uses to the south, zoned C-1 (TOD); and a single-family dwelling to the west, zoned D-1 (TOD).

Petition 2018-ZON-022 rezoned this site from the D-1 district to the C-1 district to provide for a barber shop.



Rezoning

The request would rezone the site to the D-3 (TOD) District. “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 Comprehensive Plan recommends community commercial typology.

As proposed, this request would not be consistent with the plan recommendation of community commercial typology. However, according to the records of the Assessor’s Office, the dwelling was constructed in 1930 and has historically been used residentially.

Because the adjacent structures to the south and north have maintained the residential character and the uses are low intense commercial uses staff believes the rezoning request to a residential district would have minimal impact on the surrounding land uses and be compatible with the residential neighborhood to the west.

GENERAL INFORMATION

Existing Zoning	C-1 (TOD)	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	C-1 (TOD)	Commercial uses
South:	C-1 (TOD)	Commercial uses
East:	C-1 (TOD)	Commercial uses
West:	D-1 (TOD)	Single-family dwelling
Thoroughfare Plan		
Madison Avenue (frontage street)	Local Street	Existing 42-foot right-of-way and proposed 50-foot right-of-way.
Turk Street	Local Street	Existing 25-foot right-of-way and proposed 50-foot right-of-way.



Department of Metropolitan Development
 Division of Planning
 Current Planning

Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	Yes – Transit-Oriented Development
Wellfield Protection Area	No
Site Plan	September 29, 2024
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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



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

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- Recommended uses include small- and large-scale offices / retailing / personal or professional services, small- and large- scale schools / places of worship, community-serving institutions and infrastructure / other places of assembly, and small-scale parks.

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is not located near a proposed transit station, but land uses within this overlay should be supportive of pedestrian activity, limit parking areas along street frontages and install vehicular barriers as appropriate.

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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

2018-ZON-022; 5102 Madison Avenue, requested rezoning from the D-1 district to the C-1 classification, **approved**.

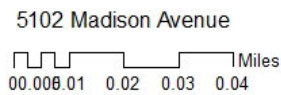
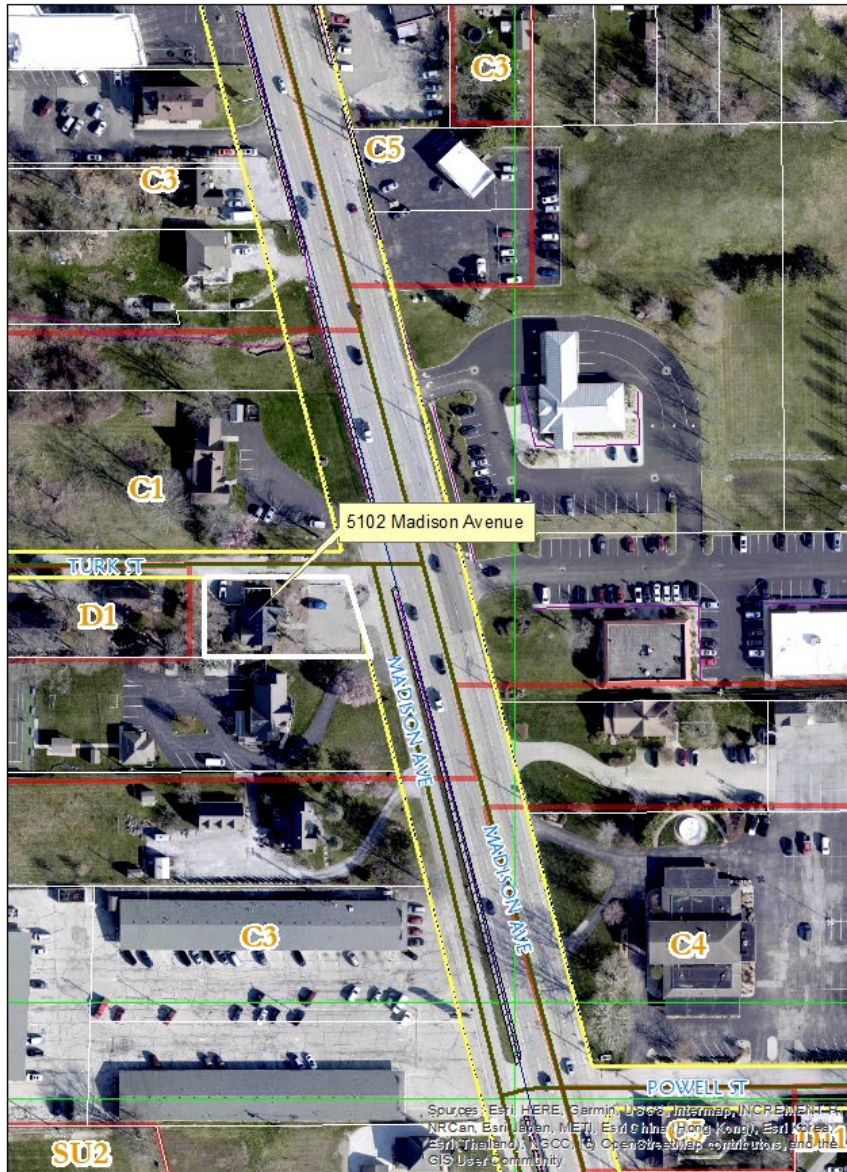
VICINITY

2013-UV1-008; 5120 Madison Avenue (south of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish a single-family dwelling and to provide for the construction of a 960-square foot accessory detached garage, **granted**.

2007-ZON-057; 5120 Madison Avenue (south of site); requested rezoning of 1.21 acres from the C-1 classification to the C-3 classification, **approved**.

2007-ZON-824 / 2007-VAR-824; 5140 Madison Avenue (south of site); requested rezoning of 3.06 acres from the D-1 classification to the C-3 classification, and a variance of development standards of the Sign Regulations and Commercial Zoning Ordinance to legally establish a freestanding sign in the right-of-way, four roof signs, and parking with insufficient maneuvering area, **approved and granted**.

EXHIBITS





View looking north along Madison Avenue



View looking south along Madison Avenue (frontage street)



View of site looking north across Madison Avenue (frontage street)



View of site looking west across Madison Avenue (frontage street)



View looking west along Turk Street (site on the left)



View of site looking south from adjacent property to the north



View from site looking northwest



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-837 / 2024-CVR-837 (Amended)

Property Address: 2163 and 2179 North Illinois Street

Location: Center Township, Council District #12

Petitioner: Near North Development Corporation, by Audra Blasdel

Current Zoning: MU-2 (RC) (TOD) (W-5)
Rezoning of 1.2 acres from the MU-2 (RC) (TOD) (W-5) district to the D-8 (RC) (TOD) (W-5)

Request: Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development, consisting of 20 dwelling units, with a six-foot corner side yard setback at the intersection of 22nd Street and Illinois Street (minimum eight-foot corner setback required), a four-foot rear yard setback (minimum 15-foot rear yard setback required), a three-foot side yard setback, (minimum five-foot side yard setback required), 800-square-foot Row House – Small Lot size (minimum 1,200 square feet required), livability space ratio of 0.16 (minimum livability space ratio of 0.66 required), and encroachment into the clear sight triangle (not permitted).

Current Land Use: Vacant property

Staff Recommendations: Approval, of the rezoning request and the variance requests.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

On October 24, 2024, the Hearing Examiner recommended approval of the rezoning request and continued the variance requests to the November 14, 2024 hearing, at the request of staff.

Variations of Development Standards

The variance requests relate to reductions in setbacks, lot size, livability space ratio, and encroachment into the clear sight triangle.

The Ordinance requires a minimum eight-foot corner setback, but the request would reduce that to a six-foot corner setback. Staff believes that the two-foot reduction would have minimal negative impact of the surrounding land uses.



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

Staff also supports the four-foot rear yard setback, when a 15-foot rear setback is required and a three-foot side yard setback when the Ordinance requires a five-foot side yard. Because this project is redevelopment in an urban area, required setbacks limit how the site can be effectively and appropriately development without some relief, which these reductions will provide.

The reduced lot size and livability space ratio provides for redevelopment of this urban site for housing within proximity of two transit lines. Staff believes these reductions would have minimal negative impact on surrounding land uses, while providing supportive housing for development within the transit corridor.

The petitioner's representative coordinated with the traffic engineers of the Department of Public Works to minimize pedestrian and vehicular traffic conflicts and maintain appropriate visibility at the intersection of North Illinois Street and West 22nd Street. Staff, therefore, supports the encroachment into the clear site triangle based upon the result of this coordination.

STAFF RECOMMENDATION

Approval, subject to substantial compliance with the site plan and elevations file dated September 9, 2024 and the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

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

PETITION OVERVIEW

This 1.2-acre site, zoned MU-2 (RC) (TOD) (W-5), is comprised of two vacant parcels. It is surrounded by commercial uses to the north, across East 22nd Street, zoned C-4 (RC) (TOD) (W-5); a self-storage facility to the south, across Mc Lean Place, zoned C-S (RC) (TOD) (W-5); undeveloped land and a parking lot to the east zoned MU-2 (RC) (TOD) (W-5) and C-4 (RC) (TOD) (W-5), respectively; and office uses to the west, across North Illinois Street, zoned C-4 (RC) (TOD) (W-5).

Petitions 2019-CZN-820 and 2019 CVR-820 rezoned the site to the MU2 (RC) district and provided for variances of development standards to allow for mixed-use buildings up to 55-feet tall, with commercial space, multi-family dwellings and parking, without interior landscaping and with a zero-foot setback along Mc Lean Place.



REZONING

The request would rezone both parcels to the D-8 (RC) (TOD) (W-5) (Walkable Neighborhood) District. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

Walkable neighborhoods advance livability principles and “implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments.”

The Comprehensive Plan recommends urban mixed-use typology for the site.

As proposed, this request would generally be consistent with the Plan recommendation, the Pattern Book and the Transit-Oriented Development overlay.

The Development Statement explains that 20 three-story townhomes would be constructed on the northern portion of the site, with three proposed single-family dwellings on the southern portion of the site at a future date. This would result in an overall density of 19.16 units per acre.

Regional Center

The site is located within the Regional Center Secondary District. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the Regional Center Urban Design Guidelines. The design of the proposed project would be subject to a public review before the Regional Center Hearing Examiner.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.



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

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises, or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

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

Environmental Public Nuisances

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

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

Environmental public nuisance means:

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



Department of Metropolitan Development
Division of Planning
Current Planning

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	MU-2 (RC) (TOD) (W-5)	
Existing Land Use	Vacant	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	C-4 (RC) (TOD) (W-5)	Commercial Uses
South:	C-S (RC) (TOD) (W-5)	Self-storage Facility
East:	MU-2 (RC) (TOD) (W-5) / C-4 (RC) (TOD) (W-5)	Vacant land / parking lot
West:	C-4 (RC) (TOD) (W-5)	Offices uses
Thoroughfare Plan		
North Illinois Street	Primary arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
West 22 nd Street	Primary arterial	Existing 70-foot right-of-way and proposed 78-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes. – Transit-Oriented Development / Regional Center	
Wellfield Protection Area	Yes – White River W-5	
Site Plan	September 9, 2024	
Site Plan (Amended)	N/A	



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

Elevations	September 9, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	September 9, 2024
Findings of Fact (Amended)	October 15, 2024
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Urban Mixed-Use typology. “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut-throughs. This typology has a residential density of at least 25 to 75 units per acre.”
- Indianapolis Regional Center Guidelines (2008).
 - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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



Department of Metropolitan Development
Division of Planning
Current Planning

- *Conditions for All Land Use Types – Urban Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.

- *Conditions for All Housing*
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
 - Should have a minimum of 10 units per acre.

- *Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).*
 - Should be located along an arterial or collector street
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.



Red Line / Blue Line / Purple Line TOD Strategic Plan

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

- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ¼ mile walk (approximately 518 feet) of a proposed transit stop located at the intersection of North Meridian Street and East 22nd Street with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



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



ZONING HISTORY

2019-CZN-820 / 2019-CVR-820; 2163 and 2179 North Illinois Street, requested rezoning of 1.19 acres from the C-4 (RC) (W-5) district to the MU-2 (RC) district and variances of development standards to provide for mixed-use buildings up to 55-feet tall, with commercial space and multi-family dwellings and with parking, without interior landscaping and with a zero-foot setback along McLean Place in front of the building, **approved and granted**.

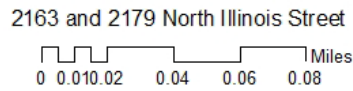
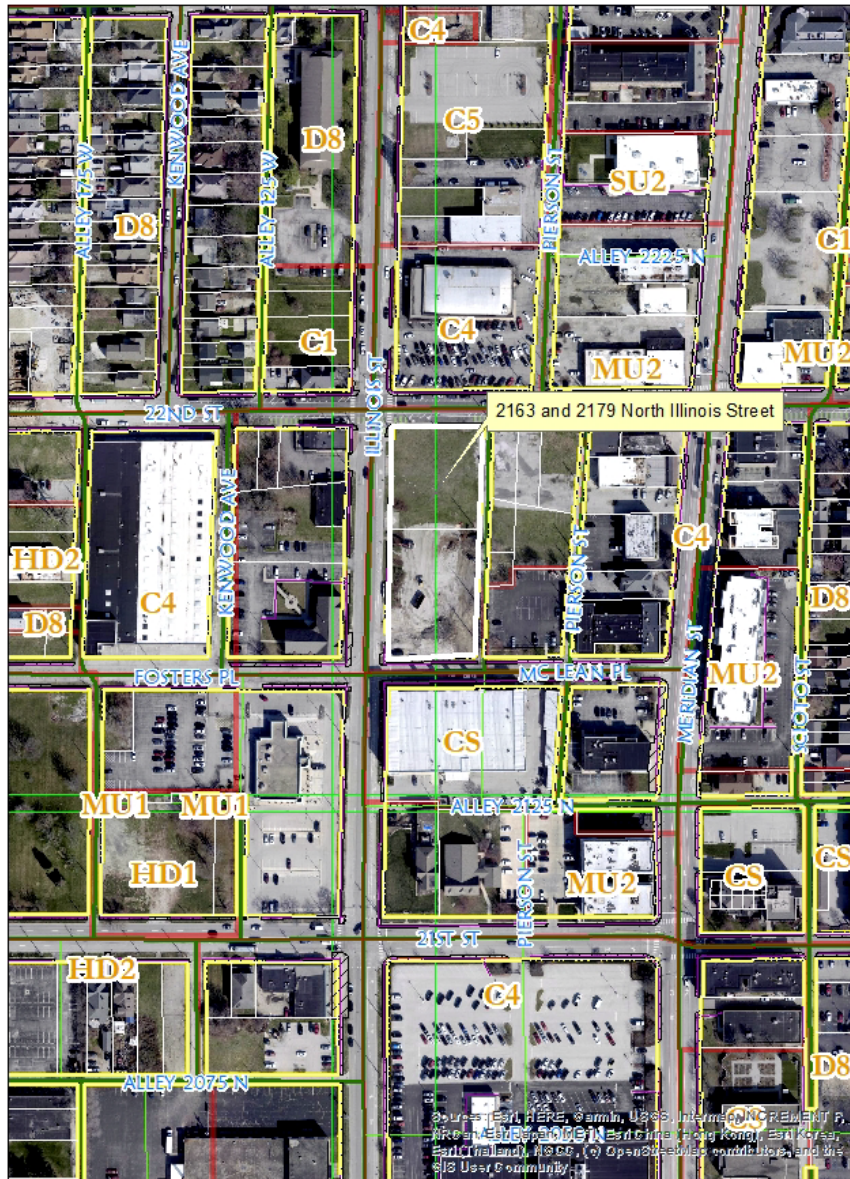
VICINITY

2019-ZON-046; 17 West 22nd Street and 2176 North Illinois Street (adjacent to the east), requested a rezoning of 0.731-acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) district, **approved**.

2018-ZON-111; 2102 North Meridian Street, requested a rezoning of 0.71 acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, **approved**.

2016-CZN-842 / 2016-CVR-842; 25 McLean Place, requested a rezoning of 1.1 acres, from the C-4 (RC) (W-5) District, to the C-S (RC) (W-5) classification to provide for a self-storage facility, MU-1 and MU-2 uses, with use exceptions and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for buildings and parking with zero-foot front setbacks, without landscaping, along Mc Lean Place and North Illinois Street and with building encroachments into the clear sight triangles of the abutting streets and alleys, **approved and granted**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

DEVELOPMENT STATEMENT

The 22nd & Illinois Townhomes project will consist of 20 townhomes in the heart of the emerging Indy Health District that will increase housing stock diversity through an affordable for-sale option. The project to be located at 2179 North Illinois Street and will compliment 128-units of affordable rental housing across the street and contribute to a transit-oriented development corridor contributing to community and economic development goals through the connectivity of housing, multi-modal transportation, workforce development, and attraction of new commercial activity.

The 22nd & Illinois Townhomes will bridge the recent single-family remodeling investments to the west of Meridian Street to the commercial corridor developed along 22nd Street, making the neighborhoods more cohesive and connected. The project will reposition a vacant brownfield site into an active neighborhood housing anchor, complete with healthy housing amenities. The project provides much needed for-sale workforce housing for major employers and their employees. The 22nd & Illinois Townhomes site is firmly within the IU Health District Core Area with a target of workforce housing for the new IU Health hospital being built down the street from the site's location. The site is connected to the hospital by the Highland Heritage Connector Trail, a multimodal path that Near North Development Corporation (NNDC), in partnership with IU Health, the City of Indianapolis, and residents of the Meridian Highland Neighborhood, installed in 2023. The same trail also connects the housing and IU Health's new hospital (residence and workplace) to Barton Park, a city-owned recreational park that serves as one of the hidden gems on the Near Northside of Indianapolis. The project is built through a lens of responsible community development as to not hike assessed values and property taxes for existing neighborhood residents.



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number 2024-CVR-837 (Amended)

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 corner setback variance allows ample setback from the sidewalk area that will still buffer the corner at 22nd and Illinois. In addition, this design is consistent with the area and granting of the variance allows for the preservation of owner amenities, including green space, sidewalk connectivity, and access to dedicated bike and pedestrian pathways, further health and safety of community members. Finally, in review of the encroachment and proposed new site line with DPW, they are amenable to the change since there is not parking along Illinois or 22nd St. In this area and the owner commits to maintaining the landscaping as approved by DPW, wherein there will not be anything between 30" and 8' vertical that would further impede the site lines.

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 variance will not adversely affect neighboring properties as the setback is along the public street area and does impede sidewalks, allows for the preserving the character of the development and provides for a configuration that provides for ample owner amenities, including greenspace, sidewalks, and connectivity to dedicated bike and pedestrian pathways. In addition, granting of this variance request supports the overall objective of redeveloping a brown fields lot, further supporting the rejuvenation, health and vibrancy of the area within the Indy Health District and Meridian Highlands Neighborhood.

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

it would lead to a reduction in available work-force housing units, reduction in available green space and sidewalk connectivity. The reduction in siteline setback supports the ultimate goal of creating a well-integrated residential community that leverages green space and transit-oriented design methodologies for improved quality of life, aligning with the broader zoning and Indy Health District objectives.

DECISION

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

Adopted this _____ day of _____, 20 ____





FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



View looking south along North Illinois Street



View looking north along North Illinois Street



View of site looking north across Mc Lean Place



View of site looking northwest from adjacent property to the east



View of site looking north from adjacent property to the east



View of site looking west



View of site looking west



View of site looking west



View of site looking south across West 22nd Street



View of site looking south across West 22nd Street



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 14, 2024

Case Number:	2024-CAP-840 / 2024-CVR-840
Property Address:	2001 West 86th Street (Approximate Address)
Location:	Washington Township, Council District #1
Petitioner:	St. Vincent Hospital and Health, by Kandyn Leach
Current Zoning:	HD-1
Request:	<p>Hospital District One Approval to provide for wayfinding signage for the Women's and Infants medical facility.</p> <p>Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a pole sign, within the clear-sight triangle and a five-foot front yard setback (pole sign not permitted, not permitted within the clear sight-triangle, and a minimum 10-foot front setback required), and two building signs facing an interior private street (not permitted).</p>
Current Land Use:	Hospital campus and medical offices
Staff Recommendations:	Approval
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the requests.

PETITION OVERVIEW

LAND USE

The subject site is zoned HD-1 and located in a hospital campus. It is surrounded by a hospital to the north, zoned HD-1; surface parking lot to the south, zoned HD-1; parking garage to the east, zoned HD-1, and hospital to the west, zoned HD-1.

HOSPITAL DISTRICT ONE APPROVAL

The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities



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

is necessary to best perform the hospital's various services to the public; and further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

This district requires an approval petition be filed for signs other than incidental signs. An incidental sign is defined as “a permanent sign which has a purpose that is secondary and incidental to the use of the lot on which it is located, such as “hours of operation”, “loading zone only,” “air,” “building directory“ and “visitor parking,” and which carries no commercial message that is legible beyond the lot on which the sign is located, except for a registered logo on a premises with two or more separately-operating businesses.

The Ordinance classifies Hospital District One as a Development Plan District. “No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance.”

“The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.”

STAFF ANALYSIS

The proposal would allow for one pole sign, one window sign and three wall signs. The new signage proposed is due to a partnership between two companies and the new facility recently built.

Table 744-906-12 Primary Freestanding Signs in Special District regulations note that pole signs are not permitted. Freestanding signs that would otherwise be permitted require a 10-foot front setback.

Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;



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

- 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.

Staff is supportive of the requests because of the importance of signage for visitors who need to be able to locate their destinations during emergencies and other hectic situations. Staff determined that the proposed signs would provide appropriate wayfinding signage for the medical facility.

GENERAL INFORMATION

Existing Zoning	HD-1	
Existing Land Use	Hospital	
Comprehensive Plan	Regional Special Use	
Surrounding Context	Zoning	Land Use
	North:	HD-1 Hospital
	South:	HD-1 Parking Lot
	East:	HD-1 Parking Garage
	West:	HD-1 Hospital
Thoroughfare Plan		
Katie Knox Drive	Private Street	N/A
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	September 18, 2024	
Site Plan (Amended)	N/A	
Elevations	September 18, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 18, 2024	
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 Marion County Land Use Plan Pattern Book (2019) recommends regional special use development on the site.
- **REGIONAL SPECIAL USE**
 - This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway. Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans. Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2019-APP-015; 2001 West 86th Street, 8333, 8414 and 8550 Naab Road, 8301, 8401, 8402, 8433 Harcourt Road and 8071, 8081, 8091 and 8111 Township Line Road; (subject site) Hospital District-One and Hospital District-Two Approval to provide for a sign program for a hospital campus, **approved**.

2009-APP-099; 2001 West 86th Street (subject site), Hospital District One Approval to provide for the installation of a building identification sign, **approved**.

2007-APP-143; 2001 West 86th Street (subject site), Hospital District One Approval to provide for two wall signs, being 38.61 and 49.03 square feet, **approved**.

2006-APP-153; 2001 West 86th Street (subject site), Hospital District One approval to provide for the placement of two, 18.054-square foot wall signs indicating the address of the property, **granted**.

2005-APP-161; 2001 West 86th Street (subject site), Hospital District One approval to provide for the construction of an approximately 3,726-square foot one-story addition to an existing medical office building, **granted**.

Zoning History – Vicinity

2019-APP-018; 8081 Township Line Road, 1801 West 86th Street, 8220 and 8424 Naab Road and 2025 Dugan Road, Hospital District One/Two Approval to provide for a sign program with building and freestanding signs, **approved**.

2018-APP-012; 1801 West 86th Street, Hospital District-Two Approval to provide for two wall signs and a four by eight-foot ground sign, **approved**.

2016-APP-021; 1801 West 86th Street, Hospital District-Two Approval to provide for a medical simulation center, including parking, sign, landscaping and utility improvements, **approved**.

2010-APP-016; 8433 Harcourt Road, Hospital District One approval to provide for a 5.53-foot tall, 19.83-foot freestanding sign, **approved**.

2010-APP-014; 8401 Harcourt Road, Hospital District One approval to provide for ten additional parking spaces, **approved**.

2009-APP-104; 8501 Harcourt Road, Hospital District One Approval to provide for installation of a building identification sign, **approved**.

2007-APP-019; 8401 Harcourt Road, Hospital District One Approval to provide for a 2-story, 25,000-square foot building addition to an existing 49,640-square foot medical building, **approved**.



