



Metropolitan Development Commission Hearing Examiner (October 10, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, October 10, 2024

Time: 1:00 PM

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

Business:

Special Requests

2024-ZON-112 | 5201 West Raymond Street

Wayne Township, Council District #17

Speedy Way Inc., by David Gilman

****Request for a four-day Waiver of the 23-day notification period for written Notice by the Petitioner**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-ZON-030 (Amended) | 1362 and 1368 North Olney Street

Center Township, Council District #13

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

Rezoning of 0.29-acre from the C-3 district to the MU-2 district to provide for a mixed-use development.

****Staff request for a continuance for cause**

2. 2024-ZON-080 (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 six-unit multi-family residential development.

****Staff request for continuance for cause to November 14, 2024**

3. 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.

****Staff request for continuance for cause to November 14, 2024**

4. 2024-ZON-094 | 622 South Keystone Avenue

Center Township, Council District #18

Shelly Mills, by David Gilman

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

****Staff request for continuance for cause to October 24, 2024**

- 5. 2024-ZON-100 | 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 I-1 district to provide for an Industrial Development.

****Automatic continuance to November 14, 2024, filed by Petitioner**

- 6. 2024-ZON-101 | 1820 South Arlington Avenue**
Warren Township, Council District #20
Prime USA, Inc, by David Gilman

Rezoning of 22.02 acres from the D-A (FF) to the D-5II (FF) district to provide for an attached single-family residential development.

****Automatic continuance to November 14, 2024, filed by Petitioner**

- 7. 2024-ZON-111 | 4900 and 4652 Kentucky Avenue**
Decatur Township, Council District #21
Indianapolis (Kentucky Avenue) WW, LLC, by Joseph D. Calderon

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

****Staff request for continuance for cause to November 14, 2024**

- 8. 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.

****Staff request for continuance to November 14, 2024**

- 9. 2024-ZON-116 | 4105 and 4151 West 96th Street**
Washington Township, Council District #4
Tom Wood, Inc., by Joseph D. Calderon

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

****Staff request for continuance for cause to October 24, 2024, with Notice**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 10. 2024-APP-017 | 7979 North Shadeland Avenue**
Lawrence Township, Council District #3
HD-2
Community Health Network and Community Health Network Foundation, Inc., by Timothy H. Button

Hospital District Two Approval to provide for a 34,654-square-foot expansion of the existing Cancer Center and additional parking.

11. 2023-ZON-080 | 1651 Spann Avenue

Center Township, Council District #18
Jason Blankenship, by Mark and Kim Crouch

Rezoning of 0.09-acre from the C-1 District to the D-5II District to provide for a detached single-family dwelling.

12. 2024-ZON-085 (Amended) | 5640 North Illinois Street

Washington Township, Council District #7
The Riviera Club, by Sonya Seeder

Rezoning of 22.63 acres from the D-2 (FF) district to the SU-16 (FF) district to provide for indoor and / or outdoor recreation.

13. 2024-ZON-108 | 3332 and 3334 West 9th Street

Wayne Township, Council District #12
Ebenezer Akinyele, by Khaleel Ifamimikomi

Rezoning of 0.383 acres from the SU-1 district to the D-5 district to provide for residential uses.

14. 2024-ZON-109 | 2140 Dr Andrew J Brown Avenue

Center Township, Council District #13
Indy Rental Homes 360 III LLC, by Andrew Harrill

Rezoning of 0.13 acres from the I-3 District to the D-8 District to provide for residential uses.

15. 2024-ZON-114 | 1751 South Lawndale Avenue

Wayne Township, Council District #17
Indianapolis Electrical Joint Apprenticeship and Training Trust Fund, by David Kingen and Emily Duncan

Rezoning of 5.31 acres from the I-2, I-3, and SU-46 district to the I-2 district to provide for industrial uses.

16. 2024-CZN-836 / 2024-CVR-836 | 802 South State Avenue

Center Township, Council District #18
Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams

Rezoning of 0.13-acre from the C-3 District to the D-8 District to provide for a triplex residential development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a floor area ratio of 1.18 (maximum FAR of 0.60 permitted) and a livability space ratio of 0.24 (minimum LSR of 0.66 required) and to legally establish a zero-foot front building line setback (minimum front building line range of 10 feet to 19.9 feet required), and a zero-foot corner side yard (minimum 10-foot corner side yard required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

17. 2024-MOD-015 (2nd Amended) | 3500 East 20th Street

Center Township, Council District #13
C-S
Adam DeHart

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

18. 2024-ZON-092 | 1770 Kentucky Avenue

Center Township, Council District #18
Multani Holdings, LLC, by Donald W Fisher

Rezoning of 1.62 acres from the I-4 district to the C-5 district to provide for retail use development.

19. 2024-ZON-099 | 8450 Payne Road and 4025 West 86th Street

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

Rezoning of 47.62 acre 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.

20. 2024-ZON-105 | 2852 East County Line Road

Perry Township, Council District #24
Aditi Real Estate 63, LLC by Cassandra A. Nielsen

Rezoning of 6.67 acres from the C-S district to the I-1 (TOD) (FW) (FF) district to provide for a Self-Storage Facility.

21. 2024-CZN-830 / 2024-CVR-830 | 1330 and 1350 North Emerson Avenue

Center Township, Council District #13
D-5
Indianapolis Fire Department, by Misha Rabinowitch

Rezoning of 0.85-acre from the D-5 district to the SU-9 district for the relocation of Indianapolis Fire Department Station No. 20.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 27 spaces (minimum 29 parking spaces required), to increase driveway width to 60 feet (maximum 25 feet permitted), to increase the building height to 39 feet (maximum of 25 feet permitted).

22. 2024-CZN-833 / 2024-CVC-833 / 2024-CVR-833 | 1301 East 16th Street, 1503, 1513, and 1517 Columbia Avenue, and 1524 Dr. A. J. Brown Avenue

Center Township, Council District #13
Design and Build Corporation, by Jennifer Milliken and Timothy Ochs

Rezoning of 1.03 acres from the D-8 District to the SU-2 District to provide for educational uses.

Vacation of the first east-west alley south of 16th Street, being 15 feet in width, beginning at the west right-of-way line of Dr. A. J. Brown Avenue, west 180.72 feet, to the northwest right-of-way line of the first north-south alley west of Dr. A. J. Brown Avenue, and a vacation of the first north-south alley right-of-way west of Dr. A. J. Brown Avenue, being 15 feet in width, beginning at the northwest right-of-way line of the first east-west alley west of Dr. A. J. Brown Avenue, south 190.40 to the north right-of-way line of Interstate 70, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 29.2-foot-tall gymnasium (maximum height of 25 feet within a transitional yard), and a front transitional yard setback of 7.9 feet along Dr. A. J. Brown Avenue (minimum 10-foot transitional yard).

PETITIONS FOR PUBLIC HEARING (New Petitions):

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
HEARING EXAMINER**

October 10, 2024

Case Number: 2024-ZON-030 (Amended)

Property Address: 1362 and 1368 North Olney Street

Location: Center Township, Council District #13

Petitioner: Read Investment Trust / Brookside community Development Corporation by Emily Duncan and David Kingen

Current Zoning: C-3

Request: Rezoning of 0.29-acre from the C-3 district to the MU-2 district to provide for a mixed-use development.

Current Land Use: Residential uses

Staff Recommendations: Approval.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the April 25, 2024 hearing, to the May 23, 2024 hearing, to the July 25 2024 hearing, and to the October 10, 2024 hearing, at the request of the petitioner’s representative and remonstrators to provide time for discussions with the neighborhood and to amend the petition.

The petitioner’s representative amended the request to the MU-2 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.”

Based upon the information that has been provided to staff, the MU-2 district would be more appropriate for this location. Consequently, staff is now recommending approval of this request subject to the commitments below:



STAFF RECOMMENDATION

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

1. Final site plan 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.

PETITION OVERVIEW

REZONING

This 0.29-acre site, zoned C-3, is comprised of two parcels developed with multi-family dwellings. It is surrounded by commercial uses and single-family dwellings to the north, across Nowland Avenue zoned MU-1; single-family dwellings to the south, zoned D-5; single-family dwellings to the east across North Olney Street, zoned MU-1; and single-family dwellings to the west, zoned D-5.

The request would rezone both parcels to the MU-1 District. "The MU-1 District is intended for the development of **high-rise office uses** and apartments intermixed, grouped in varying combinations or provided in the same building. MU-1 is designed for use and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, **very near rapid transit stops**, or in the midst of **high intensity regional** commercial complexes."

The Comprehensive Plan recommends traditional neighborhood typology. This typology would allow for mixed uses that would be compatible with the neighborhood if the recommendations and guidelines offered by The Pattern Book would be applied.

As proposed, this request would not be consistent with the Plan recommendation of traditional neighborhood. As noted above the MU-1 district would be highly detrimental to this solidly residential neighborhood.

Furthermore, this site is not very near a rapid transit stop but is located at the intersection of two local streets surrounded by residential uses. The nearest commercial uses are located along North Sherman Drive, approximately 1400 feet to the east.

For these reasons, staff strongly recommends denial of this rezoning request.



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

Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Multi-family dwellings	
Comprehensive Plan	Traditional Neighborhood typology	
Surrounding Context	Zoning	Land Use
North:	MU-1	Commercial uses
South:	D-5	Single-family dwelling
East:	MU-1	Single-family dwelling
West:	D-5	Single-family dwellings



Thoroughfare Plan		
North Olney Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Nowland Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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.



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

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

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

- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

- *Large-Scale Multi-Family Homes (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.*
 - 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 located along an arterial street.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Parking should be either behind or interior to the development.
 - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.



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

- *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 limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

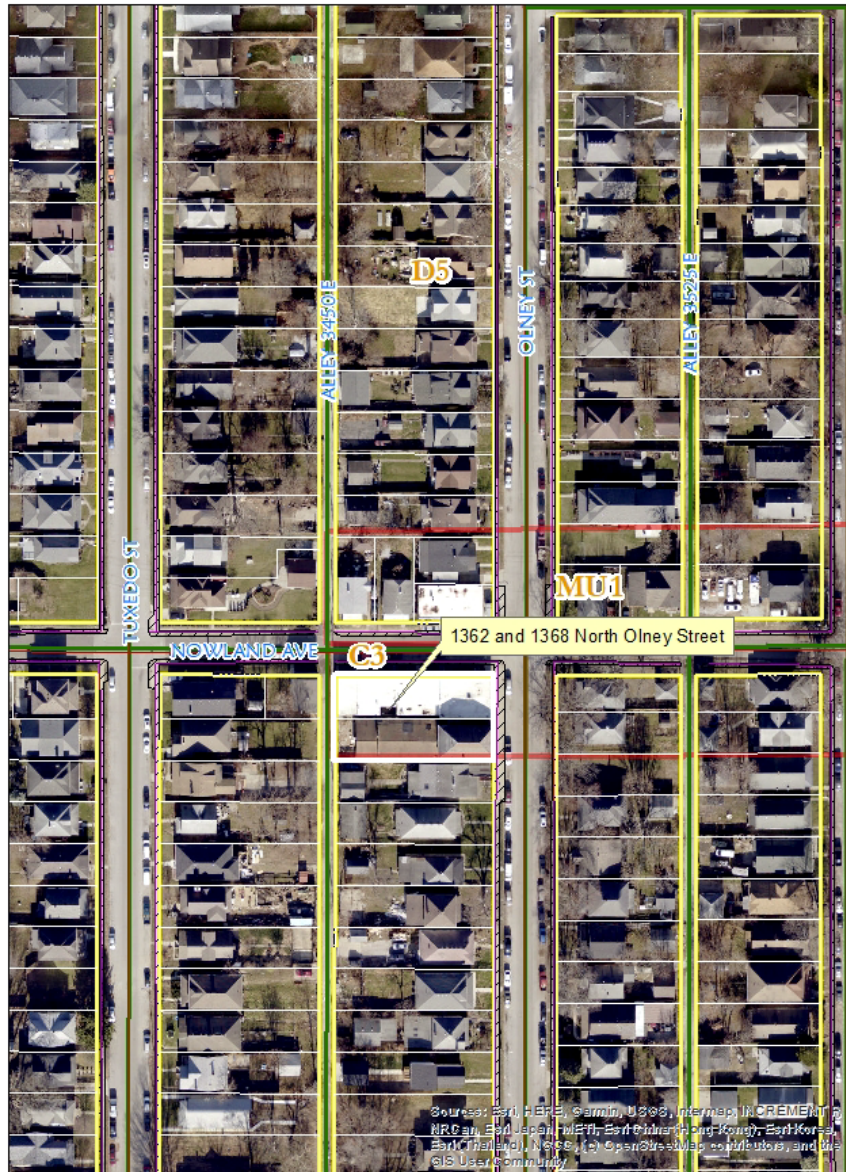
- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location,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



ZONING HISTORY

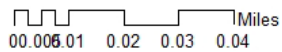
2010-UV3-003; 1402 North Olney, (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a convenience / grocery store, without any off-street parking, **granted**.

EXHIBITS



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, MEPF, Esri China Hong Kong, Esri Korea, Esri (Thailand), NOAA, Swisstopo, Mapbox, (c) OpenStreetMap contributors, and the GIS User Community

1362 and 1368 North Olney Street





View looking north along North Olney Street



View looking south along North Olney Street



View looking west along Nowland Avenue



View looking east along Nowland Avenue



View of site looking northwest across North Olney Street



View of site looking west across North Olney Street



View of site looking west across North Olney Street



View of site looking southwest across Nowland Avenue



View looking southeast across intersection on North Olney Street and Nowland Avenue



View looking northwest across intersection on North Olney Street and Nowland Avenue



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-080 (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 an six-unit multi-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 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. **Staff would request a continuance from the October 10, 2024 hearing, to the November 14, 2024 hearing,** for additional time for continued discussions with the petitioner’s representative.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 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
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.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

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

Staff is requesting a **continuance from the October 10, 2024 hearing to the November 14, 2024 hearing**, to provide time for a Traffic Impact Study (TIS) to be conducted, submitted and reviewed by staff.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-094

Property Address: 622 South Keystone Avenue

Location: Center Township, Council District #18

Petitioner: Shelly Mills, by David Gilman

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

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

Staff is requesting a **continuance from the October 10, 2024 hearing, to the October 24, 2024 hearing**, to provide additional time for staff to review development options recently submitted.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-100
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 I-1 district to allow for industrial 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 petitioner’s representative filed an **automatic continuance that would continue this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-101

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-5II (FF) district to provide for an attached single-family residential development.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the 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.

A timely **automatic continuance request was filed by the petitioner’s representative, continuing this petition from the October 10, 2024 hearing, to the November 14, 2024 hearing.** This would require acknowledgement from the Hearing Examiner



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-111
Property Address: 4900 and 4652 Kentucky Avenue
Location: Decatur Township, Council District #21
Petitioner: Indianapolis (Kentucky Avenue) WW, LLC, by Joseph D. Calderon
Current Zoning: D-A (FF), D-3 (FF) and C-3 (FF)
Request: Rezoning of 5.861 acres from the D-A (FF), D-3 (FF) and C-3 (FF) districts to the C-4 (FF) district to provide for a gasoline station and convenience store.
Current Land Use: Single-family dwelling / undeveloped land
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance from the October 10, 2024 hearing, to the October 24, 2024 hearing**, to provide additional time to clarify the area of the proposed rezoning.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 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 / 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 Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance from the October 10, 2024 hearing, to the November 14, 2024 hearing**, to provide additional time for further discussions with the petitioner’s representative.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-116

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

Location: Washington Township, Council District #4

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

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

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

Current Land Use: Commercial and Industrial

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

Staff is requesting a **continuance for cause from the October 10, 2024 hearing to the October 24, 2024 hearing** to correct an addressing error and allow for additional time to meet the published notice requirement.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition will be continued to the October 24, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-APP-017
Property Address: 7979 North Shadeland Avenue
Location: Lawrence Township, Council District #3
Petitioner: Community Health Network and Community Health Network Foundation, Inc., by Timothy H. Button
Current Zoning: HD-2
Request: Hospital District Two Approval to provide for a 34,654-square-foot expansion of the existing Cancer Center and additional parking.
Current Land Use: Hospital Campus – Cancer Center / parking
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, landscape plan, elevations and photometric plan, file-dated August 30, 2024, and Project Description file-dated September 9, 2024.

PETITION OVERVIEW

This 18.68-acre site, zoned HD-2, is developed with a Cancer Center located within a hospital campus. It is surrounded by hospital campus to the north, across Clearvista Drive, zoned HD-1; multi-family dwellings to the south, zoned D-P; a hospital campus to the east, zoned HD-1; and commercial uses to the west, across North Shadeland Avenue, zoned C-S.

Petition 2007-APP-007 provided for regional cancer center, with a pedestrian skybridge over Clearvista Drive to the main hospital, with 407 parking spaces. Petitions 2017-CAP-805 / 2018-CVR-805 and 2007-APP-007 provided for signage.

The request would provide for a 34,654-square-foot expansion of the existing Cancer Center, with reconfiguration of the parking lot.



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

The Comprehensive Plan recommends regional special use, which is a non-typology land use. These stand-alone land uses are mapped outside of the typology system due to their scale or the nature of their use.

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

“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. The Commission must, also make written findings concerning any decision to approve or disapprove a Site and Development Plan.”

As proposed, staff believes that the request would meet all the goals of the HD-2 district listed above. The site layout, building elevations and landscaping shown on the submitted plan would complement the overall hospital campus and the Shadeland Avenue corridor, as well as expanded medical services to the community.



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

Because of the adjacent residential use to the south, staff paid particular attention to the southern portion of the site and the south elevation of the proposed building. Abutting the residential use would be parking, landscaping, and passive outdoor recreational areas. Items that might have negative impacts on residential uses, such as trash receptacles and loading activities would be located near the northeast corner of the site, over 150 feet north of the south property line. The south façade of the structure would have neutral colors and large portions of the façade would contain windows. Additionally, the petitioner has submitted a lighting plan showing the site would have minimal lighting spillage onto the residential use.

Additionally, the existing wall sign for the Cancer Center will be removed from the existing building and relocated on the west façade of the proposed expansion, with a new proposed sign on the north elevation.

GENERAL INFORMATION

Existing Zoning	HD-2	
Existing Land Use	Cancer Center / parking	
Comprehensive Plan	Regional Special Use	
Surrounding Context	Zoning	Land Use
	North: HD-1	Hospital Campus
	South: D-P	Multi-family dwellings
	East: HD-1	Hospital Campus
	West: C-S	Commercial uses
Thoroughfare Plan		
North Shadeland Avenue	Primary Arterial	Existing 108-foot right-of-way and proposed 112-foot right-of-way.
Clearvista Drive	Local Street	Existing 80-foot right-of-way and proposed 50-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 30, 2024	
Site Plan (Amended)	N/A	
Elevations	August 30, 2024	
Elevations (Amended)	August 30, 2024	
Landscape Plan	August 30, 2024	
Findings of Fact	August 30, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends regional special use for this. Site. “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.

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

- 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

2022-APP-007; 7979 North Shadeland, requested Hospital District Two approval to provide for three wall signs, **approved**.

2017-CAP-805 / 2017-CVR-805; 7979 and 8075 North Shadeland Avenue, requested Hospital District Two Approval to provide for a sign program, including wall signs, pylon signs and incidental signs and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for pylon signs, with deficient setback with deficient separation, and with 6.25-foot tall, 2.25-square foot incidental and vehicle entry signs, **approved and granted**

2015-APP-007; 8100 North Shadeland Avenue, requested Hospital District-Two approval to provide for a 115,000-square foot regional cancer center, with a pedestrian skybridge over Clearvista Drive to the main hospital, with 407 parking spaces, **approved**.

VICINITY

2015-APP-020; 8075 Shadeland Avenue and 7150 Clearvista Drive, requested Hospital District-One approval to provide for a skybridge pedestrian connector, with a minimum clearance of 17.5 feet over Clearvista Way, from Community Hospital North to the Community Heart and Vascular Hospital, **approved**.

2012-CAP-834 / 2012-CVR-834; 7150 Clearvista Drive, requested HD1 and HD2 approval to replace a wall sign on the south façade of the parking garage, with a smaller wall sign and to provide for the erection so five, eight-foot tall, 20-square foot identification signs along Clearvista Way, and a variance of developments standards of the sign Regulations to provide for eight-foot tall, 20-square foot identification signs with reduced setbacks for Clearvista Way and exceeding the square feet permitted, **approved**.

2014-APP-005; 7229 Clearvista Drive; requested Hospital District One Approval to provide for the construction of an approximately 4,100-square foot oncology annex, with additional parking and with sidewalks constructed elsewhere on the Community Hospital Campus, subject to Administrator's Approval, **approved**.

2012-CZN/CAP-803; 7250 and 7343 Clearvista Drive; requested rezoning of 11.4 acres from HD-1 and HD-2 to HD-1 and HD-1 Approval for a 63,000-square foot rehabilitation hospital, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

2012-CAP-816 and 2012-CVR-816; 7150, 7229, 7343 and 7250 Clearvista Drive, 8101, 8103, 8177 and 8180 Clearvista Parkway and 8075, 8100 and 8181 North Shadeland Avenue, requested Hospital District One and Hospital District Two Approval to provide for a campus-wide sign program including replacement and new building identification wall signs, and replacement and new identification and incidental freestanding signs, **approved**; and variances of development standards of the Sign Regulations to provide for one southwest-facing, 441-square foot wall sign with a sign area 12% of the façade area to which it is attached, and one northeast-facing, 435-square foot wall sign with a sign area 5.2% of the façade area to which it is attached, a package of nine freestanding incidental/identification signs along Clearvista Parkway and Clearvista Drive which do not meet separation requirements, as indicated on the site plan, file-dated July 16, 2012, a package of 28 freestanding directional incidental signs with sign areas up to 108.4 square feet, and heights up to 16.25 feet, and a package of freestanding parking and loading incidental signs with heights up to six feet, **approved and granted**.

2012-CZN/CAP-803; 7250 and 7343 Clearvista Drive; requested rezoning of 11.4 acres from HD-1 and HD-2 to HD-1 and HD-1 Approval for a 63,000-square foot rehabilitation hospital, **approved**.

2007-APP-814; 7250 Clearvista Drive; requested HD-1 Approval and HD-2 Approval to provide for the expansion of an interior access drive, **approved**.

2007-APP-042; 7150, 7229 and 7250 Clearvista Drive and 8101, 8102, 8103 and 8177 Clearvista Parkway and 8100, 8075 and 8181 North Shadeland Avenue (subject site), requested Hospital District One approval to provide for a 472.42-square foot wall sign on the west façade of the parking garage and a 121.46-square foot wall sign above an entrance on the interior of the site and Hospital District Two approval to provide for a 377.2-square foot wall sign on the south façade of the parking garage, **approved**.

2007-APP-864 and 2007-VAR-864; 7150, 7229 and 7250 Clearvista Drive, 8101, 8102, 8103, 8177 and 8180 Clearvista Parkway and 8075, 8100 and 8181 North Shadeland Avenue, requested Hospital District One and Hospital District Two Approval for: a) 27.62-square foot, address numeral, wall sign on the south building elevation, b) a 36.06-square foot, address numeral, wall sign on the west building elevation, c) two, five-square foot, address numeral wall signs above building entrances on the west building elevation, d) three, 5.5-foot tall, 13.75-square foot freestanding incidental signs (sign type A), e) seven, six-foot tall, 7.5-square foot freestanding incidental signs (sign type B), f) a 16.66-square foot wall sign reading "emergency" on the south building elevation; and a variance of Development Standards of the Sign Regulations to provide for three, 5.5-foot tall, 13.75-square foot freestanding incidental signs, and seven, six-foot tall, 7.5-square foot freestanding incidental signs, **approved and granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

2007-APP-826 and 2007-VAR-826; 8102 Clearvista Parkway (north of site), requested Hospital District One Approval to provide for two six-foot tall, 24-square foot pylon signs, three 4.5-foot tall, 13.5-square foot incidental signs and an 83.67-square foot wall sign, and Variance of Development Standards of the Sign Regulations to provide for three, 4.5-foot tall, 13.5-square foot incidental signs, and a six-foot tall, 24-square foot pylon sign with a seven-foot setback from the existing right-of-way of Clearvista Parkway, **approved and granted**.

2004-APP-068; 7250 Clearvista Drive, requested Hospital District One Approval and Hospital District Two Approval to provide for the removal of 422 off-street surface parking spaces, the construction of a six-story, 1,140 parking space parking garage to be linked to be linked to the main hospital building by a pedestrian walkway and to a proposed six-story, 93,000-square foot addition of physicians' offices by an overhead pedestrian bridge, a one-story, 7,500-square foot addition to the emergency room, a six-story, 385,000-square foot general ward addition, a two-story, 47,200-square foot surgery ward addition and a six-story, 93,000-square foot addition of physicians' office, **approved**.

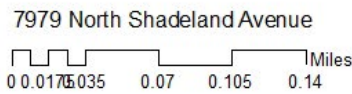
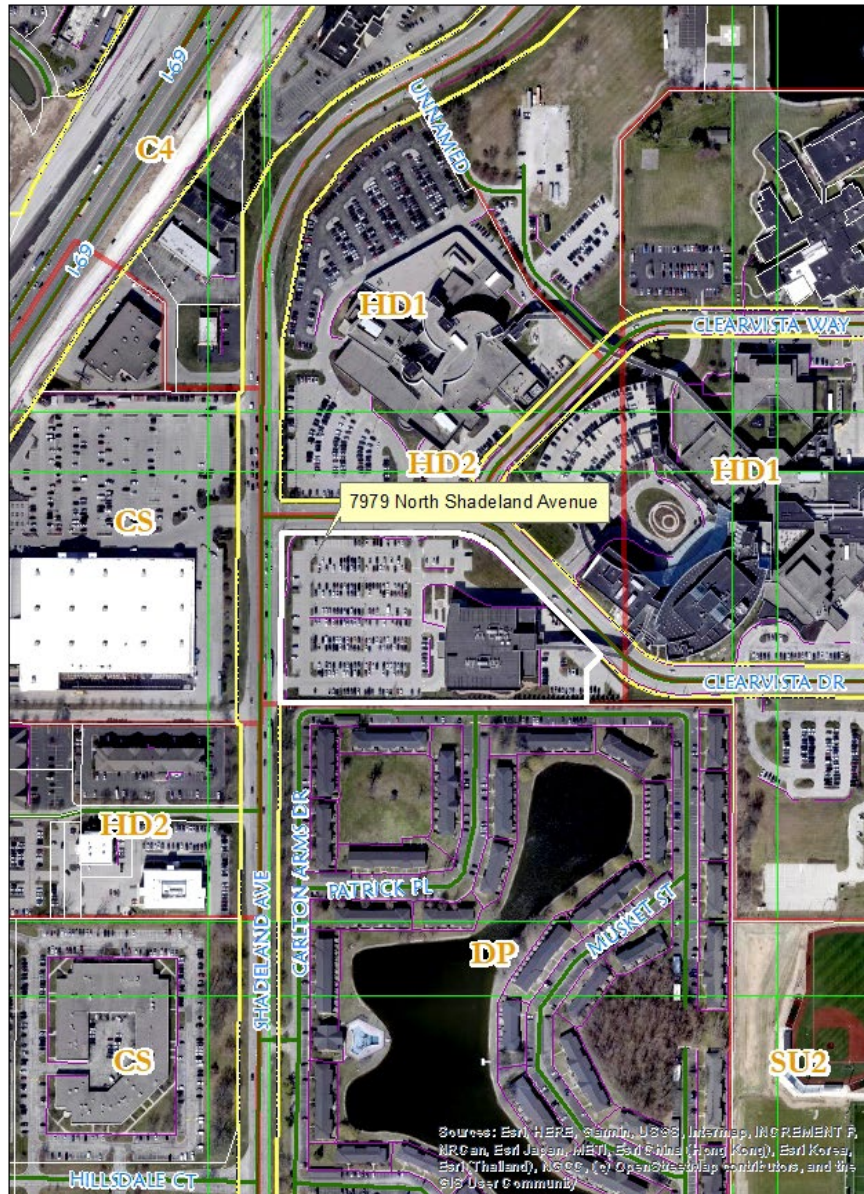
2004-APP-044; 7250 Clearvista Drive, requested Hospital District One Approval and Hospital District Two Approval to provide for a two-story, 24,000-square foot hospital addition, the relocation of a hospital entrance with the addition of a drop-off lane, and the addition 976 parking spaces, **approved**.