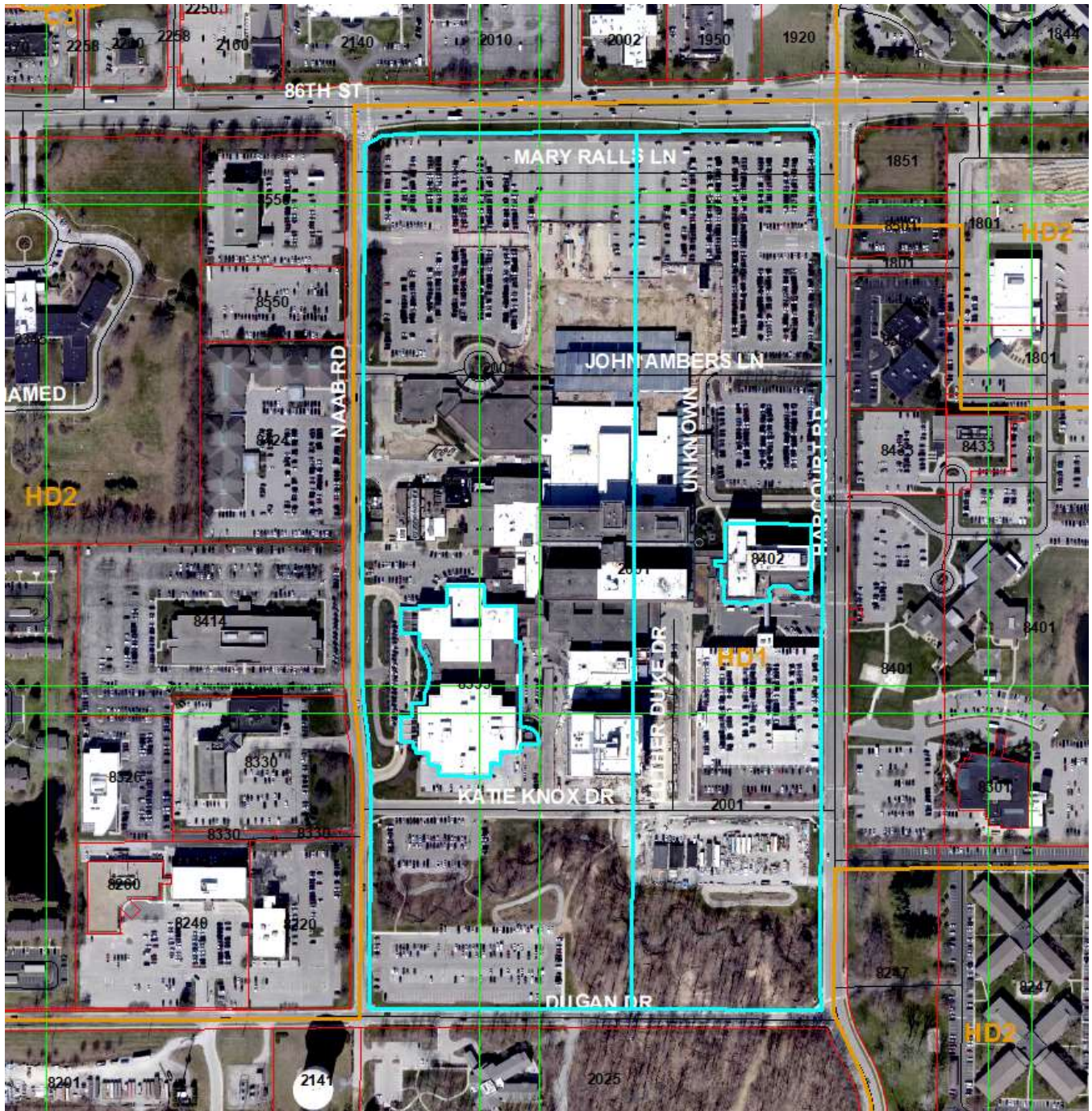
Department of Metropolitan Development
Division of Planning
Current Planning

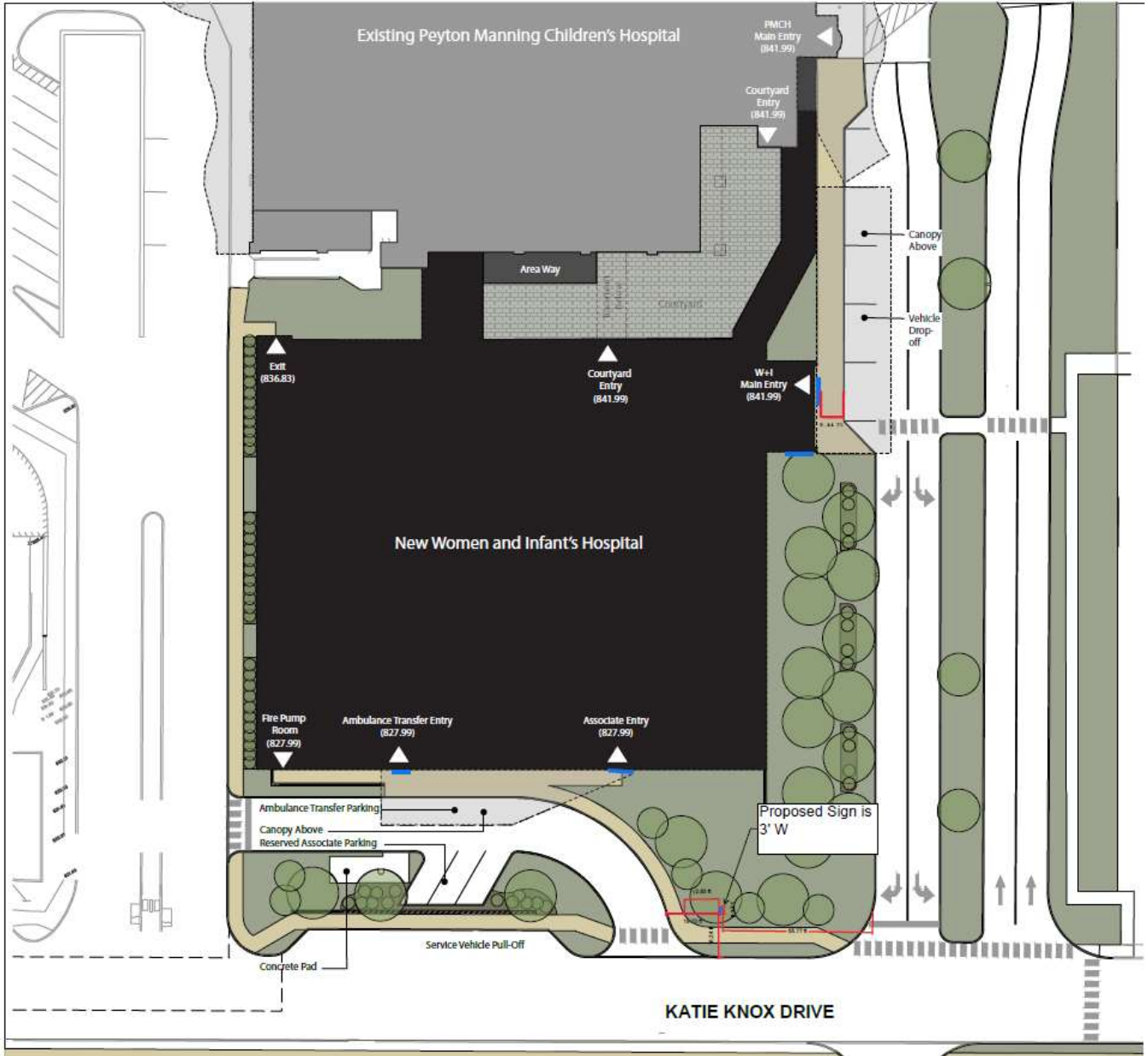
2007-APP-015; 8501 Harcourt Road, Hospital District One Approval to provide for two additional wall signs on the west building elevation and for a four-foot tall, 30-square-foot ground sign, **approved**.

2006APP054; 8414 Naab Road, Hospital District-Two approval to provide for the construction of two-story, 88,809-square foot medical pavilion building with 445 parking spaces and a four-foot tall, 40-square foot ground sign, **approved**.

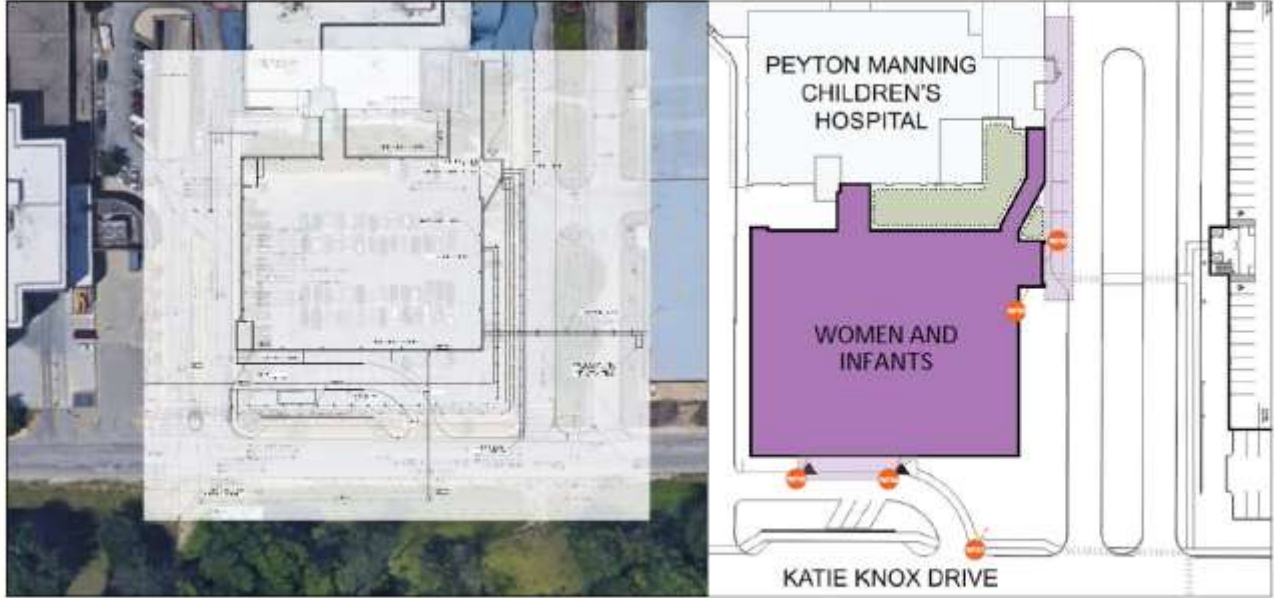
2004-APP-073; 8414 Naab Road, Hospital District-Two approval to provide for a two-story 65,800 square foot medical office building with a four-foot tall, sixteen-foot non-illuminated ground sign, and to provide for wall signage in conjunction with a sign program with an Administrator's Approval of final sign elevations, **approved**.

EXHIBITS





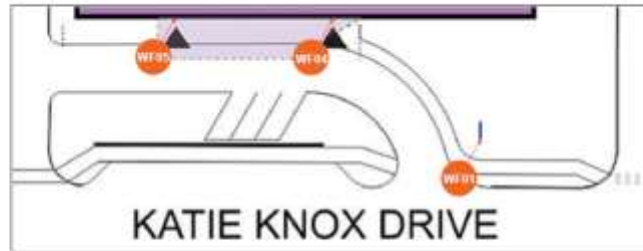
Overview Map



Existing



Sign Type:
Sign Code:
Location:
Bar Code:
Illumination:
Dimensions:
OAH:
DAW:
HOG:
Comments:



Location:



Rendering:

WF01

2001 W 90th Street

Recommendation

Action: Add New
Sign Type: Post & Panel
Sign Code: PP-9-02L
Quantity: 1
Attachment: Freestanding
Illumination: None
Approx. Size:
H: 3'-0"
W: 3'-0"
OAH: 5'-0"
DAW: 3'-0"
Comments: Will require a variance as it will not meet setback requirements

Technical Survey: Required
Code Compliance: Requires Variance



Recommended Side A:





Recommended Side B:



Existing

Sign Type:
Sign Code:
Location:
Bar Code:
Illumination:
Dimensions:
OAH:
OAW:
HOG:
Comments:

WF02
2001 W 99th Street

Location:Rendering:

[Overview Map](#)
[Grand Assessments Map](#)
[Keyfinding Map](#)
[Regulatory Map](#)
[Markers Map](#)
[Entrance Map](#)
[Return To Summary](#)

Recommendation

Action: Add New
Sign Type: BUS-Window Letters
Sign Code: AGC-BW-DUST
Quantity: 1
Attachment: Facades
Illumination: None
Approx. Size:
H: 2'-0"
W: 10'-0"
OAH: 2'-0"
OAW: 10'-0"
Comments: **Requires a variance as it faces an interior road.**

Technical Survey: Required
Code Compliance: Requires Variance



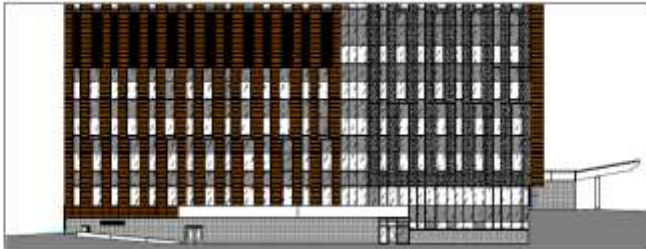
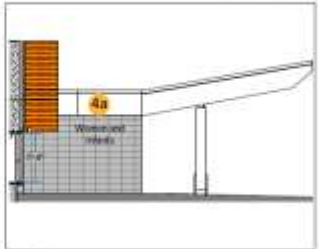
Recommended Side A:



Existing

Sign Type:
Sign Code:
Location:
Bar Code:
Illumination:
Dimensions:
OAH:
OAW:
HOG:
Comments:

WF03
2001 W 10th Street

Location:Rendering:

[Overview Map](#)
[Grand Assessments Map](#)
[Keyfinding Map](#)
[Regulatory Map](#)
[Markers Map](#)
[Entrance Map](#)
[Return To Summary](#)

Recommendation

Action: Add New
Sign Type: Plate Letters
Sign Code: AGC-PL-0-0-15-20
Quantity: 1
Attachment: Facades
Illumination: None
Approx. Size:
H: 300x300"
W: 300x300"
OAH: 300x300"
OAW: 300x300"
Comments: **Doesn't require a variance as it faces Kable Knox Drive.**

Technical Survey:
Code Compliance:



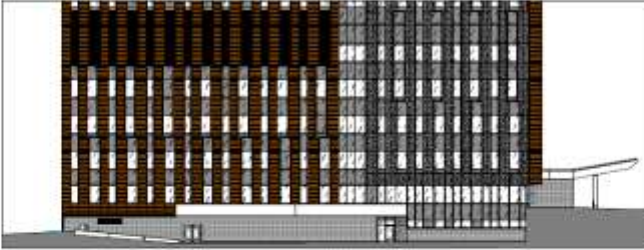
Recommended Side A:



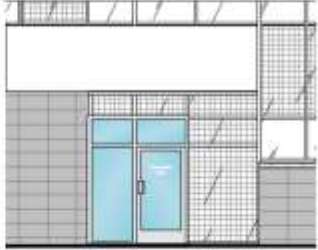
Existing

Sign Type:
Sign Code:
Location:
Bar Code:
Illumination:
Dimensions:
OAH:
OAW:
HOG:
Comments:

WF04
2001 W 92th Street



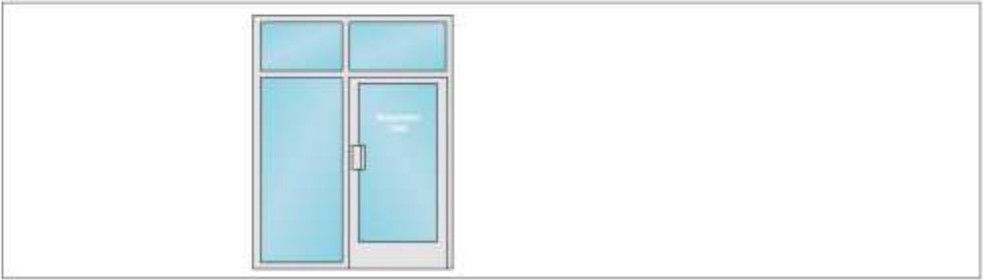
Location:



Rendering:


Recommendation

Action: XXXXXX
Sign Type: XXXXX
Sign Code: XXXXXXXXXXXXX
Quantity: X
Attachment: XX
Illumination: XXXX
Approx. Size:
H: 30'x30"
W: 30'x30"
OAH: 30'x30"
OAW: 30'x30"
Comments:
Variance not required
Technical Survey: Required
Code Compliance: Yes



Recommended Side A:

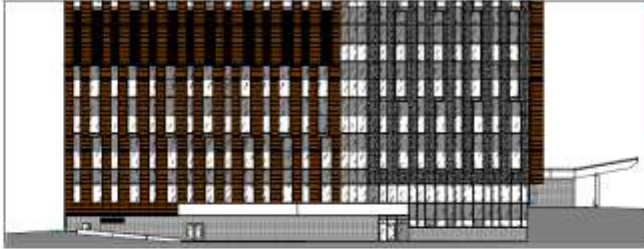
Overview Map
Grand Accounts Map
Map/Planning Map
Regulatory Map
Interior Map
Entrance Map
Basin To Summary




Existing

Sign Type:
Sign Code:
Location:
Bar Code:
Illumination:
Dimensions:
OAH:
OAW:
HOG:
Comments:

WF05
2001 W 92th Street




Location:



Rendering:


Recommendation

Action: Add New
Sign Type: Make Labels
Sign Code: ABC-PL-S-A-15-9
Quantity: 1
Attachment: Fasteners
Illumination: None
Approx. Size:
H: 30'x30"
W: 30'x30"
OAH: 30'x30"
OAW: 30'x30"
Comments:
Variance not required as sign faces
Kettle Knox Drive
Technical Survey: Required
Code Compliance:



Recommended Side A:

Overview Map
Grand Accounts Map
Map/Planning Map
Regulatory Map
Interior Map
Entrance Map
Basin To Summary





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

FINDINGS OF FACT

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

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

The proposed signage improves the visibility of the Women's and Infants facility and incorporates into the design plan essential for the navigation of the navigation of the Ascension St. Vincent 80th Street campus. The proposed signs are essential for pedestrian and vehicular navigation, in particular during high stress situations when people are often navigating hospital campuses.

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

The proposed signage fits into the current campus design signage plan on site resulting in a functional and aesthetically pleasing design plan. By providing clear visibility, the signage proposed improves traffic safety and navigation by for drivers and pedestrians. The proposed signage is in line with already permitted and installed on site so it will be visually pleasing to have signs of the same design around the campus.

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

The proposed signage helps drivers know where to navigate and park when visiting the Women's and Infants facility and other facilities on the campus. Without this signage visibility would be impacted and navigation around the campus and to this facility would be greatly impacted.

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 proposed wall sign and ground sign requiring variances use a color coded system and standard symbols to help people navigate the campus in high stress situations. The proposed location and design of this signage is essential for their effective use by visitors of the Ascension St. Vincent Women's and Infants building and other facilities on campus.

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

The proposed signage will not damage the sanitation, drainage, or public utilities as they are small non-illumination signs placed in locations designed to not impact these areas.



Department of Metropolitan Development
Division of Planning
Current Planning

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

The proposed signage requiring a variance is essential signage for the hospital campus and has a unique hardship due to the size of the campus. The design of the proposed signage allows the Women's and Infants facility to function as proposed and without the proposed signage it would struggle to function as intended. The proposed ground sign is essential for the Women's and Infants facility and would enhance the intended use of the other facilities on campus.

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

The proposed signage assists pedestrians as they navigate the campus on the sidewalks. The proposed signage is design to improve visibility so that as pedestrians are walking they can safely and efficiently get to their destination.



**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:

Granting these petitions will not be injurious to the public. This is an attempt to improve visibility of the Women's and Infants facility and unify the branding across the Ascension St. Vincent campus. This is essential for the safe and efficient navigation of the Ascension campus where people are often in high stress situations. The proposed signs improves the overall visibility of important medical facilities and would be a positive contribution to the public health, safety, morals, and general welfare of the community at large.

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

Granting these petitions will not have an adverse effect to the adjacent properties. These approvals will assist in the navigation of the campus and in and around the Women's and Infants facility. The proposed signage could positively effect travel times in the area and the health and safety of people seeking treatments. The adjacent properties are also Ascension facilities so these proposed signs are approved as part of the overall branding plan for the campus. Overall these signs will have a positive impact on the community and adjacent properties as it relates to the overall look of the campus and the safety of visitors.

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

The hospital campus is 96 acres large and has multiple buildings and parking sites. Due to the size and design of the campus many signs don't face face major roads but still have heavy vehicle and pedestrian traffic. Our need to direct the public to this facility and inform them of the best locations to park for their visit has become difficult under the ordinance as it is written. The proposed ground signs, and proposed in design and location are essential for the navigation of the campus as they incorporate into the overall signage way finding plan. The current code causes practical difficulties for visitors to the Ascension St. Vincent 86th Street Campus.



Photo of the subject site.



Photo of the wall sign location above the open doorway.



Photo of the widow sign location on the door.



Location of the proposed pole sign looking east.



Location of the proposed pole sign looking west.



Photo of one of the wall sign locations along the southern building façade.



Photo of a wall sign located along the eastern building façade.



Photo of a wall sign not included in the request along the eastern building façade that would need an approval petition.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

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

PETITION HISTORY

ADDENDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This petition was continued from the October 24, 2024 hearing to the November 14, 2024 hearing at the request of the petitioner. As suggested by the Hearing Examiner on September 12th, a site plan was submitted to staff for review on October 24, 2024. As proposed, staff would continue to recommend denial.

Staff still has concerns with the commercial use encroaching closer to the dwellings than currently exists. However, if the transitional yards were increased to 40 feet on the south side and 30 feet on the east site, with the office building relocated to the southwest portion of the site adjacent to a 40-foot south transitional yard to act as a buffer from the outdoor storage that would be relocated along the northern portion of the site, then the request could be supportable.

Staff would not support any variances for the proposed C-7 zoning district which means all development standards such as lighting, landscaping including Green Factor, and transparency requirements would need to be met.

Staff **would recommend approval of the rezoning** 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. Th A 40-foot transitional yard shall be proposed along the southern property boundary and a 30-foot transitional yard shall be proposed along the eastern property boundary that abuts the protected district.
2. The proposed building shall be relocated to the southwest corner of the side adjacent to the 40-foot transitional yard.



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

3. All development standards of the C-7 district shall be met.
4. A final landscape plan shall be submitted for Administrative Approval prior to the issuance of an Improvement Location Permit that shows all landscape requirements to be met in addition to the increased transitional yards as requested by staff and that increased evergreen landscaping be installed in the transitional yards.

ADDENDUM FOR OCTOBER 24, 2024 HEARING EXAMINER

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

ADDENDUM FOR SEPTEMBER 12, 2024 HEARING EXAMINER

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

August 29, 2024

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

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

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

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

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

REZONING

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

The D-3 district provides for low to medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to



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

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

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

Staff Analysis

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

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

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

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-7 Drywall Contractor Business
	South:	D-3 Residential (Single-family dwelling)
	East:	C-7 / D-3 Residential (Single-family dwelling)
	West:	I-2 / D-3 Concrete Contractor Business
Thoroughfare Plan		
Kitley Avenue	Local Street	48-foot proposed right-of-way and 90-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	April 17, 2024	
Site Plan (Amended)	October 24, 2024	
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)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The subject site is recommended for suburban neighborhood development by the Comprehensive Plan.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be



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

treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Vicinity

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

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

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

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

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

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

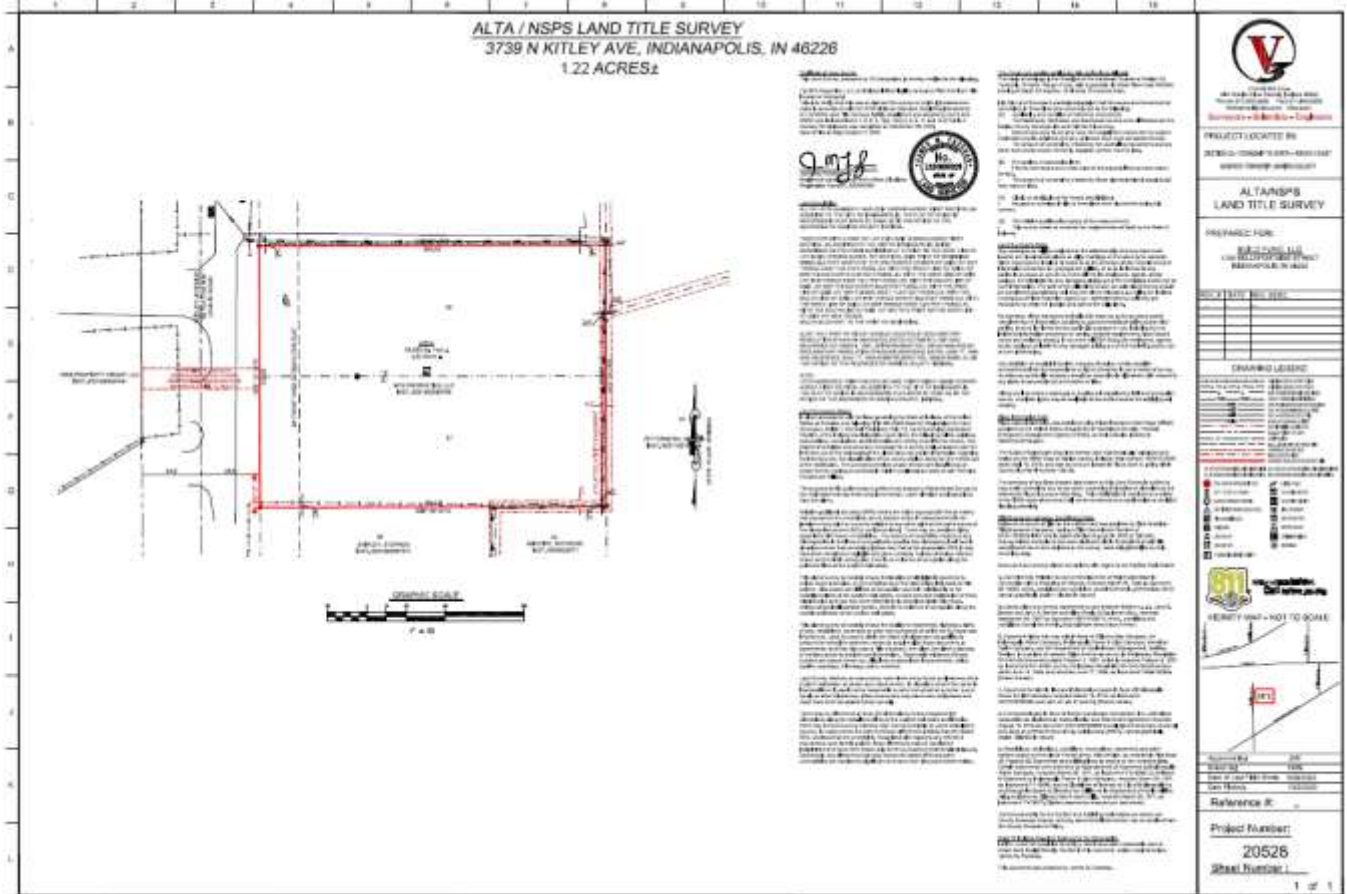
EXHIBITS





Department of Metropolitan Development
 Division of Planning
 Current Planning

SITE PLAN



PATRIUM

Design-build | General Contracting | Construction Management | PM

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

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

PATRIUM

Design-build | General Contracting | Construction Management | PM

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

PATRIUM



Northern property boundary of the subject site looking east.



Photo of the subject site looking east.



Photo of the subject site looking east.



Southern property boundary of the subject site looking east.



Photo of the subject site street frontage looking northeast.



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



Photo of single-family dwellings southwest of the site.



Photo of the concrete contractor business looking north.



Photo of the concrete contractor business looking northwest.



Photo of the concrete contractor business to the west.



Photo of the drywall contractor business to the north.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-087 (Amended)

Property Address: 8201 and 8461 Rawles Avenue, 1402 and 1538 South Post Road and 1215 South Franklin Road

Location: Warren Township, Council District #20

Petitioner: Scannell Properties, LLC, by Misha Rabinowitch

Current Zoning: 1-3, SU-46 and D-A

Request: Rezoning of 138.56 acres from the I-3, SU-46 and D-A districts to the I-2 district to allow for an industrial park development.

Current Land Use: Industrial / Airport / Undeveloped

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance request filed by a registered neighborhood organization that continued this petition from the September 12, 2024 hearing, to the October 10, 2024 hearing.

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing, at the request of staff to provide time for a Traffic Impact Analysis (TIA) to be conducted, submitted and reviewed by staff.

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. Development of the site shall be in substantial compliance with the site plans (A and B) file-dated August 26, 2024. The final site plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), related to the preservation of trees.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.



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

3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
4. A 40-foot half right-of-way shall be dedicated along the frontage of South Franklin Road and Rawles Avenue and a 59.5-foot right-of-way along South Post Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

Rezoning

This 138.56-acre site, zoned I-3, SU-36 and D-A, is comprised of seven parcels, six of which are contiguous. The larger southernmost parcel is developed with an airport runway and the remaining parcels are undeveloped. It is surrounded by industrial uses and undeveloped land to the north, zoned I-3 and D-A; a railroad right-of-way to the south, zoned I-3, C-5 and I-4; undeveloped land and a single-family dwelling to the east, across south Post Road, zoned SU-16 and D-A, respectively; and a mobile home community to the west, across Franklin Road, zoned D-11 and single-family dwellings and religious uses, zoned D-2 and SU-1, respectively.

The seventh parcel (addressed as 8641 Rawles Avenue and approximately 38.9 acres) is undeveloped and surrounded by single-family dwellings to the north, across Rawles Avenue, zoned D-2; undeveloped land to the south, zoned D-A; a single-family dwelling and industrial uses to the east, zoned D-A and I-2, respectively; and religious uses and undeveloped land to the west, zoned SU-1 and D-A respectively.

Petition 86-Z-158 rezoned the airport property from the SU-4 district (Airport / Landing Field) to the "A" district (Airport Special Use) to reflect the Special Use Districts Zoning Ordinance update. Petition 86-Z-159 rezoned the narrow parcel at the southeastern corner of the site abutting the railroad right-of-way from the SU-4 district to the I-3-S district to also reflect the updated Ordinance.

Petition 91-UV3-118 provided for an addition to an existing barn with reduced setbacks.

Petition 94-Z-214 rezoned the western portion of the site to the "A" district to provide for expansion of the airport.



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

The request would rezone all parcels to the I-2 (Light Industrial District). “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 currently developed parcels on the southern portion of the site and rural and estate neighborhood typology for the undeveloped parcels, which are generally located on the northern portion of the site.

Traffic Impact Analysis

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

Capacity analysis occurs for four different scenarios. Scenario One is based on opening day 2026 background traffic volumes. Scenario Two is based on opening day 2026 background traffic volumes plus proposed development traffic volumes. Scenario Three is based on the Horizon year 2036 background traffic volumes. Scenario Four is based on horizon year 2036 background traffic volumes plus proposed development traffic volumes.

The study area consisted of Brookville Road, Franklin Road, Post Road, and Rawles Avenue/English Avenue. The existing intersections are Brookville Road and Franklin Road (signalized), Brookville Road and Post Road (signalized), Post Road and Wishmeyer Lane (unsignalized), Post Road and General Devices (unsignalized), and Franklin Road and Rawles Avenue (unsignalized).

Findings and Recommendations

- Brookville Road & Post Road - The intersection currently operates at or above acceptable levels of service during both peak hours for all scenarios, no improvements are recommended at this time.



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

- **Post Road & Wishmeyer Lane** - The existing minor westbound approach to this intersection currently operates at or above acceptable levels of service during the AM peak hour of the background scenarios (Scenarios 1 and 3) but operates below acceptable levels of service in the PM peak hour. The addition of the eastbound approach and the site generated trips (in Scenarios 2 and 4) increases delay further at this approach. The proposed minor eastbound approach to this intersection also operates below acceptable levels of service in the PM peak hour (of Scenarios 2 and 4). The upstream traffic signal is expected to create adequate gaps for exiting vehicles. The eastbound approach should be built with two exiting lanes so that left-turning vehicles waiting for a gap do not cause right-turning vehicles additional delay. Since the excess delay will only occur during the PM peak hour, no further improvements are recommended at this time.
- **Post Road & General Devices** - The minor eastbound approach to this intersection operates at or above acceptable levels of service during all peaks in all scenarios. The minor westbound approach to this intersection currently operates at or above acceptable levels of service during both peak hours of the opening day background scenario (Scenario 1). However, in the horizon year background scenario (Scenario 3), the westbound approach operates below acceptable levels of service. The addition of site generated trips (in Scenarios 2 and 4) does not increase this delay significantly. Since the excess delay will only occur during the PM peak hour, no improvements are recommended at this time.
- **Post Road & Proposed Access A** - This intersection will be constructed with the proposed development. If the minor westbound approach to this intersection has only one exiting lane, then it will operate below acceptable level of service in the PM peak of the opening day scenario (Scenario 2). The minor westbound approach to this intersection should have an exclusive left-turn lane and an exclusive right-turn lane. With this configuration, the westbound approach will operate at or above acceptable levels of service during all scenarios except for the PM peak of the horizon year (Scenario 4).
- **Franklin Road & Rawles** - This intersection operates below acceptable levels of service during all peak hours in all scenarios with existing lane and traffic control conditions. An initial screening indicates this intersection will meet at least a peak-hour warrant for a traffic signal using the 2024 traffic counts for either the AM or the PM peak. This intersection should be improved to a traffic signal or a roundabout. It will operate at or above acceptable levels of service with either improvement.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along South Franklin Road and Rawles Avenue and a 59.5-foot half right-of-way along South Post Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



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

Staff would note that the existing right-of-way along Post Road ranges between approximately 50 feet and 95 feet. It would be appropriate for the right-of-way to be consistent along the western side of South Post Road frontage. Additionally, commitments related to the 1994 rezoning required dedication of a 70-foot half right-of-way along South Franklin Road. Based current aerials that dedication has not occurred.

Tree Preservation / Heritage Tree Conservation

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

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

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

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

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

Environmental Public Nuisances

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



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

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.

Planning Analysis

As proposed, this request would be consistent with the Comprehensive Plan recommendation of light industrial uses and the industrial reserve for the southern portion of the site, currently developed as a private airport, but would not be consistent with the rural or estate recommendation for the northern parcels.

The parcel located in the middle of the site (addressed as 8201 Rawles Avenue) would be developed with industrial uses, rather than the Plan recommendation of rural or estate neighborhood typology. Because this parcel would be integrated into the proposed development along with the appropriate setbacks and buffering, staff believes light industrial development on this portion of the site would be supportable.

As originally filed, the site plan (file dated July 12, 2024) provided for industrial development on all the parcels. Amended site plans (A and B) filed on August 26, 2024, removed industrial development on the northernmost parcel (addressed as 8461 Rawles Avenue). Staff believes industrial development on this parcel would be wholly inappropriate because it is in proximity of a school, abuts religious uses and located within a residential neighborhood. Consequently, staff's support of this request would be subject to the site plans (A and B), file dated August 26, 2024, and would not support any industrial development on this parcel or any future modifications to allow for industrial development.



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

Site Plans (A and B), file dated August 26, 2024, are similar as it relates to the 73,500-square-foot building fronting on South Post Road, three buildings (40,000 and 50,000 square feet) abutting the railroad, a 279,500-square foot building in the center of the site, and a 105,000-square-foot building fronting on South Franklin Road.

The difference in the two site plans relate to development of the center of the site with an option for one 865,500-square foot building or three smaller buildings totaling 596,500-square feet. Obviously, these options indicate that development of this portion of the site is speculative and would respond to the needs of potential of future tenants.

Site access would be gained from two drives along South Post Road that would include General Devices (existing private street) and a proposed drive south of this street (opposite Wishmeyer Lane). A third access drive would be along South Franklin Road north of the railroad tracks.

GENERAL INFORMATION

Existing Zoning	I-3 / SU-46 / D-A	
Existing Land Use	Private airport / undeveloped land	
Comprehensive Plan	Rural and Estate Neighborhood / Industrial	
Surrounding Context	Zoning	Land Use
North:	I-4 / D-2	Industrial uses / single-family dwellings
South:	I-3 / C-5 / I-4	Railroad right-of-way
East:	SU-16 / D-A	Undeveloped land / single-family dwelling
West:	D-11 / D-2 / SU-2	Mobile home community / single-family dwelling / religious uses
Thoroughfare Plan		
Rawles Avenue	Primary Collector	Existing 68-foot right-of-way and proposed 80-foot right-of-way.
South Post Road	Primary Arterial	Existing 50-95-foot right-of-way and proposed 119-foot right-of-way.
South Franklin Road	Primary Arterial	Existing 34-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes. Environmentally Sensitive Areas / Industrial Reserve	
Wellfield Protection Area	No	



Site Plan	July 12, 2024
Site Plan (Amended)	August 26, 2024
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 and Rural and Estate 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.
- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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

- *Light industrial uses (defined as industrial uses that create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.)*
 - Industrial truck traffic should not utilize local, residential streets.



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

- 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.
- *Rural or Estate Neighborhood Typology*
 - Only the following land uses are recommended: detached housing, working farms, group homes, bed / breakfast and wind / solar farms.

Overlays

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

Much of the middle portion of the site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands.

- The Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

The southern portion of the site abutting the railroad right-of-way and frontage along South Franklin Road is located within the Industrial Reserve overlay.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

94-Z-214; 1410 South Post Road, requested rezoning of 36.01 acres, being in the I-2 S and I-3 S districts to the "A" classification to provide for expansion of an existing private airport runway, **approved**.

91-UV3-118; 1538 South Post Road, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an addition to an existing barn with a reduced side yard setback, **granted**.

86-Z-159; 1538 South Post Road, rezoned (Commission initiated) 1.3 acres from the SU-4 (Landing field / Airport) district to the I-3-S classification, approved.

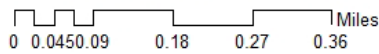
86-Z-158; 1410 South Post Road, rezoned (Commission initiated) 25.28 acres from the SU-4 and I-3-S district to the "A" (Airport) classification in anticipation of the Ordinance amendment of the Special Use Districts Zoning Ordinance, **approved**.

74-V1-40; 1477 South Franklin Road, requested a variance of setback and transitional yard requirements to permit erection of a warehouse and distribution operation for building materials, **granted**.

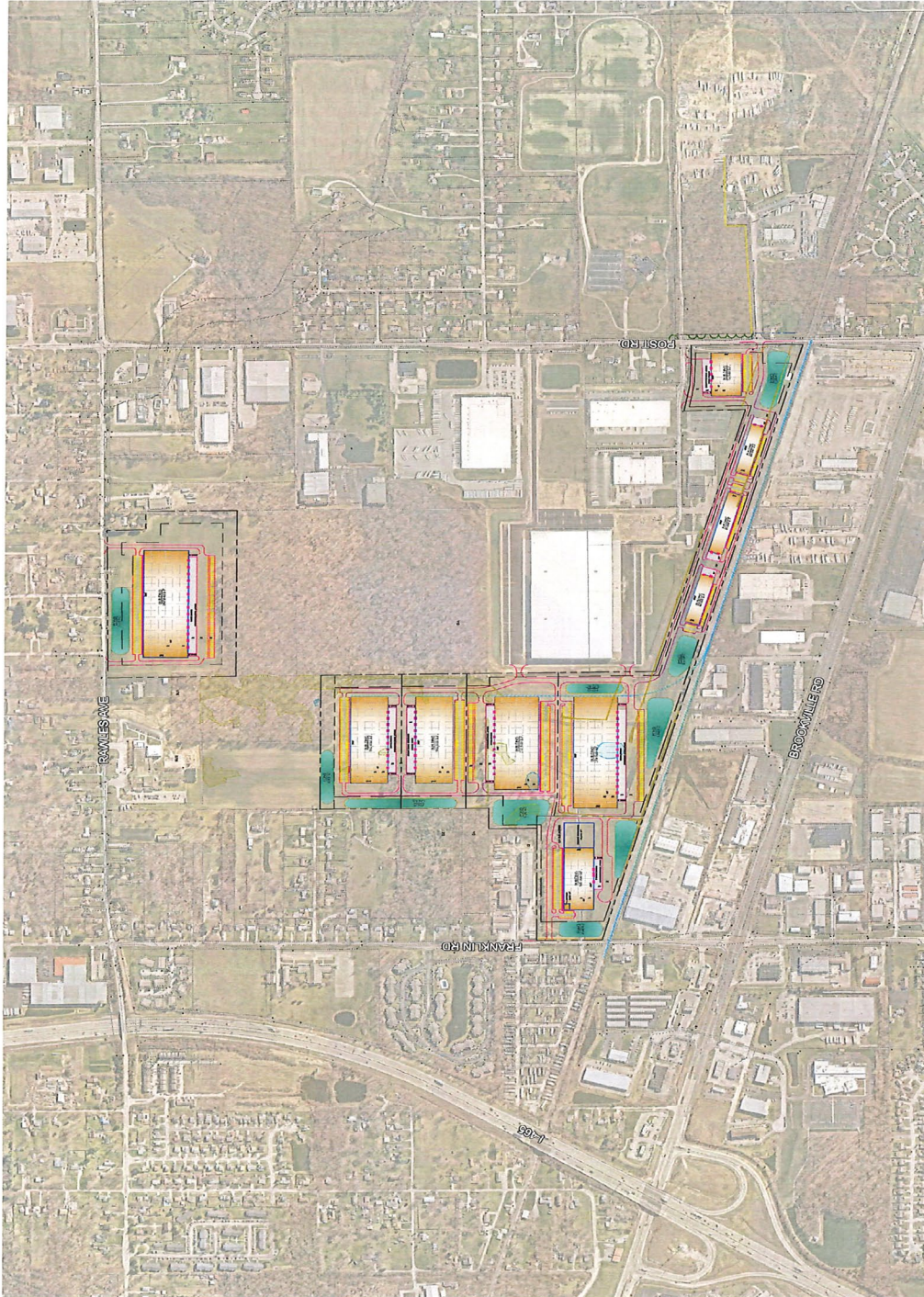
EXHIBITS



8201 and 8461 Rawles Avenue, 1402 and 1538 South Post Road and 1215 South Franklin Road



SITE PLAN – July 12, 2024



SCANNELL CONSULTANTS **Kimley»Horn**

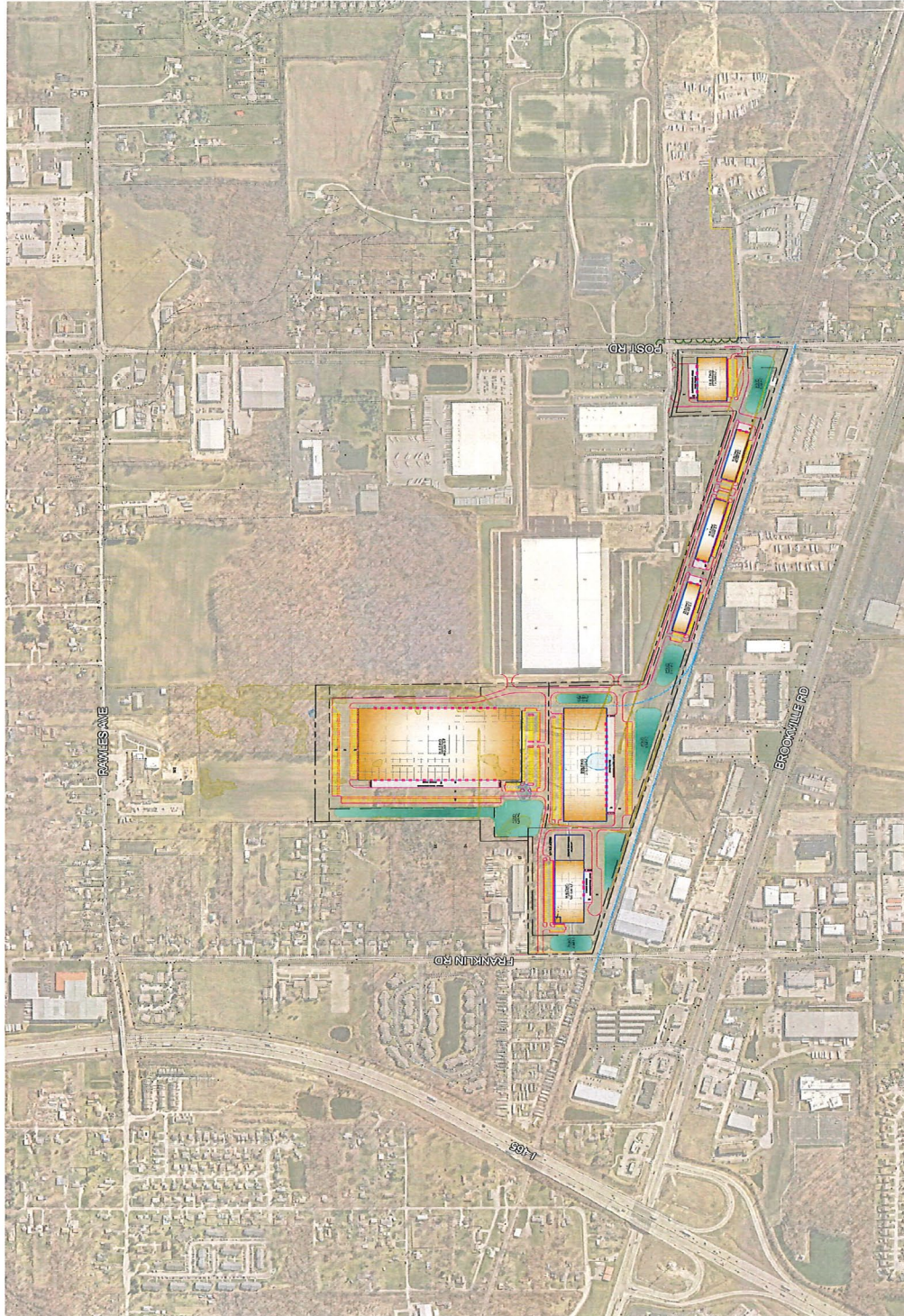
POST ROAD AIRPORT BUSINESS PARK

SITE EXHIBIT JULY 12, 2024

SCALE: 1" = 500'

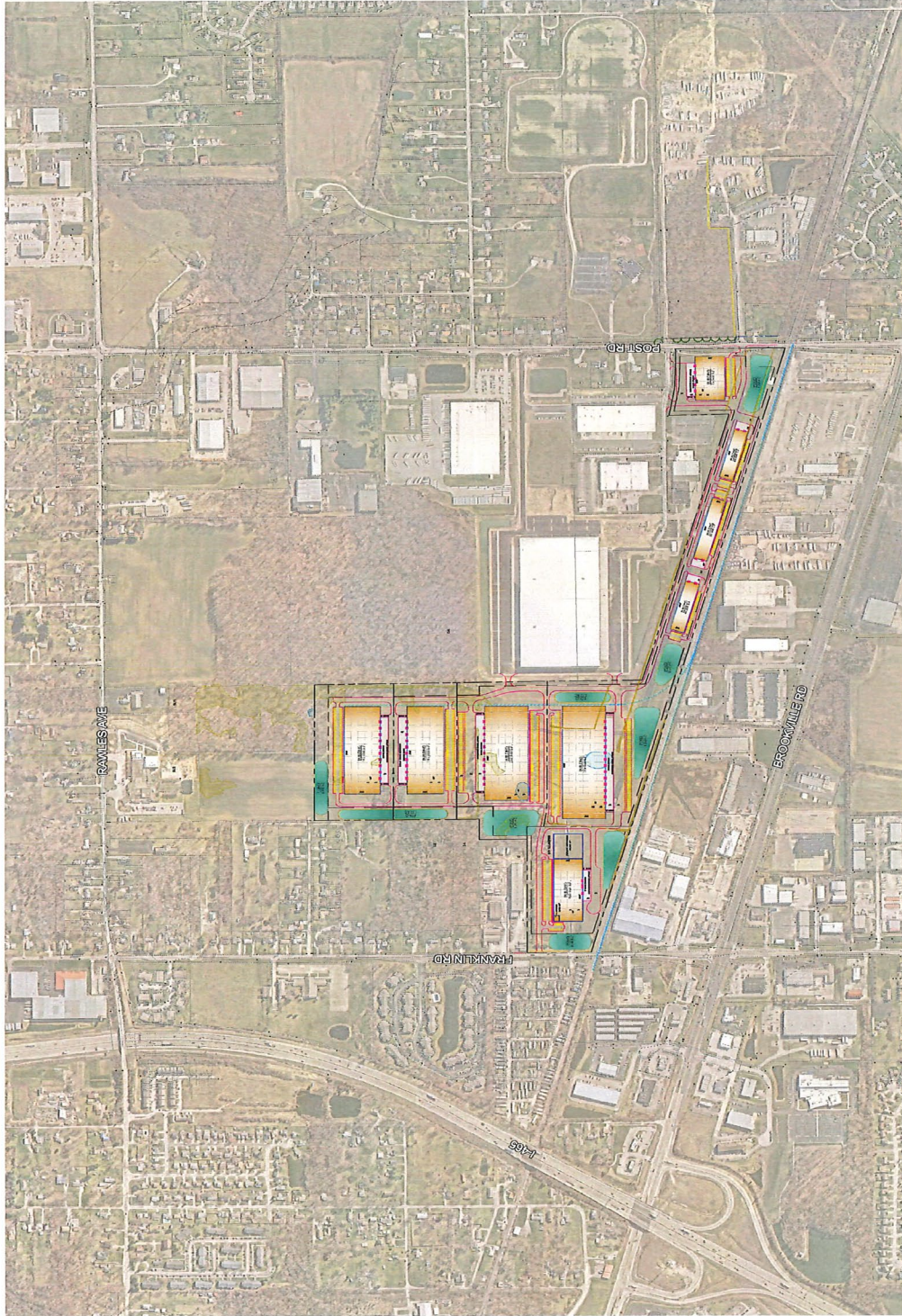


SITE PLAN A – August 26, 2024



SCANNELL & PARTNERS
 Kimley»Horn
 POST ROAD AIRPORT BUSINESS PARK
 SITE EXHIBIT
 August 22, 2024
 SCALE: 1" = 300'
 0 100 200
 NORTH

SITE PLAN B – August 26, 2024



SCANNELL CONSULTANTS
 Kimley»Horn
 POST ROAD AIRPORT BUSINESS PARK
 SITE EXHIBIT
 August 23, 2024
 Scale: 1" = 500'
 North Arrow



EXHIBIT A

Heritage Tree Conservation

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

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

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



View looking west along Rawles Avenue



View looking east along Rawles Avenue



View of site looking south across Rawles Avenue



View of site looking south across Rawles Avenue



View of site looking south across Rawles Avenue



View looking north along South Franklin Road



View looking south along South Franklin Road



View of site looking southeast from South Franklin Road



View of site looking east across South Franklin Road



View looking south along South Post Road



View looking north along South Post Road



View of site looking south



View of site looking south



View of site looking south



View of site looking southwest



View of site looking west



View of site looking south



View of site looking south



View looking west at adjacent property to the north



View looking east along General Devices Road at adjacent property to the north



View from site looking north across General Devices



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-093 / 2024-VAR-011 (Amended)

Property Address: 4410 Allisonville Road (Approximate Address)

Location: Washington Township, Council District #8

Petitioner: EZ-Stor LLC, by David Kingen & Emily Duncan

Current Zoning: C-S
Rezoning of 3.25 acres from the C-S (FF) (W-1) district to the C-S (FF) (W-1) district to provide for a proposed self-storage building expansion.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for nine parking spaces (minimum 30 parking spaces required).

Current Land Use: Industrial

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This petition was continued from the September 26, 2024 hearing to the November 14, 2024 hearing at the request of the petitioner to allow additional time to make changes to the plans and provide to staff for review. No changes to the plans were submitted to the case file.

September 26, 2024

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff **recommends denial** of the requests.

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

1. An 82-foot half right-of-way shall be dedicated along the frontage of Allisonville Road as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall

be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

This 3.25-acre site, zoned C-S, is developed with a self-storage facility. It is surrounded by commercial uses to the northwest, across Old Allisonville Road and west, zoned C-5; medical office and multi-family dwellings to the east, across Allisonville Road, zoned MU-1; Fall Creek, park, and multi-family dwellings, across Binford Boulevard, to the south, zoned PK-2, PK-1, and D-7.

Petition 2000-ZON-869 rezoned the site to the C-S (W-1) to provide for a self-storage, self-service automobile wash bays and an apartment for an on-site manager.

REZONING

This request would rezone C-S district to the C-S classification to provide for C-1 office uses, one dwelling unit for the on site manager and an expansion of the self-storage facility, see Development Statement.

“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 Ordinance identifies the purposes of the C-S District:

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



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

5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The Comprehensive Plan recommends office/industrial mixed-use. “The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology.”

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.

This site is located in an environmentally sensitive area (100-year floodplain). “The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.”

The request would be consistent with the Comprehensive Plan recommendation, however, staff is concerned that the expansion would result in a site that would be covered with buildings and pavement, leaving little space for landscaping and buffering for surrounding land uses (park and residential). Furthermore, the area proposed for expansion is located in the 100-year floodplain.

Staff would not object to an appropriate and reasonable expansion that would provide more areas of landscaping and buffering, but as proposed, a site primarily of hard surface would not be supportable.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

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

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.



Department of Metropolitan Development
Division of Planning
Current Planning

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. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-1 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of an 82-foot half right-of-way along Allisonville Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for nine parking spaces when the Ordinance requires one parking space for every 30 units, for a total of 30 required parking spaces for the 875 units proposed. The information filed indicates that the requirement would be decreased by 21 spaces.



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

The petitioner’s representative has not provided a finding of fact that presents a practical difficulty for a reduction of parking spaces. Furthermore, staff believes there is not a practical difficulty in the use of the site if the required number of parking spaces would be provided.

STAFF ANALYSIS

The grant of the request would allow for a two-story building expansion of the self-storage facility that would include 546 new units on site, with a total of 875 units.

Staff has concerns with the proposal since it would significantly reduce the green space in the front yard and would remove the trees that are in front of the existing building. Additionally, the existing sidewalk would be removed with no indication on the proposed site plan that a new sidewalk installation would be proposed as required.

Lastly, staff determined that the newly proposed building would create a site is completely made up of pavement and buildings which would leave no green space for drainage purposed. The request for the reduction of parking spaces indicates the overdevelopment of the site since the increased number of required parking spaces would not be needed without the large expansion proposed on site.

Because the rezoning would be tied to the C-S Statement and the site plan, staff cannot recommend approval of the rezoning since it would allow for the expansion that is not supportable by staff.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Mini warehouses	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-5	Commercial
South:	D-7 / PK-1 / PK-2	Park and Multi-family dwellings
East:	MU-1	Medical Office and Multi-family dwellings
West:	C-5	Commercial
Thoroughfare Plan		
Old Allisonville Road	Local Street	48-foot proposed right-of-way and 74-foot existing right-of-way.
Allisonville Road	Secondary Arterial Street	126-foot proposed right-of-way and 82-foot existing right-of-way.
Binford Boulevard	Binford Boulevard	104-foot proposed right-of-way and 116-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	



Department of Metropolitan Development
Division of Planning
Current Planning

Wellfield Protection Area	Yes
Site Plan	August 26, 2024
Site Plan (Amended)	N/A
Elevations	August 26, 2024
Elevations (Amended)	October 14, 2024
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	August 2, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Marion County Land Use Plan Pattern Book (2019) recommends office/industrial mixed-use development for the site.
- The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.
- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **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.
- **Small-Scale Retailing, and Personal or Professional Services**
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.



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

- Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.
- Should be located and served in such a way that the use will not interfere with industrial traffic or loading.

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)

- Indy Moves Transportation Integration Plan (2018) proposes a complete streets multi-use path along Allisonville Road from Binford Boulevard to 56th Street.



ZONING HISTORY

Zoning History – Site

2019-CZN-826; 4410 Allisonville Road (subject site), Rezoning of 3.25 acres from the C-S district to the C-S district to provide for C-1 office uses and to expand a self-storage facility, **approved**.

2019-CVR-826; 4410 Allisonville Road (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to provide for nine parking spaces, a 20.3-foot tall, 221-square foot freestanding pole sign, with a 140-square foot digital display equaling 63% of the sign area located 50 feet from the nearest protected district (maximum 20-foot height for pole signs, maximum 100-square foot digital display, pole sign not permitted with digital display, digital display cannot exceed 40% of sign area, 600-foot separation required). **withdrawn**.

2019-CVC-826; 4410 Allisonville Road (subject site), Vacation of an irregular portion of Binford Boulevard, being approximately 70 feet wide, consisting of 0.28 acre from the west right-of-way line of Allisonville Road to a point along the 70-foot right-of-way of Binford Boulevard 265.72 feet to the west, being a part of Lots 20, 21, 23, 24, 25 and 26 in Fall Creek Boulevard Addition recorded in Plat Book 20, Page 34 in the Office of the Recorder of Marion County, with a waiver of the assessment of benefits, **adopted**.

2013-VAC-010; 4410 Allisonville Road (subject site), Vacation of four-foot-wide utility easements along the east side of Lots Four to Eleven, along the west side of Lots 18-23, along the south side of Lot 21 and along the north side of Lots 23-24, **approved**.

2000-VAC-869; 4405 Allisonville Road (subject site), Vacation of the four utility easements: **approved**.

2000-ZON-869; 4405 Allisonville Road (subject site), Rezoning of 2.8 acres from the C-5 (W-1) district to the C-S (W-1) classification to provide for a self-storage facility, self-service automobile wash bays, and an apartment, **approved**.