2001-APP-161; 7150 Clearvista Drive, requested Hospital District One Approval and Hospital District Two Approval to provide for the expansion of an interior access drive, **approved**.

2001-APP-125; 7250 Clearvista Drive; requested HD-1 Approval to provide for the construction of a parking lot with 104 spaces to serve the Indiana Surgery Center and Heart Hospital, **approved**.

2001-APP-067; 7150 Clearvista Drive, requested Hospital District One Approval and Hospital District Two Approval to provide for the construction of a three-story addition to an existing health care facility, **approved**.

EXHIBITS





<p>This rendering is © Staley Signs, Inc., submitted for use in connection with the stated project. Display, Distribution or Duplication without prior written consent, is strictly prohibited.</p>		<p>Notes: • Colors shown are representative only, and are not intended for purposes of exact matching.</p>	<p>Page 1 of 3</p>
<p>Customer: Community Health Network - North</p>	<p>Project: West Wall Sign</p>		<p>Option: -</p>
<p>Date: 02-10-2022</p>	<p>Rep: D. Staley Jr.</p>		<p>Scale: 1/16"=1'-0"</p>

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

Project Description
Community Health Network MD Anderson Cancer Center
Community Health Network North Campus
7979 N. Shadeland Avenue
Indianapolis, IN 46250

Petition for Approval of 34,654 sq. ft. Addition

This Petition for Approval seeks Hospital District Two (HD-2) approval for the construction of a 34,654 square foot, two-story addition to the existing Community Health Network MD Anderson Cancer Center at the North Campus located at 7979 Shadeland Ave, Indianapolis, IN 46250 (the “Cancer Center”), with a total of 522 parking spaces, of which 52 will be ADA compliant. All 52 ADA compliant spaces will be immediately in front of the Cancer Center, along with 247 regular parking spaces. The remaining 223 parking spaces will utilize surplus hospital campus parking spaces immediately to the east of the Cancer Center at 7229 and 7343 Clearvista Drive (the “South Lot”). In addition, the existing building sign will be relocated from its current location on the west wall of the Cancer Center to the north wall of the new addition. All exterior building materials will be similar in nature and color to the existing exterior of the Cancer Center, with substantial new landscaping added on the south side of the building to maintain the continuity of the landscape.

The need for the addition to the Cancer Center is to house new technologically advanced oncology services needed for cancer care infusion, stem cell extraction, stem cell transplant, and a stem cell lab on the first floor. The second floor will house the oncology program for patient care exam and biopsy procedure space. The building addition is licensed for outpatient oncology patient care. The addition includes new electrical and mechanical building services while the plumbing services will be shared with the existing cancer care building to the east of the addition.

Site History and Original Parking Requirements: The existing Cancer Center was approved for construction in 2015 as part of Petition #2015-APP-007, which approved the development of the site for a 115,000 square foot cancer center with 407 parking spaces (of which 22 were ADA compliant). The proposed addition, along with changes in the zoning ordinance require a substantial increase in the number of ADA compliant parking spaces immediately adjacent to the Cancer Center entrance, which reduces the land available for on-site regular parking spaces resulting in a shortfall of 223 regular parking spaces.

Proposed Parking Solution: To address this surface parking shortfall from what is required under the zoning ordinance, Community Health Network proposes utilizing what is currently surplus/underutilized parking in the South Lot. As shown on the site plan parking analysis (please see site plan document C-500 and the separately submitted 2015 and 2024 Aerial Photography), part of the area of the South Lot is surface parking that was utilized by the now demolished old cancer center that was formerly located at 7229 Clearvista Drive. The total amount of average use of the South Lot through observations by the civil engineers for this project is 194 parking spaces per day, out of an available 548 surface parking spaces in the South Lot, yielding an average surplus of 354 parking spaces per day. The proposal is to satisfy the need for additional parking spaces



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

needed by the Cancer Center by designating 223 parking spaces for this surplus parking in the South Lot. The intent will be for Cancer Center staff to utilize these spaces in the South Lot. Pedestrian connectivity from the South Lot to the Cancer Center will be addressed with new concrete sidewalks and accessible ramps.

4890-6931-2218, v. 1



Department of Metropolitan Development
Division of Planning
Current Planning

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:

This proposed expansion of the Community Health Network MD Anderson Cancer Center is part of a major hospital campus. Such use is compatible with nearby existing land uses, which are predominantly HD-1 and HD-2, and in conformity with the land uses suggested for such area under the Comprehensive Plan of Marion County, Indiana.

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 expansion of the Community Health Network MD Anderson Cancer Center and reuse of the surface parking area to the immediate east of the existing building is the most efficient and economical use of the land. The design and aesthetics of the expanded Community Health Network MD Anderson Cancer Center, in conjunction with the new landscaping plan, will enhance the aesthetic value of the site and the surrounding hospital facilities.

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

Sufficient access to the expanded Community Health Network MD Anderson Cancer Center is provided via the existing access from both Clearvista Drive and Shadeland Avenue including public transit. Proposed changes to the surface parking area will provide an increase from the current 23 ADA compliant parking spaces to 52 such spaces, with a total of 522 parking spaces.

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 expanded parking area will continue to be easily accessible from Clearvista Drive, which has access to both Shadeland Avenue and 82nd Street, and IndyGo bus service via Routes 4, 19 and 86.

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

The Community Health Network MD Anderson Cancer Center will utilize the existing underground water retention system that is sized to adequately handle the addition to the existing building with the addition being largely built on top of what was existing asphalt surface parking.

P:\CurrentPlanning\45 Forms\Current Apps\FOF-Development Plan Approval.doc



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 use of of the site is consistent with the land uses for overall hospital campus as called for under the Comprehensive Plan and is designed in a manner to blend into the existing hospital 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:

Pedestrian accessibility already exists within the interior and exterior of the Community Health Network North campus, including connectivity from the main hospital buildings to the Community Health Network MD Anderson Cancer Center via the existing skybridge.
New concrete sidewalks will connect to the additional parking area being utilized to the east of the existing building.

DECISION

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

Adopted this _____ day of _____, 20 ____

Commission President/ Secretary



View looking east along Clearvista Drive



View of site looking north



View of site looking north to the area for the proposed expansion



View from site looking northeast



View from site looking north



View from site looking northwest



View from site looking west across North Shadeland Avenue



View of site looking southeast



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2023-ZON-080

Property Address: 1651 Spann Avenue (Approximate Address)

Location: Center Township, Council District #18

Petitioner: Jason Blankenship, by Mark and Kim Crouch

Current Zoning: C-1

Request: Rezoning of 0.086-acre from the C-1 District to the D-5II District to provide for a detached single-family dwelling.

Current Land Use: Undeveloped

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.086-acre subject site is an undeveloped lot in the Spann & Co’s Woodlawn Addition Subdivision that falls within the Fountain Square neighborhood.

It is bordered to the north and west by single-family dwellings, zoned C-1, to the east by a school, zoned SU-2, and to the south with a commercial property, zoned C-1.

REZONING

This petition would rezone this site from the C-1 district to the D-5II district.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt.



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

Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

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

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-5II district because it would allow for residential uses to be permitted in line with the context of the surrounding area and historical residential use of the site per an 1898 Sanborn Map. The dwelling district would also align with the traditional neighborhood recommendation of the Comprehensive Plan.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-1	Residential (Single-family dwelling)
South:	C-1	Commercial
East:	SU-2	School
West:	C-1	Residential (Single-family dwelling)
Thoroughfare Plan		
Spann Avenue	Local Street	48-foot proposed right-of-way and 60-foot existing right-of-way.
State Avenue	Primary Collector Street	56-foot proposed right-of-way and 60-foot existing 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)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**



Department of Metropolitan Development
Division of Planning
Current Planning

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.



Department of Metropolitan Development
Division of Planning
Current Planning

- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- An on-street bike lane exists along State Avenue from Washington Street to Prospect Street.



ZONING HISTORY

Zoning History - Vicinity

2021-DV2-049; 1643 Spann Avenue (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with 5.5 feet between dwellings (10-foot separation required), **granted**.

2021-HOV-010; 1636 East Fletcher Avenue (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with 56% open space (60% open space required), **granted**.

2019-UV1-020; 1652 Spann Avenue (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including but not limited to an attached garage, with a two-foot west side transitional yard, accessory to a single-family dwelling, with a one-foot front yard along Spann Avenue and a two-foot front yard along State Avenue (10-foot side transitional yard and 10-foot front yards required) and within the clear sight triangle of the abutting streets (not permitted), **granted**.

2017-HOV-005; 1619 Spann Avenue (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 49%, and to legally establish two-foot side setbacks, two feet between primary buildings, and a 10-foot front setback, for the existing dwelling, **granted**.

2017-HOV-001; 1627 Spann Avenue (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a porch, creating an open space of 56%, and to legally establish the setbacks and separation between dwellings, for the existing single-family dwelling, **granted**.

2016-ZON-024; (northwest of site), Rezoning of 0.1 acre from the C-1 District to the D-5 classification, **approved**.

2015-HOV-046; 1648 Spann Avenue (northwest of site), Variance of use of the Commercial Zoning Ordinance to legally establish and provide for primary and accessory single-family residential development, including lower and upper-level deck additions to an existing single-family dwelling, **granted**.

2015-UV3-030; 1702 Spann Avenue (northeast of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for primary residential and accessory uses, including a single-family dwelling and a detached garage, **granted**.

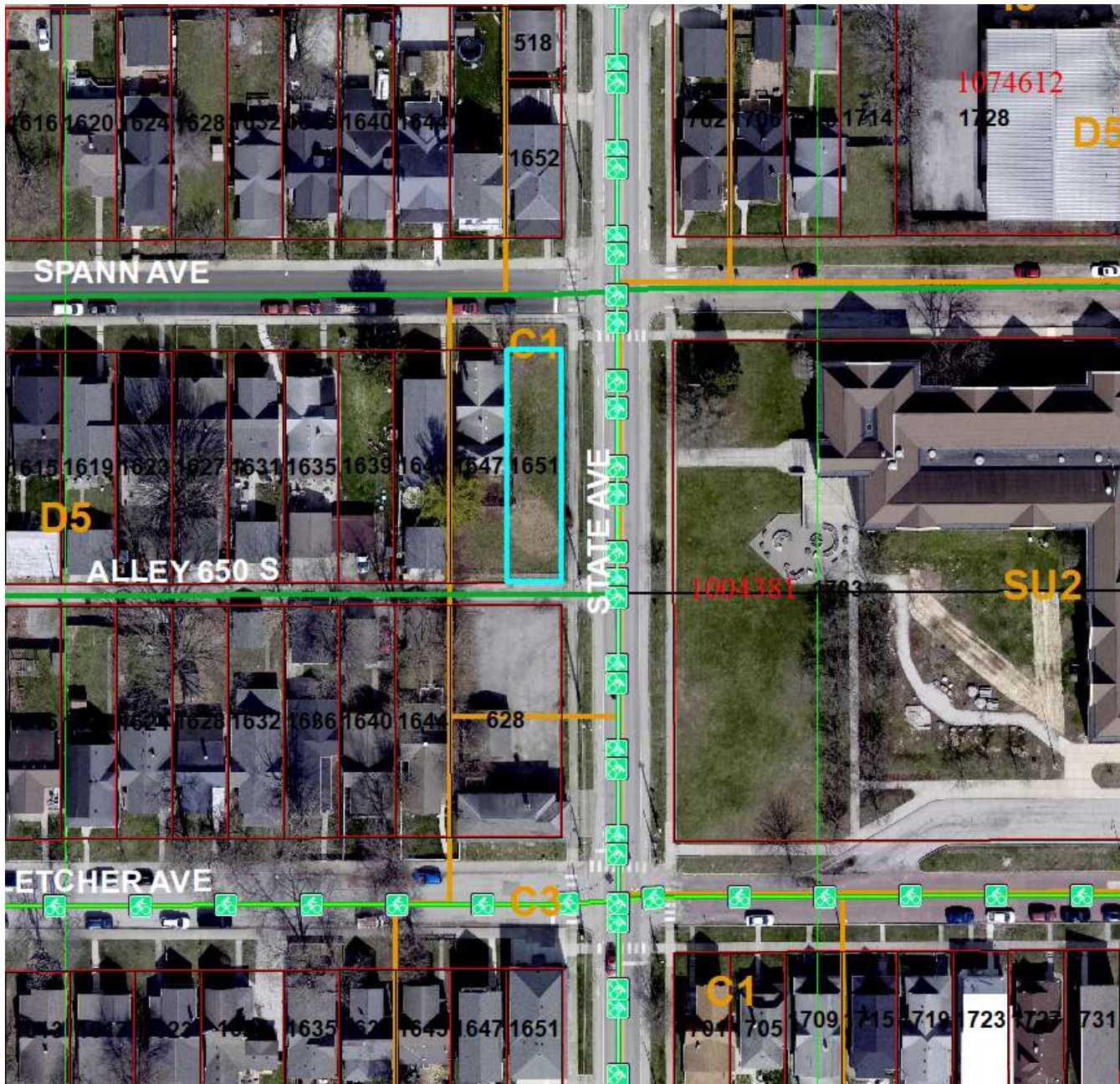
2009-ZON-088; 1922 Fletcher Avenue (east of site), Rezoning of 4.89 acres, from the SU-2, I-3-U, and D-5 Districts to the SU-2 classification to provide for school uses., **approved**.

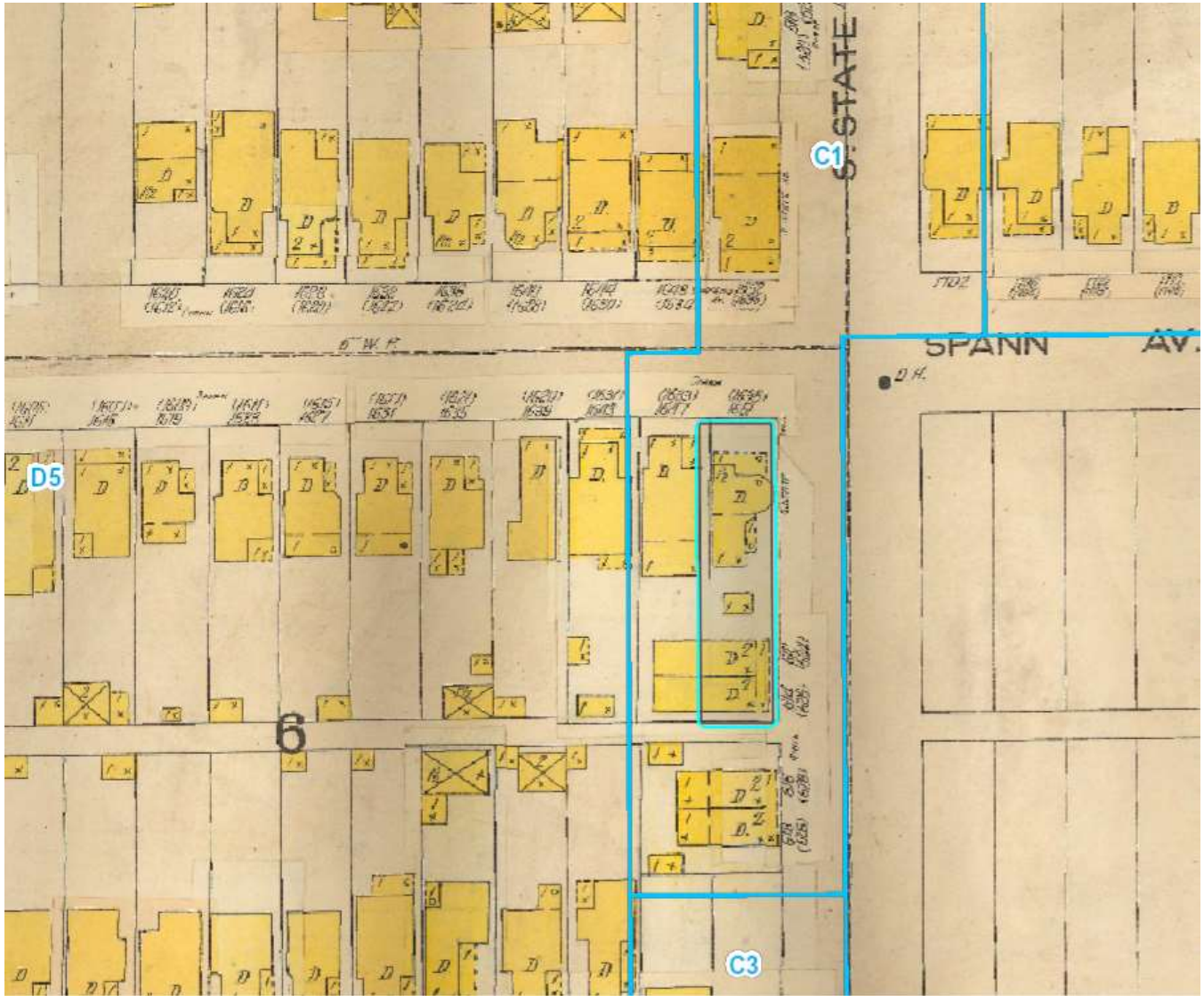


**Department of Metropolitan Development
Division of Planning
Current Planning**

86-Z-59; 140 East Banta Road (east of site), Rezoning of 20.0 acres, being in the A-2 district, to the D-3 classification to provide for single-family residential development by platting, **approved.**

EXHIBITS





1898 Sanborn Map



Photo of the subject site.



Photo of the subject site looking south.



Photo of the subject site looking north from the alley.



Photo of the commercial property south of the site.



Photo of the school east of the site.



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



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



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-085 (Amended)
Property Address: 5640 North Illinois Street
Location: Washington Township, Council District #7
Petitioner: The Riviera Club, by Sonya Seeder
Current Zoning: D-2 (FF) (FW)
Request: Rezoning of 22.63 acres from the D-2 (FW) (FF) district to the SU-16 (FW) (FF) district to provide for indoor and / or outdoor recreation.
Current Land Use: Country Club
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the September 26, 2024 hearing, to the October 10, 2024 hearing, for additional time to amend the request and provide required notice.

STAFF RECOMMENDATION

Approval.

PETITION OVERVIEW

This 22.63-acre site, zoned D-2 (FW) (FF), is comprised of five contiguous parcels developed as a country club. It is surrounded by park and single-family residential to the north, zoned PK-1 (FW) (FF) and D-2 (FF); commercial uses and single-family residential to the south across the Indianapolis Water Company canal and Westfield Boulevard, zoned C-3 (FF) and D-5 (FF); single-family dwellings to the east, across North Illinois Street, zoned D-4 (FF); and floodway to the west, zoned D-S (FW) (FF).

This request would rezone the site to the SU-16 (FW) (FF) to provide for indoor and / or outdoor recreation. The permitted use in this district is limited to indoor and outdoor recreation and entertainment. "No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided. "



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

The Comprehensive Plan recommends rural or estate neighborhood typology.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation. However, according to historical aerials and records of the Assessor's Office, the current use of the site as a country club has existed at least since 1939.

Staff supports the rezoning because it would result in a zoning district that would be consistent with the historical and present use of the site, without negatively impacting surrounding land uses.

This site is also located within the boundary of Meridian Street Preservation Commission secondary district. This rezoning was approved by this Commission (#Z-MSPC 24-06) on September 18, 2024. See Exhibit A.

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) 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.

This site is located within the 100-year floodplain. The Forest Alliance Woodlands (high quality) are located along the floodway that falls under the jurisdiction of the Indiana Department of Natural Resources.

Floodway / Floodway Fringe

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

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



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

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (SU-16 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

This site is located within the floodway and floodway fringe of White River.

GENERAL INFORMATION

Existing Zoning	D-2 (FW) (FF)	
Existing Land Use	Country Club	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Land Use
North:	IPK-1 (FF) (FW) / D-2 (FF)	Park / single-family dwelling
South:	C-3 (FF) / D-5 (FF)	Commercial uses / single-family dwellings
East:	D-4 (FF)	Single-family dwellings
West:	D-S (FW) (FF)	Floodway
Thoroughfare Plan		
North Illinois Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. White River	
Overlay	Yes. Forest Alliance Woodlands / 100-year floodplain	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Rural and Estate Neighborhood typology. “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. The recommended land uses include detached housing, working farms, group homes, bed / breakfast and wind / solar farms.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items 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

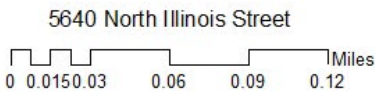
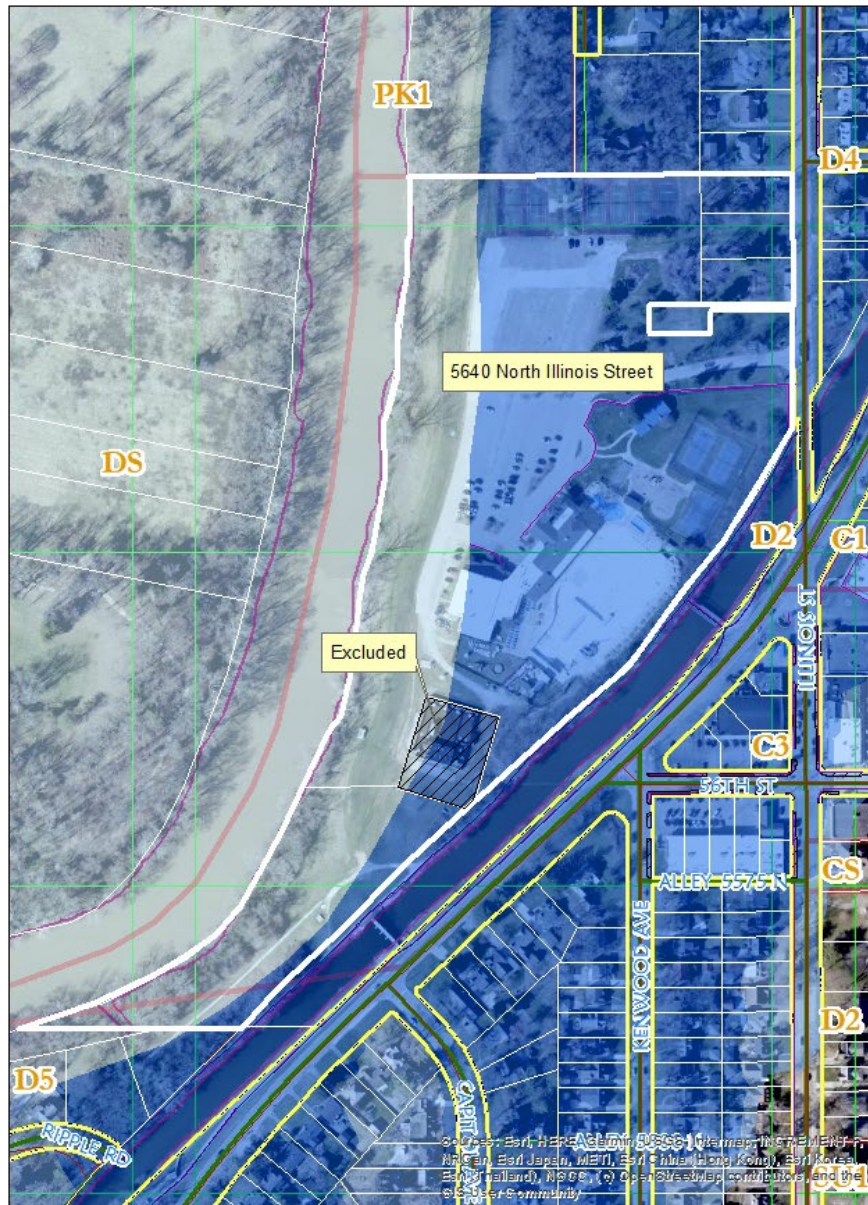
ZONING HISTORY

2016-HOV-055; 5640 North Illinois Street, requested a variance of development standards of the Consolidate Zoning and Subdivision Ordinance to provide for an 8.33-foot-tall freestanding sign, **granted**.

2009-HOV-009; 5640 North Illinois Street, requested a variance of use of the Dwelling districts Zoning Ordinance to provide for two slides for a private club, **granted**.

87-UV2-59; 5640 North Illinois Street, provided for a building addition to an existing private club, **granted**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT A



MERIDIAN STREET PRESERVATION COMMISSION

In the matter of an application filed by:
Sonya J. Seeder, Esq. on behalf of the The Riviera Club (Jimm Moody, Jr.)
for Prior Approval of a Rezoning for the property located at
5640 N. Illinois Street, Indianapolis, Indiana.
General Application Request: Prior Approval of a Rezoning

FINAL ORDER GRANTING PRIOR
APPROVAL OF A REZONING

#Z-MSPC 24-06

The Meridian Street Preservation Commission, at a meeting held at 4:00 p.m., on September 17, 2024, in the Fellowship Hall of the Meridian Street United Methodist Church, 5500 North Meridian Street, Indianapolis, Indiana, heard evidence and considered an application for Prior Approval of Rezoning filed by Sonya J. Seeder, Esq. on behalf of The Riviera Club (Jimm Moody, Jr.) for improvements to be made at the property located at 5640 North Illinois Street, Indianapolis, Indiana.

Being duly advised in the premises, the Commission, by a vote of 6-0 of its six (6) members present and voting AYE: (Norman, Bennett, Vanderstel, Fujawa, Hess, Madden), NAY: (none), ABSTAIN: (none) finds that:

1. The Commission has jurisdiction of this matter under Indiana Code 36-7-11.2-61.
2. The Prior Approval of a Rezoning from the D-2 district to the SU-16 district for the purposes of upgrading the current facility's outdoor swimming amenities and constructing a new indoor aquatic building.
3. Such improvements shall be per plans on file with the Commission, except as amended below.
4. Said improvement is appropriate to the preservation of the area comprised of Meridian Street and bordering properties and complies with the architectural and construction standards in said area.
5. The Prior Approval of a Rezoning requested by the applicant should be **GRANTED**, with the following commitment(s): None.