96-VAC-22; 4407 Allisonville Road (subject site), Vacation of a utility easements, being approximately 8 feet in cumulative width, between Lots 4 through 11 and Lots 18 through 24 of Fall Creek Boulevard Addition, recorded in Plat book 20, page, 34, **withdrawn**.

Zoning History – Vicinity

2020-DV3-065; 4405 Allisonville Road (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 16.33-foot-tall building and façade transparencies ranging from seven percent to 24% (minimum 25-foot height and 40% transparency required), **void**.

2017-ZON-044; 2717 Anna Lane (east of site), Rezoning of 1.194 acres from the MU-1 (W-1) (FF) District to the C-3 (W-1) (FF) classification, **withdrawn**.



Department of Metropolitan Development
Division of Planning
Current Planning

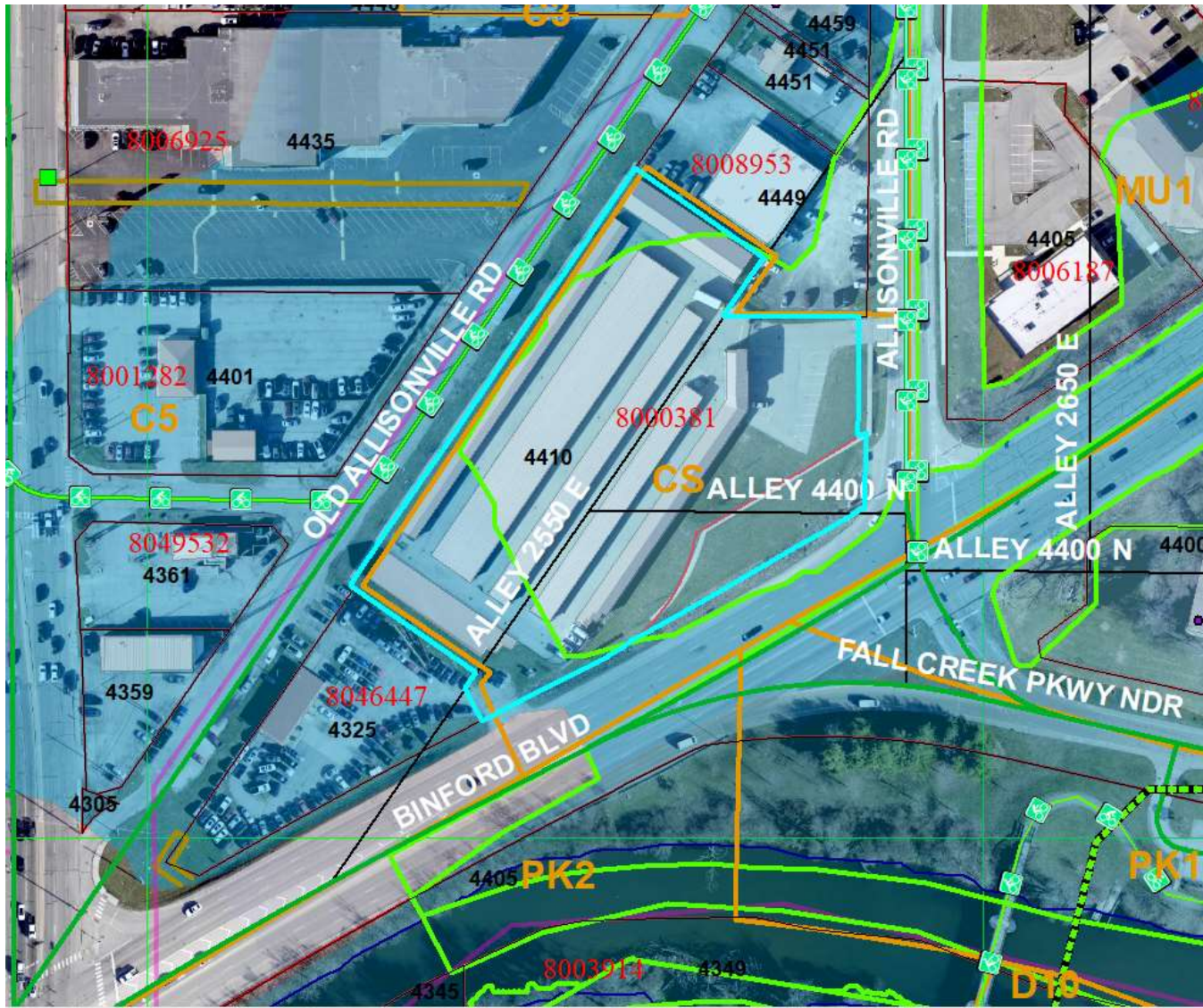
93-UV1-17; 4446 Allisonville Road (north of site), Variance of use of the Commercial Zoning Ordinance to provide for the continued operation of an automobile sales service and repair shop including body work, **approved**.

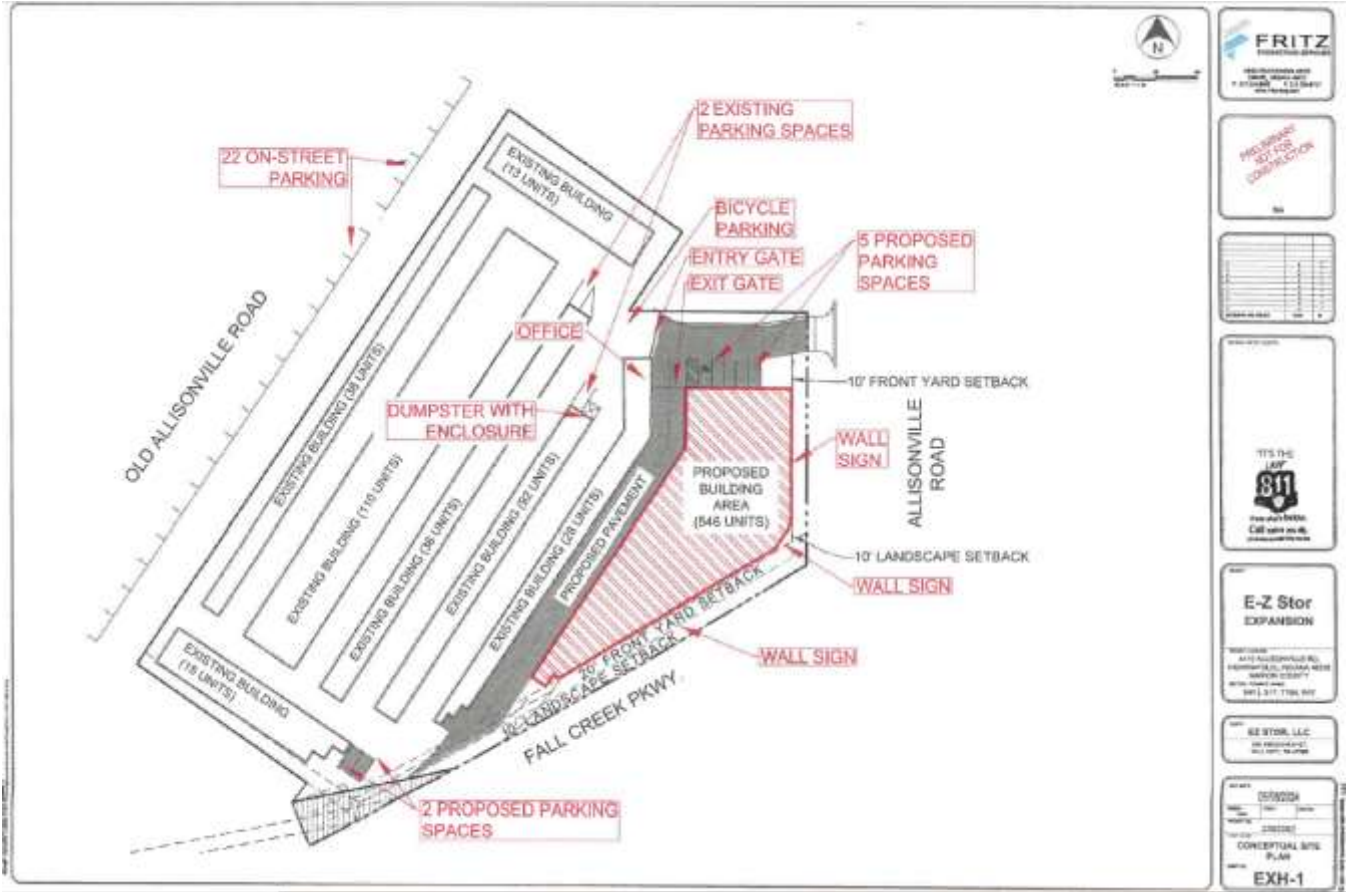
91-UV1-141; 4359 North Keystone Avenue (southwest of site), Variance of development standards of the Commercial Zoning Ordinance to permit a building addition resulting in a setback of 28 feet from the centerline of Allisonville Road (70-foot setback from centerline required), **denied**.

89-UV1-109; 4446 Allisonville Road (north of site), Variance of use of the Commercial Zoning Ordinance to provide for operation of an automobile sales, service and repair shop including body work, **approved for three years**.

85-V2-127; 4359 North Keystone Avenue (southwest of site), Variance of development standards to permit a building addition located within the required setback, **granted**.

EXHIBITS







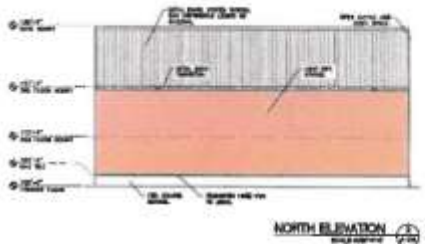
NO.	DATE
001	10/1/11
002	10/1/11
003	10/1/11
004	10/1/11
005	10/1/11
006	10/1/11
007	10/1/11
008	10/1/11
009	10/1/11
010	10/1/11

NO.	DATE
001	10/1/11
002	10/1/11
003	10/1/11
004	10/1/11
005	10/1/11
006	10/1/11
007	10/1/11
008	10/1/11
009	10/1/11
010	10/1/11



NO.	DATE
001	10/1/11
002	10/1/11
003	10/1/11
004	10/1/11
005	10/1/11
006	10/1/11
007	10/1/11
008	10/1/11
009	10/1/11
010	10/1/11

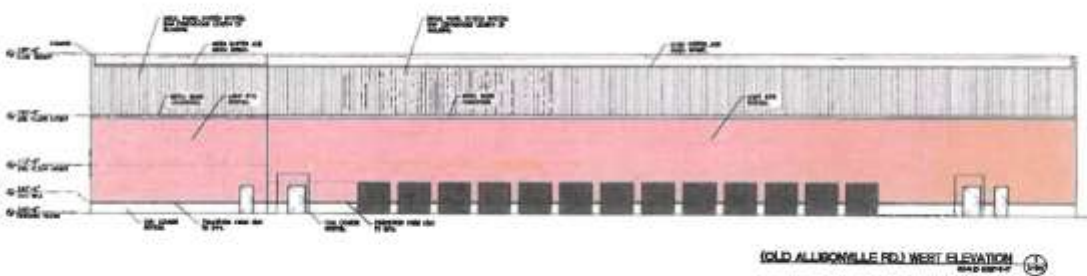
A-211



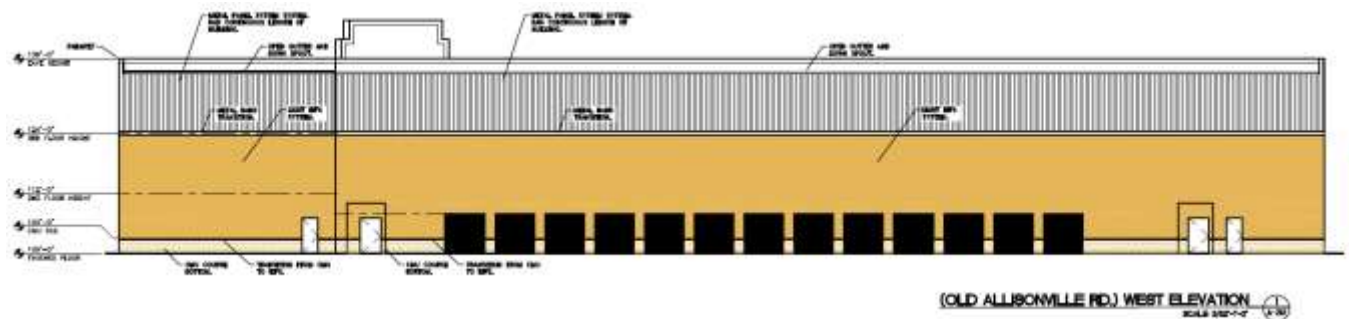
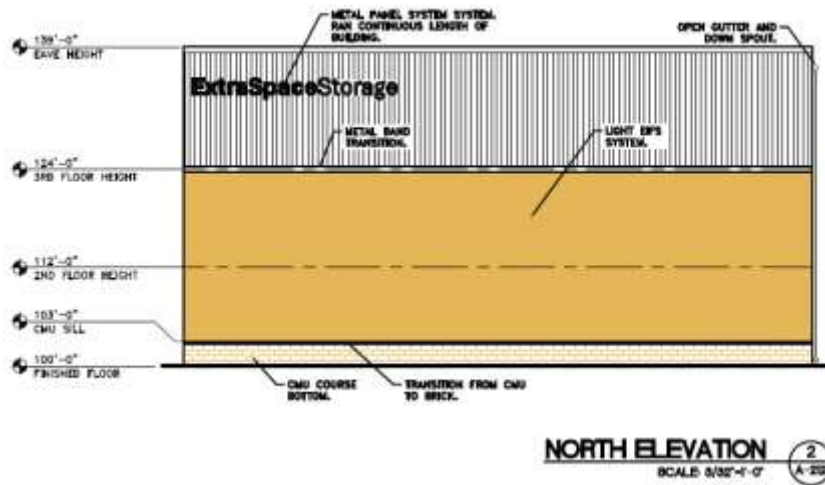
NO.	DATE
001	10/1/11
002	10/1/11
003	10/1/11
004	10/1/11
005	10/1/11
006	10/1/11
007	10/1/11
008	10/1/11
009	10/1/11
010	10/1/11

NO.	DATE
001	10/1/11
002	10/1/11
003	10/1/11
004	10/1/11
005	10/1/11
006	10/1/11
007	10/1/11
008	10/1/11
009	10/1/11
010	10/1/11

A-212



NO.	DATE
001	10/1/11
002	10/1/11
003	10/1/11
004	10/1/11
005	10/1/11
006	10/1/11
007	10/1/11
008	10/1/11
009	10/1/11
010	10/1/11





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 history of this site and other similar self-storage facilities is that there is an abundance of onsite parking per the code; when in reality very little onsite parking is needed on the site to conduct the business that is generated as few persons visit the site whether they are prospective users or existing users of the self-storage 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 surrounding uses will be enhanced with less asphalt for parking on this site and thus more land dedicated to lawn and landscaping and thus the area adjacent shall be enhanced and would be affected in a positive manner.

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

If this specific use on this site were to provide all of the required parking, which is not needed; then the result would be less lawn and landscaping on the site and more asphalt on the site providing parking that would never or very rarely be used.

DECISION



Department of Metropolitan Development
Division of Planning
Current Planning

Development Statement

Petitioner seeks to Modify previously approved and adopted Development Statement for 4410 Allisonville R as follows:

Uses:

Self Storage Number of units shall increase a minimum of 329 (existing) to 875 (proposed)

C-1 Office Uses

One dwelling unit for the on site manager

Building: One primary building for all the uses with 46,800 square feet existing to 56,472 square feet proposed

Parking: Office use, patrons and employees of self storage facility and manager of the self storage facility; Nine (9) on site per site plan on file

Provide and maintain five (5) on site bike parking spaces per site plan on file

Signs:

Three (3) Wall signs per site plan on file

Landscaping:

Erect and maintain and supplement existing perimeter landscaping and ornamental fencing per site plan and elevations on file

Exterior finish of elevations:

Replace existing exterior finish of masonry and brick with masonry, brick stucco and corrugated metal

Trash:

Dumpster with enclosure

Safety and security:

Entry Gate with keypad security system, surveillance cameras around the perimeter of the site. New exit gate only

7/12/24



Department of Metropolitan Development
Division of Planning
Current Planning

2019 D-P

Development Statement:

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

- C-1 office uses
- Self storage facility (329 units existing; 310 more units proposed)

Buildings:

- One (1) proposed addition to the existing primary building at the facility with no changes to the additional five (5) buildings; with existing square feet and proposed square feet to be added.

Parking:

- Retail: Four (4) off street parking provided.
- Self-Storage: Five (5) off street parking spaces provided; with one (1) being an ADA parking space.
- Provide five (5) on site bike parking spaces

Signs:

- One (1) free standing pylon or monument signs (one per street frontage), with digital components per the site plan and sign elevation on file
- Wall signage shall comply with the Sign Regulations

Landscaping:

- Maintain and supplement existing perimeter landscaping and ornamental fencing per site plan on file.
-

Exterior finish:

- Maintain existing exterior finish for the addition

7/12/19

Metropolitan Development

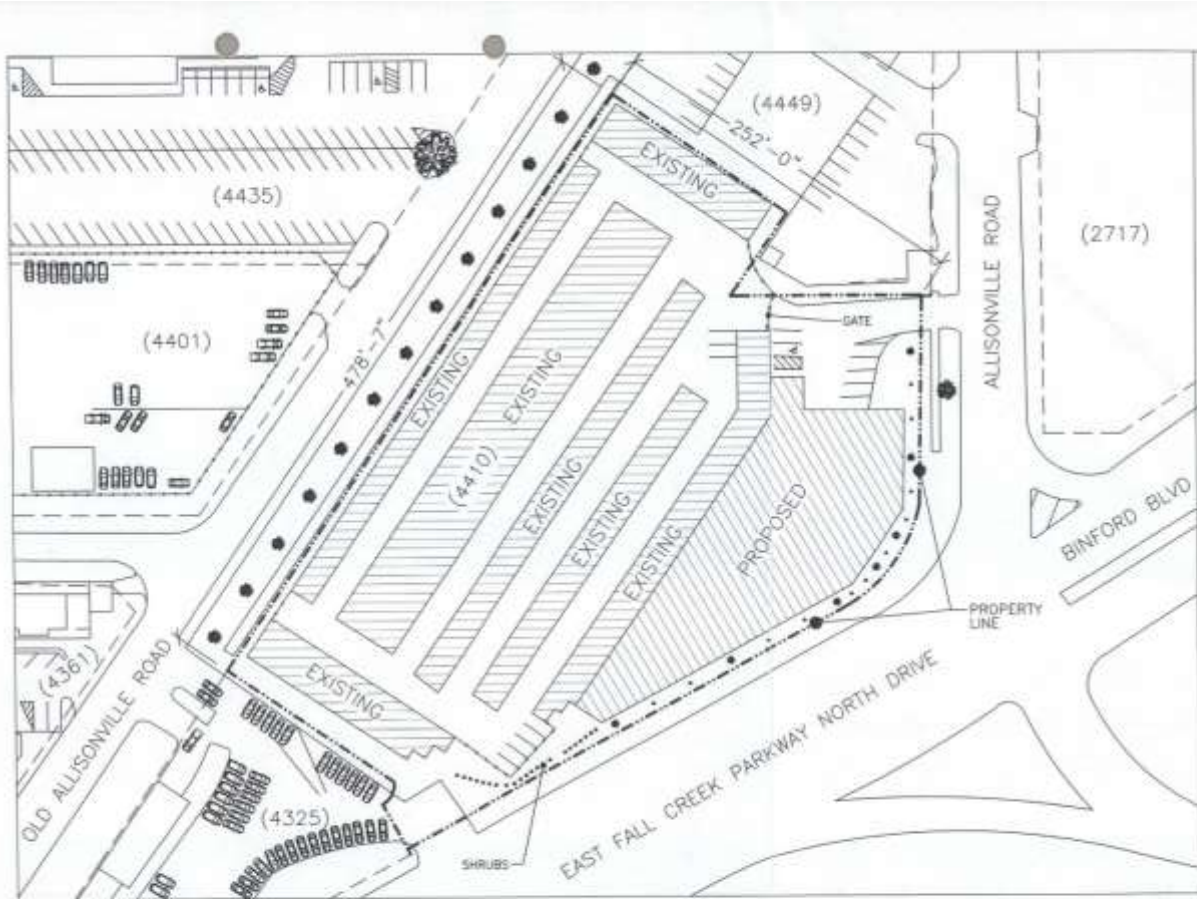
JUL 31 2019

Division of Planning



Department of Metropolitan Development
 Division of Planning
 Current Planning

2019 Site Plan



SITE DATA	
PROPERTY - 124,256 S.F.	
329 UNITS EXISTING	
5'x10'	QTY-79
7'x10'	QTY-19
10'x10'	QTY-75
10'x15'	QTY-38
10'x20'	QTY-60
10'x25'	QTY-33
10'x30'	QTY-25
310 UNITS PROPOSED	
5'x10'	QTY-70
7'x10'	QTY-70
10'x10'	QTY-100
10'x15'	QTY-40
10'x20'	QTY-10
10'x25'	QTY-10
10'x30'	QTY-10

Metropolitan Development
 JUL 31 2019
 Division of Planning

08 25.JUL.2019	4410 ALLISONVILLE ROAD - PROPOSED SITE PLAN	0 50' 100'	
02/02	PROJECT: 4410 ALLISONVILLE ROAD	DRAWN BY : MAL	

FOR ZONING GRAPHIC
 REPRESENTATION ON



Department of Metropolitan Development
Division of Planning
Current Planning

2000-ZON-869 COMMITMENTS

Case # . 2000 - ZON - 869
(4)
2001-008462

RECEIVED FOR RECORD
01 MAY 22 PM 12: 59

STATEMENT OF COMMITMENTS

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

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (insert here or attach)
(Attached)

FILED
MAY 15 2001
DEPT. METRO DEVELOPMENT
BY _____

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. An amended site plan shall be submitted for, and subject to, Administrator's approval prior to the issuance of an Improvement Location Permit. Said site plan shall indicate a minimum 20-foot setback from Binford Boulevard, ingress and egress only from Allisonville Road within 20 feet of the north property line, and extensive landscape treatment along Binford Boulevard. (At the ingress/egress point, Allisonville Road is also known as Temple Avenue.)
3. Elevations of the Binford Boulevard frontage shall be submitted for, and subject to, Administrator's approval prior to obtaining an Improvement Location Permit. Said elevations shall include masonry or brick finished facades along Binford Boulevard.

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

MDC's Exhibit B -- page 1



Photo of the subject site looking north.



Photo of the subject site looking northwest.



Photo of the subject site looking west.



Photo of the subject site looking southwest.



Photo of the street frontage along Binford Boulevard looking northeast.



Photo of the street frontage along Binford Boulevard looking southwest.



Photo of the southwestern property boundary and existing storage building.



Photo of the northwestern property boundary and existing storage buildings along Old Allisonville Road.



Photo of the storage facility looking northeast.



Photo of the storage facility looking northwest from Binford Boulevard.



Photo of Fall Creek across Binford Boulevard looking south.



Medical office and multifamily dwellings east of the site.



Commercial uses north of the site.



Photo of the commercial use southwest of the site.



Photo of the commercial uses northwest of the site across Old Allisonville Road.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-096 / 2024-VAR-013 (Amended)

Property Address: 6158 West 10th Street (Approximate Address)

Location: Wayne Township, Council District #16

Petitioner: Homes in Motion, LLC, by John Cross

Current Zoning: D-3 (W-1)
Rezoning of 1.00 acre from the D-3 (W-1) district to the C-1 (W-1) district to provide for a second driveway and parking lot of a Real Estate Office.

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall fence (maximum 3.5 feet height required) and outdoor storage and operations (not permitted)

Current Land Use: Office

Staff Recommendations: Approval of rezoning with commitments. Denial of variances.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDEMDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This request was amended to include a six-foot tall fence and to allow outdoor storage and operations on site.

Fences are limited to 3.5 feet in the front yard in the C-1 district where the proposal would have a six-foot fence in the front yard of Vinewood Street and High School Road per the final site plan provided in the staff report.

Staff did not find that a practical difficulty exists to grant approval of the six-foot fence when the fence could align with the northern building façade and could be relocated behind the building.

Outdoor storage and operations are not permitted as primary or accessory uses in the C-1 district. The use is only permitted as an accessory use in the more intense districts such as C-5, C-7, and all industrial districts.

Because the use of the primary building is for office use, staff did not find that it calls for outdoor storage and operations. Per the amended plan of operation dated November 6, 2024, the owner’s personal vehicles to be stored would include four (4) trailers. Staff determined these commercial vehicles would not be appropriate to store on site since they would not be associated with the business.



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

Staff would note that the proposed final site plan also shows a garage addition that would expand an existing garage in the front yard, which is not permitted.

Staff **recommends denial** of the variance requests.

Staff **recommends approval** of the rezoning 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 56-foot half right-of-way shall be dedicated along the frontage of 10th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 40-foot half right-of-way shall be dedicated along the frontage of High School 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).
3. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road. At a minimum the section of the driveway in the right-of-way shall be removed in addition to 20 feet west of the eastern property boundary that would comprise of the 20-foot transitional yard requirement.
4. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
5. A revised plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.

ADDEMDUM FOR SEPTEMBER 26, 2024 HEARING EXAMINER

This petition was continued from the September 12, 2024 hearing to the September 26, 2024 hearing at the request of the petitioner.

The petitioner provided an updated site plan and a plan of operation both file-dated September 12, 2024, that showed some changes to the proposal. First, the site plan shows the closure of the eastern driveway with bollards, that staff would not support since the intent would be to eliminate the driveway in its entirety, which staff clarified in a commitment for the pavement to be removed within a six-month timeframe. Second, the fence would be relocated to align with the location of the existing detached garage but would still require a variance for it to be in the front yard of the primary building. Third, the gravel parking area would be shown to be paved with new asphalt, but it is still unclear whether all the proposed pavement is necessary for a small office use. Fourth, the outdoor storage would still be proposed on site, which would require a variance of use to be filed and staff would not support this request since it would not



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

relate to the business on site and it not permitted in the C-1 district that is proposed to be next to single-family dwellings.

Staff still finds that a C-1 zoning district would be appropriate, but only for office use subject to the seven commitments outlined in the staff report.

September 12, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

6. A 56-foot half right-of-way shall be dedicated along the frontage of 10th 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).
7. A 40-foot half right-of-way shall be dedicated along the frontage of High School 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).
8. Approval shall be conditional upon the closure of the driveway off Vinewood Street within 60 days of approval of the request and the removal of the driveway pavement within six months of the approval of the request. The only entrance to the site shall be the new driveway proposed off North High School Road.
9. Any area utilized for parking and maneuverability shall be paved in accordance with the Ordinance standards. A gravel parking lot shall not be permitted.
10. There shall be no outdoor storage of equipment or commercial vehicles on site.
11. The six-foot tall privacy fence in the front yard shall be removed or reduced to three feet in height within 60 days of approval of the request.
12. A plan of operation shall be submitted to staff for review and approval shall be subject to said plan of operation.



PETITION OVERVIEW

LAND USE

The subject site is developed with a single-family dwelling, detached garage, paved parking, gravel parking lot, and enclosed fenced in area. A real estate office, one 24-square foot ground sign, and two 15-square foot wall signs were approved per 2019-UV2-005.

The property is surrounded to the west, north and east by single-family dwellings zoned D-3 and commercial uses to the south zoned C-5.

REZONING

The request would rezone the property from the D-3 district to the C-1 district for a real estate office. The proposal would include a second driveway and parking lot.