*It is therefore ORDERED AND DECREED by the Meridian Street Preservation Commission that the Prior Approval of a Rezoning for the aforesaid property is hereby **GRANTED**, to be evidenced solely by this Final Order. This Final Order must be acted upon within 2 years of the hearing date of the Meridian Street Preservation Commission and all aspects must be completed in whole.*

Shannon Norman
Shannon Norman, Chair

September 18, 2024
Date



View looking north along North Illinois Street



View looking west along entrance drive



View of site looking south across entrance drive



View of clubhouse looking southeast



View of clubhouse looking south



View from site looking south at southern portion of the site



View from site looking southwest



View from site looking northwest



View from site looking north



View from site looking northeast



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 10, 2024

Case Number:	2024-ZON-108
Property Address:	3332 and 3334 W. 09th Street (Approximate Address)
Location:	Wayne Township, Council District #12
Petitioner:	Ebenezer Akinyelele, by Khaleel Ifamimikomi
Current Zoning:	SU-1
Request:	Rezoning of 0.383 acres from the SU-1 district to the D-5 district to provide for residential uses.
Current Land Use:	Residential and undeveloped lot
Staff Recommendations:	Approval
Staff Reviewer:	Senior Planner, Marleny Iraheta

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.383-acre site is comprised of two parcels. The property at 3334 West 9th Street is developed with a two-family dwelling and the property at 3332 West 9th Street is an undeveloped lot.

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

REZONING

This request would rezone the site from the SU-1 district to the D-5 classification for residential uses.

The SU-1 classification only permits religious uses.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both



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

low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-5 district because it would allow for an increase in residential dwellings to be permitted in line with the context of the surrounding area and historical use of the sites. The dwelling district would also align with the residential recommendation of the Near West Neighborhood Land Use Plan (2014).

GENERAL INFORMATION

Existing Zoning	SU-1		
Existing Land Use	Residential and undeveloped lot		
Comprehensive Plan	Five to eight residential units per acre		
Surrounding Context	Zoning	Land Use	
	North:	SU-1 / D-5	Church / Residential (Single-family dwellings)
	South:	D-5	Residential (Single-family dwellings)
	East:	D-5	Residential (Single-family dwellings)
	West:	SU-1	Church Parking Lot
Thoroughfare Plan			
9 th Street	Local Street	50-foot existing right-of-way and 48-foot proposed right-of-way.	
Context Area	Compact or Metro		
Floodway / Floodway Fringe	No		
Overlay	Yes		
Wellfield Protection Area	No		
Site Plan	N/A		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan



Department of Metropolitan Development
Division of Planning
Current Planning

- Near West Neighborhood Land Use Plan (2014)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Near West Neighborhood Land Use Plan (2014) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The subject site falls within the Near West Neighborhood Land Use Plan (2014) and is recommended for residential development greater than five and equal to or less than eight units per acre.
- In suburban and rural areas this is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.

Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For

example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.

- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History – Site

2017-ZON-073; 3337 and 3347 West 10th Street and 3332, 3334, 3342 and 3348 West Ninth Street (subject site), Rezoning of 1.1 acres from the C-3 (W-5) and D-5 (W-5) districts to the SU-1 classification, **approved.**

2015-SE1-003; 3334, 3338, and 3342 West Ninth Street (subject site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for a religious use, with a gravel off-street parking lot, **granted.**

Zoning History – Vicinity

2002-UV3-013; 3337 West 10th Street (north of site), Variance of use of the Commercial Zoning Ordinance to provide for a tool repair business in a 3,199.2 square foot building without the required landscaped rear transitional yard, with 11 off-street parking spaces, and without the required maneuvering area, **granted.**

98-Z-93; 3310 St. Clair Street and 802 Centennial Street (south of site), Rezoning of 0.9 acre, being in the D-5 and I-2-U Districts, to the D-P classification to provide for single-family and two-family residential development, **approved.**



Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBITS

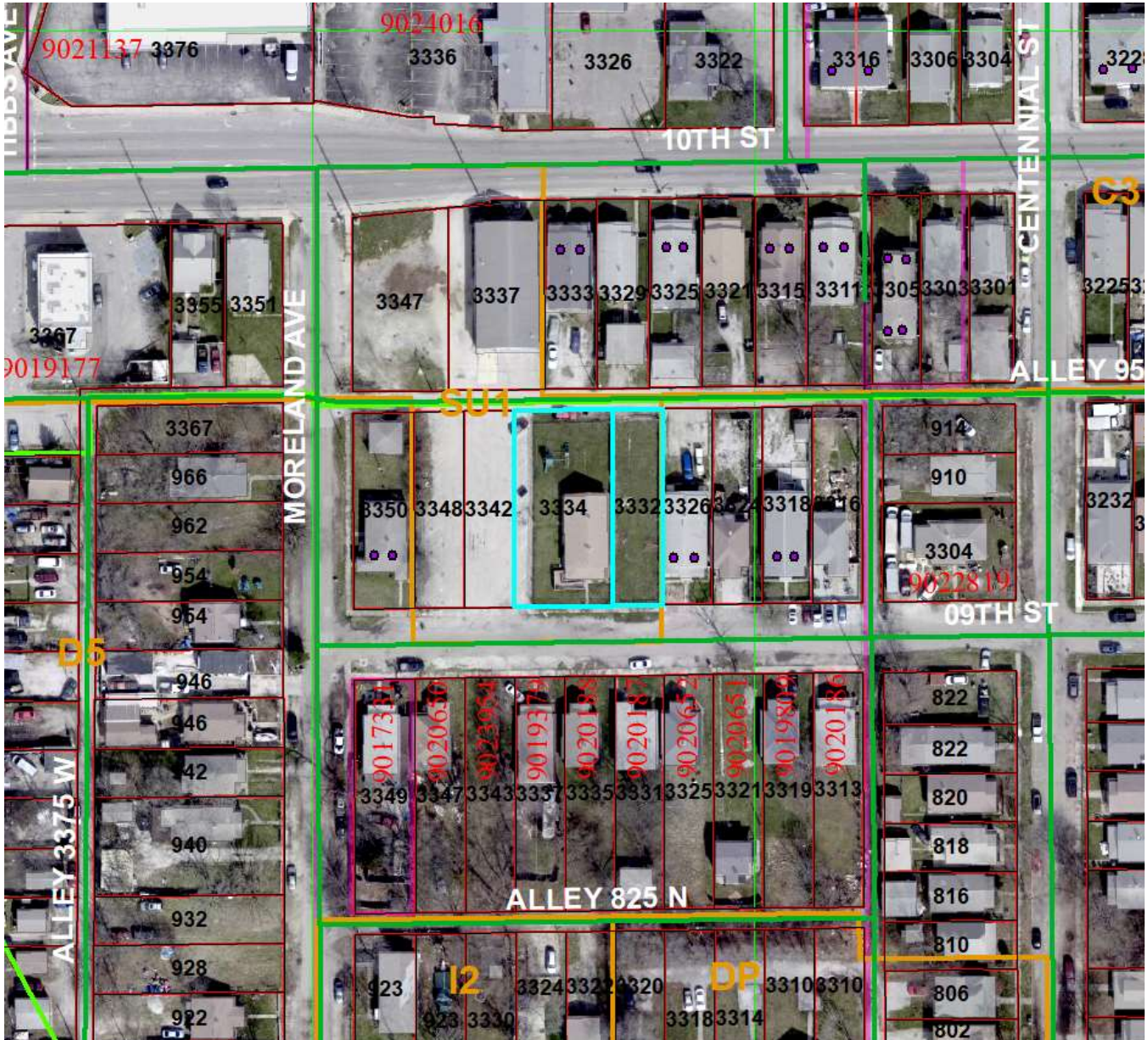




Photo of the subject site at 3334 West 9th Street.



Photo of the subject site at 3332 West 9th Street.



West building elevation.



Rear yard at 3334 West 9th Street.



Photo of the subject site at 3332 West 9th Street.



Photo of the properties north of the subject site.



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



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



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-109
Property Address: 2140 Dr Andrew J Brown Avenue (Approximate Address)
Location: Center Township, Council District #13
Petitioner: Indy Rental Homes 360 III LLC, by Andrew Harrill
Current Zoning: I-3
Request: Rezoning of 0.13 acres from the I-3 District to the D-8 District to provide for residential uses.
Current Land Use: Vacant Building
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 0.013-acre subject site is developed with a two-story building that was used as a church. The site is in the Bruce Place and Bruce Baker Addition Subdivision and falls within the Martindale-Brightwood neighborhood.

It is bordered to the north by an electrical substation, zoned I-3, a vacant residential building to the south, zoned I-3, a church to the east zoned SU-1, and a single-family dwelling west of the alley, zoned D-8.

REZONING

This petition would rezone this site from the I-3 district to the D-8 district to allow for residential uses.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter



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

industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

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

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-8 district because it would allow for residential uses that would align with the traditional neighborhood recommendation of the Comprehensive Plan. A historical 1898 Sanborn Map shows that residential use of the site was present and can be confirmed with the subdivision plat recording on September 29, 1873.

The petitioner confirmed that the existing building would be remodeled as a single-family dwelling with parking at the rear of the site per the amended site plan submitted. The elevations note the changes to the exterior of the building such as the relocation and installation of new doors and window as well as the proposed roof alteration.

GENERAL INFORMATION

Existing Zoning	I-3	
Existing Land Use	Vacant Building	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	I-3 Electrical Substation
	South:	I-3 Vacant Residential Building
	East:	SU-1 Church
	West:	D-8 Residential (Single-family dwelling)
Thoroughfare Plan		
Dr A J Brown Avenue	Primary Arterial Street	56-foot proposed right-of-way and 100-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	September 5, 2024	
Site Plan (Amended)	September 26, 2024	
Elevations	September 5, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.



Department of Metropolitan Development
Division of Planning
Current Planning

- Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new



Department of Metropolitan Development
Division of Planning
Current Planning

- construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
 - **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History – Vicinity

2022-CZN-834 / 2022-CVR-834; 2143 Columbia Avenue (northwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district to provide for residential uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a ten-foot front setback (twenty feet required), **approved**.

2021-ZON-058 / 2021-VAR-008; 2127 Columbia Avenue (south of site), requested rezoning of 0.13 acre from the I-3 district to the D-8 and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with a detached garage with 3.66-foot side setbacks and 48% open space, **approved and granted**.

2019-ZON-038; 2147 Columbia Avenue (northwest of site), Rezoning of 0.21 acre from the I-3 district to the D-8 classification, **approved**.

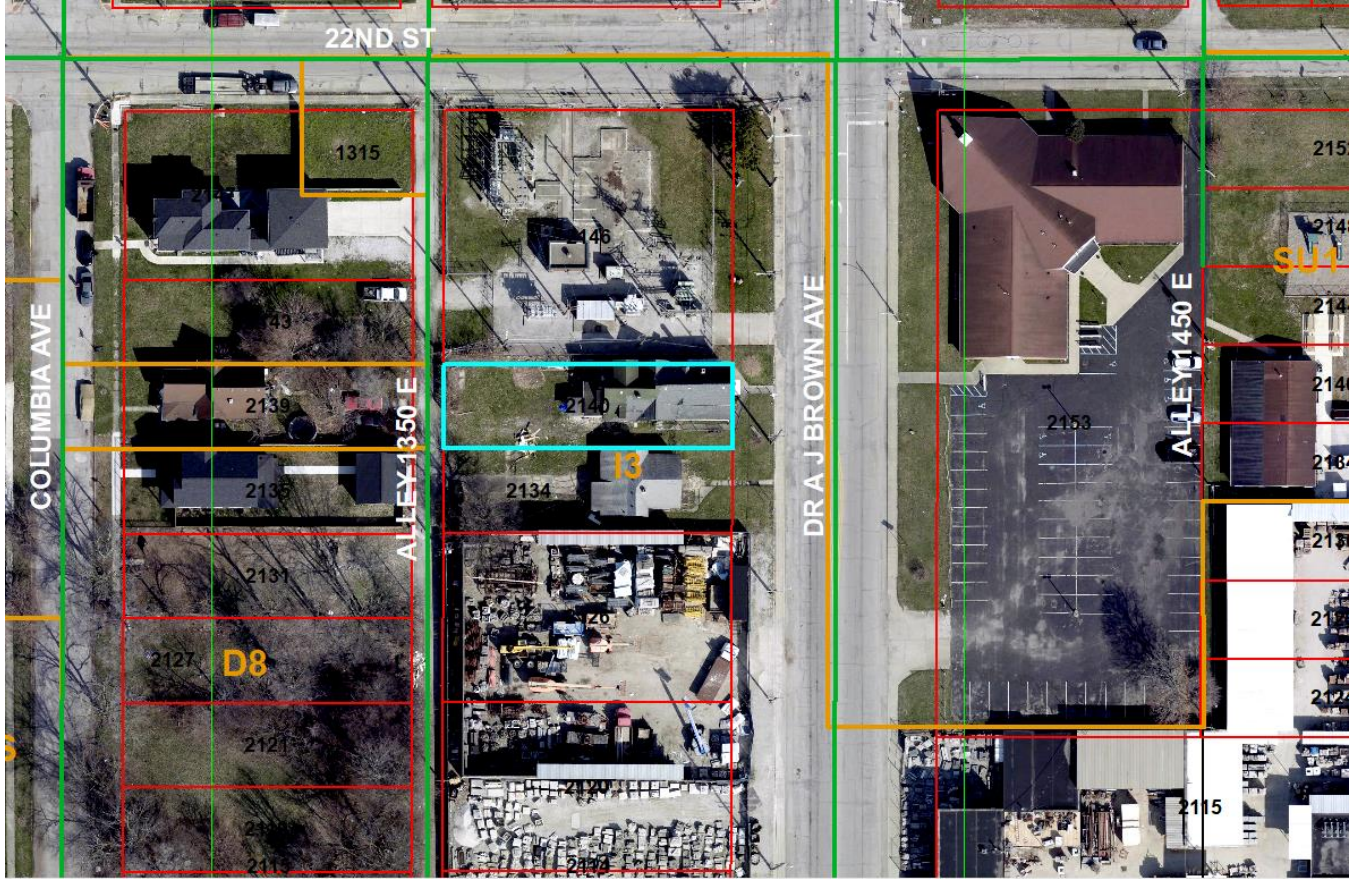
2018-ZON-049; 2111, 2121, 2131, 2132, 2136, 2140 and 2144 Columbia Avenue (north/south of site), requested rezoning of 1.188 acres from the I-3 district to the D-8 classification, **approved**.

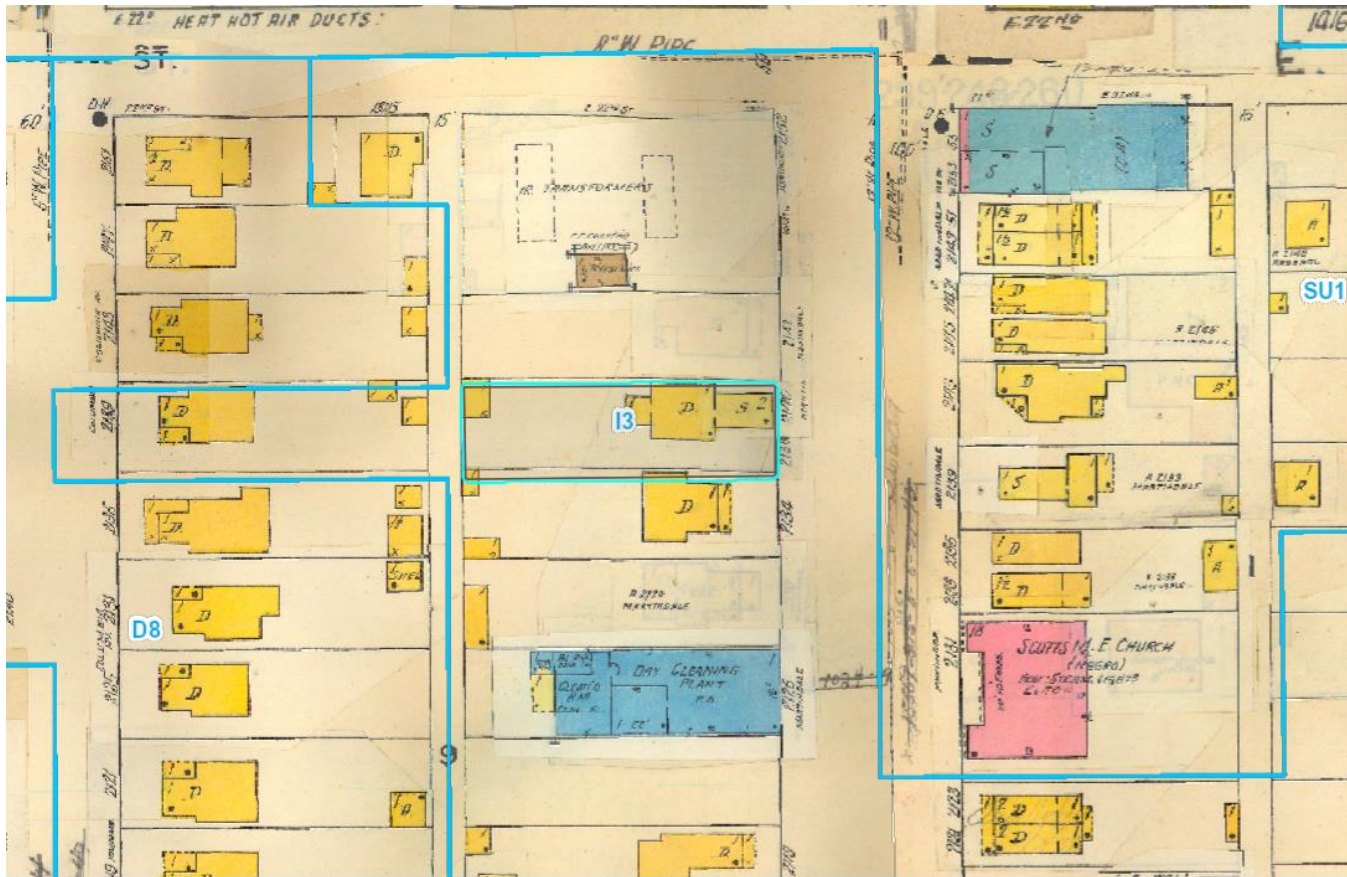
2005-ZON-032; 2134, 2140, 2144, and 2148 North Arsenal (east of site), Rezoning from the I-3-U District to the SU-1 classification for the remodeling of a church and youth center, **approved**.

98-Z-164; 2133 - 2153 Dr A J Brown Avenue (east of site), Rezoning from I-3-U to SU-1, **withdrawn**.

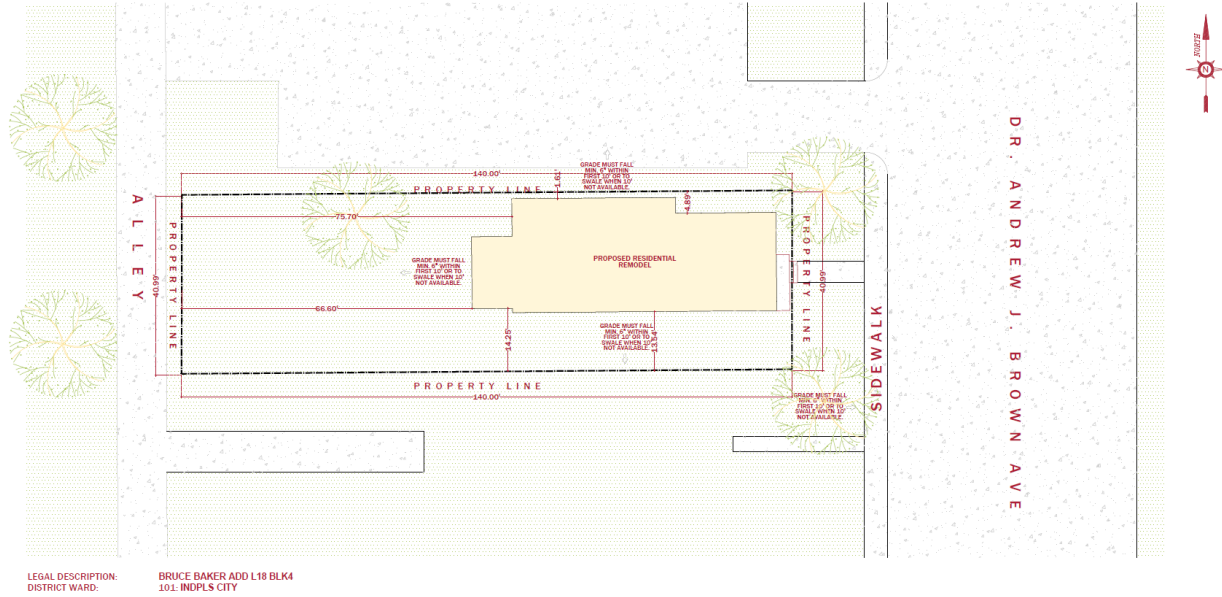
93-Z-174; 2131-2201 Dr A J Brown Avenue (east of site), Rezoning of 1.2 acres from I-3-U and D-5 districts to the SU-1 classification to provide for church uses, **approved**.

EXHIBITS



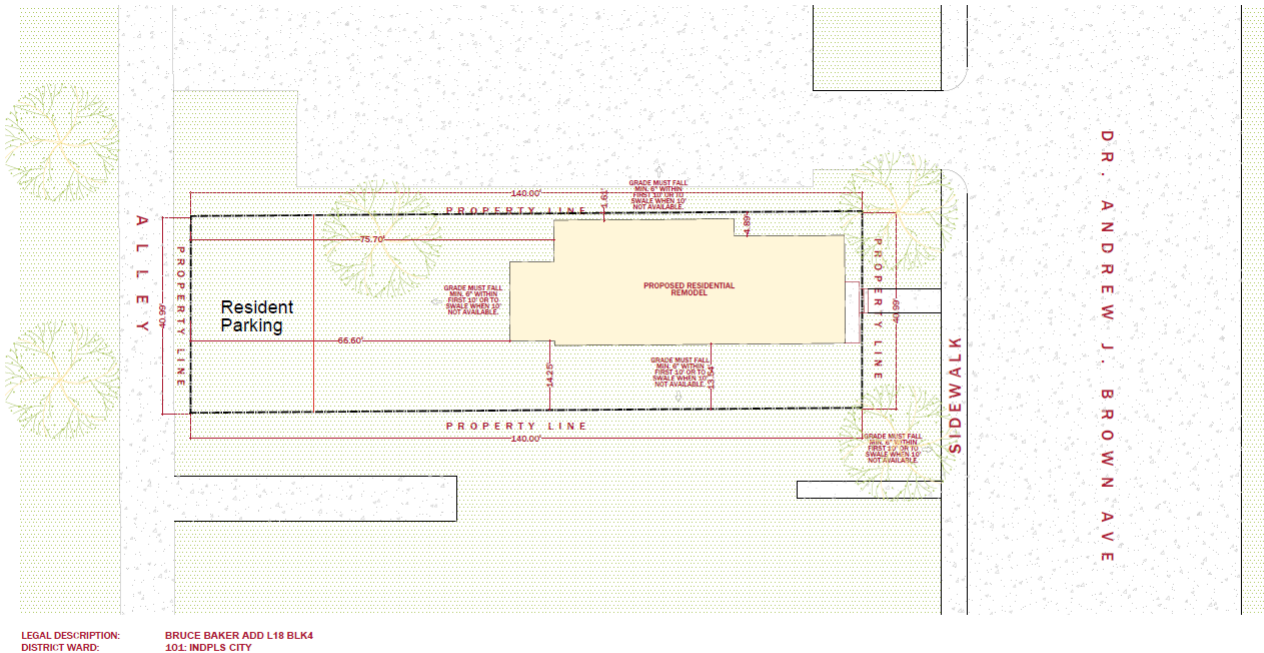


1898 Sanborn Map



1 SITE DEVELOPMENT PLAN
 SCALE: 3/32"=1'-0"

Site Plan



1 SITE DEVELOPMENT PLAN
 SCALE: 3/32"=1'-0"

Amended Site Plan



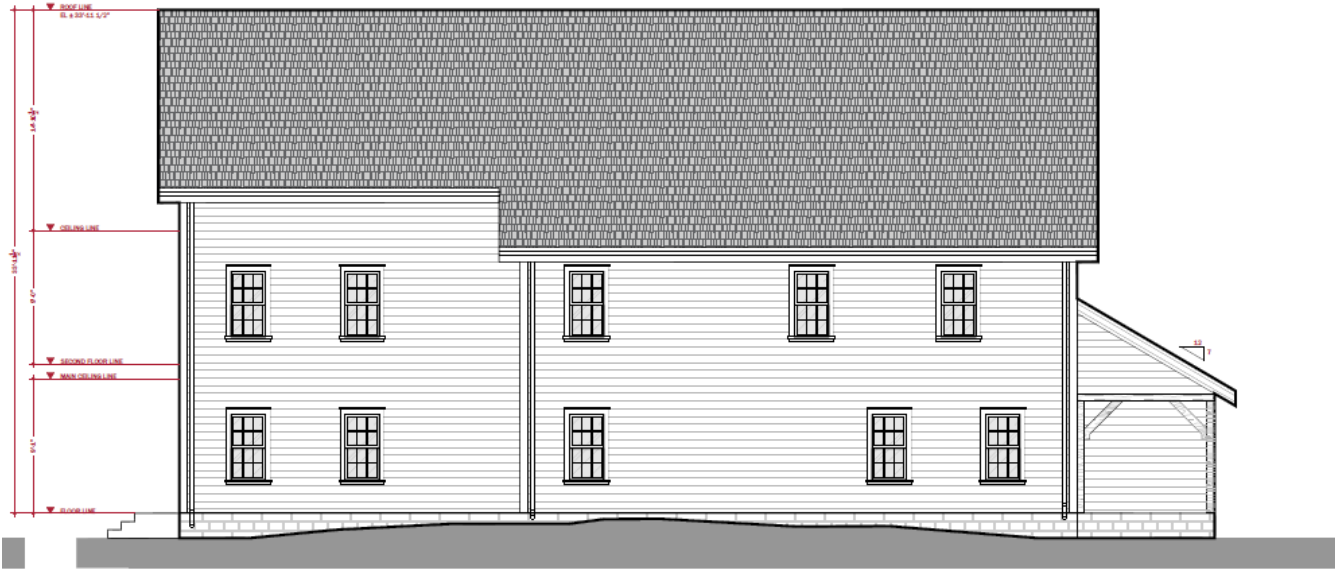
1 EXISTING FRONT ELEVATION
SCALE: 1/4"=1'-0"



2 PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



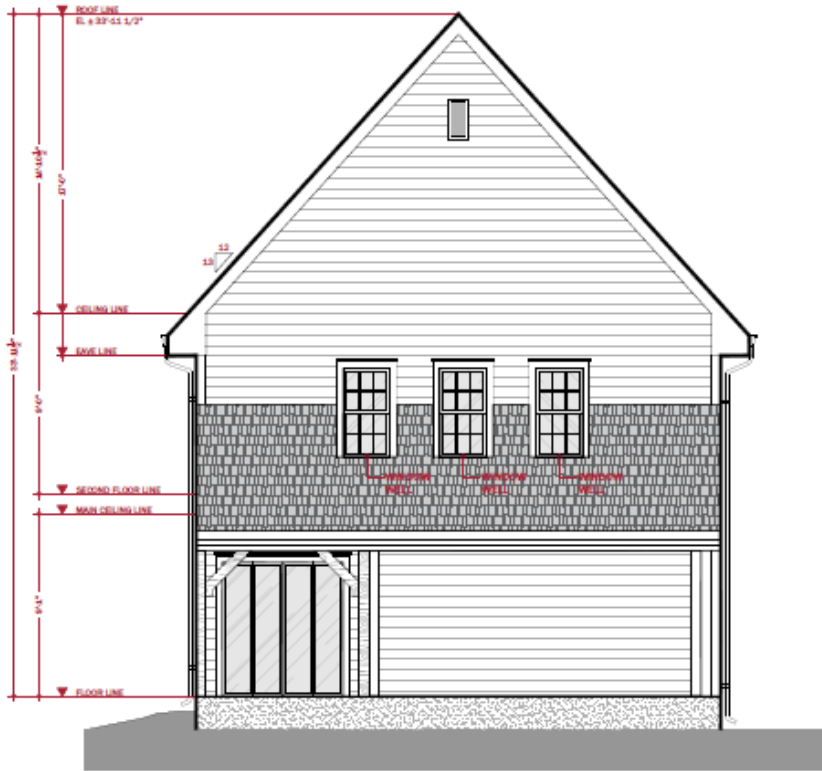
3 EXISTING RIGHT ELEVATION
SCALE: 1/4"=1'-0"



4 PROPOSED RIGHT ELEVATION
SCALE: 1/4"=1'-0"



1 EXISTING REAR ELEVATION
SCALE: 1/4"=1'-0"



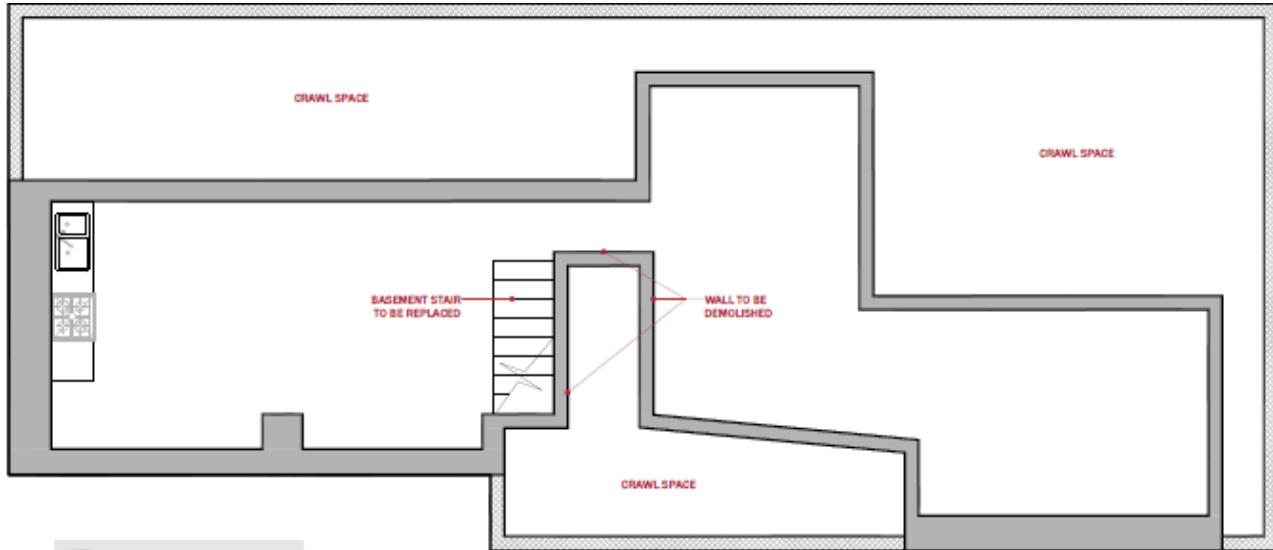
2 PROPOSED REAR ELEVATION
SCALE: 1/4"=1'-0"



3 EXISTING LEFT ELEVATION
SCALE: 1/4"=1'-0"

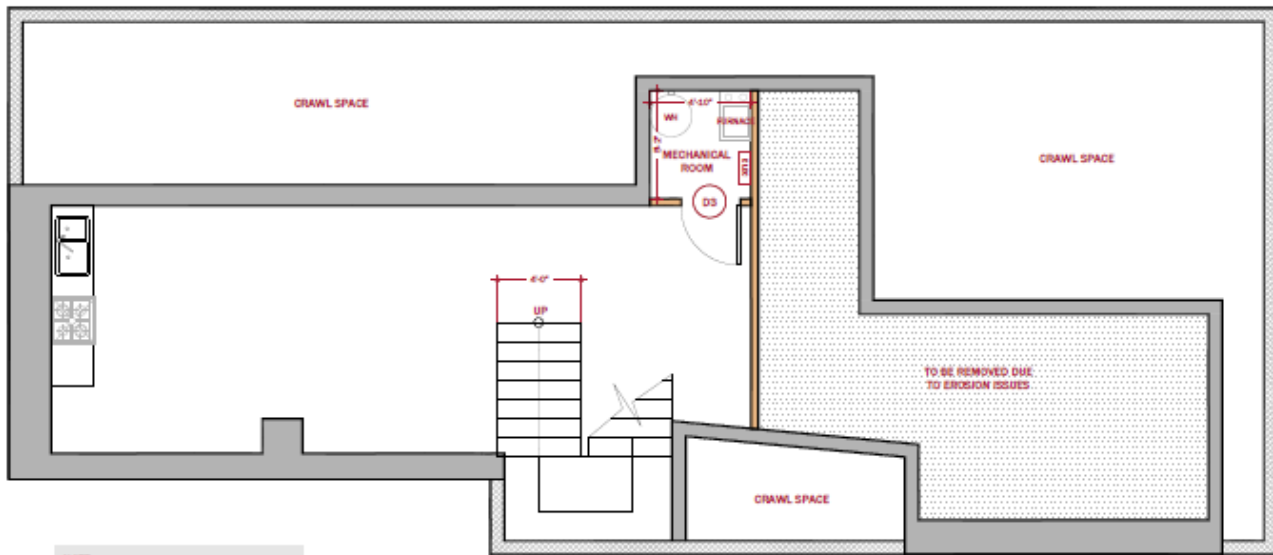


4 PROPOSED LEFT ELEVATION
SCALE: 1/4"=1'-0"



NOTE:
CONTRACTOR TO REVIEW AND FIELD VERIFY
BASEMENT LAYOUT AND DIMENSIONS BEFORE
CONSTRUCTION AND NOTIFY OUR OFFICE IF
ANY ERROR IS FOUND BEFORE PROCEEDING.

1 EXISTING BASEMENT PLAN
SCALE: 1/4"=1'-0"

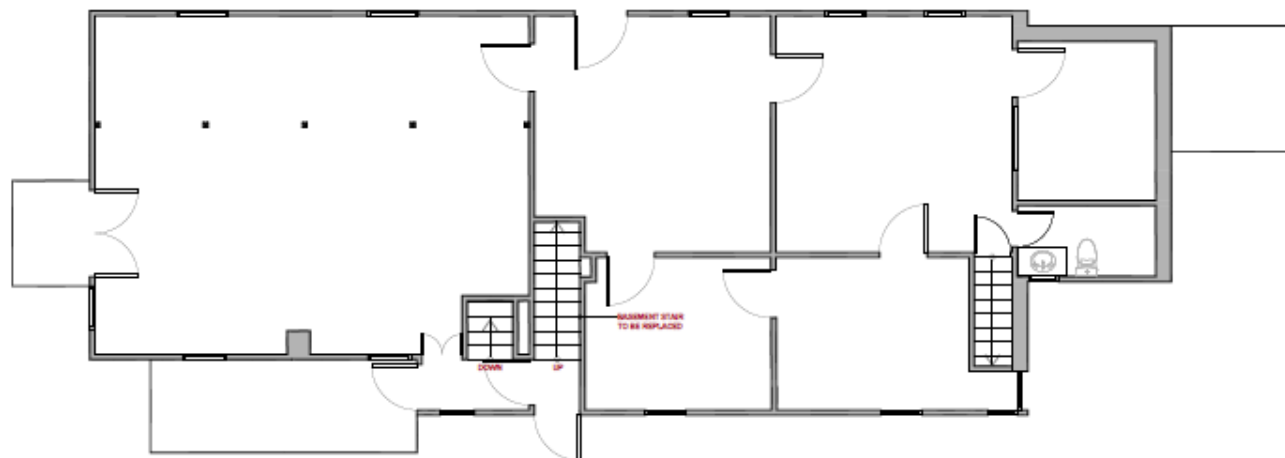


NOTE:
CONTRACTOR TO REVIEW AND FIELD VERIFY
BASEMENT LAYOUT AND DIMENSIONS BEFORE
CONSTRUCTION AND NOTIFY OUR OFFICE IF
ANY ERROR IS FOUND BEFORE PROCEEDING.

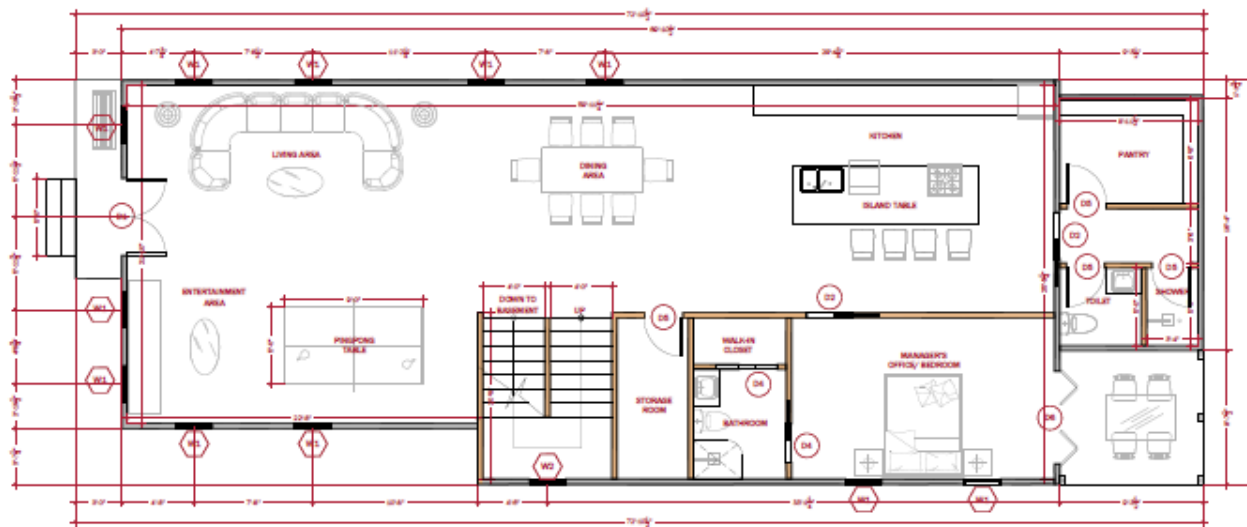
LEGEND:

 EXISTING WALL/ STRUCTURE TO REMAIN
 PROPOSED/ ADDITIONAL WALL EXTENSION

2 PROPOSED BASEMENT PLAN
SCALE: 1/4"=1'-0"

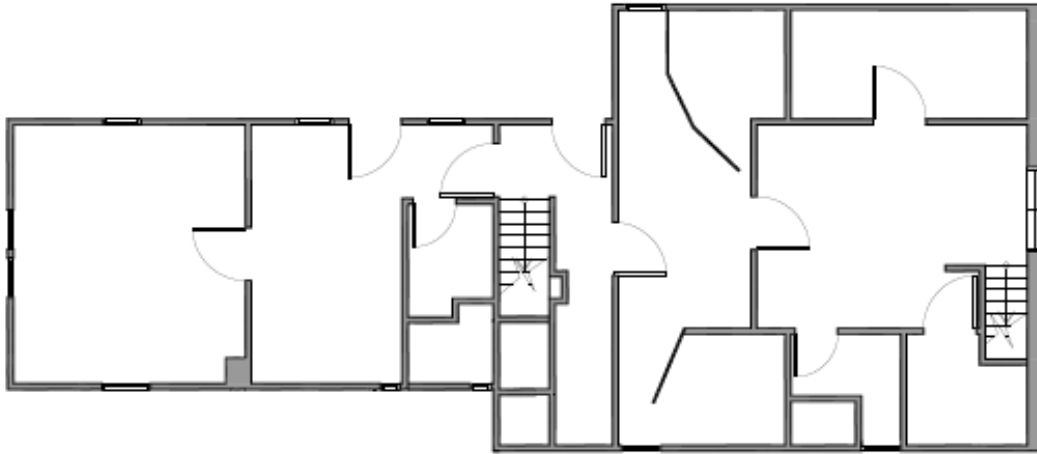


1 EXISTING MAIN FLOOR PLAN
SCALE: 3/16"=1'-0"

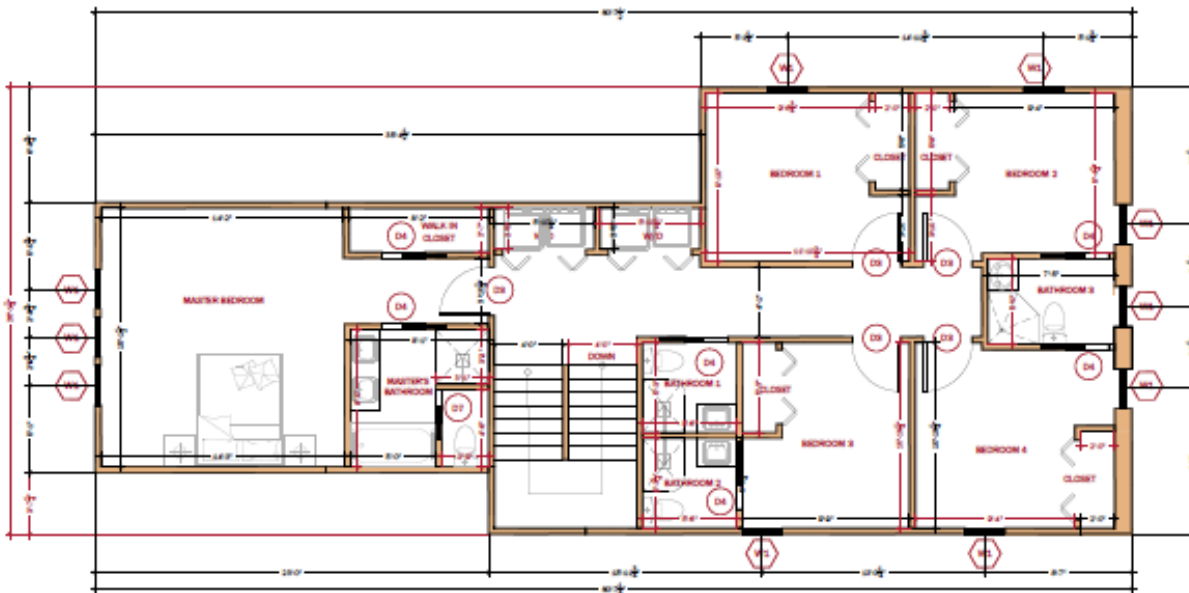


LEGEND:
EXISTING WALL/STRUCTURE TO REMAIN
PROPOSED ADDITIONAL WALL EXTENSION

2 PROPOSED MAIN FLOOR PLAN
SCALE: 3/16"=1'-0"



3 EXISTING SECOND FLOOR PLAN
SCALE: 3/16"=1'-0"



LEGEND:
EXISTING WALL/ STRUCTURE TO REMAIN
PROPOSED/ ADDITIONAL WALL EXTENSION

4 PROPOSED SECOND FLOOR PLAN
SCALE: 3/16"=1'-0"



Photo of the subject site.



Photo of the subject site's rear yard looking east.



Photo of the alley west of the site looking south.



Photo of the electrical substation north of the site.



Photo of the industrial sites south of the site.



Photo of the church east of the site.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-114

Property Address: 1751 South Lawndale Avenue

Location: Wayne Township, Council District #17

Petitioner: Indianapolis Electrical Joint Apprenticeship and Training Trust Fund, by David Kingen and Emily Duncan

Current Zoning: I-2, I-3, and SU-46

Request: Rezoning of 5.31 acres from the I-2, I-3, and SU-46 district to the I-2 district to provide for industrial uses.

Current Land Use: Industrial uses / undeveloped land

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

1. A 45-foot half right-of-way shall be dedicated along the frontage of West Minnesota 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. The existing Black Walnut trees shall be preserved.
3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.



PETITION OVERVIEW

This 5.31-acre site, zoned I-2, I-3, and SU-46, is comprised of two parcels. The northern parcel is undeveloped, and the southern parcel is developed with industrial uses and associated parking. It is surrounded by industrial uses to the north, across West Minnesota Street, zoned I-2; industrial uses to the south, zoned I-3, industrial uses to the east, zoned I-2 and I-3; and Interstate 465 right-of-way to the west, zoned C-S.

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

As proposed, this request would be consistent with the Plan recommendation of light industrial. The site is surrounded by industrial uses and Interstate 465. Consequently, this rezoning would not result in any negative impact on surrounding land uses.

Staff, however, observed several Black Walnut trees on the northern half of the site and would request that those trees be preserved as future development occurs.

Department of Public Works

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

Environmental Public Nuisances

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



**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	I-2 / I-3 / SU-46	
Existing Land Use	Industrial uses / undeveloped	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	I-2 Industrial uses
	South:	I-3 Industrial uses
	East:	I-2 / I-3 Industrial uses
	West:	C-S Interstate 465 right-of-way
Thoroughfare Plan		
Lawndale Avenue	Local Street	Existing 40-foot right-of-way and proposed 50-foot right-of-way.
East Minnesota Street	Primary Collector	Existing 40-foot right-of-way and proposed 90-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 / Industrial Reserve
Wellfield Protection Area	No
Site Plan	September 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 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.

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development and Industrial Reserve overlays.



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

- Overlays
 - 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.”
- *Conditions for All Land Use Types – 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
- *Modified Uses – Transit-Oriented Development Overlay*
 - Light Industrial Uses - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development Strategic Plan (2018).
- This site is also located within an overlay, specifically the Transit Oriented Development (TOD), which is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ½ mile walk of a proposed transit stop located at the intersection of West Washington Street and High School Road with a Community Center typology that consists of varying types of commercial developments, from the large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.
- Characteristics of the Community Center typology are:
 - Mix of retail, entertainment, office, and residential as desired.
 - Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business
 - Cluster of multi-family, single-family on fringe



Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

2022-ZON-083; 1751 South Lawndale Avenue, requested rezoning of 1.237 acres from the SU-46 district to the I-2 district, **dismissed**.

2006-DV2-057; 1751 South Lawndale Avenue, requested a variance of development standards to provide for a sign with a height exceeding the Ordinance, **approved**.

2001-HOV-016; 1701, 1735 & 1751 South Lawndale Avenue (south of site), requested a variance of development standards to provide for deficient front and side setbacks, **approved**.

VICINITY

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

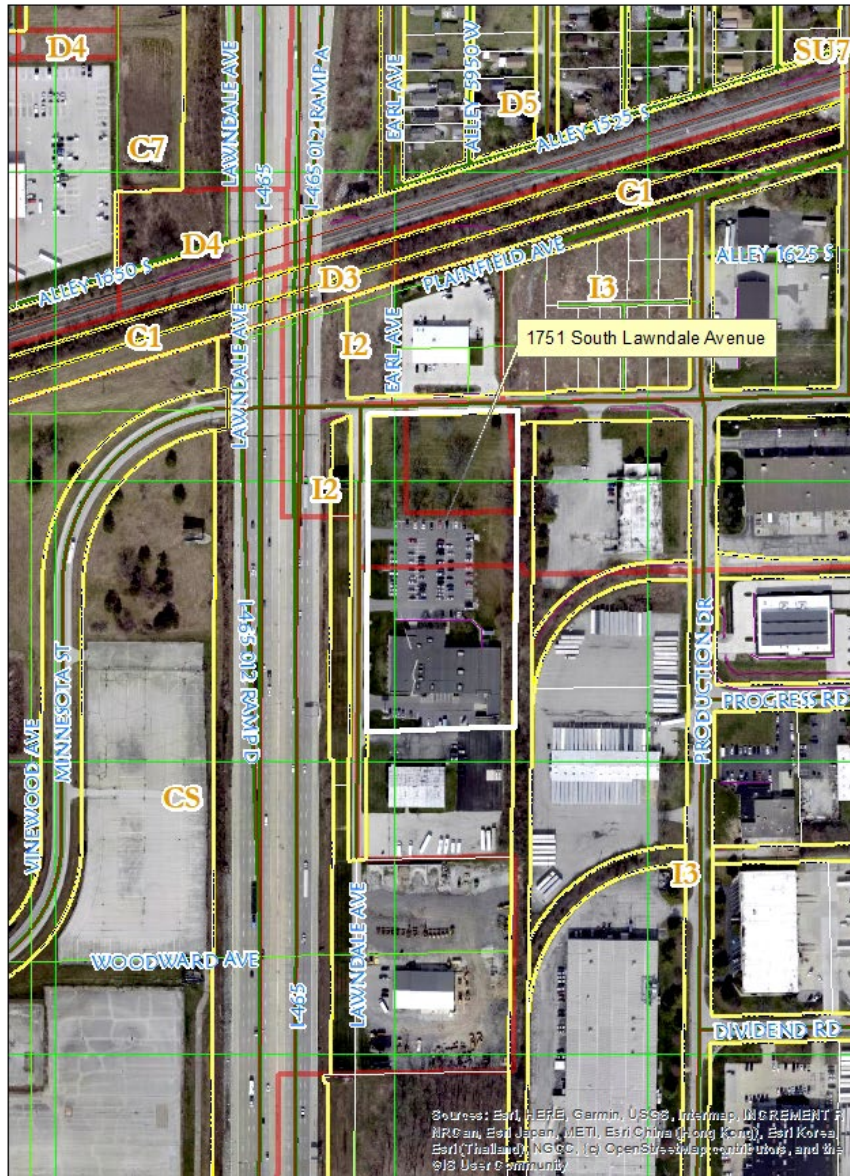
2019-UV3-001; 5900, 5946, 5959, 5954 and 6002 West Minnesota Street (north of site), requested a variance of use to provide for a fleet terminal in a I-2 district and variances of development standards to provide for deficient side and rear transitional yards and parking exceeding the amount permitted in a front yard, **approved**.

2017-ZON-011; 5900, 5946, 5959, 5954 and 6002 West Minnesota Street (north of site), requested the rezoning of 2.16 acres from the D-3 and SU-16 districts to the I-2 district, **approved**.

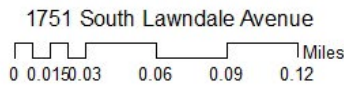
2013-UV2-012; 5811 West Minnesota Street (east of site), requested a variance of use to provide for a detention center in an industrial district, **approved**.

2000-ZON-861; 1820-1901 South Lawndale Avenue (west of site), requested the rezoning of 5.9 acres from the I-3-S district to the C-S district to provide for I-3-S uses, motels, hotels, and auto rental and parking, **approved**.

EXHIBITS

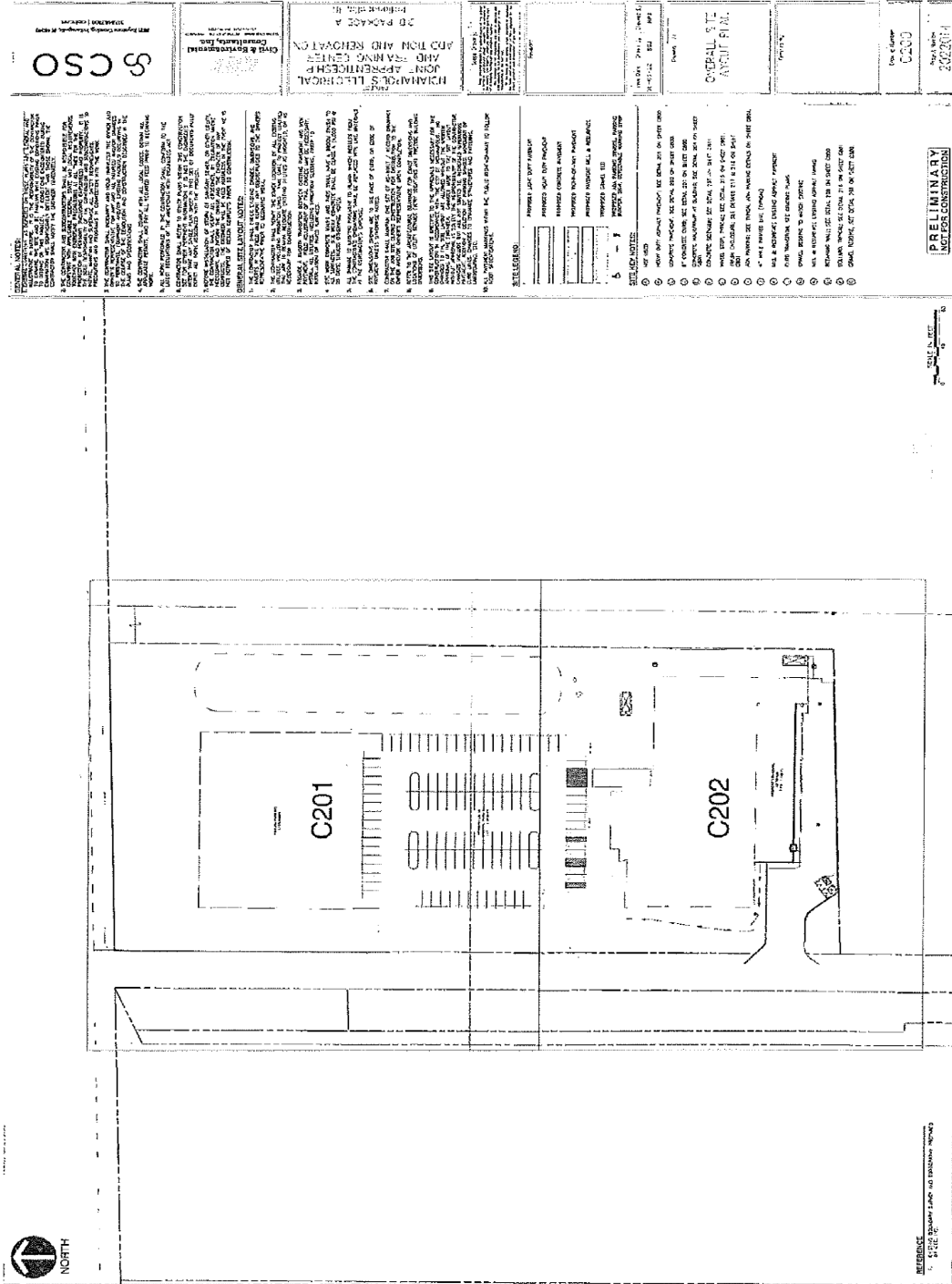


Source: Esri, DeLorme, Garmin, USGS, Mapbox, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the ©18 User Community.