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 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.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along 10th Street and a 40-foot half right-of-way along High School Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



STAFF ANALYSIS

The site is currently used as a real estate office per a use variance granted in 2019. Rezoning to the C-1 district would align the existing use with the correct zoning district instead of it continuing to operate under a use variance. In staff’s opinion, the continued business operation with the corrected zoning district would not adversely affect the surrounding residential properties.

With the C-1 zoning district being a buffer district between more intense uses, such as medium or heavy commercial uses, and less intense uses, such as residential uses, the proposed C-1 rezoning would allow for a buffer between the C-5 district to the south and D-3 district to the north.

The suburban neighborhood recommendation of the Comprehensive Plan supports a variety of neighborhood-serving businesses, institutions, and amenities which means the zoning district and use would align with this recommendation.

However, staff has a few concerns that were made apparent during the site visit. The site was subject to a site plan that preserved much of the site as open space. The area west and north of the primary building has been enclosed with a six-foot tall privacy fence and layered with gravel for storage of equipment and commercial vehicles as shown in the site photos.

The six-foot tall fence would not be permitted in the front yard of High School Road and would need to be reduced to the permitted three-foot height or completely removed from the site. Staff would not support a variance for the six-foot tall fence to remain in the front yard.

The outdoor storage of commercial equipment and vehicles would need to be eliminated from the site since outdoor storage is not permitted in the C-1 district.

Any area proposed for parking and maneuverability would need to be paved since gravel parking lots are not permitted in commercial districts.

Lastly, staff would request that the driveway off Vinewood Street be closed leaving the only access to the site from High School Road since it is a dangerous intersection to attempt to access the driveway when traveling north on Vinewood Street.

If the petitioner is agreeable to commitments to correct the fence on site, eliminate the outdoor storage, pave the parking lot, and remove the driveway along Vinewood Avenue, then staff would be supportive of the C-1 rezoning request. A plan of operation should be submitted for staff review and approval to confirm the business operation on site is permitted since there are many concerning factors on site. Approval shall be subject to said plan of operation to be submitted.

GENERAL INFORMATION

Existing Zoning	D-3
Existing Land Use	Office
Comprehensive Plan	Suburban Neighborhood



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

Surrounding Context	Zoning	Land Use
North:	D-3	Residential (Single-family dwelling)
South:	C-5	Commercial
East:	D-3	Residential (Single-family dwelling)
West:	D-3	Residential (Single-family dwelling)
Thoroughfare Plan		
10 th Street	Primary Arterial Street	112-foot proposed right-of-way and 285-foot existing right-of-way.
Vinewood Avenue	Primary Collector Street	80-foot existing right-of-way, and an 80-foot proposed right-of-way.
High School Road	Primary Collector Street	65-foot existing right-of-way and 80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	August 11, 2024	
Site Plan (Amended)	September 12, 2024	
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)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends suburban neighborhood development for the site.



Department of Metropolitan Development
Division of Planning
Current Planning

- 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.
- **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 the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- Office uses are contemplated within the suburban neighborhood typology, which is why staff determined the request would be supportable.

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)



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

- Indy Moves Plans Indy Moves Transportation Integration Plan (2018) proposes an off-street multi-use path from Railroad Trailacks to Beachway Drive.



ZONING HISTORY

Zoning History - Site

2019-UV2-005; 6158 West 10th Street (subject site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a real estate office (not permitted) and one 24-square foot ground sign and two 15-square foot wall signs (ground signs permitted for subdivision and projects only, one wall sign permitted and sign area of three percent of façade permitted), **approved**.

99-UV1-160; 6158 West 10th Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an assisted transportation business for handicapped persons, with parking for 2 vans in a detached garage, **denied**.

Zoning History - Vicinity

2006-DV2-016; 1010 Center Drive (northeast of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 13-foot tall, 766-square foot detached garage located between the established front building line and the right-of-way (not permitted), **granted**.

99-V3-6; 6112 Mount Auburn Drive (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the constructions of a 936-square foot detached accessory garage, being 80% of the primary structure, **granted**.

94-VAC-26; 1001-1009 Mount Auburn Drive North (west of site), Vacation of a portion of unimproved Mount Auburn Drive, being 50 (+/-) feet in width, from the northern right-of-way line of West 10th Street to the southern right-of-way line of North High School Road, **granted**.

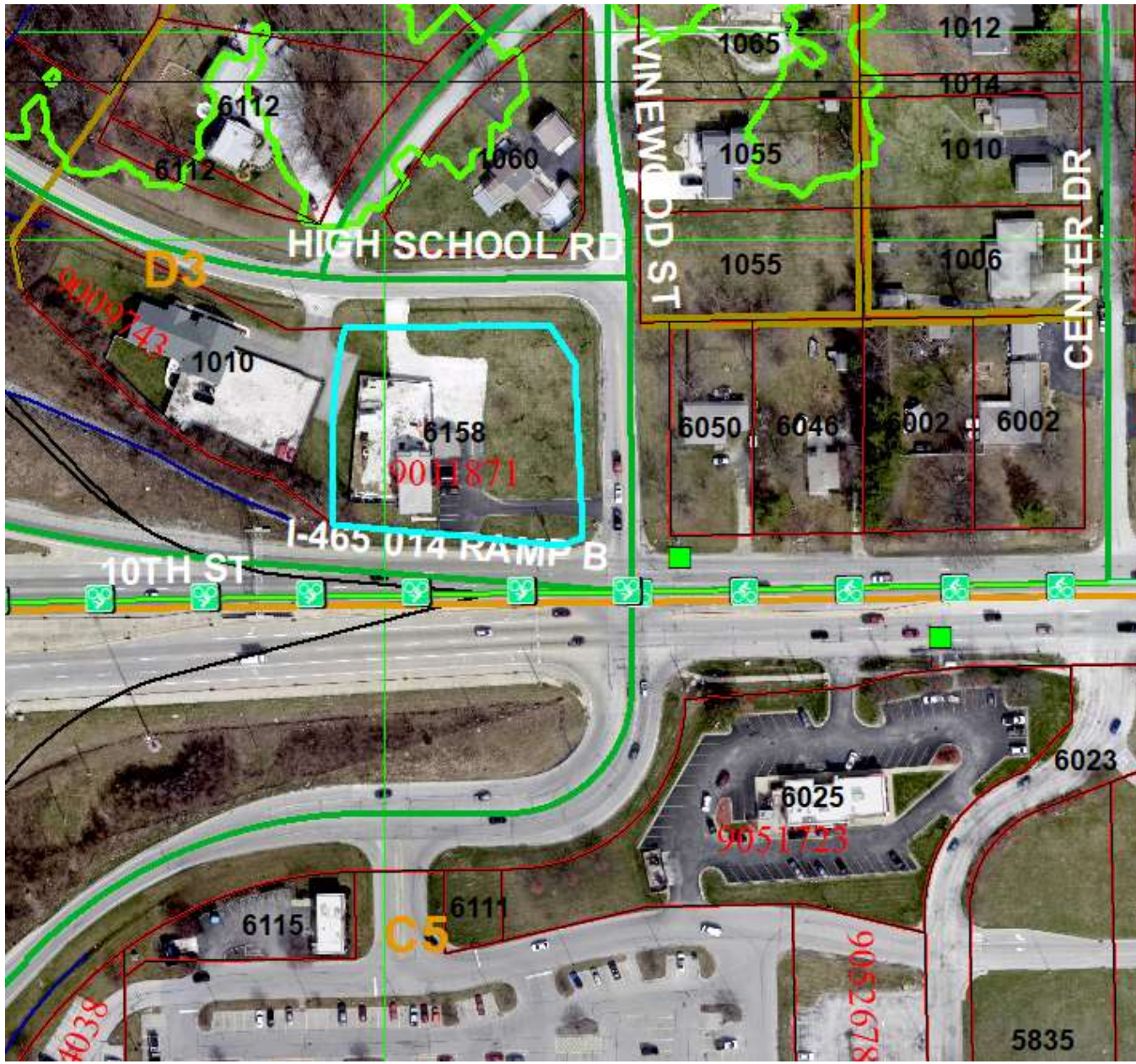
90-Z-225; 5909 West 10th Street (south of site), Rezoning of 19.3 acres, being in the C-5 District, to the C-5 classification to provide for commercial development, **approved**.

86-UV1-152; 6025 West 10th Street (southeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the outside storage, sales, and processing of firewood, **withdrawn**.

79-Z-104; 6025 West 10th Street (south of site), Rezoning of 10.2 acres, being in an A-2 and an SU-34 zoning districts, to a C-5 classification to provide for operation of a flower shop, **approved**.

70-UV3-34; 1010 North High School Road (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general office use, within an existing building, **granted**.

EXHIBITS

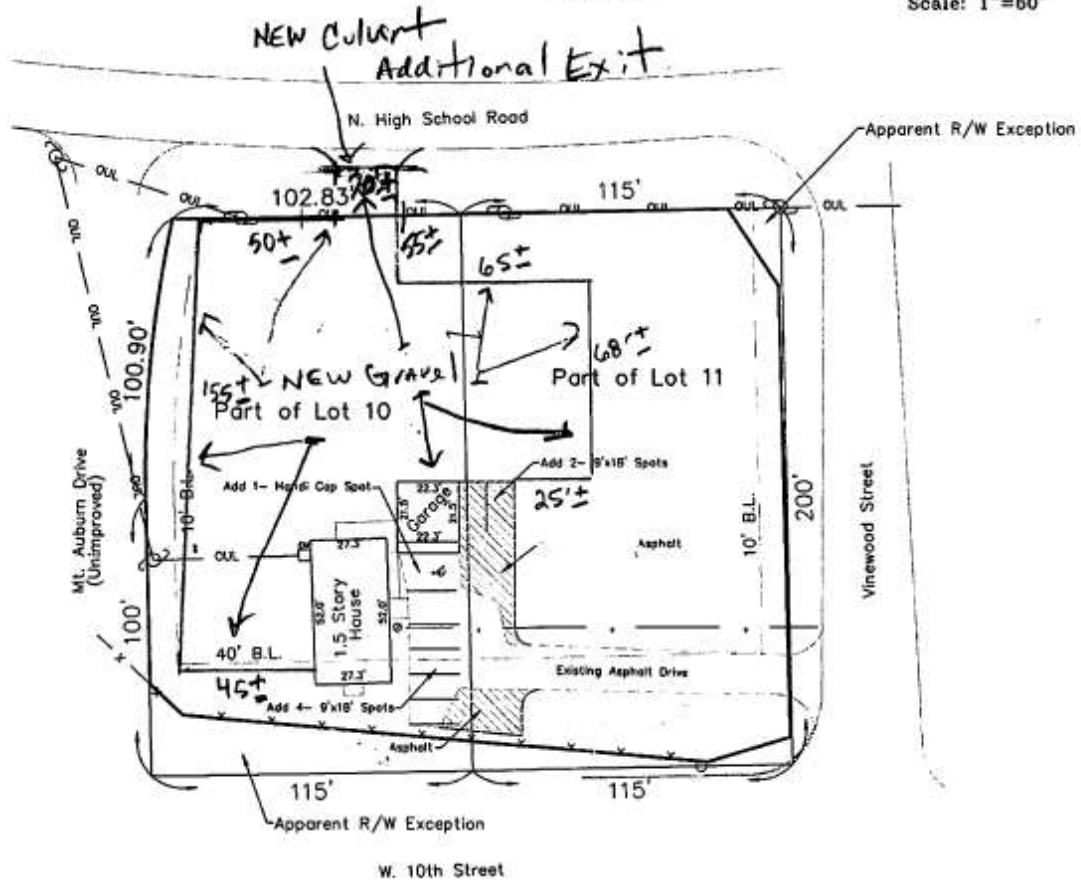


SITE PLAN

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

Note: Improvement locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Legend	
R/W	Right-of-Way
⊙	Gas Meter
—OUL—	Overhead Utility Line
⊗	Utility Pole
—x—x—	Fence±
⊞	Electric Meter
—G—	Buried Gas Line
○	Signal Pole



HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com



PREPARED: February 7, 2019

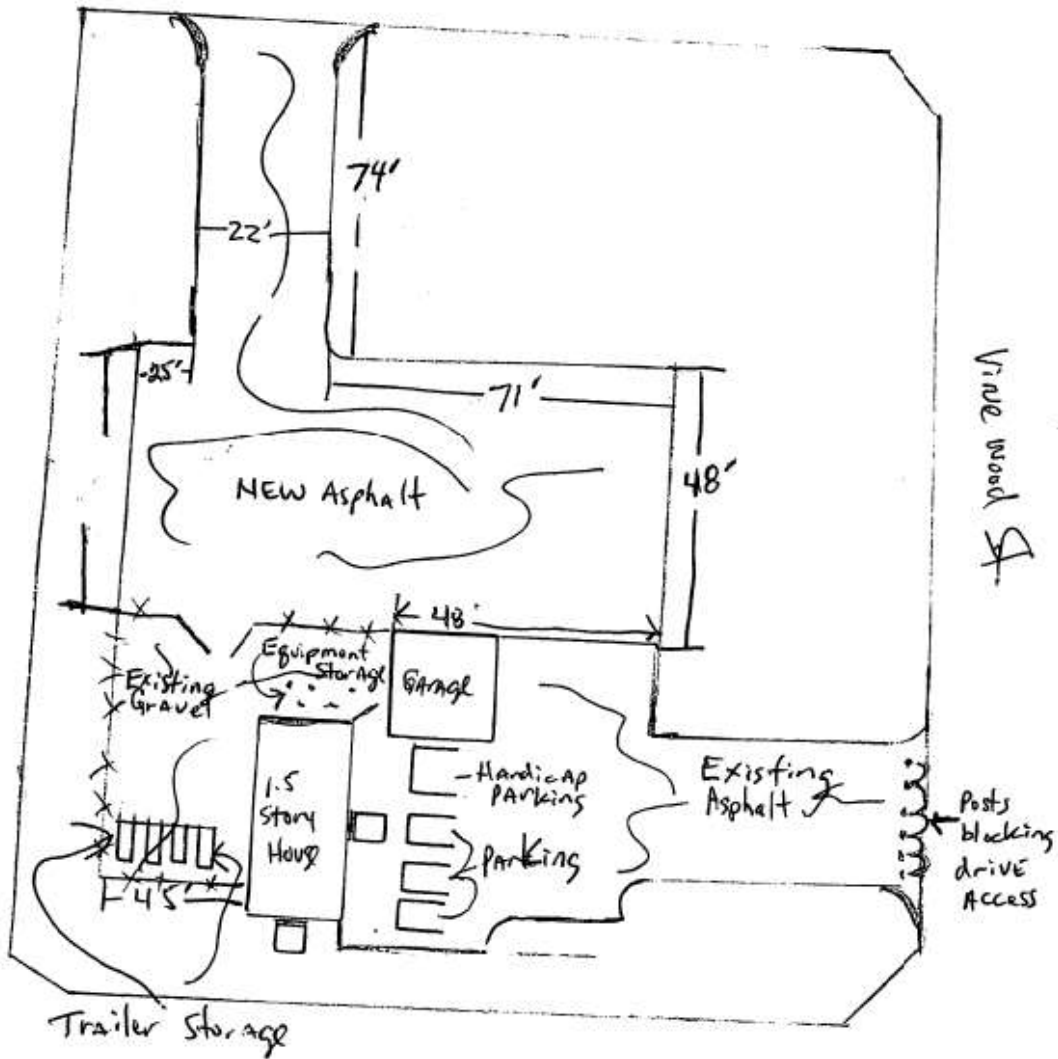
Chad L. Brown
Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Job No.: 190123
Sheet 2 of 2

AMENDED SITE PLAN

6158W. 10th St.
Indpls, IN 46224
Proposed Layout

↑ N
not to scale

N. High School Rd.

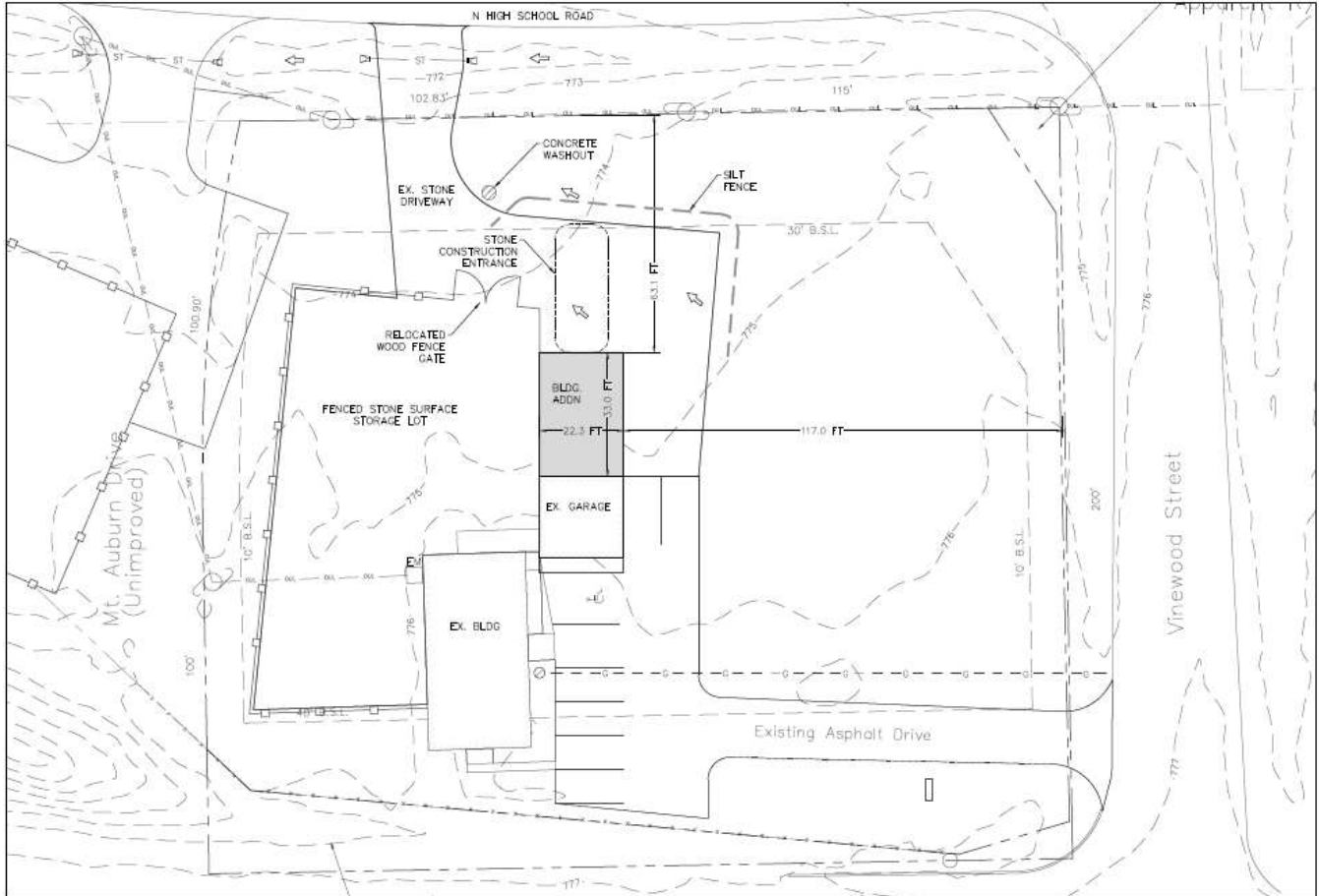


Existing privacy fence



Department of Metropolitan Development
Division of Planning
Current Planning

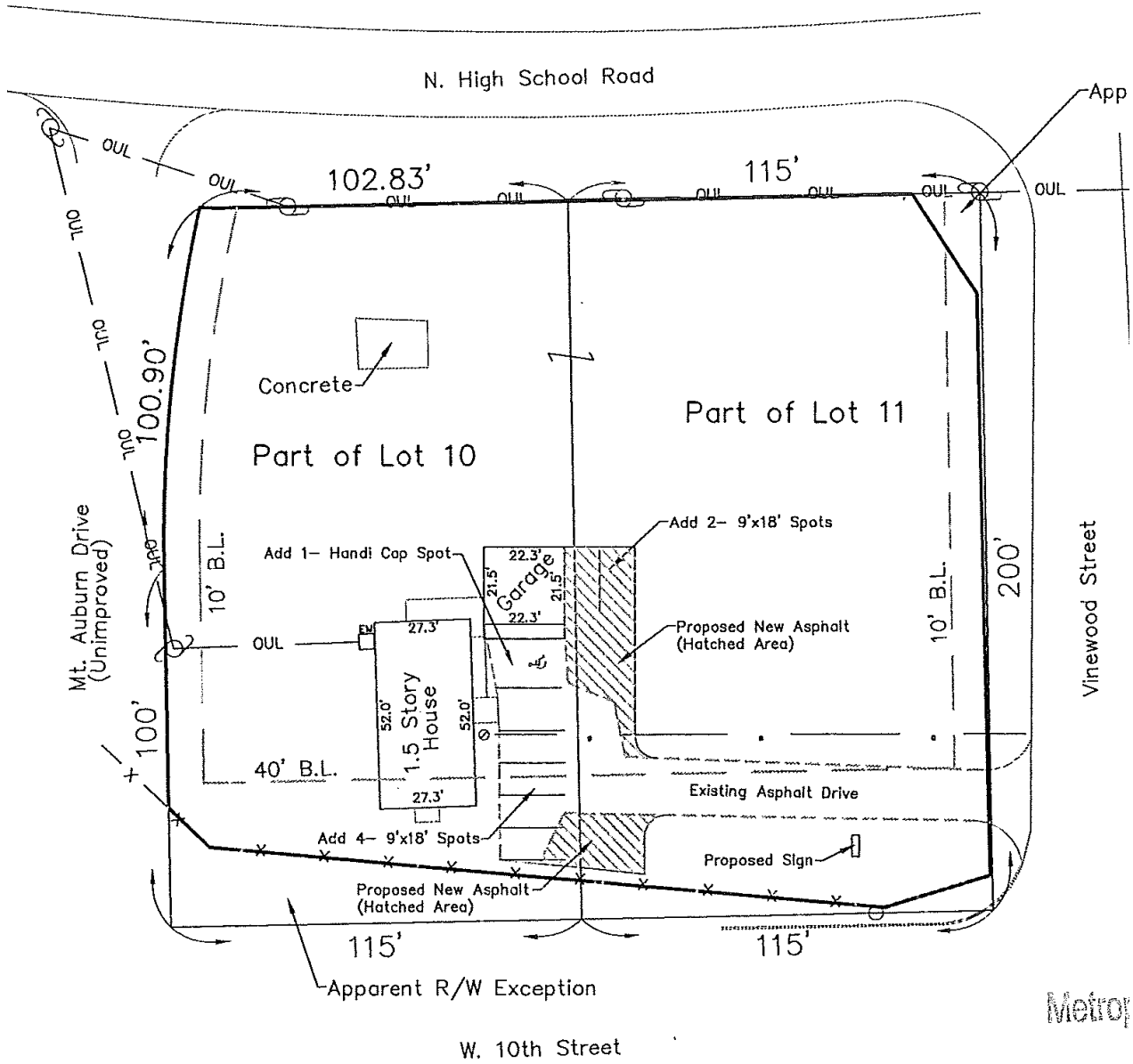
FINAL SITE PLAN





Department of Metropolitan Development
 Division of Planning
 Current Planning

2019-UV2-005 Site Plan





Department of Metropolitan Development
Division of Planning
Current Planning

Plan of operation

September 2024

Use: Operation of a real estate sales business at 6158 W 10th St., Indianapolis, In 46214, with minor accessory storage of trailers and equipment outside within fenced area.

Owner.

Homes In Motion LLC

6158 W. 10th St.

Indianapolis, IN 46214

Occupying Tenant.

Canon Real Estate Services LLC

6158 W. 10th St.

Indianapolis, IN 46214

Homes In Motion LLC and Canon Real Estate Services LLC are owned by the same principal.

Description of the property.

1.The improvements on 6158 W 10 Th St consists of a 1252 square foot, 3 bed room, 1 bath single family home with a ¾ unfinished basement and a two car detached garage.

2.Access to the proposed office entrance has standard steps with hand rails and a handicap ramp for safe access.

Security.

1.The property is equipped with a 24 hour monitored alarm system, lighting on all four sides of the improvement and twenty four hour night vision video surveillance.

Business operations.

1.Hours of operation Monday through Friday 8AM to 5 PM.

2.The living area will be use as a reception area and two of the bedrooms will be used as offices and the third for storage.

3. 3 employees occupy the space, two real estate agents and one receptionist.

4. Low to no client volume. Clients are met away from the office typically.

Limited Outdoor Storage.

Storage of owner's equipment for projects. 4 trailers, 1 skid steer, 1 mini excavator and 1 mini backhoe. The equipment and trailers don't move for weeks or even months at a time.



Department of Metropolitan Development
Division of Planning
Current Planning

AMENDED PLAN OF OPERATION

Updated Plan of Operation

November 6 2024

Petition No. 2024-ZON-096 / 2024-VAR-013 (Amended)

Use: Operation of a real estate sales business at 6158 W 10th St., Indianapolis, In 46214, with minor accessory storage of trailers and equipment outside within fenced area.

Owner.

Homes In Motion LLC
6158 W. 10th St.
Indianapolis, IN 46214

Occupying Tenant.

Canon Real Estate Services LLC
6158 W. 10th St.
Indianapolis, IN 46214

Homes In Motion LLC and Canon Real Estate Services LLC are owned by the same principal.

Description of the property.

- 1.The improvements on 6158 W 10 Th St consists of a 1252 square foot, 3 bed room, 1 bath single family home with a ¾ unfinished basement and a two car detached garage.
- 2.Access to the proposed office entrance has standard steps with hand rails and a handicap ramp for safe access.

Security.

- 1.The property is equipped with a 24 hour monitored alarm system, lighting on all four sides of the improvement and twenty four hour night vision video surveillance.

Business operations.

- 1.Hours of operation Monday through Friday 8AM to 5 PM.
- 2.The living area will be use as a reception area and two of the bedrooms will be used as offices and the third for storage.
3. 3 employees occupy the space, two real estate agents and one receptionist.
4. Low to no client volume. Clients are met away from the office typically.

Limited Outdoor Storage.

Storage of owner's equipment for projects. 4 trailers.

The trailers don't move for weeks or even months at a time. Owner uses the trailers for purposes unrelated to the real estate office. The equipment is not used at the property but is stored for convenience and transported when needed elsewhere and then returned. The storage area is kept nicely and screened by the fence. Petitioner intends to file a variance of use for this limited storage and would commit that it would not run with the land but would terminate with current ownership.



Subject site street frontage along 10th Street.



Subject site street frontage along 10th Street.



Driveway off Vinewood Street.



Subject site looking west from Vinewood Drive entrance drive and existing sign.



Photo of the existing residential building to be used as an office.



Photo of the existing detached garage looking north on site.



Photo of the gravel drive and six-foot tall fence in the front yard of North High School Road.



Photo of the gravel area looking south on the site.



Photo of the proposed new drive from North High School Road looking west on the site.



Photo of the fenced in storage area.



Photo of the fenced in storage area, equipment, vehicles, and trailers.



Photo of the fenced in storage area, equipment, vehicles, and trailers.



Photo of the street frontage along North High School Road looking east.



Photo of the street frontage along Vinewood Drive looking south.