Department of Metropolitan Development
 Division of Planning
 Current Planning



GENERAL NOTES:

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.

LEGEND:

- 1. EXISTING LOT FOOTPRINT
- 2. PROPOSED LOT FOOTPRINT
- 3. EXISTING CONCRETE PAVEMENT
- 4. PROPOSED CONCRETE PAVEMENT
- 5. EXISTING ASPHALT DRIVE
- 6. PROPOSED ASPHALT DRIVE
- 7. EXISTING SIDEWALK
- 8. PROPOSED SIDEWALK
- 9. EXISTING CURB
- 10. PROPOSED CURB
- 11. EXISTING UTILITY
- 12. PROPOSED UTILITY
- 13. EXISTING TREE
- 14. PROPOSED TREE
- 15. EXISTING SIGN
- 16. PROPOSED SIGN
- 17. EXISTING LIGHT FIXTURE
- 18. PROPOSED LIGHT FIXTURE
- 19. EXISTING FENCE
- 20. PROPOSED FENCE
- 21. EXISTING WALL
- 22. PROPOSED WALL
- 23. EXISTING DOOR
- 24. PROPOSED DOOR
- 25. EXISTING WINDOW
- 26. PROPOSED WINDOW
- 27. EXISTING ROOF
- 28. PROPOSED ROOF
- 29. EXISTING FOUNDATION
- 30. PROPOSED FOUNDATION
- 31. EXISTING STRUCTURE
- 32. PROPOSED STRUCTURE
- 33. EXISTING LANDSCAPE
- 34. PROPOSED LANDSCAPE
- 35. EXISTING SITEWORK
- 36. PROPOSED SITEWORK
- 37. EXISTING UTILITIES
- 38. PROPOSED UTILITIES
- 39. EXISTING EROSION CONTROL
- 40. PROPOSED EROSION CONTROL
- 41. EXISTING DRAINAGE
- 42. PROPOSED DRAINAGE
- 43. EXISTING FLOOD CONTROL
- 44. PROPOSED FLOOD CONTROL
- 45. EXISTING SECURITY
- 46. PROPOSED SECURITY
- 47. EXISTING ACCESSIBILITY
- 48. PROPOSED ACCESSIBILITY
- 49. EXISTING SAFETY
- 50. PROPOSED SAFETY

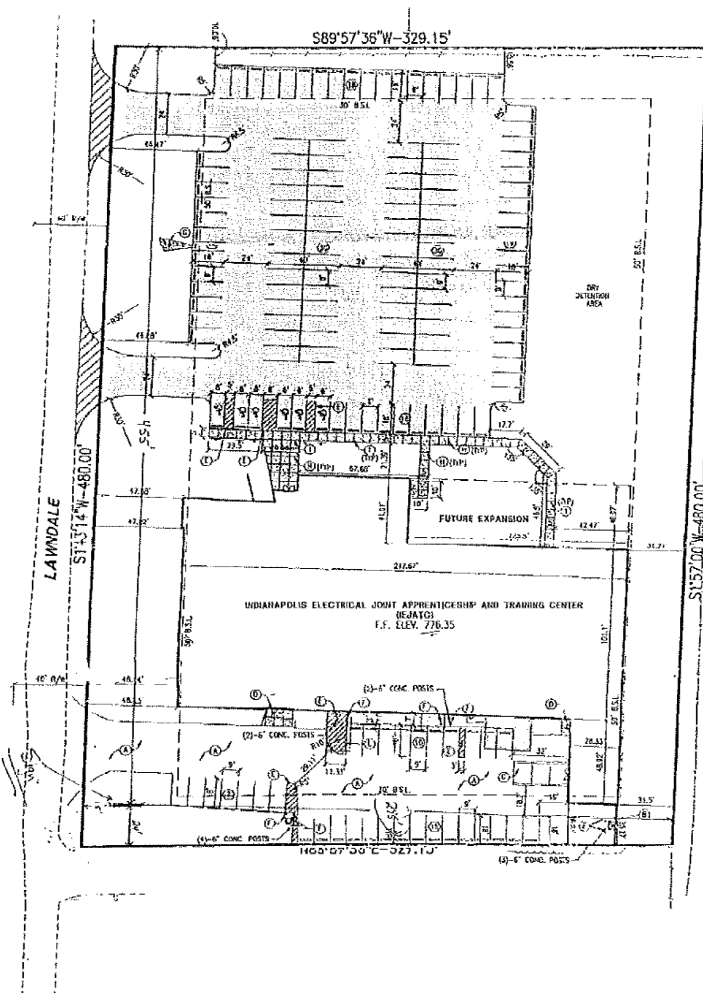
REVISIONS:

NO.	DATE	DESCRIPTION
1	10/15/14	ISSUED FOR PERMITTING
2	10/15/14	ISSUED FOR PERMITTING
3	10/15/14	ISSUED FOR PERMITTING
4	10/15/14	ISSUED FOR PERMITTING
5	10/15/14	ISSUED FOR PERMITTING
6	10/15/14	ISSUED FOR PERMITTING
7	10/15/14	ISSUED FOR PERMITTING
8	10/15/14	ISSUED FOR PERMITTING
9	10/15/14	ISSUED FOR PERMITTING
10	10/15/14	ISSUED FOR PERMITTING
11	10/15/14	ISSUED FOR PERMITTING
12	10/15/14	ISSUED FOR PERMITTING
13	10/15/14	ISSUED FOR PERMITTING
14	10/15/14	ISSUED FOR PERMITTING
15	10/15/14	ISSUED FOR PERMITTING
16	10/15/14	ISSUED FOR PERMITTING
17	10/15/14	ISSUED FOR PERMITTING
18	10/15/14	ISSUED FOR PERMITTING
19	10/15/14	ISSUED FOR PERMITTING
20	10/15/14	ISSUED FOR PERMITTING
21	10/15/14	ISSUED FOR PERMITTING
22	10/15/14	ISSUED FOR PERMITTING
23	10/15/14	ISSUED FOR PERMITTING
24	10/15/14	ISSUED FOR PERMITTING
25	10/15/14	ISSUED FOR PERMITTING
26	10/15/14	ISSUED FOR PERMITTING
27	10/15/14	ISSUED FOR PERMITTING
28	10/15/14	ISSUED FOR PERMITTING
29	10/15/14	ISSUED FOR PERMITTING
30	10/15/14	ISSUED FOR PERMITTING
31	10/15/14	ISSUED FOR PERMITTING
32	10/15/14	ISSUED FOR PERMITTING
33	10/15/14	ISSUED FOR PERMITTING
34	10/15/14	ISSUED FOR PERMITTING
35	10/15/14	ISSUED FOR PERMITTING
36	10/15/14	ISSUED FOR PERMITTING
37	10/15/14	ISSUED FOR PERMITTING
38	10/15/14	ISSUED FOR PERMITTING
39	10/15/14	ISSUED FOR PERMITTING
40	10/15/14	ISSUED FOR PERMITTING
41	10/15/14	ISSUED FOR PERMITTING
42	10/15/14	ISSUED FOR PERMITTING
43	10/15/14	ISSUED FOR PERMITTING
44	10/15/14	ISSUED FOR PERMITTING
45	10/15/14	ISSUED FOR PERMITTING
46	10/15/14	ISSUED FOR PERMITTING
47	10/15/14	ISSUED FOR PERMITTING
48	10/15/14	ISSUED FOR PERMITTING
49	10/15/14	ISSUED FOR PERMITTING
50	10/15/14	ISSUED FOR PERMITTING

**PRELIMINARY
NOT FOR CONSTRUCTION**



Department of Metropolitan Development
Division of Planning
Current Planning



SITE LAYOUT NOTES:

- 1. THE CONTRACTOR SHALL... 2. IN THE CONTRACTOR'S RESPONSIBILITY... 3. ALL CONSTRUCTION MATERIALS... 4. CONCRETE SHALL BE... 5. ALL PAINTS... 6. ALL INTERIOR FINISHES... 7. ALL EXTERIOR FINISHES... 8. ALL PAINTING SHALL BE... 9. ALL ELECTRICAL... 10. ALL MECHANICAL... 11. ALL PLUMBING... 12. ALL FLOORING... 13. ALL ROOFING... 14. ALL SIGNAGE... 15. ALL UTILITIES...

PLAN LEGEND:

- STANDARD DIMENSIONS PER DETAIL 04/14/12
CONCRETE DIMENSIONS PER DETAIL 04/14/12
CONCRETE FINISHES PER DETAIL 04/14/12
INDOOR FINISHES PER DETAIL 04/14/12
PAINTING PER DETAIL 04/14/12
ELECTRICAL FINISHES PER DETAIL 04/14/12

PLAN KEY NOTES:

- 1. SEE PLAN
2. SEE DETAIL
3. SEE DETAIL
4. SEE DETAIL
5. SEE DETAIL
6. SEE DETAIL
7. SEE DETAIL
8. SEE DETAIL
9. SEE DETAIL
10. SEE DETAIL

SITE DATA:

Table with columns for description and quantity. Includes rows for concrete, masonry, steel, and other materials.

CSO Architecture Engineering Interiors Landscape Architecture Land Surveying Corporate Office 200 East Main Street 46201-1000

Charles C. Brent Construction Co. 100 West Main Street 46201-1000

Indianapolis Electrical Joint Apprenticeship and Training Center Addition & Renovation

Site Layout Plan drawing title block with project name and drawing title.

Professional engineer and architect stamps for CSO and Charles C. Brent Construction Co.

Professional engineer and architect stamps for Charles C. Brent Construction Co.

Professional engineer and architect stamps for Charles C. Brent Construction Co.





View looking south along Lawndale Avenue



View looking north along Lawndale Avenue



View looking east along West Minnesota Street



View looking northwest across intersection of Lawndale Avenue and West Minnesota Street



View looking northeast across intersection of Lawndale Avenue and West Minnesota Street



View of site looking east across Lawndale Avenue



View of site looking east across Lawndale Avenue



View of site looking east across Lawndale Avenue



View of site looking southeast across Lawndale Avenue



View of site looking east across Lawndale Avenue



View of site looking northeast across Lawndale Avenue



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-836 / 2024-CVR-836

Property Address: 802 South State Avenue

Location: Center Township, Council District #18

Petitioner: Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams

Current Zoning: C-3
Rezoning of 0.13-acre from the C-3 district to the D-8 District to provide for a triplex residential development.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a floor area ratio of 1.18 (maximum FAR of 0.60 permitted) and a livability space ratio of 0.24 (minimum LSR of 0.66 required) and to legally establish a zero-foot front building line setback (minimum front building line range of 10 feet to 19.9 feet required), and a zero-foot corner side yard (minimum 10-foot corner side yard required).

Current Land Use: Commercial uses (vacant)

Staff Recommendations: Approval of the rezoning and variances

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Approval of the rezoning and development standards variances, subject to substantial compliance with the site plan and elevations file dated September 5, 2024.

PETITION OVERVIEW

This 0.13-acre site, zoned C-3, is developed with a vacant commercial building. It is surrounded by single-family dwellings to the north, across Lexington Avenue zoned C-3; a single-family dwelling to the south, zoned C-3; a park (Finch Park) to the east, across South State Avenue, zoned PK-1; and undeveloped land and single-family dwellings to the west, zoned D-5.

Petition 2018-UV1-025 provided for a variance of use and development standards to allow for three live-work units and three total garage spaces within the existing building with reduced setbacks.



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

REZONING

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

“The purpose of walkable neighborhood districts is to 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.”

The Comprehensive Plan recommends community commercial typology for the site. As proposed, this request would not be consistent with the Plan recommendation.

However, given the surrounding residential land uses and the historical residential use of the site, staff believes the request would support ongoing residential improvements in the neighborhood and would be compatible with the surrounding area. Furthermore, staff would question the viability of commercial use on the site.

VARIANCES

Staff understands that the existing building footprint / foundation would be utilized to provide for three living units, with attached garages. It is not clear whether the existing above-ground portion of the structure would be utilized but redevelopment of the site on the existing footprint / foundation would maintain current and historical development on the northern portion of the site.

The request would provide for a floor area ratio of 1.18 when the Ordinance requires a maximum of 0.60. This ratio compares the size of the building by the total lot area and relates to the intensity of the development.

The request would provide for a livability space ratio of 0.24 when the Ordinance requires a minimum of 0.66. This ratio is a measurement of the amount of space dedicated to open, green, and recreational areas compared to the total built-up area.

Both ratios relate to the quality of life for the residents and the surrounding area. Because this request would allow for redevelopment of a vacant site, staff believes the deviation from the Ordinance in this situation would be supportable because of the limitations of the square footage of the site and the availability of open space (Finch Park) to the east. Additionally, residential development of this site would support and be compatible with the recent residential improvements in the surrounding area.



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

The variance request would also provide for zero-foot front building line and a zero-foot corner side yard. The Ordinance requires a front building setback range from 10 feet to 19.9 feet and a 10-foot corner side yard. Staff supports these reduced setbacks because they would maintain the current and historical character of development of this site. Furthermore, the reduced setbacks would have minimal impact on surrounding residential land uses.

GENERAL INFORMATION

Existing Zoning	C-3		
Existing Land Use	Commercial (vacant)		
Comprehensive Plan	Community Commercial		
Surrounding Context	Zoning	Land Use	
	North:	C-3	Single-family dwellings
	South:	C-3	Single-family dwelling
	East:	PK-1	Park (Finch Park)
	West:	D-5	Single-family dwelling
Thoroughfare Plan			
South State Avenue	Primary Collector	Existing 60-foot right-of-way and proposed 56-foot right-of-way.	
Lexington Avenue	Local Street	Existing 60-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 5, 2024		
Site Plan (Amended)	N/A		
Elevations	September 5, 2024		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	September 5, 2024		
Findings of Fact (Amended)	September 11, 2024		
C-S/D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- The Infill Housing Guidelines (2021)



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

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

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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



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

2018-UV1-025; 802 and 808 South State Street, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for three live-work units and three total garage spaces with the building having zero-foot front and front transitional setbacks, **granted**.

VICINITY

2018-UV1-024; 810, 814 and 818 South State Avenue (south of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for four townhomes and four, two-car garages, **granted**.

2018-UV2-014; 1643 Lexington Avenue (west of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and garage with reduced setbacks, **granted**.

2018-HOV-037; 1644 Lexington Avenue (north of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including the demolition and reconstruction of a single-family dwelling and the construction of a detached garage with reduced setbacks, **granted**.

2016-DV1-056; 1638 Pleasant Street & 803 South State Street (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for (1) at 1638 Pleasant Street, an attached garage, with a 2.8-foot front setback along State Avenue and a 2.6-foot side setback, creating 33% open space, and to legally establish the existing nine-foot front setback (18-foot front setback, three-foot side setback and 60% open space required), (2) to provide for, at 830 State Avenue, a detached garage, with a 3.3-foot rear setback, and creating 55% open space and to legally establish a single-family dwelling, with a 3.3-foot rear setback, a zero-foot setback along State Avenue and a deck with a three-foot front setback and to provide for and legally establish structures within the clear sight triangles at 1638 Pleasant Street, **granted**.

2010-ZON-090; 1710 Lexington Avenue (northeast of site), requested rezoning from the C-3 district to the D-5 classification, **approved**.

2005-HOV-009; 1643 Lexington Avenue (west of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish a 1,456-square foot, two-story single-family dwelling with a 112-square foot front porch, and a 10-square foot east side porch, **granted**.

2002-UV3-024; 1632 Pleasant Street (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a group home / homeless shelter and religious counseling, within an existing single-family dwelling, **denied**.

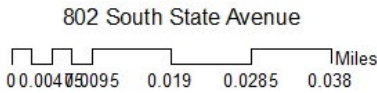
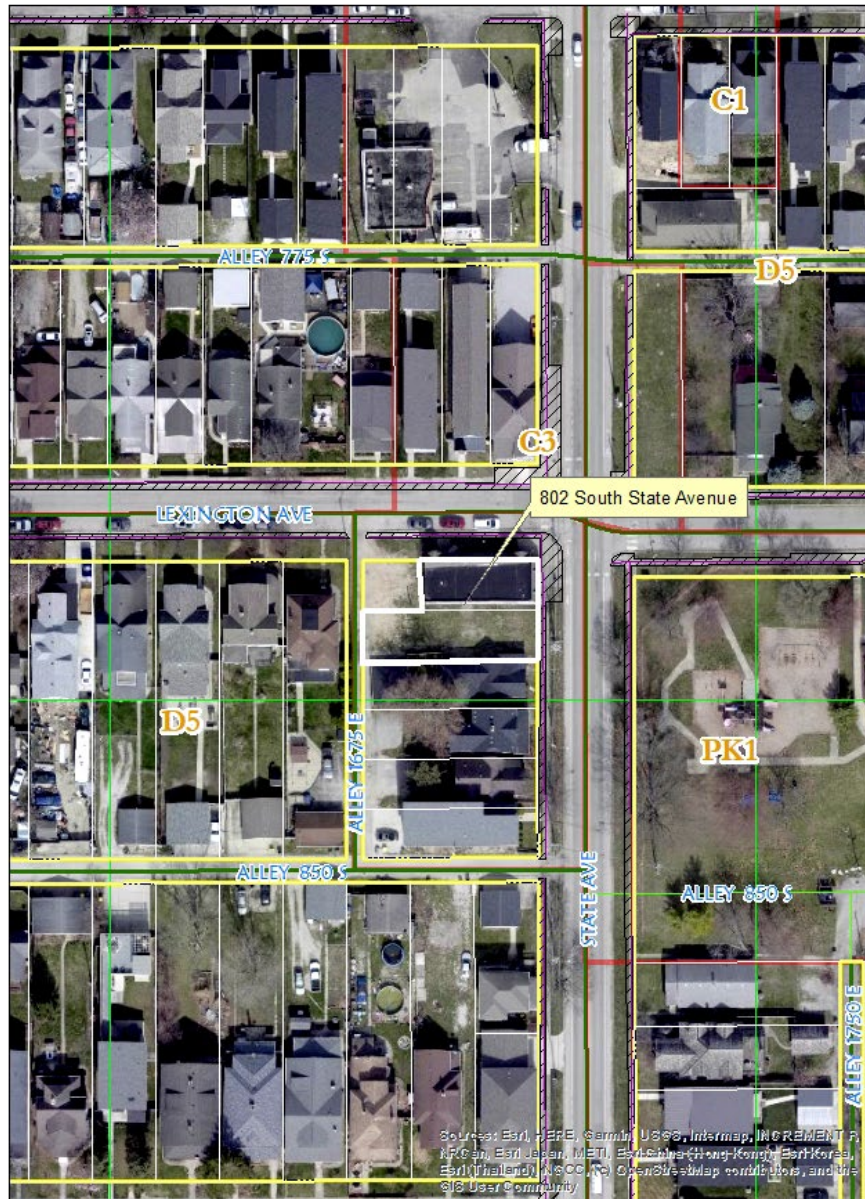


**Department of Metropolitan Development
Division of Planning
Current Planning**

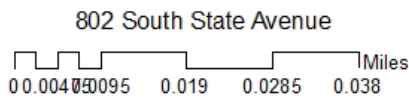
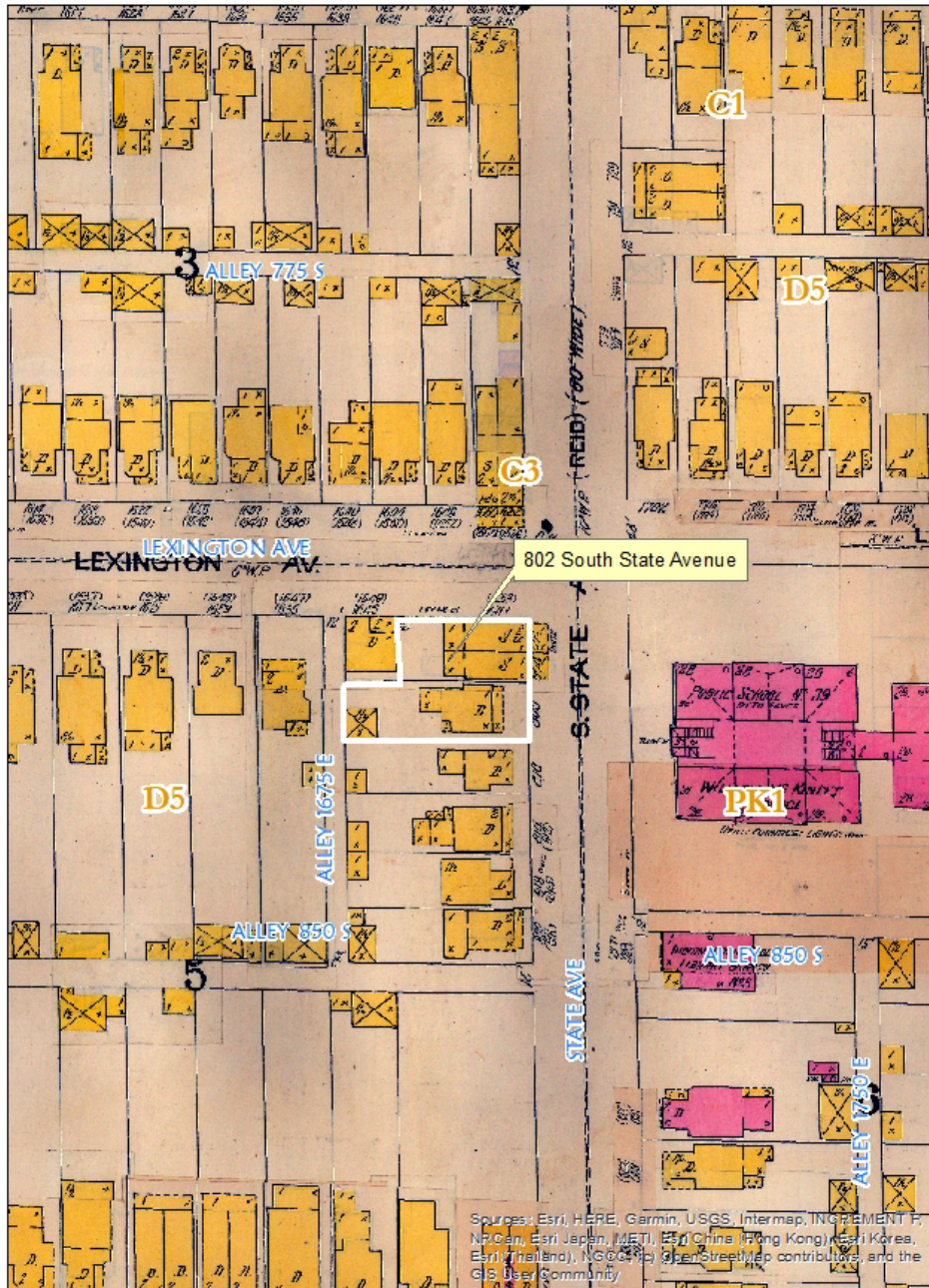
97-NC-68; 1644 Lexington Avenue (north of site), requested a legal non-conforming use for the construction and use of a single-family dwelling, located in a C-3 (neighborhood Commercial District) zoning classification, **approved**.

95-AP-67; 801 South State Avenue (east of site), requested a variance of development standards of the Special Districts Zoning Ordinance to provide for the construction of a 17,000-square foot building for a new Boys and Girls Club with a five-foot front yard setback from Dawson Street and a 17-foot front yard setback along Lexington Avenue, **granted**.

EXHIBITS



Sanborn Map 1898





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed construction will utilize the existing footprint and part of the existing walls of the existing building. The LSR at .57 is slightly less than the required minimum and the FAR at .95 is above the maximum, however, there is no difference in these ordinance requirements between the Compact Context and the Metro Context. It would seem in the Compact District, more urban areas, the lot space available should be considered differently. The project will provide off street parking within the first story of the building. The walk-ability of the area and the existence of nearby parks provide areas for outdoor enjoyment needed for urban development and in line with what most urban residents expect to be available. The public health, safety, morals and general welfare of the community will not be compromised by the development.

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

The adjacent properties will not be negatively impacted, because the proposed construction will add positive vitality into the neighborhood. The redevelopment with residential units will promote a positive affect on the adjacent area, providing new residential uses and eliminating a vacant and dilapidated structure.

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

The petitioner is endeavoring to redevelop the site in accordance with the Comprehensive Plan, utilizing the existing building footprint that has existed for well over 100 years. Petitioners would utilize the entirety of the existing building if it were not in such disrepair. Without the variances of LSR and FAR, the redevelopment would not be able to move forward.

DECISION

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

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed construction will utilize the existing footprint and part of the existing walls of the existing building, so there will be no change in setbacks.

The public health, safety, morals and general welfare have been considered in the design of the proposed vehicle access point from State Street to the public right of way, providing rear access. The pedestrian and vehicular traffic safety will not be compromised.

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

The adjacent properties will not be negatively impacted, because the proposed construction will duplicate the existing setbacks, which is similar with the surrounding context. The redevelopment provides residential units, and will be a positive affect on the adjacent area, as the existing building has been vacant for many years and has dilapidated.

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

The petitioner is endeavoring to redevelop the site in accordance with the Comprehensive Plan, utilizing the existing building footprint that has existed for well over 100 years. Petitioners would utilize the existing building if it were not in such disrepair.

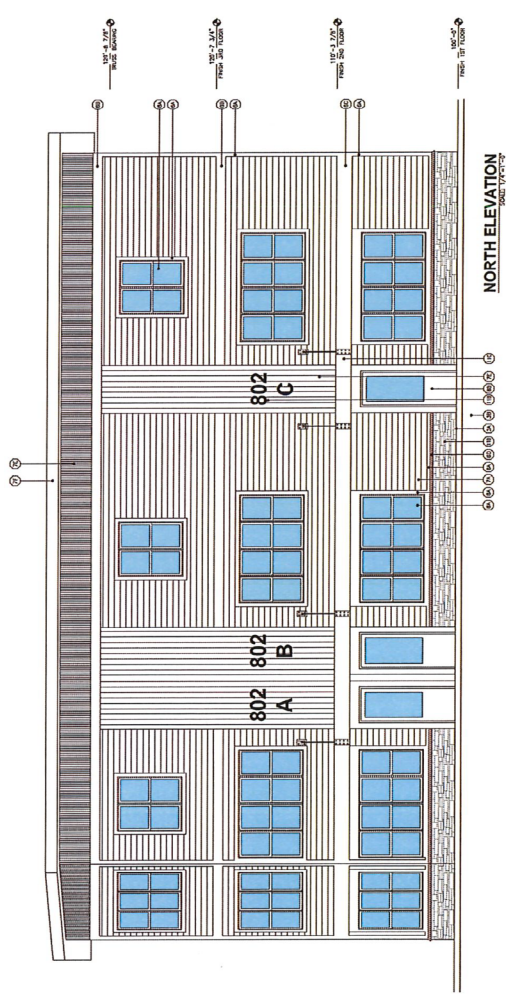
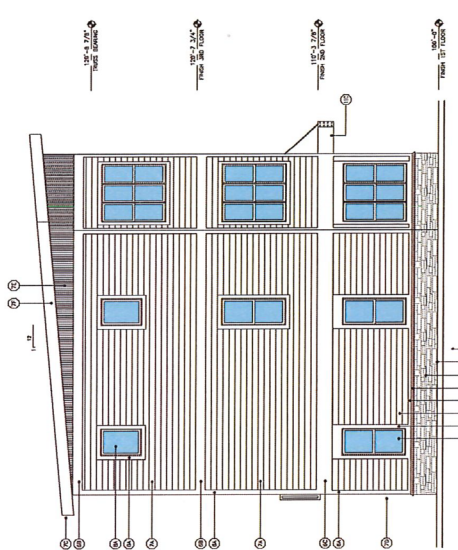
Without the variances of setbacks, the redevelopment would not be able to provide the rear access and required drainage improvements and would be out of character with the surrounding context.

DECISION

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

Adopted this _____ day of _____, 20 _____

<p>NEW BUILDING FOR SOUTH STATE AVENUE CONDOMINIUMS 802 SOUTH STATE AVENUE INDIANAPOLIS, INDIANA 46203</p>		<p>ISSUED FOR PERMIT & CONSTRUCTION</p>	<p>BALAY ARCHITECTS 1000 N. MERIDIAN AVENUE, SUITE 1000 INDIANAPOLIS, IN 46202</p>	<p>STANDARD EXTERIOR ELEVATIONS A211</p>
<p>GENERAL NOTES: 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS ORDINANCES AND THE INTERNATIONAL BUILDING CODE (IBC) 2015 EDITION. 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS. 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF INDIANAPOLIS. 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. 6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURB AND SIDEWALKS. 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND REINSTALLATION OF ALL EXISTING SIGNAGE. 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE. 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.</p>		<p>KEY NOTES: 1. FINISHES TO BE SHOWN ON THE DRAWINGS. 2. FINISHES TO BE SHOWN ON THE DRAWINGS. 3. FINISHES TO BE SHOWN ON THE DRAWINGS. 4. FINISHES TO BE SHOWN ON THE DRAWINGS. 5. FINISHES TO BE SHOWN ON THE DRAWINGS. 6. FINISHES TO BE SHOWN ON THE DRAWINGS. 7. FINISHES TO BE SHOWN ON THE DRAWINGS. 8. FINISHES TO BE SHOWN ON THE DRAWINGS. 9. FINISHES TO BE SHOWN ON THE DRAWINGS. 10. FINISHES TO BE SHOWN ON THE DRAWINGS. 11. FINISHES TO BE SHOWN ON THE DRAWINGS. 12. FINISHES TO BE SHOWN ON THE DRAWINGS. 13. FINISHES TO BE SHOWN ON THE DRAWINGS. 14. FINISHES TO BE SHOWN ON THE DRAWINGS. 15. FINISHES TO BE SHOWN ON THE DRAWINGS. 16. FINISHES TO BE SHOWN ON THE DRAWINGS. 17. FINISHES TO BE SHOWN ON THE DRAWINGS. 18. FINISHES TO BE SHOWN ON THE DRAWINGS. 19. FINISHES TO BE SHOWN ON THE DRAWINGS. 20. FINISHES TO BE SHOWN ON THE DRAWINGS.</p>		





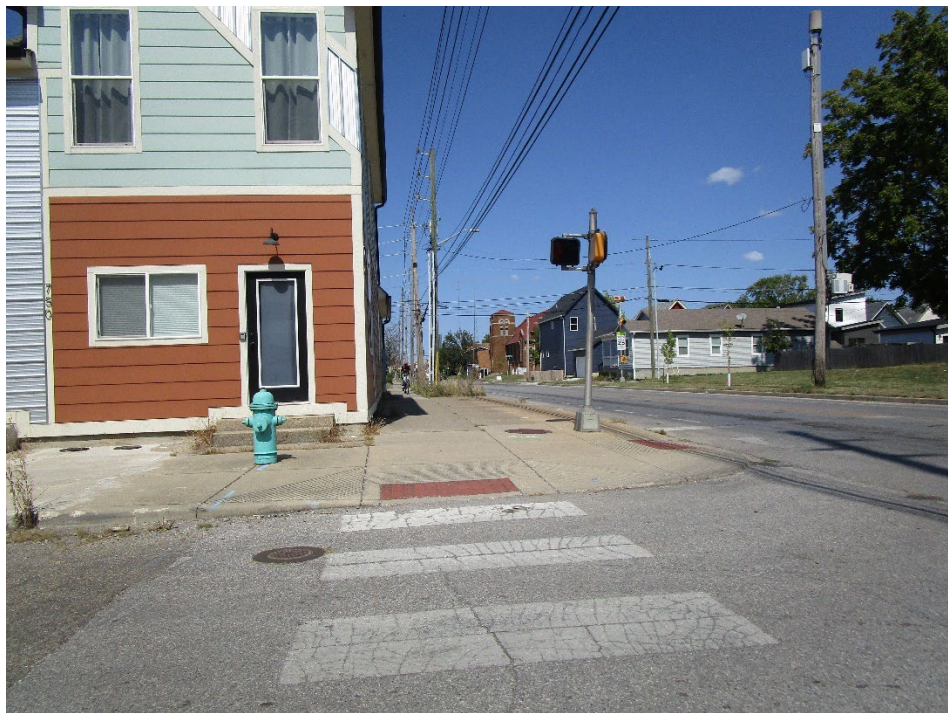
View looking north along South State Avenue



View looking south along South State Avenue



View looking east along East Lexington Avenue



View of site looking west along East Lexington Avenue



View of site looking west across intersection of East Lexington Avenue and South State Avenue



View of site looking southeast across South State Avenue



View of southern portion of site looking east from the north / south alley



View looking north at adjacent property to the west of site



View looking south of abutting north / south alley to the west of site



View looking northwest across intersection of South State Avenue and Lexington Avenue



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-015 (2nd Amended)

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

Location: Center Township, Council District #13

Petitioner: Adam DeHart

Current Zoning: C-S

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

Current Land Use: Industrial

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDEDUM FOR OCTOBER 10, 2024 HEARING EXAMINER

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

September 26, 2024

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

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

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

1. A 28-foot half right-of-way shall be dedicated along the frontage of 21st Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall



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

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

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

PETITION OVERVIEW

LAND USE

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

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

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

MODIFICATION /TERMINATION

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

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

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

These updates are shown in the newly submitted site plan which include the construction of four buildings, associated parking, new access drive on 21st street, and the location of the construction equipment



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

storage areas, dumpster storage area, wood chip recycling / mulch storage area, concrete washout pit, crushed concrete storage area, concrete crusher and sorting equipment, and concrete stockpile area.

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

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

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

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

PROJECT NARRATIVE

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

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

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

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 28-foot half right-of-way along 21st Street and a 29-foot half right-of-way along Olney Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

ENVIRONMENTAL CONCERNS

Staff understands that there is an Environmental Restrictive Covenant on site which limits the uses of the subject site and designates a specific area in the southeast corner of the site where the owner shall



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

neither engage in nor allow excavation of soil in the area identified via GPS coordinates as the “Construction Worker Restriction Area” as depicted in Exhibit C.

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

STAFF ANALYSIS

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

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

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

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

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

Additional concerns are regarding the air pollution and air quality. Although measures would be taken to address the Drywall Recycling Facilities with the indoor operations, it cannot be guaranteed that there will be 100 percent containment of particulate matter. Even with the proposed internal operations of this use, the concrete recycling operation would still be proposed. There could be negative health impacts to the surrounding residents due to the crushing of concrete and equipment emissions.

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



Department of Metropolitan Development
Division of Planning
Current Planning

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

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

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

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

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

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

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

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

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

GENERAL INFORMATION

Existing Zoning	C-S
Existing Land Use	Undeveloped
Comprehensive Plan	Light Industrial



Department of Metropolitan Development
 Division of Planning
 Current Planning

Surrounding Context	Zoning	Land Use
North:	I-3	Undeveloped / Pharmaceutical Company
South:	PK-1	Park
East:	I-3	Railroad / Auto Repair Shop / Industrial
West:	MU-1/ SU-1//I-3	Residential (Single-family dwellings) / Church / Industrial
Thoroughfare Plan		
21 st Street	Primary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Olney Street	Local Street	58-foot proposed right-of-way and 50-foot existing right-of-way.
Sherman Drive	Primary Arterial Street	88-foot proposed right-of-way and 136-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	July 21, 2024	
Site Plan (Amended)	August 20, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	August 16, 2024	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	July 21, 2024 – Dated June 14, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan



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

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The subject site falls within The Near Eastside Quality of Life Plan (2020).
- A guiding principle for the Plan is Resiliency. The Plan promotes environments, strategies, and approaches focused on healing recovery, and growth design to support neighbors who have experienced trauma in addressing and managing the impact of adversity to reach their fullest potential.
- The Plan notes under guiding principles that “We believe in providing the necessary resources and infrastructure, while addressing the environmental conditions in the community, to ensure physical and psychological health of our neighbors.”



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

- One of the Plan focus areas is Health, Wellness, & Family Strengthening. Priority #7 is to improve health equity in the community. More specifically action step 7.4 is notes to “identify and address the public health impacts of climate change and environmental justice for our Near Eastside community”.
- This action step would address when marginalized communities are harmed by land uses that would not benefit them.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



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

ZONING HISTORY

Zoning History – Site

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

Zoning History – Vicinity

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

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

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

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

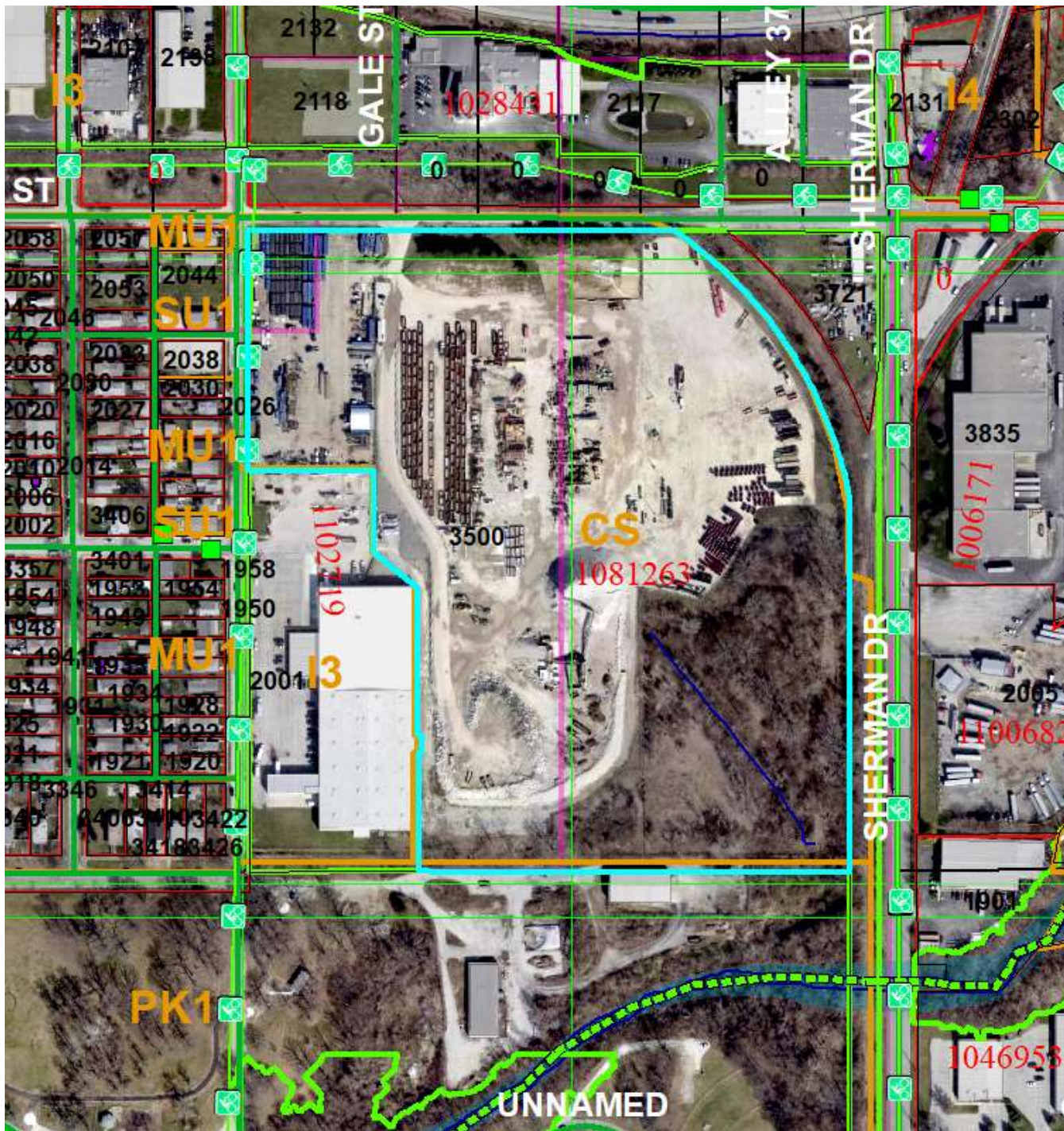
91-Z-53; 2005 North Sherman Drive (east of site), Rezoning of 5.38 acres, being in the PK-1 district, to the SU-16 classification to provide for a softball complex with associated accessory buildings, **approved**.

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

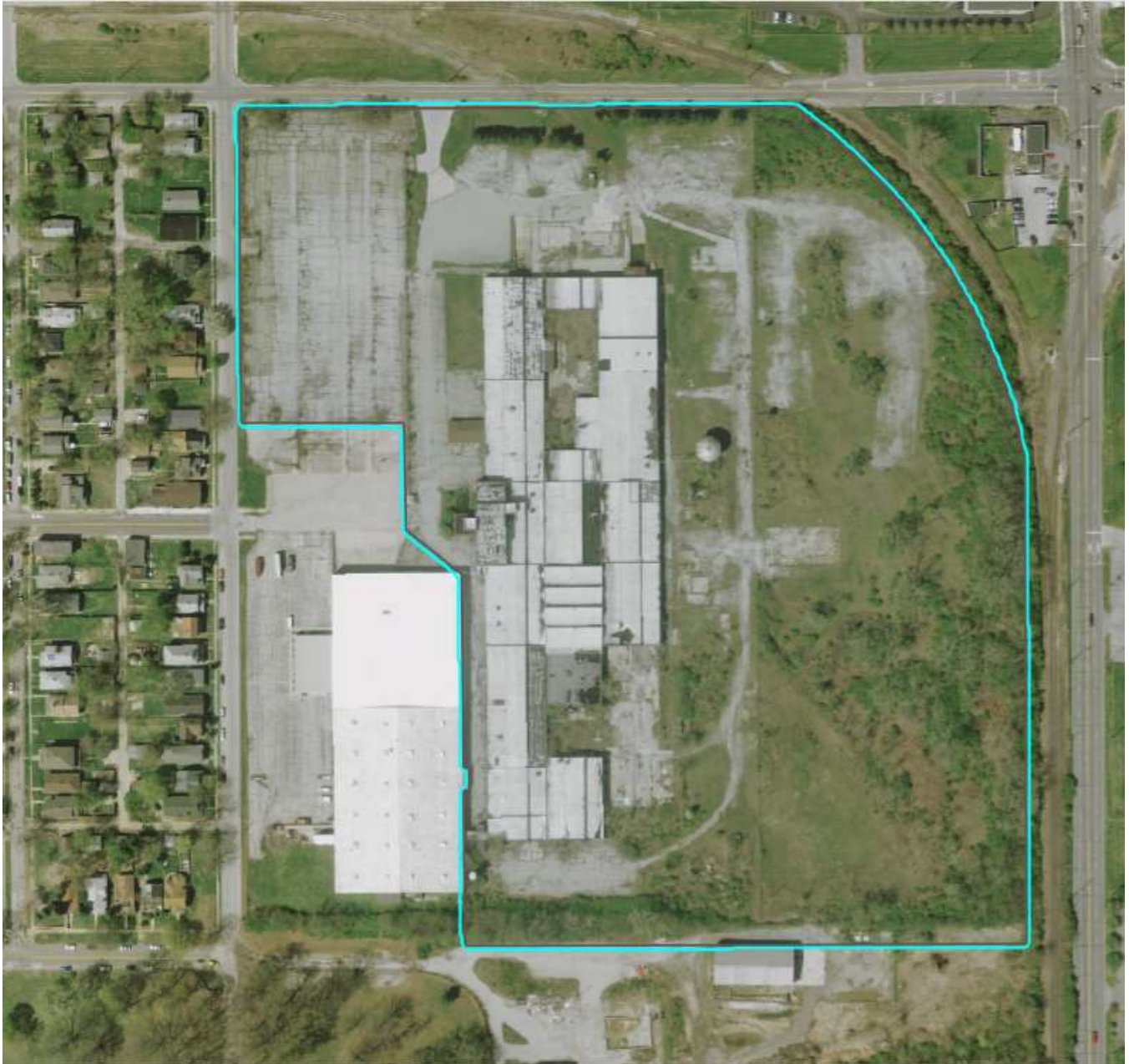
88-Z-123; 1901 North Sherman Drive (east of site), Rezoning of 0.031 acre, being in the PK-1 District, to the I-3-U classification to provide for a building addition for industrial use, **approved**.

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

EXHIBITS

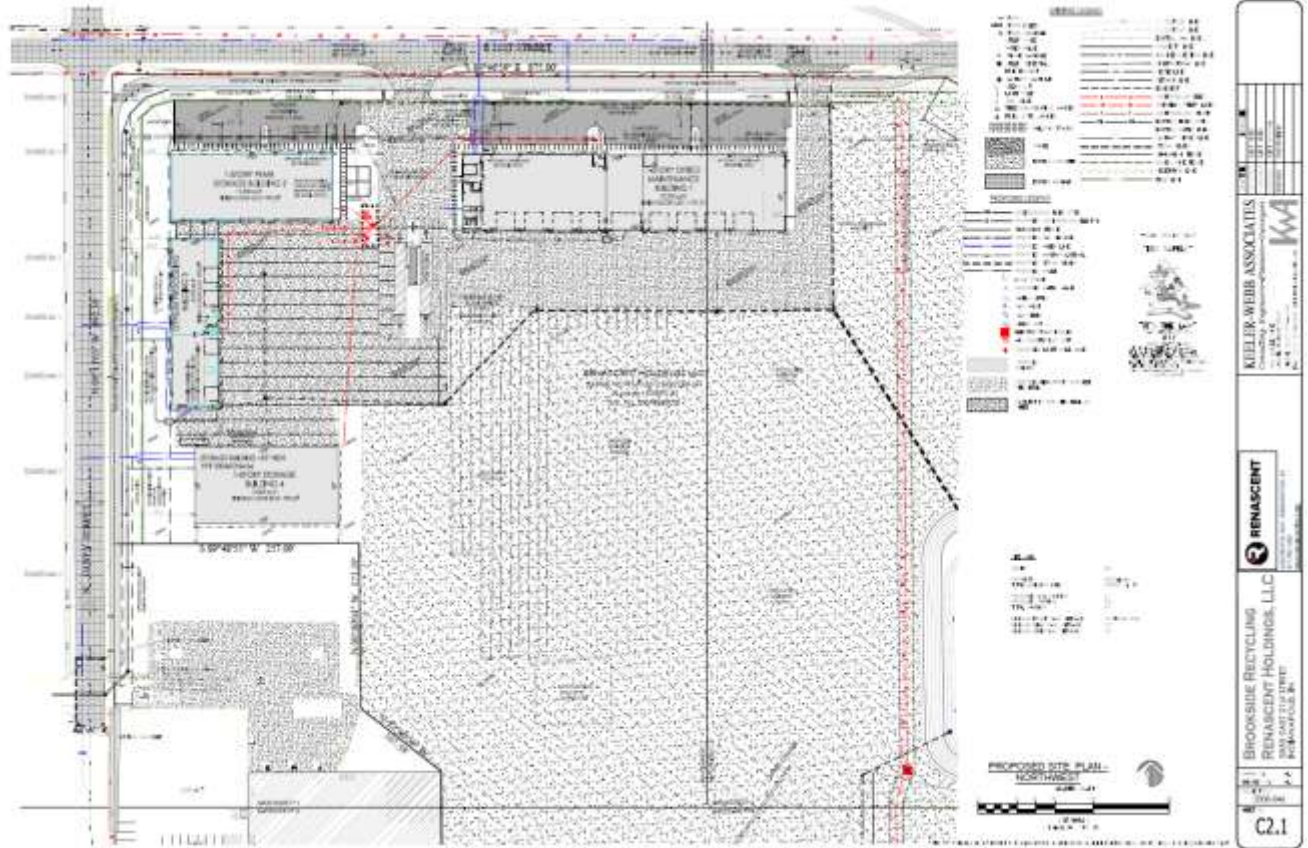


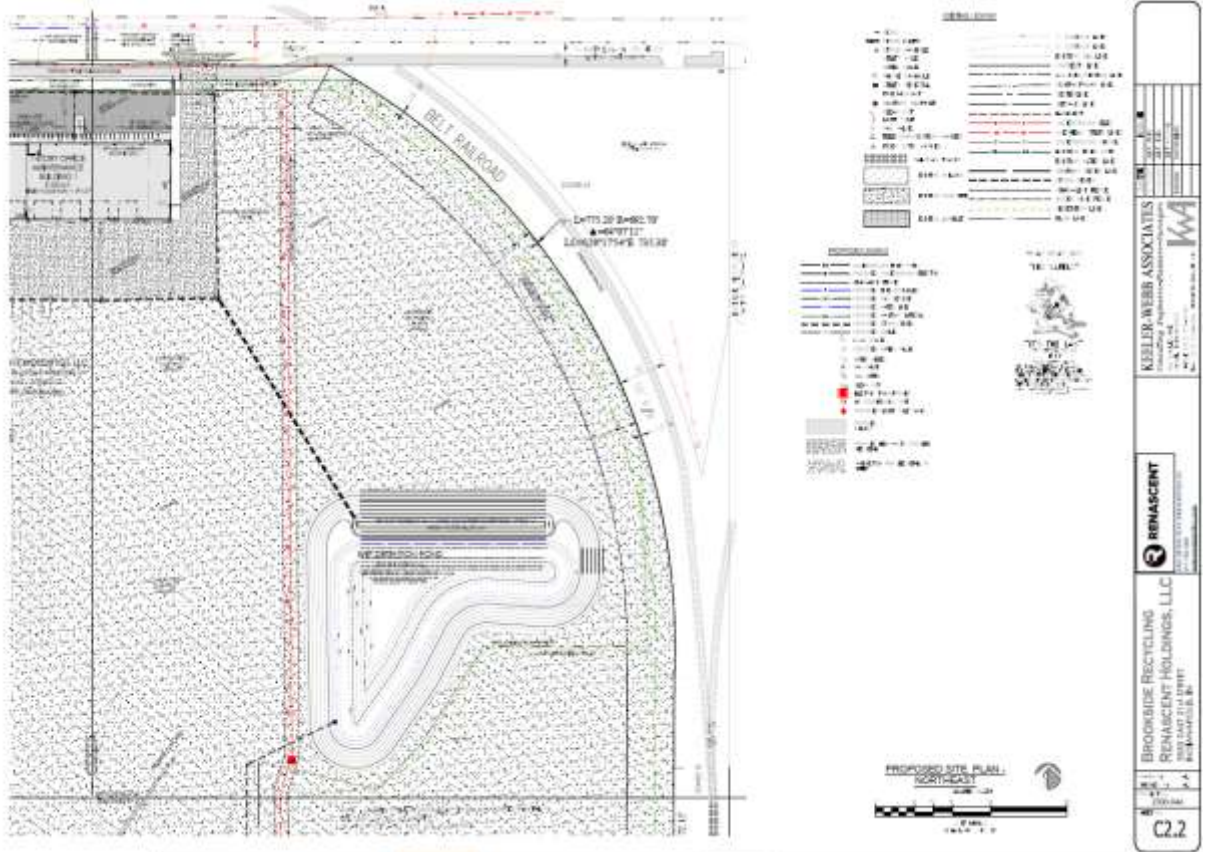
2011 AERIAL MAP





Department of Metropolitan Development
Division of Planning
Current Planning







Department of Metropolitan Development
Division of Planning
Current Planning

PROJECT NARRATIVE

KEELER-WEBB ASSOCIATES



Consulting Engineers · Planners · Surveyors
TELEPHONE (317) 574-0140 www.keelerwebb.com
486 Gradle Drive
Carmel, Indiana 46032

June 14, 2024

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

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

PROJECT NARRATIVE

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

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

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



PROJECT NARRATIVE (Continued)

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

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

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

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

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

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

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

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




Department of Metropolitan Development
Division of Planning
Current Planning

PROJECT NARRATIVE (Continued)

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

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

Respectfully,
KEELER-WEBB ASSOCIATES


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



PLAN OF OPERATION

CW Recycling / Brookside Materials

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

1. Workforce

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

2. Clients & Customers

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

3. Processes Conducted on Site

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



PLAN OF OPERATION (Continued)

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



Department of Metropolitan Development
Division of Planning
Current Planning

PLAN OF OPERATION (Continued)

- **Processing:**
 - Processors are used to cut up scrap metal to reduce size.
 - Magnet is used to load and move scrap to trailer.

- **Product Manufacturing:**
 - Recycled materials can be used for new products:
 - Recycled steel
 - Other various uses

- **Material Receiving: Wood (Future)**
 - Dimensional wood
 - Limbs, tree trunks

- **Processing:**
 - Wood grinder
 - Wheel loader for locating material.

- **Product Manufacturing:**
 - Recycled materials can be used for new products:
 - Mulch
 - Other various uses

- **Process: Machine Repair / Welding Shop / Wash Bay**
 - Company machinery will be maintenance and repaired.
 - Machinery and roll off boxes will be repaired using welders.
 - Machines will also be cleaned in a designated wash bay.