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



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



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



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



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-097

Property Address: 6402 West Southport Road and 7300 South Mooresville Road

Location: Decatur Township, Council District #21

Petitioner: Goose Creek Farms, LLC, by Domonic Dreyer

Current Zoning: D-A

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

Current Land Use: Agricultural Land

Staff Recommendations: Approval with commitments.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This petition was continued from the October 24, 2024 hearing to the November 14, 2024 hearing at the request of the petitioner. No new information was submitted to the case file.

October 24, 2024

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

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

STAFF RECOMMENDATION

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

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



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

3. The Department of Public works request that an eastbound right-turn lane shall be installed at Southport Road and Proposed East Access Drive per the traffic impact study results.

PETITION OVERVIEW

LAND USE

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

REZONING

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

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

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

DEPARTMENT OF PUBLIC WORKS

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



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

TRAFFIC IMPACT STUDY

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

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

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

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

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

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

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

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

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

STAFF ANALYSIS

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



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

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

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

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

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Agricultural Land	
Comprehensive Plan	Suburban Neighborhood and Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-A	Agricultural Land
South:	D-A	Agricultural Land and Residential (Single-family dwelling)
East:	D-4	Residential (Single-family dwellings)
West:	D-A	Residential (Single-family dwelling)
Thoroughfare Plan		
Southport Road	Primary Collector Street	80-foot proposed right-of-way and 40-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	August 11, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends village mix-use and suburban neighborhood development of the site.
- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- **Conditions for All Housing**
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or sides street when possible and should be detached if located on the side of the house.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected,



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

and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Conditions for All Land Use Types**

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

- **Conditions for All Housing**

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

- **Detached Housing**

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

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

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

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



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Vicinity

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

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

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

EXHIBITS



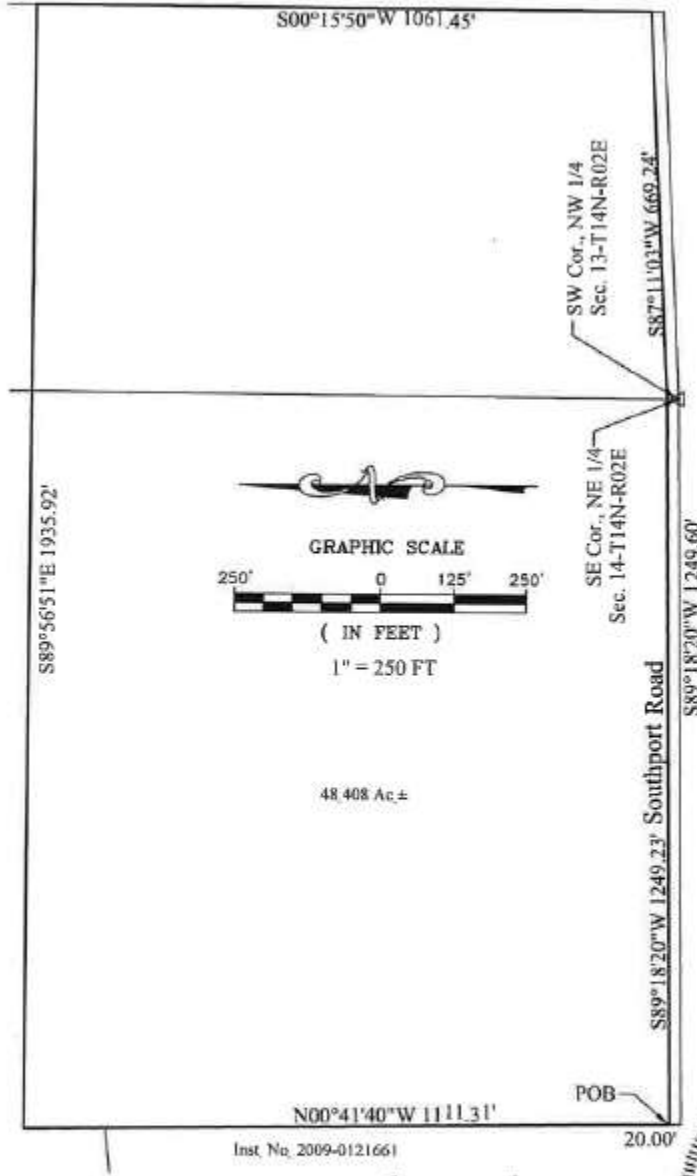






Department of Metropolitan Development
Division of Planning
Current Planning

Exhibit B
Prepared for: Arbor Homes
Proposed Development Parcel



Inst. No. 2009-0121661

20.00'

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

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



<p>STOEPPELWERTH</p> <p>ALWAYS ON</p> <p>7945 East 106th Street, Fishers, IN 46038-2505 phone: 317.849.5935 fax: 317.849.5942</p>	JOB NO. 105681ARB	PAGE
	DRAWN BY: JAB	2
	CHECKED BY: BES	
	DATE DRAWN: 07/30/2024	
	FIELDWORK DATE:	
		OF 2 SHEETS

A&F ENGINEERING
 Transportation & Site Engineering
 Creating Order Since 1966

8365 Keystone Crossing, Suite 201
 Indianapolis, IN 46240
 Phone: (317) 202-0864 Fax: (317) 202-0908




TRAFFIC IMPACT STUDY

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

MOORESVILLE ROAD & SOUTHPORT ROAD
DECATUR TOWNSHIP, INDIANA

PREPARED FOR



ARBOR

H O M E S

JUNE 2024



WEST NEWTON & GOOSE CREEK FARMS
DECATUR TOWNSHIP, INDIANA

INTRODUCTION

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

PURPOSE

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

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

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

SCOPE OF WORK

The scope of work for this analysis is as follows:

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

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

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

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

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

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



Department of Metropolitan Development
 Division of Planning
 Current Planning



WEST NEWTON & GOOSE CREEK FARMS
 DECATUR TOWNSHIP, INDIANA

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

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

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

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

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

DESCRIPTION OF THE PROPOSED DEVELOPMENTS

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

STUDY AREA

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

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

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

TURN LANE ANALYSIS

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

TABLE 3 – TURN LANE WARRANT ANALYSIS SUMMARY

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

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

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

CAPACITY ANALYSIS

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

² INDOT *Driveway Permit Manual*, Indiana Department of Transportation, 2018

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

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



WEST NEWTON & GOOSE CREEK FARMS
DECATUR TOWNSHIP, INDIANA

CONCLUSIONS & RECOMMENDATIONS

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

SOUTHPORT ROAD & MOORESVILLE ROAD

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

SOUTHPORT ROAD & MANN ROAD

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

MOORESVILLE ROAD & CAMBY ROAD

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

MOORESVILLE ROAD & MILLS ROAD

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

SOUTHPORT ROAD & PROPOSED WEST ACCESS DRIVE

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

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



WEST NEWTON & GOOSE CREEK FARMS
DECATUR TOWNSHIP, INDIANA

SOUTHPORT ROAD & PROPOSED EAST ACCESS DRIVE

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

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

DRAFT



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



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



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



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



Photo of the site west of the property.



Photo of the site west of the property.



Photo of Moorsville Road looking south.



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



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



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



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-099 / 2024-VAR-014 (Amended)

Property Address: 8450 Payne Road and 4025 West 86th Street (Approximate Addresses)

Location: Pike Township, Council District #1

Petitioner: Rocky Mountain Energy Holdings, LLC, by Joseph D. Calderon

Current Zoning: C-S (FF) (FW), I-2 (FF) (FW) and C-1 (FF) (FW)
Rezoning of 33.43 acres from the C-S (FF)(FW), I-2 (FF)(FW), and C-1 (FF)(FW) districts to the C-1 (FF)(FW) district to provide for a battery storage facility.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a barbed wire fence (not permitted), a chain link fence in the front yard (not permitted), an eight-foot fence in the front yard (maximum 3.5 feet height permitted), and an eight-foot fence in the side and rear yards (maximum six-foot fence height permitted).

Current Land Use: Undeveloped

Staff Recommendations: Approval of the rezoning with a commitment. Denial of the variances.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR NOVEMBER 14, 2024 HEARING EXAMINER

This petition was continued from the October 10, 2024 hearing to the November 14, 2024 hearing at the request of the petitioner to allow additional time to amend the request with variances.

The request reduced the acreage from 47.62 acres to 33.43 acres and added the request for an eight-foot-tall chain link fence with barbed wire in the front, side, and rear yards. The C-1 district limits fences in the front yard to 3.5 feet and six feet in the side and rear yards.

The petitioner provided a rendering of the proposed fence that was reduced to 7 feet in height with a six-foot tall chain link fence and one-foot t of barbed wire on top.

Fences incorporating barbed wire or razor-wire are prohibited except when used to enclose livestock on a site where the primary property use is agricultural uses, buildings, or structures or when used for public safety or security purposes for a public facility or correctional or penal institution.

Staff recommended that the petitioner consider placing a barrier gate at the entrance of the drive to prevent vehicles from going onto the site if there was a concern with vandalism or theft. Additionally, other elements can be implemented to address security concerns such as hired security, surveillance, or



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

specific landscaping and fencing that is specifically designed to be difficult to climb. For these reasons staff cannot support the variance requests since the site can be developed to not require any variances.

Staff **recommends denial** of the variance requests.

Staff continues to **recommend approval of the rezoning** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). Heritage trees proposed for removal shall be indicated as such and shall be replaced on site per Table 744-503-3 of the Ordinance.

ADDENDUM FOR OCTOBER 10, 2024 HEARING EXAMINER

This petition was continued from the September 12, 2024 hearing to the October 10, 2024 hearing at the request of the petitioner.

The petitioner submitted a revised site plan and a tree survey of the site on September 9, 2024. As long as the stream protection corridors for Payne Branch Stream and Oil Creek Stream will not be encroached, then staff would have no issue with the proposal. Staff would still request a tree preservation plan for the site.

September 12, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval 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:

1. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). Heritage trees proposed for removal shall be indicated as such and shall be replaced on site per Table 744-503-3 of the Ordinance.



PETITION OVERVIEW

LAND USE

The 47.62-acre subject site is comprised of two lots subdivided along the Payne Branch Stream. Lot One is located to the east along Payne Road and is developed with a hospital building and Lot Two is to the west and is undeveloped. The portion of the site zoned C-S was for medical uses.

REZONING

This site is split zoned C-1, C-S, and I-2 and would be rezoned to the C-1 district to allow for a battery storage facility.

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 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 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.



STAFF ANALYSIS

The request would allow for the development of a battery storage facility on Lot 2 of the site. Per the submitted site plan, the proposed development would be west of the Payne Branch Stream at 4025 West 86th Street. It would include a fenced in utility switchyard at the entrance of 86th Street, a fenced in project substation further south into the site, and a fenced in outdoor storage area of inverters and transformers, battery energy storage systems, and a building and additional equipment.

The battery storage facility is classified under the Substations and Utility Distribution Nodes definition, which is a hub or distribution facility for any physically connected utility systems such as electricity, gas, cable/fiber optic communications, telephone, and water services, including facilities that transform electric voltage or natural gas pressure to the level supplied to the distribution system, but not including any facility that occupies less than 16 sq. ft. of ground area and is less than 8 ft. in height.

This use is permitted in all commercial districts, industrial districts, CBD districts, and in MU-1, MU-1, and MU-3.

Because the C-1 district would align with the office commercial recommendation of the Comprehensive plan and is a low intensity district, staff would be supportive of this district next to the D-P residential district east and D-3 district south of Lot 2.

The following use specific standards would apply to substations and utility distribution nodes:

1. High-tension power transmission lines shall only be permitted in industrial districts or in SU-43 district for power transmission lines.
2. After the first day of the month that is six months after the date of adoption, new uses shall include motion-activated lighting that complies with Chapter 744, Article VI Street and Exterior Lighting.
3. After the first day of the month that is six months after the date of adoption, new uses shall comply with landscaping and buffering standards applicable to freestanding wireless communication facilities.

Staff has concerns regarding the amount of wooded area that falls within an environmentally sensitive overlay, specifically the Forest Alliance Woodlands, and the proposed location of the facility. Therefore, staff is requesting a tree inventory, tree assessment and preservation plan to be submitted for Administrator’s Approval.

GENERAL INFORMATION

Existing Zoning	C-1, C-S, and I-2	
Existing Land Use	Undeveloped and hospital building	
Comprehensive Plan	Floodway, Office Commercial, and Light Industrial	
Surrounding Context	Zoning	Land Use
	North: C-1 / C-S / SU-9	Commercial / Government

South:	D-P / D-3 / D-1	Residential (Multi-family and Single-family)
East:	D-6II / D-P	Residential (Multi-family)
West:	C-S / I-2	Commercial / Industrial
Thoroughfare Plan		
Payne Road	Primary Collector Street	80-foot proposed right-of-way and 30-foot existing right-of-way.
86 th Street	Primary Arterial Street	134-foot proposed right-of-way and 148-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	August 11, 2024	
Site Plan (Amended)	September 9, 2024	
Elevations	August 20, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	October 21, 2024.	
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)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends floodway, light industrial and office commercial development for the subject site.
- Some areas around the Payne Branch Stream and Oil Creek Stream are recommended for floodway. The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.
- The narrow western portion of Lot 2 that runs north and south is recommended for light industrial development. The Light Industrial typology provides for industrial, production, distribution, and



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

repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

- The remainder of the site is recommended for office commercial development. The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014).
- Plans for a multi-use greenway, 82nd/86th Street Commercial Connector, are in the works from Northwest Boulevard to Hague Road.



ZONING HISTORY

Zoning History - Site

2023-PLT-090; 8450 Payne Road (subject site), Approval of a Subdivision Plat, to be known as Marion Energy Storage, dividing 47.97 acres into two lots, **approved**.

81-Z-28; 4101 West 86th Street (subject site), Rezoning of 7.23 acres, being in C-S district to the C-1 classification, to provide for commercial buffer use, **approved**.

Zoning History - Vicinity

2006-ZON-090; 3906 W 86th Street (north of site), Rezoning of 0.6049 acre, from the D-2 (FW) (FF) District to the C-1 (FW) (FF) classification to provide for office-buffer commercial uses, **approved**.

2000-ZON-033; 3850 West 86th Street (north of site), Rezoning 0.63 acre from D-2 District to the C-1 classification to provide for a commercial office use, **approved**.

93-Z-158; 3711-3721 West 86th Street (east of site), Rezoning of 2.88 acres, being in the D-A and C-1 Districts, to the C-3 classification to provide for commercial development, **approved**.

92-Z-108; 3806 West 86th Street (north of site), Rezoning of 0.689 acre, being in the D-2 District, to the C-1 classification to provide for general office development, **approved**.

89-Z-91; 3806 West 86th Street (north of site), Rezoning of 0.68 acres, being in the D-2 district, to the C-3 classification, to provide for commercial use, **withdrawn**.

87-Z-222 / 87-CV-26; 3850 West 86th Street (north of site), Rezoning of 0.07 acre, being in the D-2 District, to the C-ID classification to provide for an office and electronics distribution facility with a 5-foot side yard setback, **withdrawn**.

87-Z-53; 8401 North Payne Road (east of site), Rezoning of 7.79 acres, being in the D-1 District, to the D-6ll classification to provide for multi-family apartment development, **approved**.

86-Z-35; 8501 North Payne Road (east of site), Rezoning of 8.93 acres, being in the D-A District, to the D-6ll classification to provide for multi-family apartment development, **approved**.

85-Z-93; 3910 West 86th Street (north of site), Rezoning of 4.0 acres, being in the D-2 District, to the C-1 classification to provide for office use in a residential structure, **approved**.

85-Z-66; 3728 West 86th Street (northeast of site), Rezoning of 0.7 acre from the D-2 District to the C-1 classification to provide for a commercial office, **approved**.

84-Z-164; 2828 West 86th Street (north of site), Rezoning of 0.69 acre from the D-2 District to the C-1 classification to provide for a commercial office, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

83-Z-194; 8201 North Payne Road (southeast of site), Rezoning of 73.1 acres, being in the A-2 district, to the D-3 classification to provide for a single-family subdivision by platting, **approved**.

83-Z-99; 4039 West 86th Street (northwest of site), Rezoning of 6 acres, being in C-2 and I-2-S districts, to C-S classification, to provide for office and warehouse uses, **approved**.

83-Z-67; 8501 North Payne Road (east of site), Rezoning of 8.94 acres, being in the D-A District, to the D-6II classification to provide for multi-family residential apartment development, **denied**.

82-Z-61; 8902 North Michigan Road (north of site), Rezoning of 97.49 acres, being in the D-6II, C-4 and I-2-S Districts, to the C-S classification to provide for mixed uses, **approved**.

82-Z-31; 8043 Georgetown Road (south of site), Rezoning of 54.28 acres, being in D-2 district, to D-3 classification, to provide for single-family residential use, **approved**.

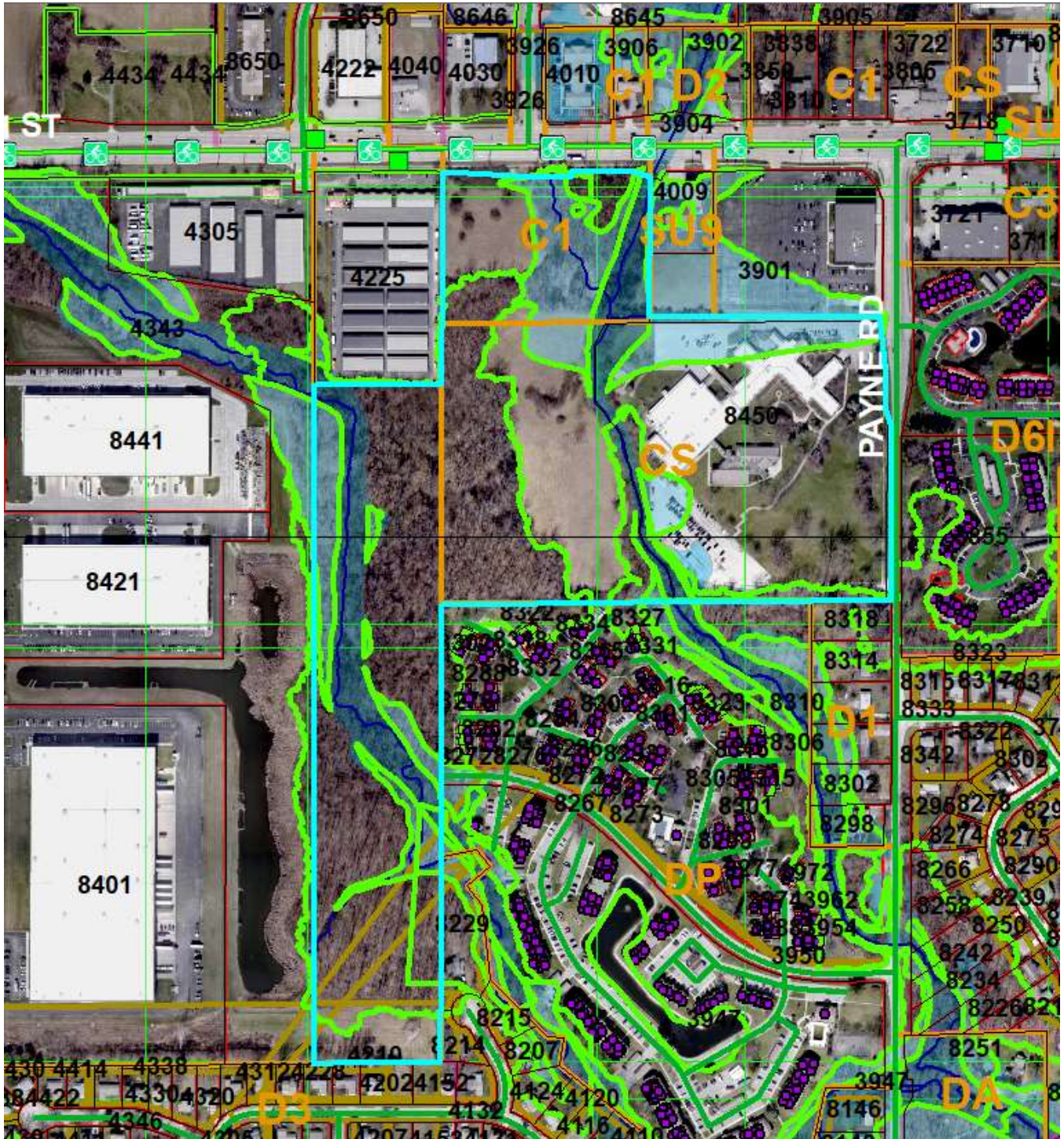
81-Z-140; 4101 West 86th Street (north of site), Rezoning of 2.0 acres, being in the C-S District, to the C-1 classification to provide for an integrated office center, **approved**.

80-Z-164; 4040 W 56th Street (northwest of site), Rezoning from D-2 and I-2-S to the C-1 classification, **approved**.

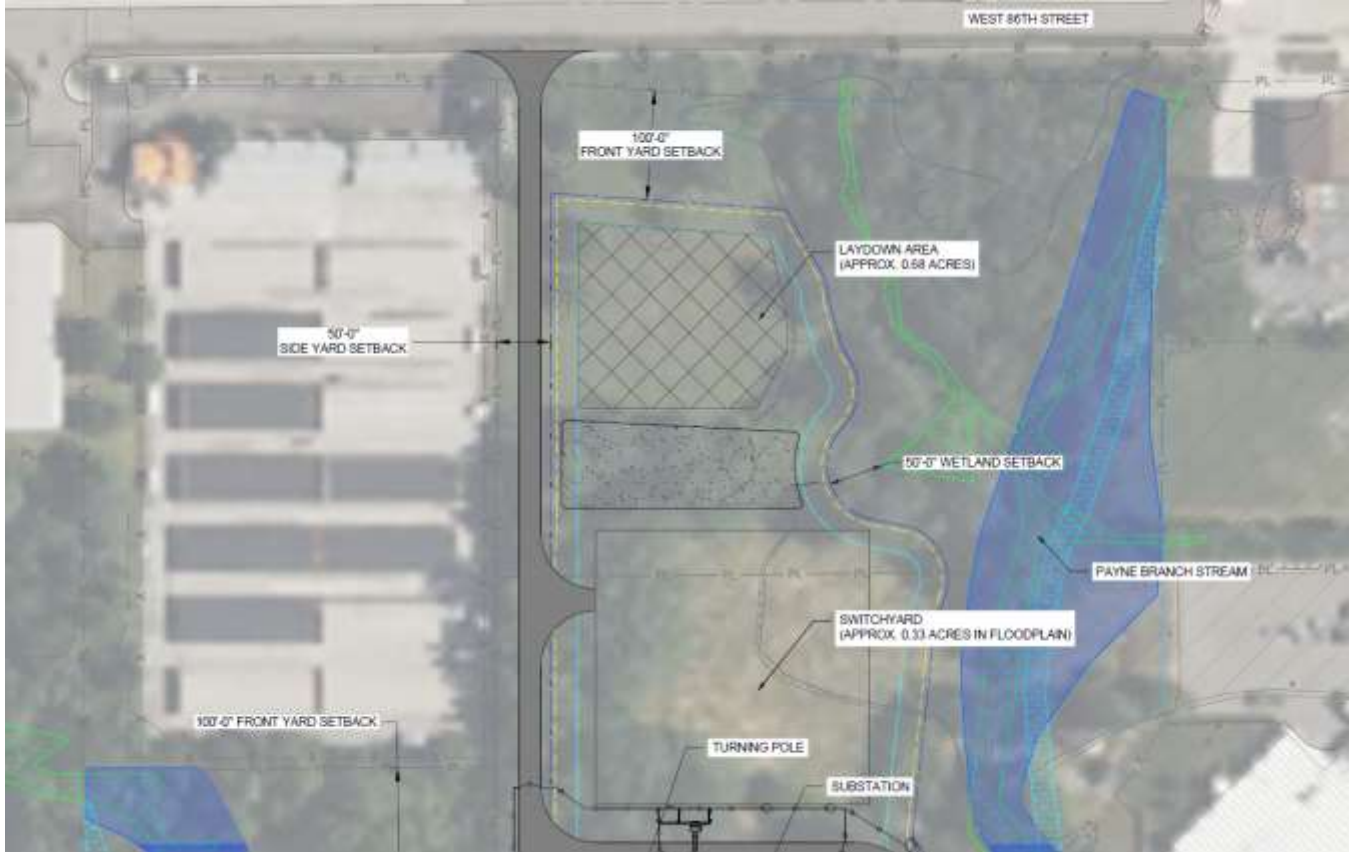
73-Z-72; 4401 West 86th Street (west of site), Rezoning of 59.14 acres, being in A-2 district to I-2-S classification to permit light industrial use, **approved**.

72-Z-37; 8102-8290 Payne Road (south of site), Rezoning of 76.6 acres, being in an A-2 district, to the D-P classification, to provide for a planned unit development consisting of garden apartments, townhouses, quadrominiums and a neighborhood marketing facility, **approved**.