4. Materials Used

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

PLAN OF OPERATION (Continued)

5. Shipping and Receiving

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

6. Waste Management

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



Department of Metropolitan Development
Division of Planning
Current Planning

PLAN OF OPERATION (Continued)

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

7. Hours of Operation / Traffic

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



Department of Metropolitan Development
Division of Planning
Current Planning

2002-ZON-166 COMMITMENTS

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

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

STATEMENT OF COMMITMENTS

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

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

Legal Description: (insert here or attach)

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The owner shall install landscaping, in accordance with transitional yard standards as set forth in the Industrial Zoning Ordinance, along the property frontage along both Olney Street and 21st Street, in an area measuring ten (10) feet in width beginning at the existing fence as shown on the Site Plan filed with the Department of Metropolitan Development and file-stamped November 7, 2002 and extending to the interior of the property. Said landscaping shall be installed within six (6) months following commencement of the construction of any buildings on Parcel 1(C).
3. There shall be no building erected on Parcel 1(C) in excess of thirty five (35) feet in height.
4. The owner shall maintain the existing landscaping fronting on Sherman Drive and 21st Street in thriving condition; provided, however, nothing in this commitment shall prohibit owner from removing brush, scrub, weeds, diseased or predatory trees or plants.
5. The following uses set forth in the I-4-U zoning district (as of the date of these commitments) shall be prohibited anywhere on the Subject Property: 1) abrasives and asbestos products, 2) manufacturing of detergents / soaps, 3) manufacturing of rubber / rubber products, 4) manufacturing of tires, 5) oil or gas bulk storage, 6) veneer mills, or 7) tire recapping.
6. Other use and development limitations are set forth in the Preliminary Development Plan filed with the Department of Metropolitan Development and file stamped November 7, 2002.
7. Any addition or reconstruction of structures shall be subject to Administrator's Approval prior to the issuance of an Improvement Location Permit.

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

1096867 03/18/03 10:28AM WANDA MARTIN MARION CITY RECORDER HLM 19.00 PAGES: 6
Inst # 2003-0056282

SCANNED



Department of Metropolitan Development
Division of Planning
Current Planning

2002-ZON-166 DEVELOPMENT PLAN

PRELIMINARY DEVELOPMENT PLAN

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

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

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

THE SITE

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

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

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

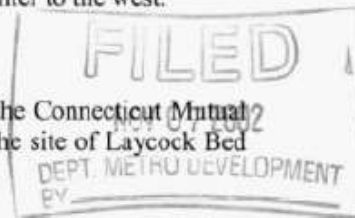
The east 11.37 acres of the Subject Property ("Parcel 2") is an undeveloped parcel that is east of and adjacent to Parcel 1A, as shown on the Site Plan.

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

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

HISTORY OF THE SITE

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





2002-ZON-166 DEVELOPMENT PLAN (Continued)

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

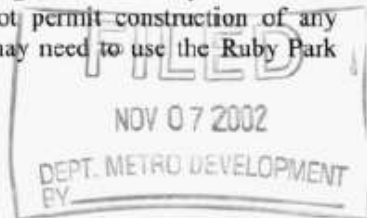
EXISTING STRUCTURES, USES AND ZONING

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

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

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

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





2002-ZON-166 DEVELOPMENT PLAN (Continued)

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

PROPOSED USES

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

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

LIMITATION ON USES

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

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

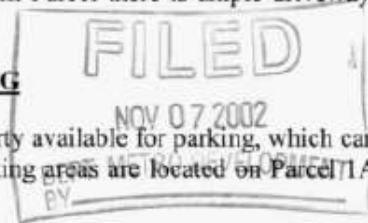
TRAFFIC

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

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

PARKING AND LOADING

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





2002-ZON-166 DEVELOPMENT PLAN (Continued)

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

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

LANDSCAPING

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

SIGNAGE

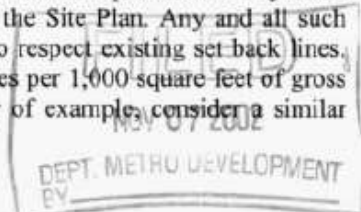
The Subject Property currently has no existing free-standing signs (except for a temporary real estate brokerage "Property For Rent" sign at the 21st Street entrance). The Petitioner proposes free standing signs on 21st Street and Olney Street in locations substantially as shown on the site plan. The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

BUILDING

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

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

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





2002-ZON-166 DEVELOPMENT PLAN (Continued)

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

CONCLUSION

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

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

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

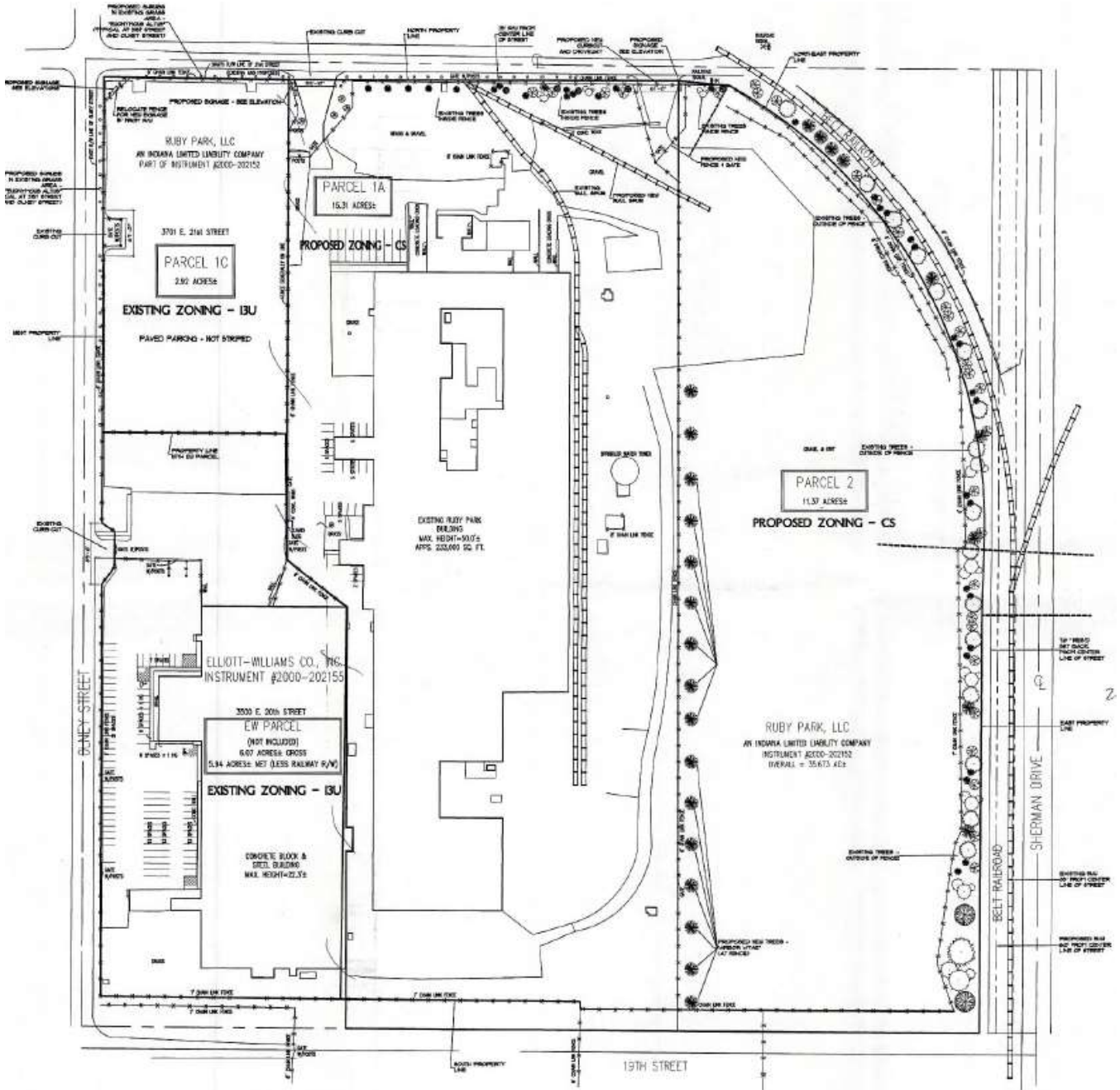
For all the foregoing reasons, Petitioner respectfully requests that the Metropolitan Development Commission approve this Development Plan, the Site Plan and the requested rezoning to the C-S zoning district.





Department of Metropolitan Development
 Division of Planning
 Current Planning

2002-ZON-166 SITE PLAN





Department of Metropolitan Development
Division of Planning
Current Planning

RESTRICTIVE COVENANT PAGE 1

A202300032296

04/25/2023 09:50 AM

FAITH KIMBROUGH
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 52

By: LB

Environmental Restrictive Covenant

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

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

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

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

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

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





RESTRICTIVE COVENANT PAGE 2

I. RESTRICTIONS

1. Restrictions. The Owner:

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



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

RESTRICTIVE COVENANT PAGE 3

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

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

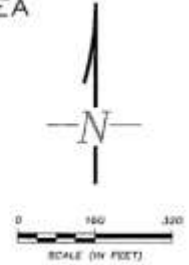
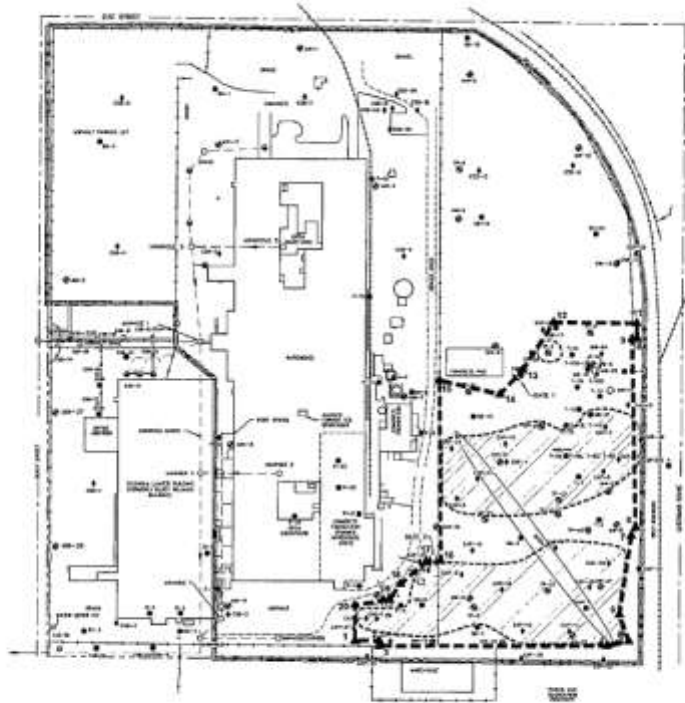
II. GENERAL PROVISIONS

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

EXHIBIT C

EXHIBIT C – CONSTRUCTION WORKER RESTRICTION AREA

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



- LEGEND**
- AIRWALK
 - CATCH BASIN
 - SEWER - ABANDONED JUNE 2017
 - ⊙ MONITORING WELL
 - ONE "TOP DEFORMATION" SAMPLE LOCATION
 - SOIL BORING
 - ⊙ SOIL BORING - DECONTAMINATED
 - ⊙ TEST PIT
 - FENCE
 - LEAD AT SOIL & COMMERICAL/ INDUSTRIAL SCREENING LEVEL OF 500 MG/L (SURFACE SOIL) AND/OR DECONTAMINATION SCREENING LEVEL OF 1000 MG/L (SUBSURFACE SOIL) - ONE SOIL BOREHOLE ADD WITHIN THE CONSTRUCTION WORKER RESTRICTION AREA
 - PROPERTY BOUNDARY (APPROXIMATE)
 - FENCING LOCATION FOR CONSTRUCTION WORKER RESTRICTION AREA
 - ▲ SURVEY COORDINATE POINT FOR CONSTRUCTION WORKER RESTRICTION AREA

FORMER CHEMTURA SITE	
NOV 2017	
CONSTRUCTION WORKER RESTRICTION AREA	
Environmental Resources Management	063273 EXHIBIT C



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



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



Photo of the driveway to be closed off Olney Street



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



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



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



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



Photo of the northwest corner of the site looking east.



Photo of single-family dwellings west of the site.



Photo of a church west of the site.



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



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



Photo of the intersection at 21st Street and Olney Street looking south.



Photo of the subject site street frontage along 21st Street looking east.



Photo of the existing driveway along 21st Street.



Photo of the subject site street frontage along 21st Street looking east.



Photo of the subject site street frontage along 21st Street looking west.



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



Photo of the outdoor storage on site looking south.



Photo of the auto repair shop east of the site.



Photo of the pharmaceutical company to the north.



Photo of the pharmaceutical company to the north.



Photo of the undeveloped industrial sites north of the site.



Photo of the undeveloped industrial sites north of the site.



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-092
Property Address: 1770 Kentucky Avenue
Location: Center Township, Council District #18
Petitioner: Multani Holdings, LLC, by Donald W. Fisher
Current Zoning: I-4
Request: Rezoning of 1.62 acres from the I-4 district to the C-5 district to provide for retail use development.
Current Land Use: Commercial use
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the September 12, 2024 hearing, to the October 10, 2024 hearing, at the request of a neighborhood organization.

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. Automobile, motorcycle and light vehicle sales or rental shall be prohibited.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 1.62-acre site, zoned I-4, is comprised of three parcels developed with a liquor store and associated parking. It is surrounded by a single-family dwelling and industrial uses to the north, across Minnesota Street, zoned C-1 and I-4, respectively; industrial uses to the south, across Kentucky Avenue, zoned I-4; industrial uses to the east, across the intersection of Kentucky Avenue and Harding Street, zoned I-4; and industrial uses to the west, across Minnesota Way, zoned I-4.

Petition 91-UV3-13 provided for a liquor store. Petitions 86-UV1-17 and 83-UV1-86 provided for automobile sales.



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

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

The Comprehensive Plan recommends community commercial typology for this site.

As proposed, this request would not be consistent with either of the Comprehensive Plan recommendations. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses.

The C-5 district is a more intense commercial land use that should not be located adjacent to the residential neighborhood to the north. It is staff’s understanding that the site would be developed with a fueling station / convenience store which would be objectionable in such proximity to residential uses due to the nature of the use (noise, trash, lighting), with primarily outdoor operations 24 hours per day, 365 days per year. Providing a gas station, especially with a 24-hour convenience store would be detrimental to the stability of the adjacent residential uses.

Staff would note that the petitioner has submitted commitments that would prohibit automobile, motorcycle and light vehicle sales or rental.

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	I-4	
Existing Land Use	Commercial uses (liquor store)	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-1 / I-4 Single-family dwelling / Industrial uses
	South:	I-4 Industrial uses
	East:	I-4 Industrial uses
	West:	I-4 Industrial uses
Thoroughfare Plan		
Kentucky Avenue	Primary Arterial	Existing 126-foot right-of-way and proposed 88-foot right-of-way.
Minnesota Street	Local Street	Existing 60-foot right-of-way and proposed 58-foot right-of-way.
Minnesota Way	Primary Collector	Existing 90-foot right-way and proposed 56-foot right-of-way.



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.



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

- *Large-Scale Offices, Retailing, and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet.)*
 - Should be located along an arterial street.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

91-UV3-13; 1770 Kentucky Avenue, requested a variance of use of the Industrial Zoning Ordinance to permit a liquor store within an existing building, **granted**.

86-UV2-147; 1620 Kentucky Avenue, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for the continued operation of an automobile sales lot with outside storage and display and without the required setbacks, **granted**.

83-UV1-86; 1620 Kentucky Avenue, requested a variance of use and development standards to provide for the outdoor display and sales of automobiles, **granted (three-year period)**.

VICINITY

94-UV1-106; 1555 South Reisner Street (north of site), requested a variance of use and development standards to legally establish an existing residence with an above-ground pool and a six-foot tall fence with a zero-foot setback from Minnesota Street, **granted**.



View looking north along Kentucky Avenue



View looking south along Kentucky Avenue



View looking east along West Minnesota Street



View looking west along West Minnesota Street



View of site looking north



View of site looking north



View of site looking northeast



View of site looking east



View from site looking northwest across Reisner Street



View from site looking west across Minnesota Way



View of site looking west across Minnesota Way



View from site looking southeast across Kentucky Avenue



View of site looking east across Minnesota Way



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-099

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)

Request: Rezoning of 47.62 acre 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.

Current Land Use: Undeveloped

Staff Recommendations: Approval with a commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

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



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

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,



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

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



Department of Metropolitan Development
Division of Planning
Current Planning

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	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 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.



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

- 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 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-6II 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-6II 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**.

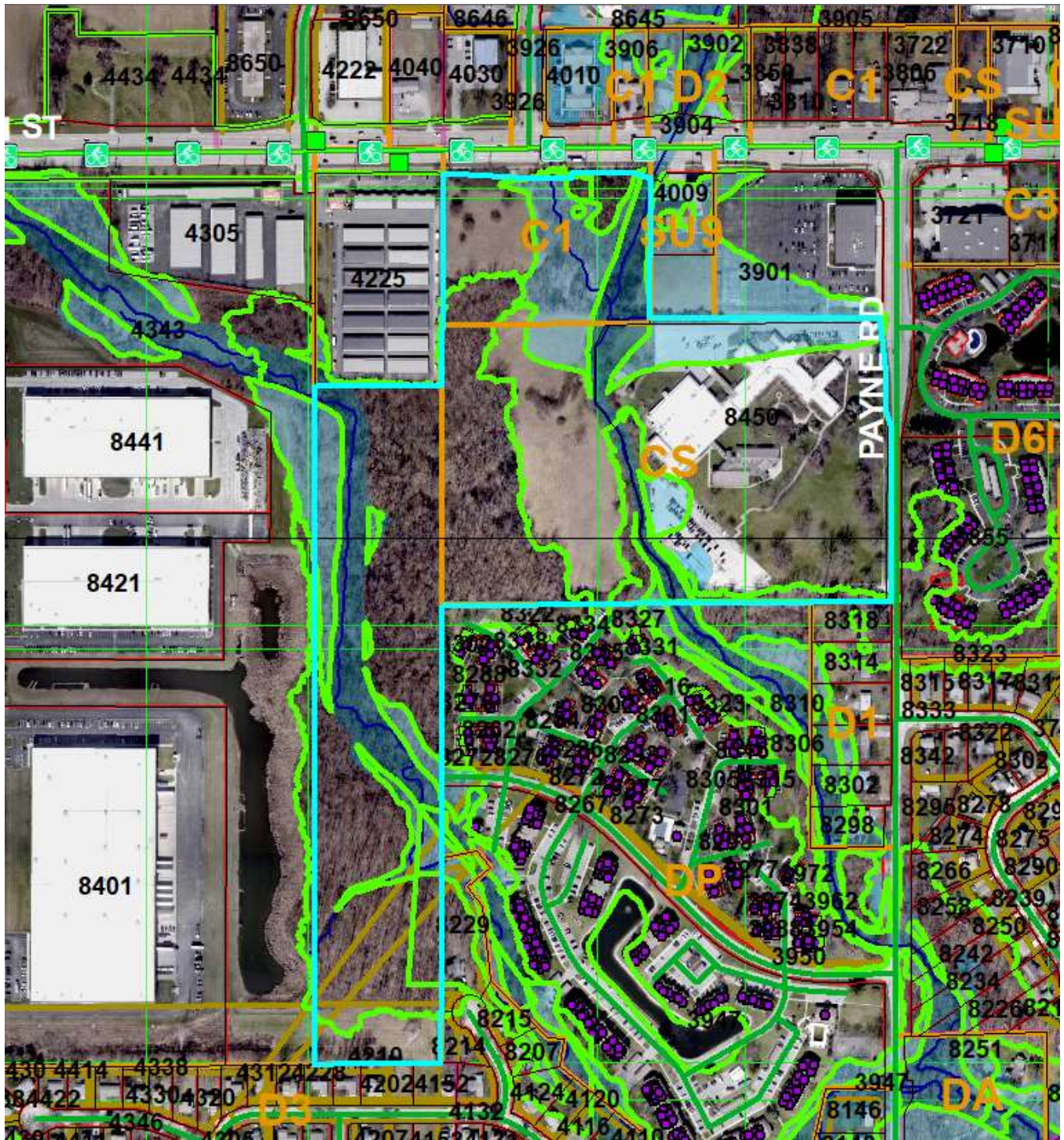
81-Z-140; 4101 West 86th Street (north of site), Rezoning of 2.0 acres, being in the C-S District, to the C-1 classification to provide for an integrated office center, **approved**.

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**.

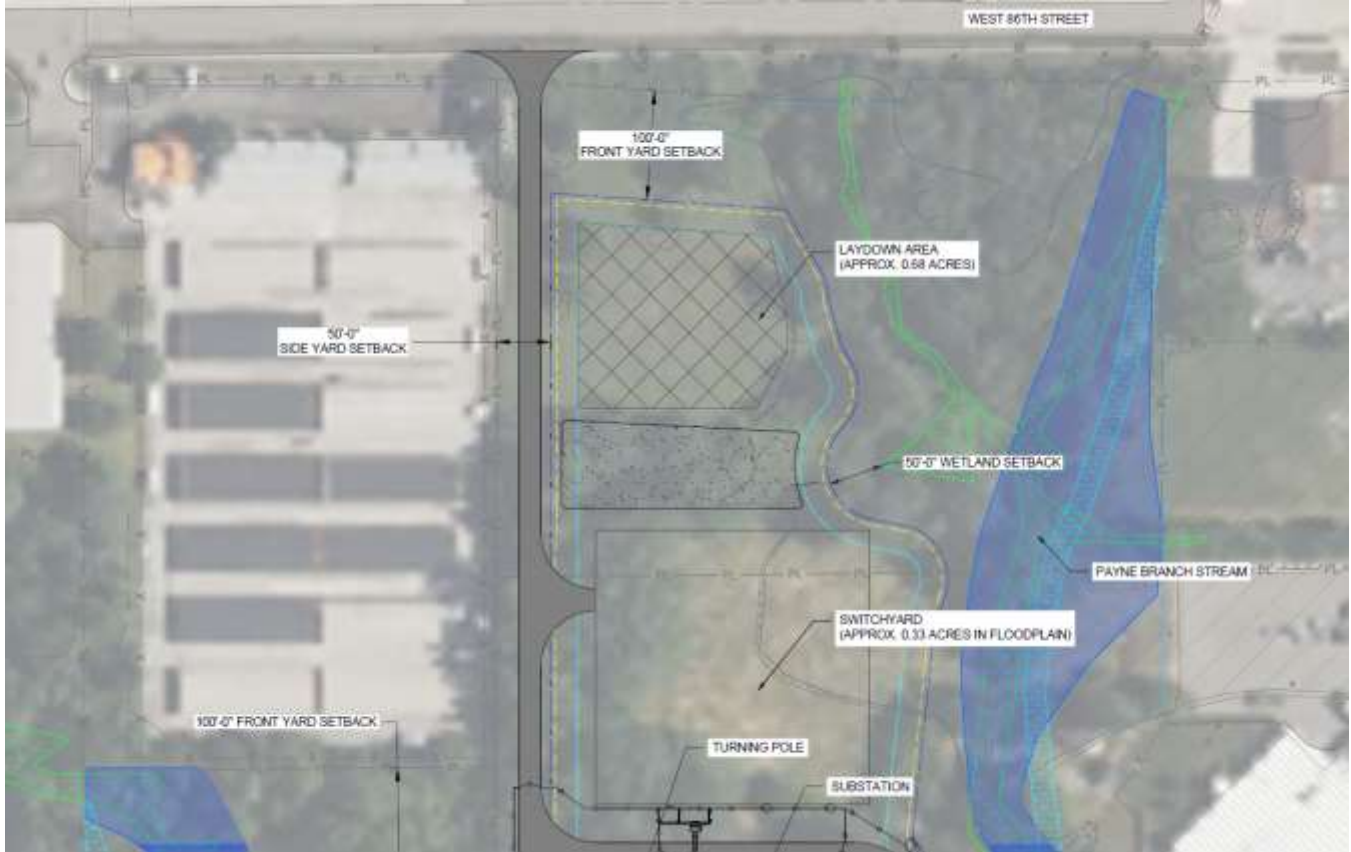
72-Z-37; 8102-8290 Payne Road (south of site), Rezoning of 76.6 acres, being in an A-2 district, to the D-P classification, to provide for a planned unit development consisting of garden apartments, townhouses, quadrominiums and a neighborhood marketing facility, **approved**.