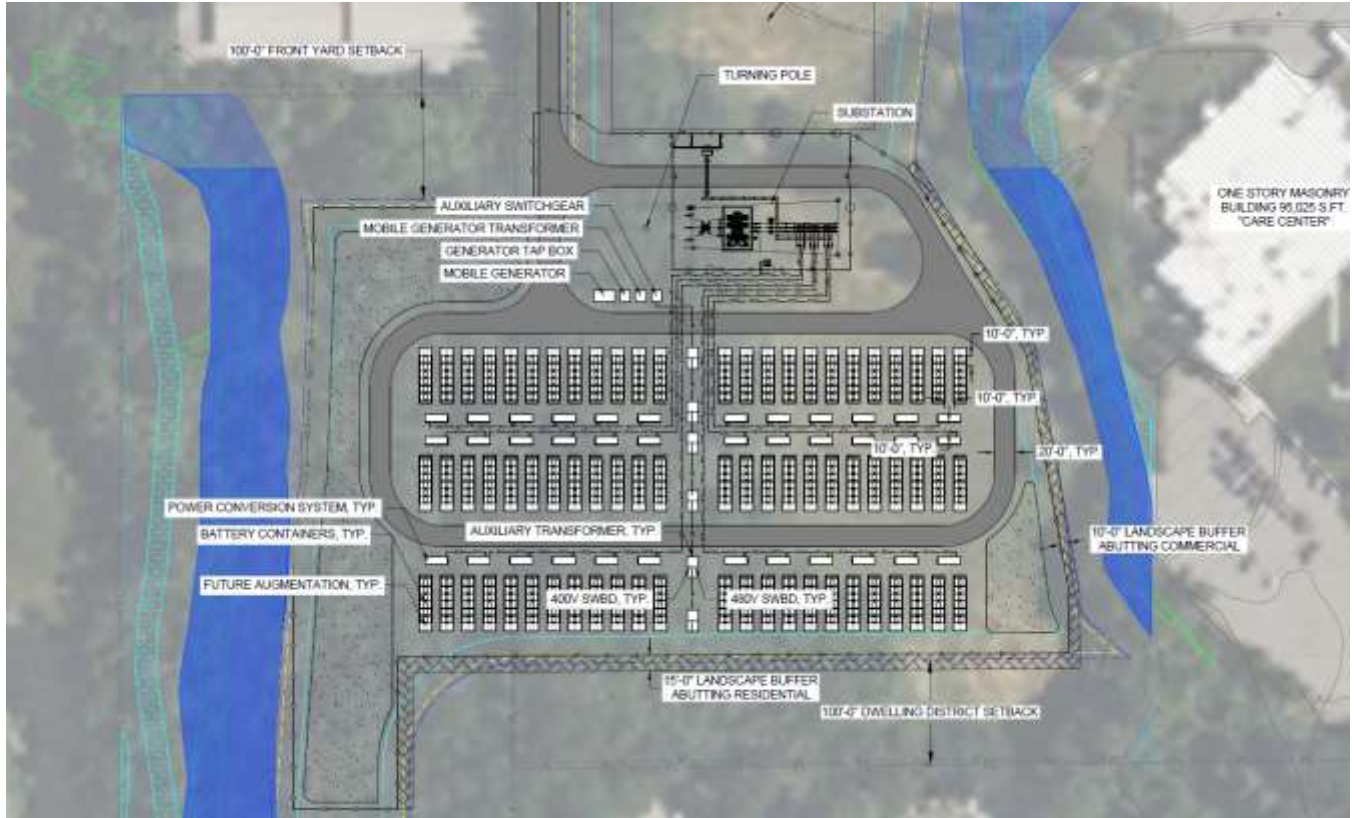
EXHIBITS



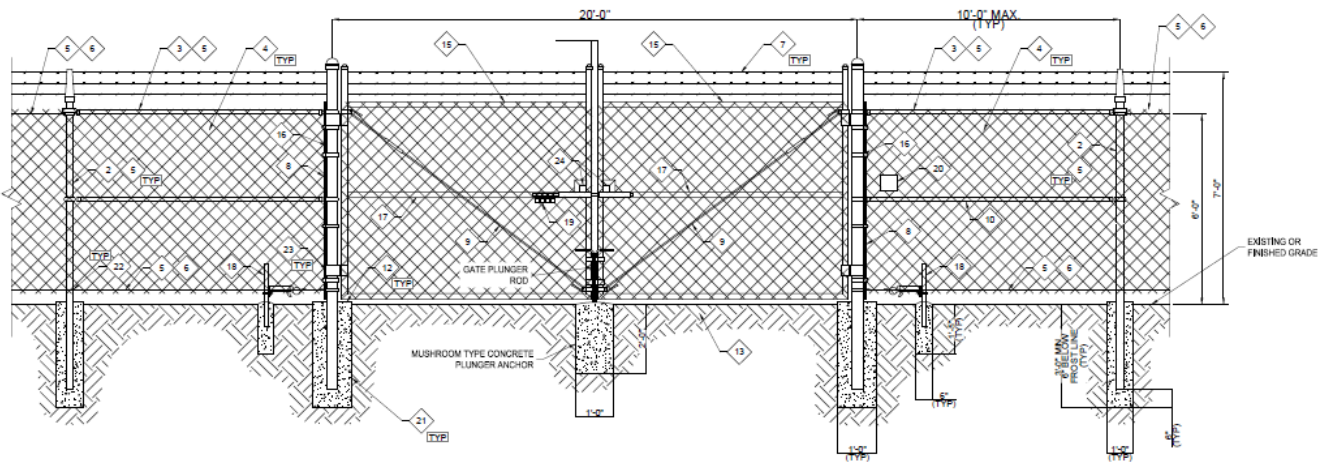
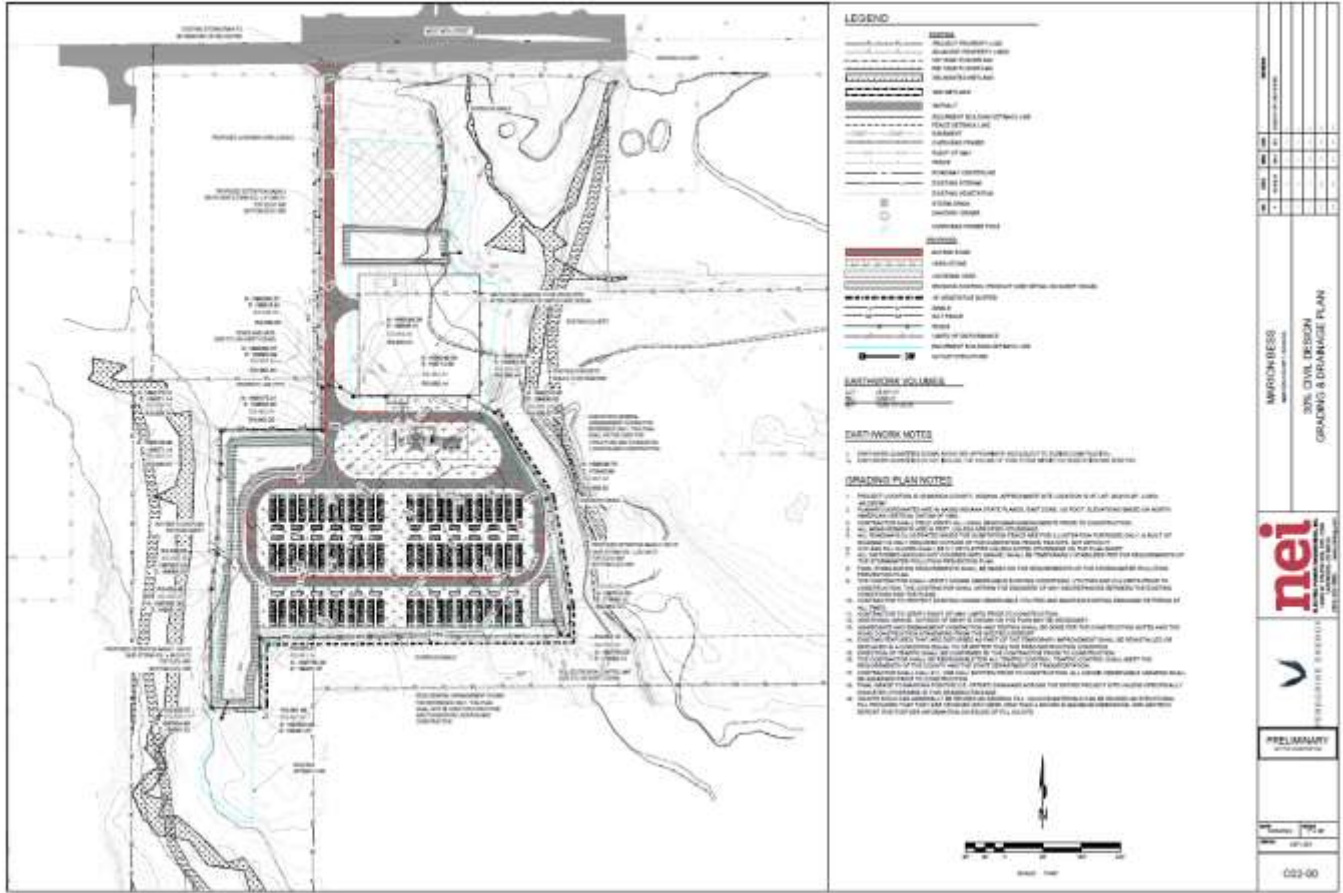
AMENDED SITE PLAN – CLOSE UP



AMENDED SITE PLAN – CLOSE UP



FINAL SITE PLAN





**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 facility on the Subject Property is set significantly back from 86th Street and the fencing will provide security for the facility, thus permitting the public health, safety, morals and general welfare.

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 facility will secure the facility and largely be secured from view from adjoining properties.

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

the facility is akin to a public utility facility, which needs to be secure in order to serve the public and therefore the barbed wire and 6 foot are necessary. Additionally, the facility is set significantly beyond any minimum front yard along 86th Street, rendering the reduced height requirement meaningless.

Main Gate Facing South



Facing East



TREE SURVEY





Photo of the eastern property boundary and fire station east of the site looking south from 86th Street.



Photo of the street frontage along 86th Street looking south.

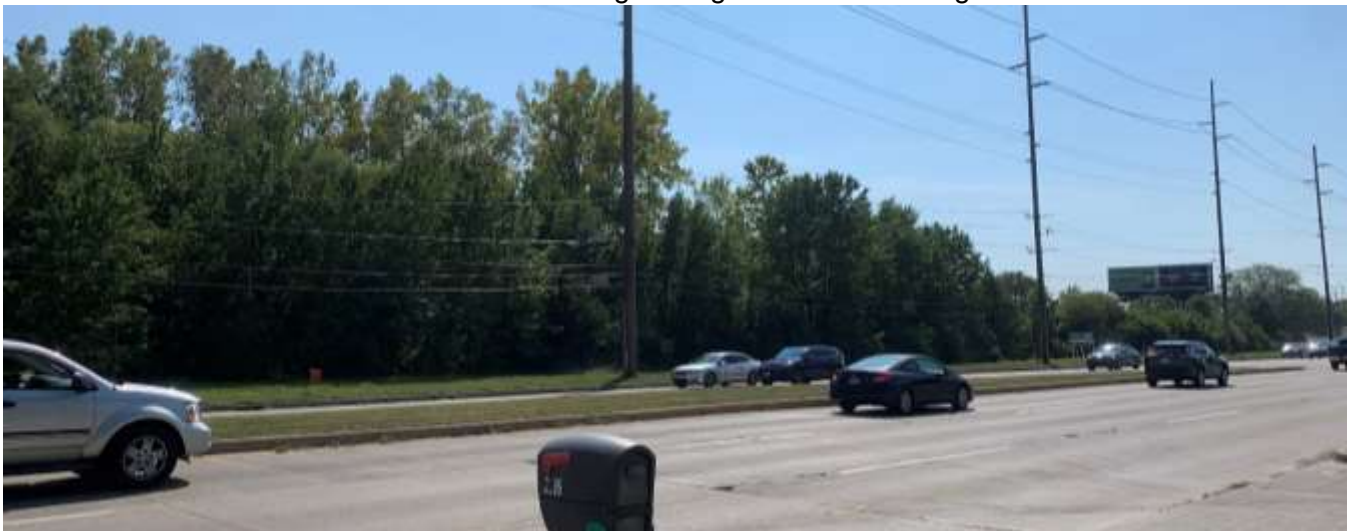


Photo of the street frontage along 86th Street looking south.



Photo of the street frontage along 86th Street looking south toward proposed entrance drive.



Photo of the street frontage along 86th Street looking south.



Photo of an animal hospital to the north.



Entrance to a commercial business park north of the site.



Photo of offices north of the site.



Photo of offices north of the site.



Photo of the southern wooded portion of the site looking west from Braddock Road.



Photo of the adjacent quadrominiums southeast of the site.



Photo of the wooded the subject site looking north from the quadrominiums southeast of the site.



Photo of the quadrominiums southeast of the site looking southeast towards Woodall Drive.



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-112
Property Address: 5201 West Raymond Street
Location: Wayne Township, Council District #17
Petitioner: Speedy Way Inc., by David Gilman
Current Zoning: SU-9 and D-4
Request: Rezoning of 1.53 acres from the SU-9 and D-4 districts to the MU-2 district to provide for multi-family residential and commercial uses.
Current Land Use: Fire Station (vacant) / undeveloped land
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing, at the request of staff to provide time for discussions with the petitioner’s representative.

STAFF RECOMMENDATION

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

1. Final site plan and 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 / receptables provided for the proper disposal of trash and other waste.
3. Development of the site shall be in substantial compliance with the site plan, file-dated November 5, 2024.
4. Commercial uses shall be limited to a day care facility, community center, hair or body care salon or service and professional office.



PETITION OVERVIEW

Rezoning

This 1.53-acre site, zoned SU-9 and D-4, is comprised of two parcels developed with a vacant fire station and abutting undeveloped land. It is surrounded by a single-family dwelling to the north, across West Raymond Street, zoned D-5; single-family dwellings to the south, east and west, all zoned D-4.

Petition 83-Z-206, requested rezoning of the site to provide for a truck maintenance facility and offices. This petition was withdrawn.

2023-UV1-004 requested a variance of use and development standards to provide for a repair shop, outdoor storage and a six-foot-tall fence. This petition was also withdrawn.

The request would rezone both parcels to the MU-2 (Mixed-Use) District. “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.”

The Mixed-Use districts are intended to create compact, walkable places at a variety of scales and intensity, appropriate to their contexts. These districts advance their Livability Principles of this code, further the mixed-use intent of the Comp Plan and rely on a connected network of slow or multi-modal streets, and a fine grain of human-scale buildings that line and activate the streetscapes.

The Comprehensive Plan recommends suburban neighborhood typology for the site, primarily developed with single-family dwellings and attached housing where appropriate.

The site plan, file-dated November 5, 2024, would provide for 23 townhome apartments, including four units and a 1,200 square-foot commercial unit within the existing building. Commercial uses would be limited to a day care facility, community center, hair or body care salon or service and a professional office. Six parking spaces would be located along the West Raymond Street frontage with 41 parking spaces interior to the site for a total of 47 parking spaces.



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

As proposed, this request would not be consistent with the Plan recommendation, or the development recommendations provided in the Pattern Book. The density would be three times higher than the recommended density of one to five units per acre. Furthermore, staff believes this would be considered spot zoning, which is “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.”

This site is smaller than a typical size of the MU-2 district and located mid-block in the middle of a residential neighborhood on a local street. A viable mixed-use district would be from one to four blocks and located on a busy corridor within a traditional neighborhood or city neighborhood typologies.

The Pattern Book recommends that housing be oriented towards the street, with pedestrian connections from the front doors to the public sidewalk. Generally, the proposed housing units are oriented away from the street with minimal activation or engagement to the surrounding neighborhood.

The Pattern Book also recommends that townhomes be organized around intersections of collector streets, greenways, parks or public square, or neighborhood-servicing retail. As previously noted, the proposed development is in the middle of a block served by a local street and would not be harmonious or appropriately integrated into the surrounding character of the neighborhood.

Small scale commercial uses should be located at intersections of arterial streets (not mid-block on a local street) with space to provide appropriate buffering and screening.

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;



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

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	SU-9 / D-4	
Existing Land Use	Fire House (vacant) / undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Single-family dwelling
	South:	D-4 Single-family dwellings
	East:	D-4 Single-family dwellings
	West:	D-4 Single-family dwellings
Thoroughfare Plan		
West Raymond Street	Local Street	Existing 74-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	November 5, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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

- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.



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

- 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.
- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
 - Duplexes should be architecturally harmonious with adjacent housing.
 - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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

ZONING HISTORY

2023-UV1-004, 5201 West Raymond Street, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a repair shop with outdoor storage and a six-foot tall fence within the front yard, **withdrawn**.

85-UV3-9; 5201 West Raymond Street, requested a variance of use for the commercial installation and servicing of auto telephone and radio systems, **granted**.

84-UV1-52; 5201 West Raymond Street, requested a variance of use of the Dwelling Districts Zoning Ordinance and the Special Use Districts Zoning Ordinance to provide for the use of an existing building and adjacent lot as a truck dispatching office with maintenance and storage of semi-tractors and trailers, **withdrawn**.

83-Z-208; 5201 West Raymond Street, requested rezoning of 1.6 acres, being in the SU-9 and D-4 districts, to the C-7 classification, to provide for a truck maintenance facility and offices, **withdrawn**.

VICINITY

98-CP-30V; 2214-2215 Beulah Avenue (east of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a two-family residence, **granted**.

97-AP3-2; 5202 East Raymond Street (north of site), requested approval to waive the Rules of Procedure to permit the refiling of a petition less than 12 months after 96-V3-68 was denied by the Metropolitan Board of Zoning Appeals, **granted**.

96-V3-68; 5202 East Raymond Street (north of site), requested a variance of development standards to provide for the construction of a barn, for agricultural purposes, with reduced setbacks, and the placement of three temporary detached garage structures which exceed the main floor area of the primary residence, **denied**.

95-SE3-12; 5137 West Regent Street (north of site), requested a Special Exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home for residential use, **granted**.

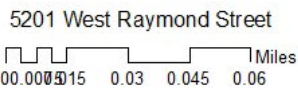
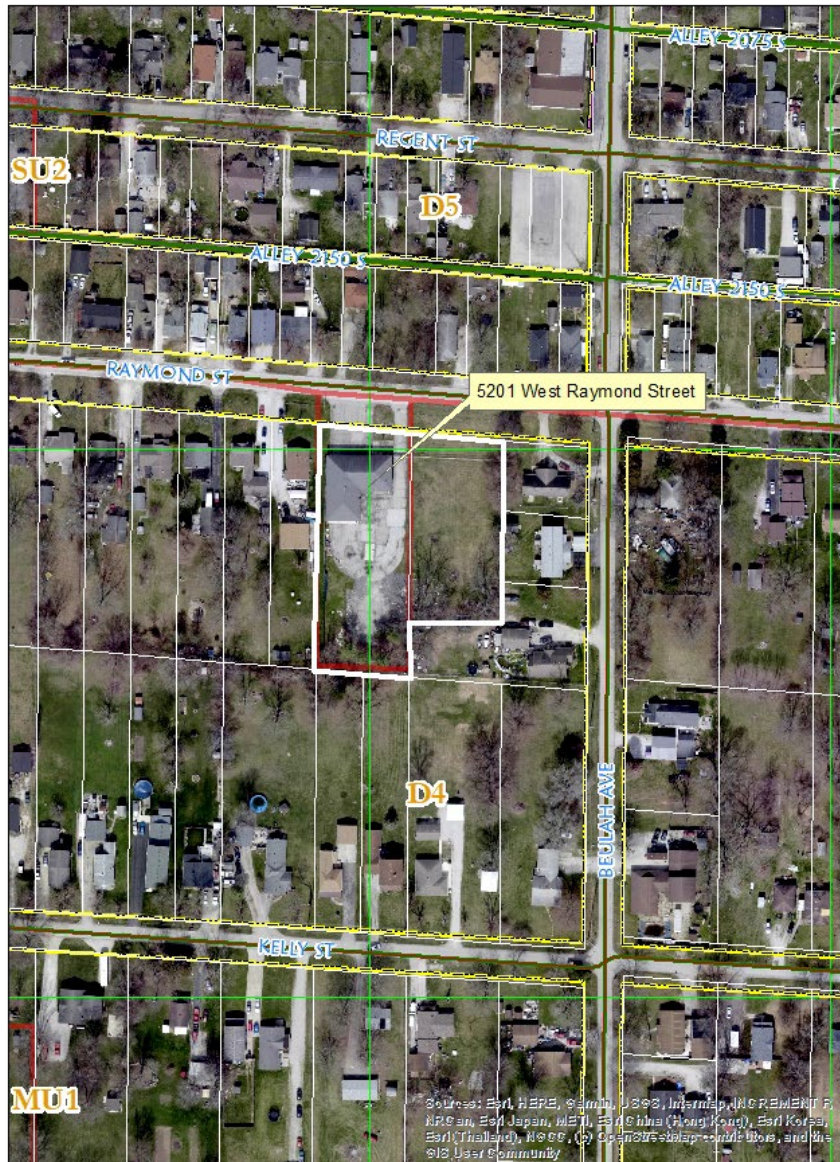


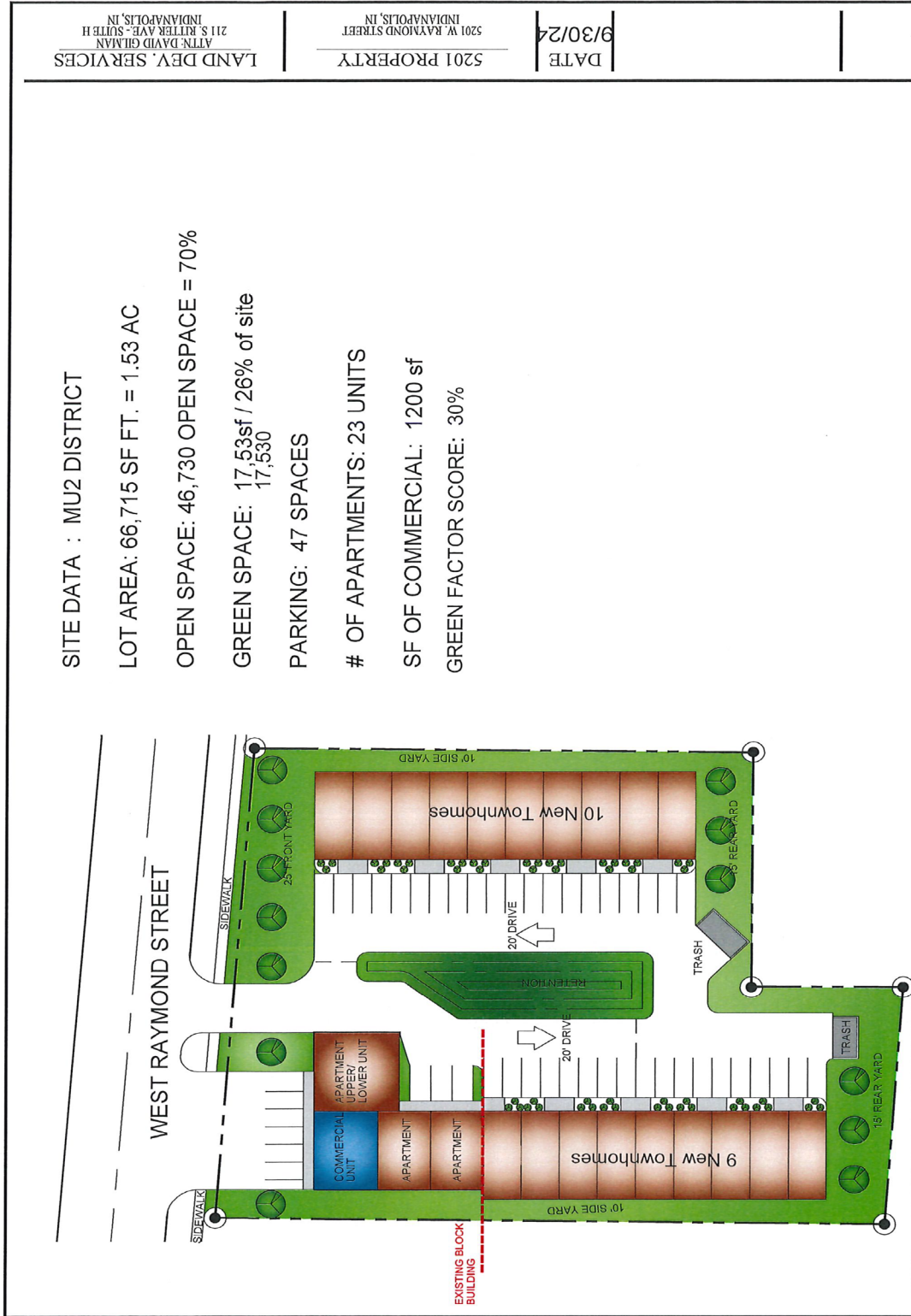
Department of Metropolitan Development
Division of Planning
Current Planning

84-UV1-14; 5224 West Kelley Street (southwest of site), requested a variance of use of the Dwelling District Zoning Ordinance to provide for an addition to an existing detached garage to be used as a second residence on the property, **granted**.

83-UV1-94; 5015 West Raymond Street (east of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to allow for more than one single-family residence on one lot, **granted**.

EXHIBITS





5201 W Raymond Street
Permitted Commercial Use List
November 5, 2024

The following will be the only MU2 commercial uses permitted for the front portion (approx. 1200 sqft) of the existing building. See the Site Plan for details and location.

1. Public, Institutional or Civic Uses
 - a. Day Care
 - b. Community Center
2. Professional Services
 - a. Hair or Body Care, Salon or Service
 - b. Professional Office



View looking east along West Raymond Street



View looking west along West Raymond Street



View of site looking southeast



View of site looking south



View of site looking east



View of site looking south



View of site looking southwest



View from site looking north across West Raymond Street



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-018

Property Address: 2345 Enterprise Park Place

Location: Center Township, Council District #8

Petitioner: JVS Transport, LLC, by David Gilman

Current Zoning: C-S

Request: Modification of Commitments, related to 2003-ZON-840, to modify Commitment Number Two (Attachment "B") Numbers Three and Five, to provide for the outdoor storage and display of heavy equipment on Lots Five, Six, and Seven (current commitment prohibits outdoor storage and display of heavy equipment)

Current Land Use: Industrial Park

Staff Recommendations: Denial

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

1. Final site plan and 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.
3. The existing asphalt path along Enterprise Park Place frontage shall be removed and replaced with a concrete sidewalk in accordance with the standards of the Department of Public Works.
4. Outdoor display area shall be paved and striped prior to any placement of outdoor storage or display.



PETITION OVERVIEW

This 6.868-acre site, zoned C-S, is comprised of three lots that are included in a 44.464-acre industrial park. It is surrounded by industrial uses to the north, east and west, zoned C-S and a railroad right-of-way to the south, zoned I-3.

Petitions 2004-ZON-840 / 2004-PLT-840 rezoned the site to provide for an industrial park with limited commercial and industrial uses permitted at specific locations and a subdivision plat dividing the site into five blocks.

Petition 2020-MOD-015 modified commitments Three, Five and Six of 2003-ZON-840 to provide for a trucking company headquarters and fleet terminal with the repair and servicing of vehicles.

Modification

This request would modify commitments associated with the 2004 rezoning that would modify Commitment Number Two (Attachment "B") and Numbers Three and Five to provide for the outdoor storage and display of heavy equipment on Lots Five, Six, and Seven. See Exhibit A and B.

The Comprehensive Plan recommends light industrial described as industrial uses that create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.

As proposed, this request would not be consistent with the light industrial recommendation because all industrial uses are conducted within enclosed structures within this typology. The site plan, file dated October 11, 2024, provides for outdoor display on Lots Five and Six.

The permitted I-1-U uses on Lots Five and Six at the time of the 2003 rezoning did not include outdoor storage and the Commitments prohibited outdoor storage on Lot Seven. See Exhibit C.

When the site was developed approximately 20 years ago expectations were established that would provide for quality development within the industrial park. Tenants within this industrial park, as well as surrounding neighbors, contemplated that those standards would be maintained, and development would occur that would be consistent with and controlled by the commitments.

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.



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

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	C-S	
Existing Land Use	Industrial uses	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-S Industrial uses
	South:	I-3 Railroad right-of-way
	East:	C-S Industrial uses
	West:	C-S Industrial uses
Thoroughfare Plan		
South Sherman Drive	Local Street	Existing 70-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	October 11, 2024	
Site Plan (Amended)	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial typology. “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

- The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:
- Light Industrial Uses – Light Industrial Typology*
 - 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



Department of Metropolitan Development
Division of Planning
Current Planning

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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

ZONING HISTORY

2020-MOD-015; 2345 Enterprise Park Place, requested modification of Commitments Three, Five and Six of 2003-ZON-840 with respect to use exclusions, to provide for a trucking company headquarters and fleet terminal with the repair and servicing of vehicles (I-1, I-3 and I-4 uses, with exclusions permitted, respectively), **approved**.

2015-MOD-008; 2365 Enterprise Park Place, requested modification of commitments to modify Commitment One of Petition 2003-ZON-840, as modified by 2007-APP-151 and 2010-MOD-013 to provide for I-1U and I-2-U uses on Lot 3 of Block E (C-3 uses permitted), **approved**.

2010-MOD-013; 2330, 2345 and 2355 Enterprise Park Place and 2501 Enterprise Park Drive, requested a modification of Commitments, related to petition 2007-APP-151 and 2003-ZON-840: to modify Item Two (2) of Attachment "B" of Commitment One of Instrument Number 2007-0171217 of 2007-APP-151 to permit I-1 and I-2 uses on Lots 4, 5, 6 and 7 (2345 and 2355 Enterprise Park Place) of Block "E" (previous commitment permitted only C-4 uses) and to permit outside storage of materials on those lots, subject to Administrative Approval, to terminate Commitment Three of Instrument Number 2007-0171216 of 2007-APP-151 of sidewalk along Keystone Avenue (previous commitment requires sidewalk along entire Keystone frontage), to modify Items One (1) of Attachment "B" of 2003-ZON-840 (Instrument # 2004-0190699) and 2007-APP-151 (Instrument # 2007-0171217) to provide for I-1-U and C-1 uses, with no outside storage or operations, on Block "C" (Lot 2 – 2501 Enterprise Park Drive) and a portion of Block "B-2" (Lot 1 – 2330 Enterprise Drive) (previous commitment permitted C-3 uses, with exclusions), **approved**.

2007-APP-151; 2301 Enterprise Park Place, requested approval petition to modify commitments, associated with 2003-ZON-840, to replace commitments regarding permitted uses on lots four, five, six and seven, to allow for all C-4 uses, **approved**.

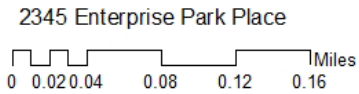
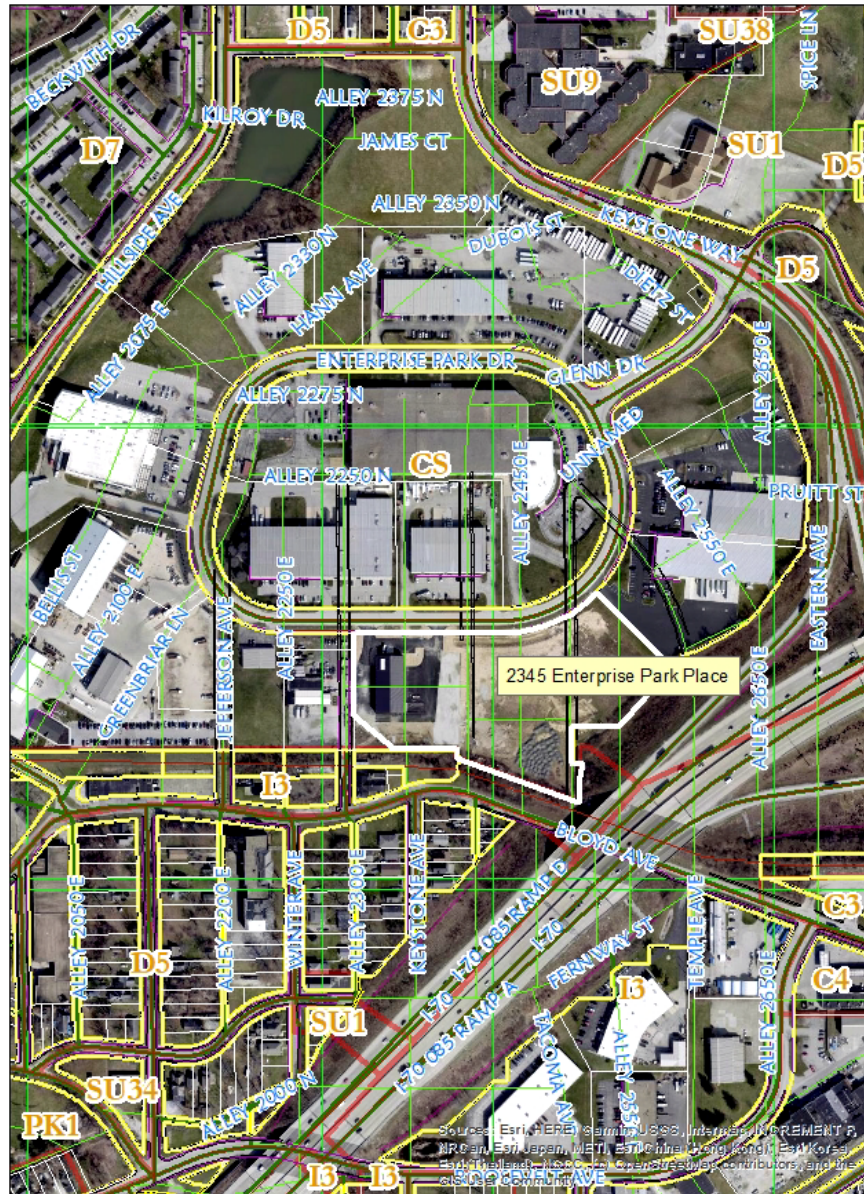
2003-ZON-840 / 2003-PLT-840; 2115 –2150 North Keystone Avenue, 2215-2236 North Tacoma Avenue, 2154-2222 Winter Avenue, 2219-2223 Bellis Street, 2100-2223 Greenbriar Lane, 2129-2205 Jefferson Avenue, 2162-2247 North Temple Avenue, 2218-2266 Eastern Avenue, 2205-2248 East Pruitt Street, requested rezoning of 44.464 acres, being in the D-5, I-3-U, I-4-U and SU-1 Districts, to the C-S classification to provide for an industrial park with limited C-3, C-4, C-I-D, I-1-U, I-2-U and I-3-U uses and approval of a subdivision plat to be known as Keystone Enterprise Park, Phase Two, dividing 44.464 acres into five blocks, **approved**.



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

2002-ZON-837 / 2003-PLT-837, 2311 North Temple Avenue (north of subject site), requested rezoning of 36.109 acres from D-5 and SU-1 to C-S to provide for a mixed use industrial park, including light industrial, retail and hospitality uses, and requested plat approval of an industrial park to be known as Keystone Enterprise Park, Phase I, a replat of Lots 1-6 in Wilder’s Subdivision, all Lots in Arthur V. Brown’s Oak Hill Subdivision, all Lots in Hillside Terrace, et al, dividing 36.109 acres into four blocks, **approved.**

EXHIBITS



2345 Enterprise Park Place

JVS TRANSPORT, LLC
 NEW FACILITY
 2345 Enterprise Park Place
 Indianapolis, Indiana 46218

PROJECT: ARCHITECTURAL SITE PLAN
 SHEET NO: C-19049
 AS101

LAND USE NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.
16. ALL NECESSARY PERMITS AND APPROVALS SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.

DETAILS OF TRUCK DOCK AREA

TRUCK DOCK
 THE WALL DETAIL ON CONC. CONTRACTOR SHALL BE IN ACCORDANCE WITH THE DETAIL SHOWN ON SHEET C-19049-01. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES, AS WELL AS THE CITY OF INDIANAPOLIS, INDIANA.

GENERAL CONTRACTOR CONTACTS

STONEROCK CONSTRUCTION, INC.
 1000 N. ALABAMA ST., SUITE 100
 INDIANAPOLIS, IN 46202
 (317) 444-1111
 NATURAL GAS: 1-800-4-A-PIPE
 ELECTRIC SERVICE: 1-800-4-A-PIPE
 WATER SERVICE: 1-800-4-A-PIPE
 SANITARY SERVICE: 1-800-4-A-PIPE



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT A

MS

RECEIVED FOR RECORD

2003 DEC 10 AM 10:37

WALTER STEIN
MARION COUNTY RECORDER

STATEMENT OF COMMITMENTS

2003-0262005
2003-ZON-840

NOTE: The Rules of Procedure of the Metropolitan Development Commission require use of this form in recording commitments made with respect to zoning cases in accordance with I.C. 36-7-4-614 and approval cases in accordance with I.C. 36-7-4-613. Resolution #85-R-69, 1985 and the Rules of Procedure of the Metropolitan Development Commission requires the owner to make Commitment #1.

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

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (insert here or attach)

From Indianapolis Union RR right of way North 775'
and Hillside Avenue East to Keystone Way.

Statement of COMMITMENTS:

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

2. Please see Attachment "B"

3. _____

4. _____

5. _____

MDC's Exhibit B -- page 1

FILED
AUG 01 2003
DEPT METRO DEVELOPMENT
BY _____



Department of Metropolitan Development
Division of Planning
Current Planning

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2003-ZON-840 by the City-County Council changing the zoning classification of the real estate from a D-5, I-3 zoning classification to a C-S zoning classification; or I-4-U and SU-1
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the _____ zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2003-ZON-840.

IN WITNESS WHEREOF, owner has executed this instrument this 1st day of August, 2003.



Department of Metropolitan Development
Division of Planning
Current Planning

Signature: Margaret Lawrence Banning Signature: _____
 Printed: Margaret Lawrence Banning Printed: _____
 STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

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

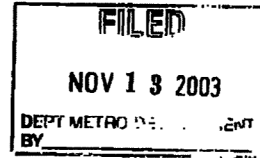
Witness my hand and Notarial Seal this
1 day of August, 2009
[Signature]
 Notary Public
Tom H. Hays
 Printed Name of Notary Public
 My Commission expires: 8-29-2009
 My County of residence: Marion

This instrument was prepared by Margaret Banning
MDC's Exhibit B -- page 3



Department of Metropolitan Development
 Division of Planning
 Current Planning

AS



ATTACHMENT "B"
 Revised 11/12/03

A C-S zoning classification is desired for this industrial, commercial and office park. The following uses and exclusions are proposed.

For all lots the following exclusions:

- 1) For lots 1, 2, 3 & 4, C-3 classification with the following exclusions:
 - A.5. – Drinking Place (Bar or Tavern)
 - A.7. – Emergency Shelter
 - A.15. – Liquor Store (Package)
 - A.19. – Temporary Seasonal Retail Sales
- 2) For lot 4, also a C-4 classification excluding everything but A.14. (hotel, motel or tourist court)
- 3) For lots 5 & 6, I-1-U classification with the following exclusions*:
 - A.1. – Agricultural Uses
 - A.20. – Wireless Communication Facility
- 4) For lots 17, 18, 19 and Outlots A & B, I-2-U classification with the following exclusions*:
 - A.1. (I-1-U) – Agricultural Uses
 - A.2. – Antennae or support structures, unless accessory to the primary use.
 - A.20. (I-1-U) – Wireless Communication Facility
- 5) For lot 7 and the Thompson Piping property, I-3-U classification with the following exclusions*:
 - A.1. (I-1-U) – Agricultural Uses
 - A.2. (I-2-U) – Antennae or support structures, unless accessory to the primary use.
 - A.5. – Electric Transmission & Distribution
 - A.6. – Electroplating Operations
 - A.9. – Manufacture, Assembly or Repair of:
 - e. – colors, dyes, lacquers, paints, varnishes and other coating
 - p. – natural gas transmission and distribution
 - A.10. – Motor Truck Terminals
 - A.11. – Power Plant; Electric, Steam, Thermal
 - A.12. – Propane Gas Storage
 - A.16. – Sand Blasting
 - A.18. – Storage of Heavy Equipment
 - A.20. (I-1-U) – Wireless Communication Facility

- 6) For lots 8, 9, 10 & the Mid-State Chemical property, I-4-U classification including all uses permitted by Special Exception, with the following exclusions*:

- A.1. (I-1-U) – Agricultural Uses
- A.2. (I-2-U) – Antennae or support structures, unless accessory to the primary use.
- A.5. – Electric Transmission & Distribution
- A.6. – Electroplating Operations
- A.9. – Manufacture, Assembly or Repair of:
 - e. – colors, dyes, lacquers, paints, varnishes and other coating
 - p. – natural gas transmission and distribution
- A.10. – Motor Truck Terminals
- A.11. – Power Plant; Electric, Steam, Thermal
- A.12. – Propane Gas Storage
- A.16. – Sand Blasting
- A.18. – Storage of Heavy Equipment
- A.20. (I-1-U) – Wireless Communication Facility

- 7) 11 through 15, I-3-U classification with the following exclusions*:

- A.1. (I-1-U) – Agricultural Uses
- A.2. (I-2-U) – Antennae or support structures, unless accessory to the primary use.
- A.5. – Electric Transmission & Distribution
- A.6. – Electroplating Operations
- A.9. – Manufacture, Assembly or Repair of:
 - e. – colors, dyes, lacquers, paints, varnishes and other coating
 - p. – natural gas transmission and distribution
- A.10. – Motor Truck Terminals
- A.11. – Power Plant; Electric, Steam, Thermal
- A.12. – Propane Gas Storage
- A.16. – Sand Blasting
- A.18. – Storage of Heavy Equipment
- A.20. (I-1-U) – Wireless Communication Facility

*For all lots designated with an industrial classification, in order to maximize flexibility there could also be an overlay of all C-ID classifications except for the following:

- A.1. – Auctioneering Service.
- A.2. – Automobile Storage
- A.3. – Automobile (Car) Wash
- A.4. – Boat Dealer
- A.6. – Bus or Truck Maintenance, Rustproofing or Washes
- A.12. – Farm Equipment
- A.13. – Fireworks Display Service
- A.14. – Fuel Dealers
- A.16. – Industrial Laundry or Dry Cleaning Plant
- A.17. – Linen Supply



Department of Metropolitan Development
Division of Planning
Current Planning

- A.19. – Photofinishing Laboratory**
- A.20. – Recreational Vehicle Dealer**
- A.23. - Taxidermy**
- A.24. – Temporary Seasonal Retail Sales**
- A.28. – Other Uses Similar and Comparable in Character to the Above Excluded Uses.**

EXHIBIT B

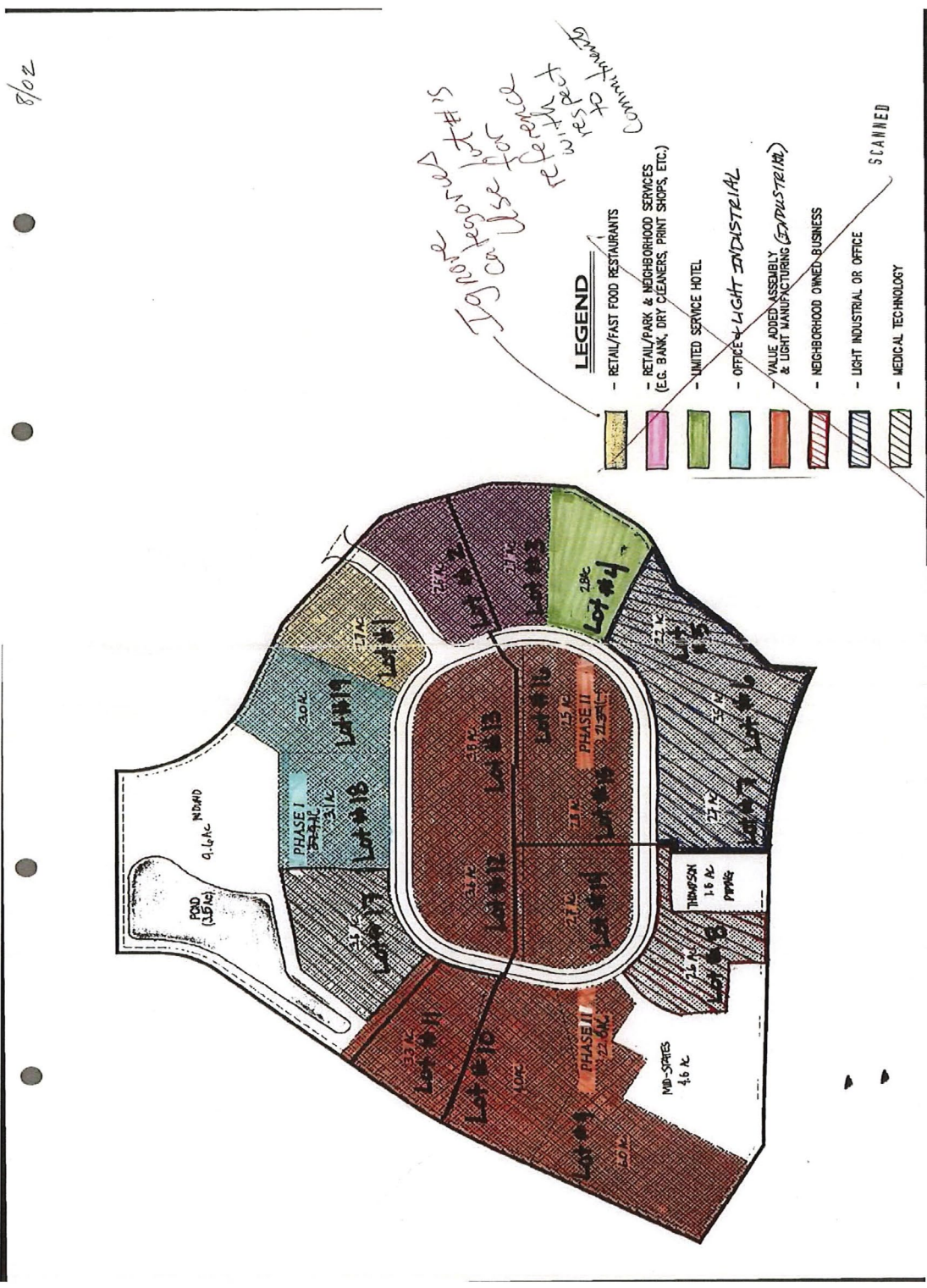


EXHIBIT C

Chapter 733 Industrial Districts Zoning Ordinance – City of Indianapolis

Sec. 733-201. I-1-S and I-1-U uses.

(a) Permitted I-1-S and I-1-U uses. The following uses shall be permitted in the I-1-S and I-1-U Districts. All permitted uses located in an I-1-S District shall conform to the I-1-S development standards (section 733-202(a)) and I-1-S performance standards (section 733-202(b)). All permitted uses in an I-1-U District shall conform to the I-1-U development standards (section 733-206(a)), and I-1-U performance standards (section 733-206(b)).

- (1) Agricultural uses, buildings and structures, including associated dwelling structures.
- (2) Data processing or analysis.
- (3) Day care center, subject to all state and local requirements for the location and operation of such facility.
- (4) Dental laboratory (excluding clinic or dental office for individual examinations/treatment).
- (5) Distribution operation (completely enclosed within a building).
- (6) Engineering or research laboratories.
- (7) Engraving (nonretail).
- (8) Heliports - landing pads and stations for helicopters (helistop); vertical take-off helipads for helicopter aircraft, as regulated in section 733-200(a)(6) (including facilities for maintenance of helicopters and accessory uses therefor).
- (9) Industrial schools or training facilities.
- (10) Manufacture, assembly or repair of:
 - a. Appliances, light portable household.
 - b. Clocks, watches.
 - c. Cloth products (from finished cloth - including any type of apparel, curtains, towels, bedding. This entry does not include carpet or rug manufacturing).
 - d. Jewelry.
 - e. Leather products (from finished leather).
 - f. Light component parts of products.
 - g. Optical, ophthalmic goods.
 - h. Phonograph, tape, compact disc, or other audio or video products or equipment.
 - i. Photographic equipment.
 - j. Premanufactured parts, subassemblies, or components.
 - k. Recording instruments.
- (11) Mini-warehouses - self-storage facility.
- (12) Offices, in conjunction with a permitted industrial use, attached or detached, and including service facilities for employees or guests. Provided any service facilities shall be wholly within a building and shall have no exterior signs.
- (13) Outdoor advertising signs, subject to Chapter 734 of this Code.
- (14) Railroad or other mass transportation rights-of-way and trackage, including railroad passenger station, off-street turnaround, layover areas for transit vehicles, shelter



Chapter 733 Industrial Districts Zoning Ordinance – City of Indianapolis

stations and off-street parking facilities, provided such uses (except operating rights-of-way) do not extend within twenty (20) feet of a protected district boundary.

- (15) Warehousing (completely enclosed within a building).
- (16) Wholesaling, any type.
- (17) Temporary structures incidental to the development of land or to the erection of structures, provided such temporary structures shall be removed at the termination of development or construction, subject to the additional requirements of section 733-211(d).
- (18) Accessory utility structures or facilities.
- (19) Accessory recreation facilities, indoor or outdoor, provided primarily for the convenience and use of employees of a specific industry or an industrial area as a whole.
- (20) Wireless communication facility, as defined in, and subject to the additional regulations of, Chapter 735, Article IX of this Code.



View looking east along Enterprise Park Place



View of site looking southwest along eastern boundary



View of site looking west



View of site looking west



View of site looking west



View of site looking west



View of site looking west



View of site looking west



View of site looking west across Enterprise Park Place



View of site looking southwest across Enterprise Park Place



View looking east along Enterprise Park Place



View looking west along Enterprise Park Place



View of sites within the industrial park



View of sites within the industrial park



View of sites within the industrial park



View of sites within the industrial park



View of sites within the industrial park



View of sites within the industrial park



View of sites within the industrial park



View of sites within the industrial park



View of sites within the industrial park



METROPOLITAN DEVELOPMENT COMMISSION **November 14, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-127

Property Address: 6018 North Keystone Avenue (approximate addresses)

Location: Washington Township, Council District #7

Petitioner: Evolution Process Service, LLC, by Rebekah Phillips

Current Zoning: D-3

Request: Rezoning of 0.219 acres from the D-3 district to the C-1 district, to provide for office uses.

Current Land Use: Office

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.219-acre site is developed with a single-family attached dwelling that was historically approved multiple times for office uses by multiple use variances. The site was recently split from the single-family attached dwelling to the south which was also historically used for commercial offices and rezoned recently to the C-1 district.

This site is in the block southwest of the Glendale Mall in the Broad Ripple Neighborhood.

REZONING

The request would rezone the property from the D-3 district to the C-1 district to provide for office uses.

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,



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

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

The C-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.

STAFF ANALYSIS

The subject site has been used for offices since it was granted a use variance in 1987. Rezoning to the C-1 district would align the zoning to the existing use and allow for site development without additional variances so long as new development complies with C-1 standards.

The Comprehensive Plan recommendation for this site is office commercial uses. The C-1 district is the office buffer district, which is appropriate for transitions between residential and commercial districts. Therefore, staff is supportive of the rezoning to C-1.

GENERAL INFORMATION

Existing Zoning	D-3		
Existing Land Use	Office		
Comprehensive Plan	Office Commercial		
Surrounding Context	Zoning	Land Use	
	North:	D-3	Commercial
	South:	C-1	Commercial
	East:	SU-2	School
	West:	D-3	Residential (Single-family dwellings)
Thoroughfare Plan			
Keystone Avenue	Primary Arterial	100-foot existing right-of-way and 104-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 Marion County Land Use Plan Pattern Book (2019) recommends community commercial development of the 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.
- The request would align with this recommendation.

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

2022-CPL-851; 6008 North Keystone Avenue (subject site), approval of a plat to be known as Replat of a Part of Lot 25 and Lot 26 in Kesslerwood, dividing 0.56-acre into two lots, **approved**.

2022-CVR-851; 6008 North Keystone Avenue (subject site), Variance to provide for two 64-foot-wide lots, **approved**.

2022-PLT-050; 6008 North Keystone Avenue (subject site), Approval of a Subdivision Plat to be known as Replat of a Part of Lot 25 and of Lot 26 in Kesslerwood, dividing 0.56-acre into two lots, **withdrawn**.

2009-SE1-002; 6018 North Keystone Avenue (subject site), Special exception to provide for religious uses with a ground sign in the D-3 district, **granted**.

87-UV2-46; 6008 North Keystone Avenue (subject site), Variance to provide for office uses with parking and signs, **approved**.

87-Z-16; 5930 – 6048 North Keystone Avenue (subject site), Rezoning of 3.7 acres from the D-3 and C-1 district to the C-3 district, **denied**.

81-UV2-24; 6008 North Keystone Avenue (subject site), Variance of use to provide for continued use of offices, **granted for temporary period, expiring August 8, 1986**.

78-UV1-89; 6008 North Keystone Avenue (subject site), Variance of use to provide for continued use of offices, **granted for temporary period, expiring August 8, 1981**.

74-UV2-135; 6008 North Keystone Avenue (subject site), Variance of use to provide for continued use of offices, **granted for temporary period, expiring October 15, 1977**.

Zoning History - Vicinity

2024-DV2-029; 6008 North Keystone Avenue (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an externally illuminated monument sign (illumination disallowed within 50 feet of a protected district) with a seven-foot north transitional yard setback (10-foot transitional yard required), **granted**.

2023-ZON-113; 6008 North Keystone Avenue (south of site), Rezoning of 0.33 acre from the D-3 district to the C-1 district to provide for office uses, **approved**.

2023-UV2-013; 6008 North Keystone Avenue (south of site), Variance to permit a seven-foot-tall, 32-square foot monument sign, **withdrawn**.



Department of Metropolitan Development
Division of Planning
Current Planning

2018-ZON-011; 6038 North Keystone Avenue (north of site), Rezoning of 0.24 acre from the D-3 and C-1 districts to the C-1 district, **approved.**

2011-UV1-026; 5944 North Keystone Avenue (south of site), Variance to provide for a salon and beauty spa, with massage and with accessory retail sales of beauty and hair care products, **approved.**

2010-ZON-070; 2424 Kessler Boulevard East Drive (east of site), Rezoning of 9.62 acres from the D-3 district to the SU-2 district, **approved.**

2010-ZON-037; 5944 North Keystone Avenue (south of site), Rezoning of 0.29 acre from the D-3 district to the C-1 district, **approved.**

2006-ZON-094; 5950 North Keystone Avenue (south of site), Rezoning of 0.2858 acre, from the D-3 District, to the C-1 district, **approved.**

2003-UV1-024; 6028 North Keystone Avenue (north of site), Variance to legally establish a real estate and insurance office, a parking lot with a zero-foot south side yard setback and a 9.7-foot north side yard setback, and a three-foot by twelve-foot ground sign, **approved.**

94-UV2-103; 5936 North Keystone Avenue (south of site), Variance of use of the Commercial Zoning Ordinance to provide for the construction of a two-story, 14-unit apartment building (not permitted), **granted.**

91-Z-36; 5910 – 5944 North Keystone Avenue (south of site), Rezoning of 1.39 acres, being in the D-3 District, to the C-1 classification to provide for office uses, **approved.**

88-UV1-153; 6038 North Keystone Avenue (north of site), Variance to provide for an existing building to be used for a security office and travel agency office and one pole sign, **approved.**

88-UV1-56; 5944 North Keystone Avenue (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of an existing house for use of an office and a variance of development standards of the Sign Regulations to provide for a double-faced pole sign for identification, **granted.**

88-V2-118; 5950 North Keystone Avenue (south of site), Variance to provide for four-foot-tall shingle sign for a home occupation, **approved.**

84-Z-74; 6048 North Keystone Avenue (north of site), Rezoning of 0.26 acre from the D-3 district to the C-1 district, **approved.**

- PLAN OF OPERATION -

Petitioner, J&C Gregory Real Estate, LLC f/k/a Evolution Process Service, LLC, submits the following plan of operation in support of its rezoning petition with respect to the property commonly known as 6018 N. Keystone Ave., Indianapolis, Indiana 46220.

Business:

The office building is owned by J&C Gregory Real Estate LLC f/k/a Evolution Process Service, LLC (“Owner”). Owner currently rents the Property to Deposition Solutions, LLC d/b/a Lexitas (“Lexitas”), who operates a process service company out of the building.

Workforce:

Approximately 3 employees work at the building at a time. Employees use the parking lot on the property while at the building.

Clients and Customers:

Clients of Lexitas are residents and business owners in the greater Indianapolis area who are in need of a process server. Clients very rarely visit the building in person.

Processes Conducted on Site:

The employees use the facility to run the operations of Lexitas.

Materials Used:

Lexitas uses typical office supplies and office furniture to operate the business.

Shipping and Receiving:

Very minimal shipping and receiving occurs. Lexitas occasionally receives office supply deliveries.

Waste:

Standard trash for an office is disposed of appropriately.



Photo of the subject site looking west onto the site.



Photo of the site's street frontage along Kessler Avenue looking south.



Photo of the rear yard of the subject site looking west.



Photo of the rear yard of the subject site looking south.



Photo of the commercial property south of the site.



Photo of the residential property north of the site.



Photo of the school across Keystone Avenue to the east.