EXHIBITS

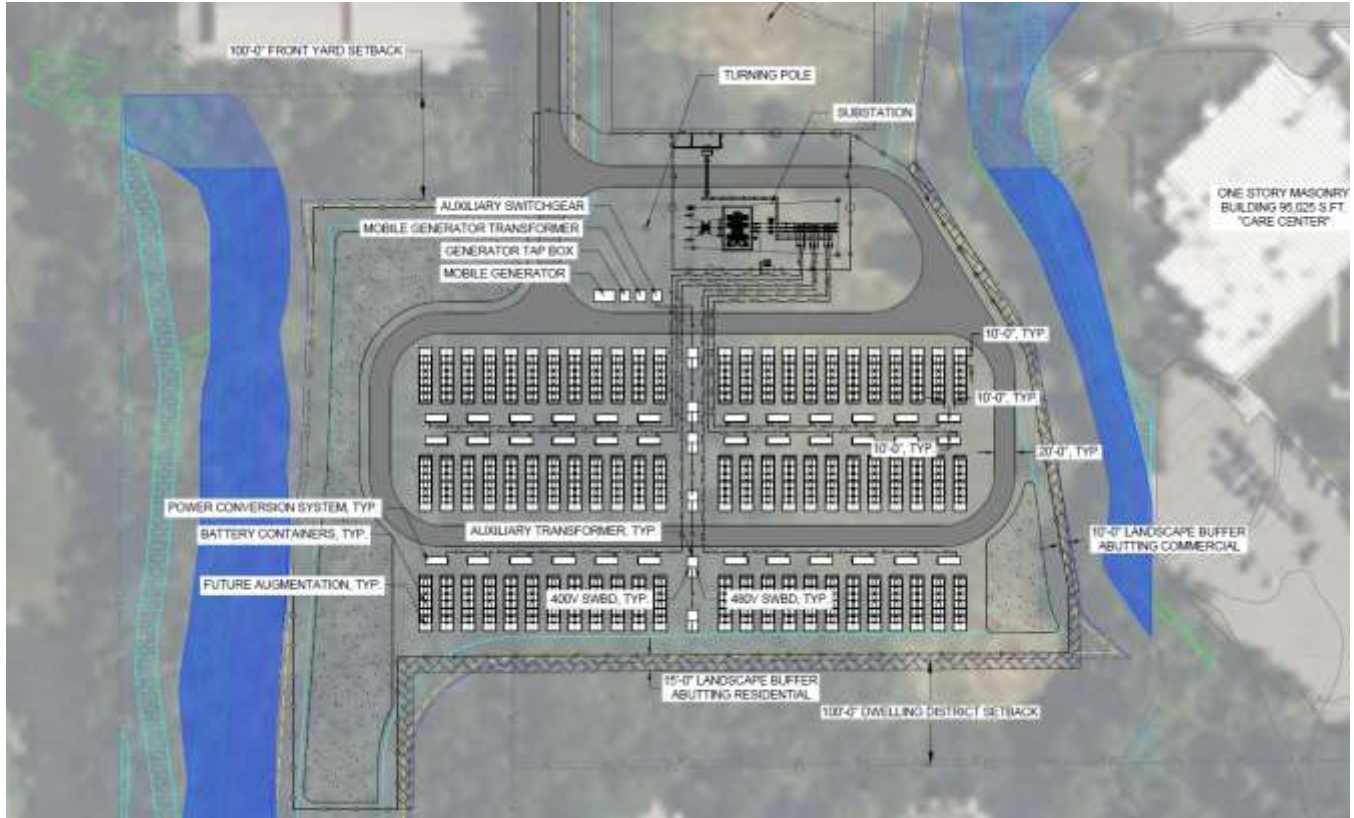




AMENDED SITE PLAN – CLOSE UP



AMENDED SITE PLAN – CLOSE UP



Main Gate Facing South



Facing East



TREE SURVEY

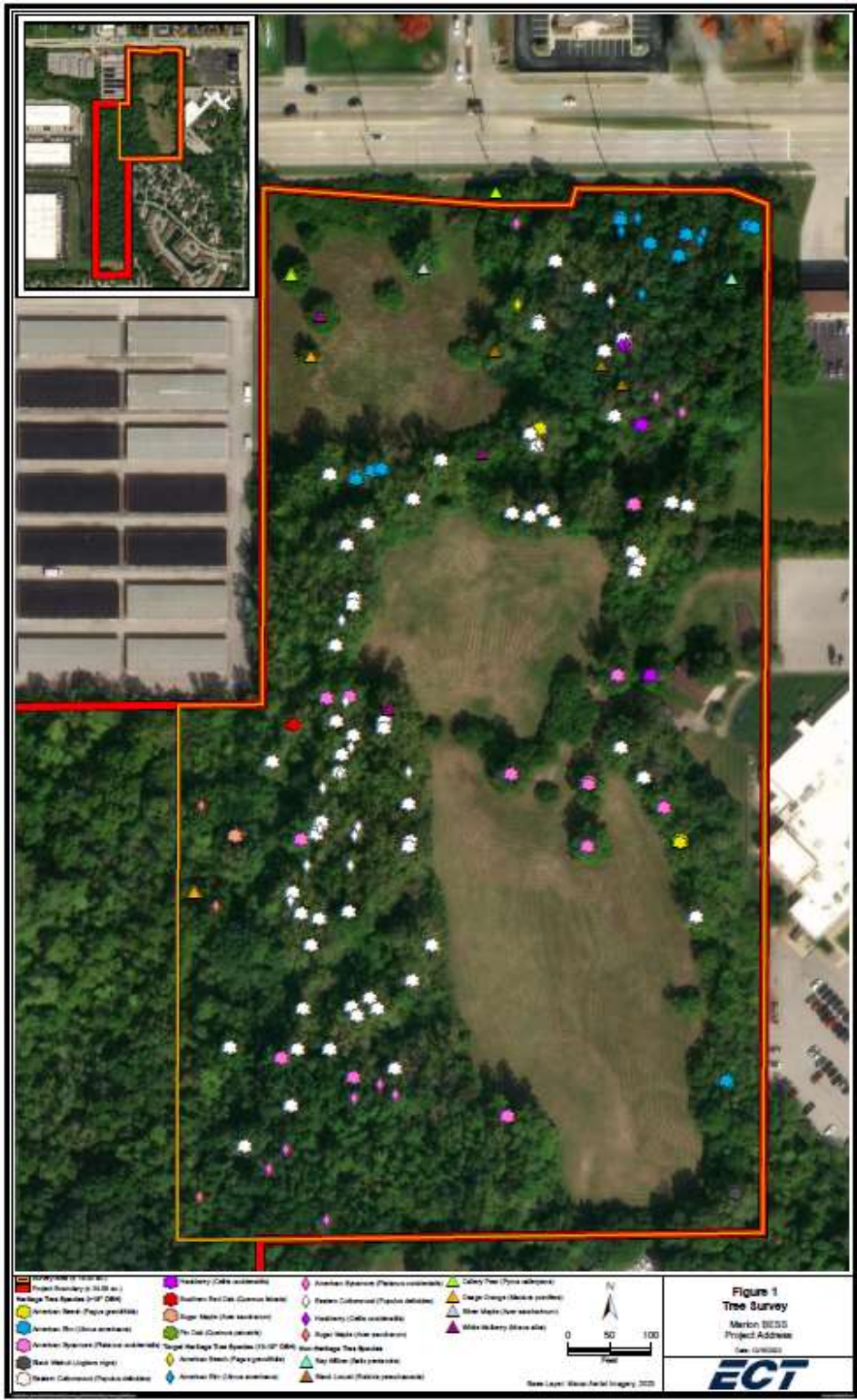




Photo of the eastern property boundary and fire station east of the site looking south from 86th Street.



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 **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-105
Property Address: 2852 East County Line Road
Location: Perry Township, Council District #24
Petitioner: Aditi Real Estate 63, LLC, by Cassandra A. Nielsen
Current Zoning: C-S
Request: Rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) district to the I-1 (TOD) (FW) (FF) district to provide for a self-storage facility.
Current Land Use: Undeveloped land
Staff Recommendations: Denial.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition, at staff’s request, from the September 26, 2024 hearing, to the October 10, 2024 hearing, for additional time to provide required written notice to the property owners in Johnson County.

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. A 51-foot half right-of-way shall be dedicated along the frontage of East County Line 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).



**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. 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 6.67-acre site, zoned C-S (TOD) (FW) (FF), is undeveloped and surrounded by floodway / floodplain of Pleasant Run Creek, to the north, zoned D-A (TOD) (FW) (FF); single-family dwellings to the south across East County Line Road (Johnson County); railroad right-of way to the east, zoned D-6II; and floodway / floodplain of Pleasant Run Creek to the west, zoned D-A (TOD) (FW) (FF) and C-S (TOD) (FW) (FF).

This site was included in petition 90-ZON-191 that rezoned a 12-acre site to the C-4 district to provide for an integrated commercial center with integrated building design, access, and signs.

The request would rezone the site to the I-1 (Restricted Industrial) District. "The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts."

The Comprehensive Plan recommends suburban neighborhood typology and floodway, a non-typology land use.

Floodway / Floodway Fringe

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



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

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

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (I-1 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Except for a small area at the southwest corner along the railroad right-of-way, the site lies within the 100-year floodplain.

Overlays

This site is located within an overlay, specifically the Environmentally Sensitive Areas (ES) 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.

The ES overlay for this site is related to the floodway and floodway fringe.

In addition to the floodplain, the perimeter of the entire site is lined with woodlands, both of which would be negatively impacted by the proposed development.

This site is also located within a second overlay, specifically the Transit Oriented Development (TOD).

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.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located around the perimeter 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.



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

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 B, Table 744-503-3: Replacement Trees.

Department of Public Works

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

Environmental Public Nuisances

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

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



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

Environmental public nuisance means:

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

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

Planning Analysis

As proposed, this request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood. Furthermore, the floodway land use 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.

Staff believes the proposed rezoning is an example of spot zoning which is defined as 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. Zoning in the surrounding area is primarily commercial and residential. There is no industrial zoning district nearby.

This site is located with two overlays (Environmentally Sensitive and Transit Oriented Development). Because industrial uses are not a recommended land use in the suburban neighborhood typology or these overlays, the introduction of industrial uses would be detrimental to protecting the surrounding land uses and compromise the purpose and intent of these overlays.



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

Self-storage facilities are permitted in the highest intense commercial district (C-7) and all of the industrial districts (I-1 through I-4), all of which have larger side transitional setbacks. The C-7 District requires a 40-foot side transitional yard; the I-1 and I-2 Districts require a 50-foot side transitional yard; the I-3 District requires a 100-foot transitional yard; and the I-4 District requires a 150-foot side transitional yard. The required setbacks are a strong indication of the impact of this use on surrounding land uses.

The purpose of setbacks is to minimize and mitigate impact and provide a buffer between varying intensity of land uses. Setbacks, in this case, are between residential uses and high intensity commercial and industrial uses.

Staff would note that to mitigate the impact of self-storage facilities the Ordinance provides for the following use specific standards:

1. All storage shall be within enclosed buildings except in the C-7, I-3 and I-4 districts.
2. Security fencing shall not include razor wire or barbed wire within 10 feet of a front lot line or transitional yard.
3. Doors to individual storage units shall not face any abutting street frontage, or if the site is located on a corner parcel, shall not face the primary street frontage.
4. A landscape or naturally vegetated buffer at least 50 feet in width shall be provided along any lot line that abuts a protected district.
5. Exterior access to any storage units within 100 feet, measured in any direction of any dwelling district, shall be limited to the period between 6:00 a.m. and 10:00 p.m.

A self-storage facility at this location would be wholly inappropriate for this site because it would introduce an intense use into an area with a much less intense commercial node / corridor and dwelling district and would be totally out of character with the existing commercial and residential uses in the immediate area.

GENERAL INFORMATION

Existing Zoning	C-S (TOD) (FW) (FF)	
Existing Land Use	Undeveloped land/ floodplain	
Comprehensive Plan	Floodway / Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-S (TOD) (FW) (FF) / D-A (TOD) (FW) (FF)	Floodway / Floodway Fringe
South:	Johnson County	Single-family dwellings
East:	D-6II	Railroad right-of-way / single-family dwelling
West:	C-S (TOD) (FW) (FF) / DA (TOD) (FW) (FF)	Floodway



Department of Metropolitan Development
 Division of Planning
 Current Planning

Thoroughfare Plan		
East County Line Road	Primary arterial	Existing 92-foot right-of-way and proposed 102-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes.	
Overlay	Yes. Environmentally Sensitive / Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	August 21, 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 the Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- The floodway land use is a non-typology that is mapped outside of the typology system due to their scale or the nature of their use.

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.



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

The Pattern Book serves as a policy guide as development occurs. Industrial uses are not a recommended land use for the suburban neighborhood typology. Recommended land uses in this typology include, detached housing, attached housing, multi-family housing, assisted living facilities / nursing homes, group homes, bed / breakfast, small-scale offices / retailing / personal services / professional services, small scale schools / places of worship / neighborhood-serving institutions and infrastructure / places of assembly, large scale schools / places of worship / neighborhood-serving institutions and infrastructure / places of assembly, small scale parks and community farms / gardens.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan (2021).
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ½ mile walk of a proposed transit stop located along East County Line Road and Greenwood Park Mall, 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.

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

90-Z-191; 2910 East County Line Road, requested rezoning of 12 acres, being in the D-A / FP district, to the C-4 / FP classification to provide for commercial development, **approved**.

VICINITY

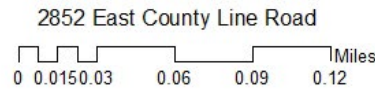
70-Z-107; 8900 block of Madison Avenue (west of site), required rezoning of 6.36 acres, being in the A-2 district, to the C-4 classification to provide for office uses, **approved**.

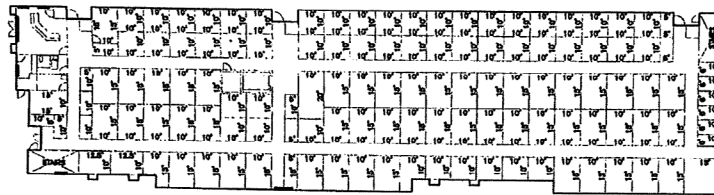
68-V4-227; 3030 East County Line Road (north of site), requested a variance of use, setbacks, and floor area to provide for apartments, **granted**.

EXHIBITS

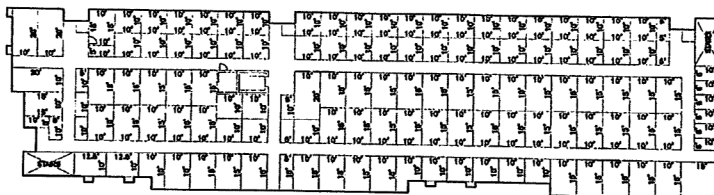


Source: Esri, HERE, © 2014, DeLorme, USGS, Imagery, INCORPORATED, NRCAN, Esri-Japan, METI, Esri-China (Hong Kong), Esri-Korea, Esri-Thailand, NGS, © OpenStreetMap contributors, and the GIS User Community





CLIMATE CONTROLLED STORAGE
TWO-STORY
FIRST FLOOR | 19748 S.F.



CLIMATE CONTROLLED STORAGE
TWO-STORY
SECOND FLOOR | 19748 S.F.



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

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.

Table 744-503-3: Replacement Trees		
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 west County Line Road



View looking east along east County Line Road



View of site looking northeast across East County Line Road



View of site looking northeast across East County Line Road



View of site looking northeast across East County Line Road



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-830 / 2024-CVR-830
Property Address: 1330 and 1350 North Emerson Avenue (approximate addresses)
Location: Center Township, Council District #13
Petitioner: Indianapolis Fire Department by, Misha Rabinowitch
Current Zoning: D-5
Rezoning of 0.85-acre from the D-5 district to the SU-9 district for the relocation of Indianapolis Fire Department Station No. 20.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to decrease the amount of parking to 27 spaces (minimum 29 parking spaces required), to increase driveway width to 60 feet (maximum 25 feet permitted), to increase the building height to 39' (maximum of 25' permitted).

Current Land Use: Undeveloped
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the September 12, 2024 hearing to the October 10, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends approval of the requests.

PETITION OVERVIEW

LAND USE

The 0.85-acre subject site is comprised of two undeveloped residential lots that are deeper than the average lot depth on the block and were combined into one parcel (1072752). The site is surrounded by single-family dwellings in every direction, zoned D-5.

REZONING

This request would rezone the site from the D-5 district to the SU-9 classification for a fire station.



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

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

The SU-9 district only allows for government buildings or grounds, which would include buildings and grounds used by any department of town, city, township, county, state or federal government.

VARIANCE OF DEVELOPMENT STANDARDS

The C-1 development standards are used when reviewing a development within the SU-9 district.

This would require the fire station to have a minimum of 29 parking where 27 are proposed, would limit the driveway width to 25 feet where 60 feet are proposed, and would limit the building height to 25 feet where 39 feet are proposed.

STAFF ANALYSIS

Staff is recommending approval to the SU-9 district to allow for the fire station which would align with the traditional neighborhood recommendation of the Comprehensive Plan since it allows for a wide range of neighborhood institutions and amenities to be present.

Staff determined that the parking reduction of two spaces from the required 29 to the proposed 27 spaces would be a slight deviation of the requirement and would be supportable.

The driveway width is limited to a maximum of 25 feet but considering that the inherent use of the fire station would be to ensure the safety and well-being of the public an increased driveway width would be supportable to allow for the multiple emergency vehicles to leave the site at once.

The building height is limited to a maximum of 25 feet, but the proposed building height would be 39 feet due to the height clearance needed for the fire truck garage doorways and the addition of a second story.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single-family dwelling)
South:	D-5	Residential (Single-family dwelling)
East:	D-5	Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		

Emerson Avenue	Primary Arterial Street	78-foot proposed right-of-way and 90-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	August 11, 2024	
Site Plan (Amended)	N/A	
Elevations	August 11, 2024	
Elevations (Amended)	September 17, 2024	
Landscape Plan	N/A	
Findings of Fact	August 11, 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)
- The Near Eastside Quality of Life Plan (2020)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All 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.



Department of Metropolitan Development
Division of Planning
Current Planning

- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial or collector street. Large-Scale schools should only be located along arterial streets.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The site falls within The Near Eastside Quality of Life Plan (2020).
- Within the Economic & Workforce Development Goal, Priority #2 is to support businesses in maintaining and expanding their business on the Near Eastside.
- Within the Safety Goal, Priority #3 is to educate and empower neighbors on how to best address safety concerns in the community.
- These priorities can be met with the relocation of the fire station as proposed.

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

None.

EXHIBITS

Enter any photographs or site plans



SITE PLAN

STUDIO AXIS

07/31/2024



PRELIMINARY BUILDING ELEVATION

STUDIO AXIS

08/02/2024



STREET VIEW

STUDIO AXIS

09/05/2024



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

(Driveway Width)

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

The wide curb cut would provide direct access to Emerson Avenue for these emergency vehicles, which benefits the community.

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

The wide curb cut would provide direct access to Emerson Avenue for these emergency vehicles, which benefits the community.

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

Fire trucks require greater area for maneuvering than passenger vehicles, which establishes practical difficulty if the ordinance is strictly applied.



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

(Parking)

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

With 27 parking spaces provided, there is more than sufficient on-site parking for the fire station use and will provide sufficient maneuvering area for the fire trucks and emergency vehicles which benefits the community.

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

With 27 parking spaces provided, there is more than sufficient on-site parking for the fire station use and will provide sufficient maneuvering area for the fire trucks and emergency vehicles which benefits the community.

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

The ordinance standard is for "government buildings" without regard to the actual use. There is a significant difference between the proposed fire station parking need and, as an example, a government office building. 29 required parking spaces is more than necessary to meet the fire station's parking needs.



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

(Building Height)

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

the additional height to permit a two story structure is not out of character with the surrounding properties and will permit the fire station to operate at this location which benefits the community.

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

the additional height to permit a two story structure is not out of character with the surrounding properties and will permit the fire station to operate at this location which benefits the community.

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

Limiting height to 25' does not permit appropriate development of the site, given Indianapolis Fire Department requirements regarding roof slope, sleeping quarters, and the height of the apparatus.



Photo of 1330 North Emerson Avenue.



Photo of 1330 North Emerson Avenue.



??



Photo of 1330 North Emerson Avenue.



Street frontage of the subject site looking north.



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



METROPOLITAN DEVELOPMENT COMMISSION **October 10, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-833 / 2024-CVC-833 / 2024-CVR-833

Property Address: 1301 East 16th Street, 1503, 1513, and 1517 Columbia Avenue, and 1524 Dr. A. J. Brown Avenue (Approximate Addresses)

Location: Center Township, Council District #13

Petitioner: Design and Build Corporation, by Jennifer Milliken and Timothy Ochs

Current Zoning: D-8

Request: Rezoning of 1.03 acres from the D-8 District to the SU-2 District to provide for educational uses.

Vacation of the first east-west alley south of 16th Street, being 15 feet in width, beginning at the west right-of-way line of Dr. A. J. Brown Avenue, west 180.72 feet, to the northwest right-of-way line of the first north-south alley west of Dr. A. J. Brown Avenue, and a vacation of the first north-south alley right-of-way west of Dr. A. J. Brown Avenue, being 15 feet in width, beginning at the northwest right-of-way line of the first east-west alley west of Dr. A. J. Brown Avenue, south 190.40 to the north right-of-way line of Interstate 70, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 29.2-foot-tall gymnasium (maximum height of 25 feet within a transitional yard), and a front transitional yard setback of 7.9 feet along Dr. A. J. Brown Avenue (minimum 10-foot transitional yard).

Current Land Use: School, undeveloped land, and vacant building with parking area.

Staff Recommendations: Approval of the rezoning, vacation, and height variance requests. Denial of the setback variance.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the September 26, 2024 hearing to the October 10, 2024 hearing to allow for additional time to meet the mailed notice requirements.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning and vacation requests.

Staff recommends approval of the height variance 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:



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

1. A final site plan shall be submitted for Administrative Approval to show the relocation of the building and to address staff's parking concerns.
2. Final building elevations shall be submitted for Administrative Approval and review by the City Architect.

Staff **recommends denial of the setback variance**, which will be withdrawn by the petitioner.

RECOMMENDED MOTION: That the Hearing Examiner finds that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; and that the Hearing Examiner confirms and ratifies the adoption of Declaratory Resolution 2024-CVC-833; subject to the rights of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

LAND USE

The 1.03-acre site to be rezoned falls within the Ingram Fletcher's 2nd Addition Subdivision along with the rest of the southern two thirds of the site. The northern third of the school campus falls within the S A Fletcher Jr's Subdivision.

The site is surrounded to the north by commercial uses, zoned, C-5, to the east by a church and associated parking lot, zoned, C-5 and D-8, to the south by Interstate 70, zoned D-8, and to the west by a variety of commercial, religious, and residential uses, zoned C-5 and D-8.

REZONING

This request would rezone 1.03-acre from the D-8 district to the SU-2 district.

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

The SU-2 district permits schools with associated uses.

VARIANCE

The request would allow for the gymnasium height of 29.2 feet to exceed the maximum 25-foot height limitation along a transitional yard and would have allowed the location of the gymnasium to be within the required 10-foot transitional yard.

The petitioner has confirmed that they will meet the 10-foot east transitional yard along Dr. A. J. Brown Avenue so this variance will need to be withdrawn.



Department of Metropolitan Development
Division of Planning
Current Planning

VACATION

This vacation petition would vacate the first east-west alley south of 16th Street from the west right-of-way line of Dr. A. J. Brown Avenue to the northwest right-of-way line of the first north-south alley west of Dr. A. J. Brown Avenue.

It would also vacate the first north-south alley right-of-way west of Dr. A. J. Brown Avenue beginning at the northwest right-of-way line of the first east-west alley west of Dr. A. J. Brown Avenue, south to the north right-of-way line of Interstate 70.

The request would permit adjacent properties to the north, west and east of the alleys to be combined for school use. The vacated alley space would be combined with the adjacent parcels to develop a gymnasium and surface parking lot.

Historic aerial photography suggests that no functional alley has ever existed in the east-west alley right-of-way. The north-south alley was likely utilized, but there is no evidence that it was ever improved.

After evaluation of the above considerations, staff finds that the vacation **would be in the public interest** and recommends the vacation petition be **approved**.

ASSESSMENT OF BENEFITS

The petitioner has requested a waiver of the Assessment of benefits. As indicated by Staff's photograph of the alleys right-of-way, the alleys are currently unimproved. Because of the lack of improvements, Staff supports the waiver of the assessment of benefits.

PROCEDURE

Neither the Division of Planning nor the Plat committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting land owner owns to the center of the street or highway subject only to an easement for the public for the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App. 1963). However, there are possible exceptions to this general rule.

After a vacation of a public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of-way. In this instance, the abutting properties are all owned by the same property owner.



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

GENERAL DESCRIPTION:

Vacation of the first east-west alley south of 16th Street, being 15 feet in width, beginning at the west right-of-way line of Dr. A. J. Brown Avenue, west 180.72 feet, to the northwest right-of-way line of the first north-south alley west of Dr. A. J. Brown Avenue, and a vacation of the first north-south alley right-of-way west of Dr. A. J. Brown Avenue, being 15 feet in width, beginning at the northwest right-of-way line of the first east-west alley west of Dr. A. J. Brown Avenue, south 190.40 to the north right-of-way line of Interstate 70, with a waiver of the assessment of benefits.

UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement, if requested
CEG, Gas:	No answer, retain easement, if requested
CEG, Wastewater:	No answer, retain easement, if requested
CEG, Water:	No answer, retain easement, if requested
Power:	No answer, retain easement, if requested
Cable:	No answer, retain easement, if requested
DPR:	No interest or easements
DPW, TS:	No answer, retain easement, if requested

STAFF ANALYSIS

Staff is supportive of the rezoning to the SU-2 district since it would allow for the development of a school gymnasium and associated parking lot that would align with the community commercial development recommendation of the Comprehensive Plan.

Staff is supportive of the height variance since the building will be relocated west to be outside of the required 10-foot transitional yard. With the school being three stories tall, it is unlikely that the gymnasium would exceed the exiting height of the school.

Lastly, Staff is supportive of the alley vacations and the assessment of benefits requests because it would be in the best interest of the public to have the unimproved alleys be utilized for a school gymnasium use with additional parking on site.

The approximate 370-foot-long alleys are not used by the public for access purposes and currently dead end at the Interstate 70 right-of-way to the south and a previously vacated alley to the west.

Staff recommends approval of the requests except for the transitional yard setback variance that the petitioner intends to withdraw.

Staff's approval recommendation is not subject to the submitted site plan since there are concerns with the parking spaces shown along Dr. A. J. Brown Avenue and with the exit only drive on the east end of the proposed parking lot. Instead, staff's approval shall be subject to a final site plan and building elevations to be submitted for Administrative Approval.



GENERAL INFORMATION

Existing Zoning	D-8		
Existing Land Use	School, undeveloped land, and vacant building with parking area.		
Comprehensive Plan	Community Commercial and Traditional Neighborhood		
Surrounding Context	Zoning	Land Use	
	North:	C-5	Commercial
	South:	D-8	I-70
	East:	C-5 / D-8	Church
	West:	C-5 / D-8	Church / Commercial and Residential
Thoroughfare Plan			
Dr A J Brown Avenue	Local Street	48-foot proposed right-of-way and 57.5-foot existing right-of-way.	
16 th Street	Primary Arterial Street	78-foot proposed right-of-way and 61-foot existing right-of-way.	
Columbia Avenue	Local Street	48-foot proposed right-of-way and 62-foot existing right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	August 21, 2024		
Site Plan (Amended)	N/A		
Elevations	August 21, 2024		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	August 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)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the playground area and community commercial development for the remainder of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All 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.
- **Small-Scale Schools, Places of Worship, Neighborhood-Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
- **Large-Scale Schools, Places of Worship, Community-Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial or collector street. Large-Scale schools should only be located along arterial streets.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.



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

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

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-CZN-857 / 2019-CVC-857; 1301 East 16th Street; 1513 and 1517 Columbia Avenue (subject site), Rezoning of 3.33 acres from the D-8 and C-5 districts to the SU-2 district and Vacation of the east-west alley, being 15 feet wide, of the northwest corner of Lots 108 of Ingram Fletcher's Second Addition as recorded in Plat Book Three, Page 127 in the Office of the Recorder of Marion County, being the east right-of-way line of Columbia Avenue, to a point 165.73 feet to the east to the northeast corner of said lot, being the west right-of-way line of the first north-south alley east of Columbia Avenue and west of Dr. AJ Brown Avenue, with a waiver of the assessment of benefits, **approved**.

Zoning History – Vicinity

2021-HOV-018; 1520 Columbia Avenue (west of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two lots, with 28 feet of street frontage and lot width, with two single-family dwellings, with a three-foot north side setbacks, with 8.75 feet between dwellings (1520), and with a garage (1520) with a three-foot south side setback (30-foot lot street frontage and lot width, four-foot side setbacks and 10-foot separation required), **approved**.

2017-DV2-032A; 1324 East 16th Street (north of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building, with less transparency than required on the east, south and north elevations (40% required for any façade within 50 feet of a local, collector or arterial street), **approved**.

2017-DV2-032B; 1324 East 16th Street (north of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building, with less transparency than required on the east, south and north elevations (40% required for any façade within 50 feet of a local, collector or arterial street), **approved**.

2006-HOV-022; 1236 East 16th Street (north of the site), Variance of development standards of the Commercial Zoning Ordinance to provide for the renovation of an existing 2-story building and a 532 square feet third story addition resulting in an eight inch encroachment into the public right-of-way (buildings and structures not permitted within the right-of-way), and to legally establish the building encroaching fully into the required clear site triangle (not permitted), and to legally establish eight parking spaces within the required front yard (not permitted), **approved**.

2006-ZON-084; 1608 Columbia Avenue (north of the site), Rezoning of 0.123 acre, from the C-5 District, to the D-8 classification to provide for the construction of a single-family dwelling, **approved**.

91-UV1-73; 1502 Columbia Avenue (west of the site), Variance of use to provide for a restaurant / variety store, **dismissed**.



Department of Metropolitan Development
Division of Planning
Current Planning

91-V1-150; 1502 Columbia Street (west of the site), Variance of use of the Dwelling District Zoning Ordinance to permit a restaurant and variety store and a variance of development standards of the Sign Regulations of Marion County to permit a sign in excess of one square foot, **granted**.

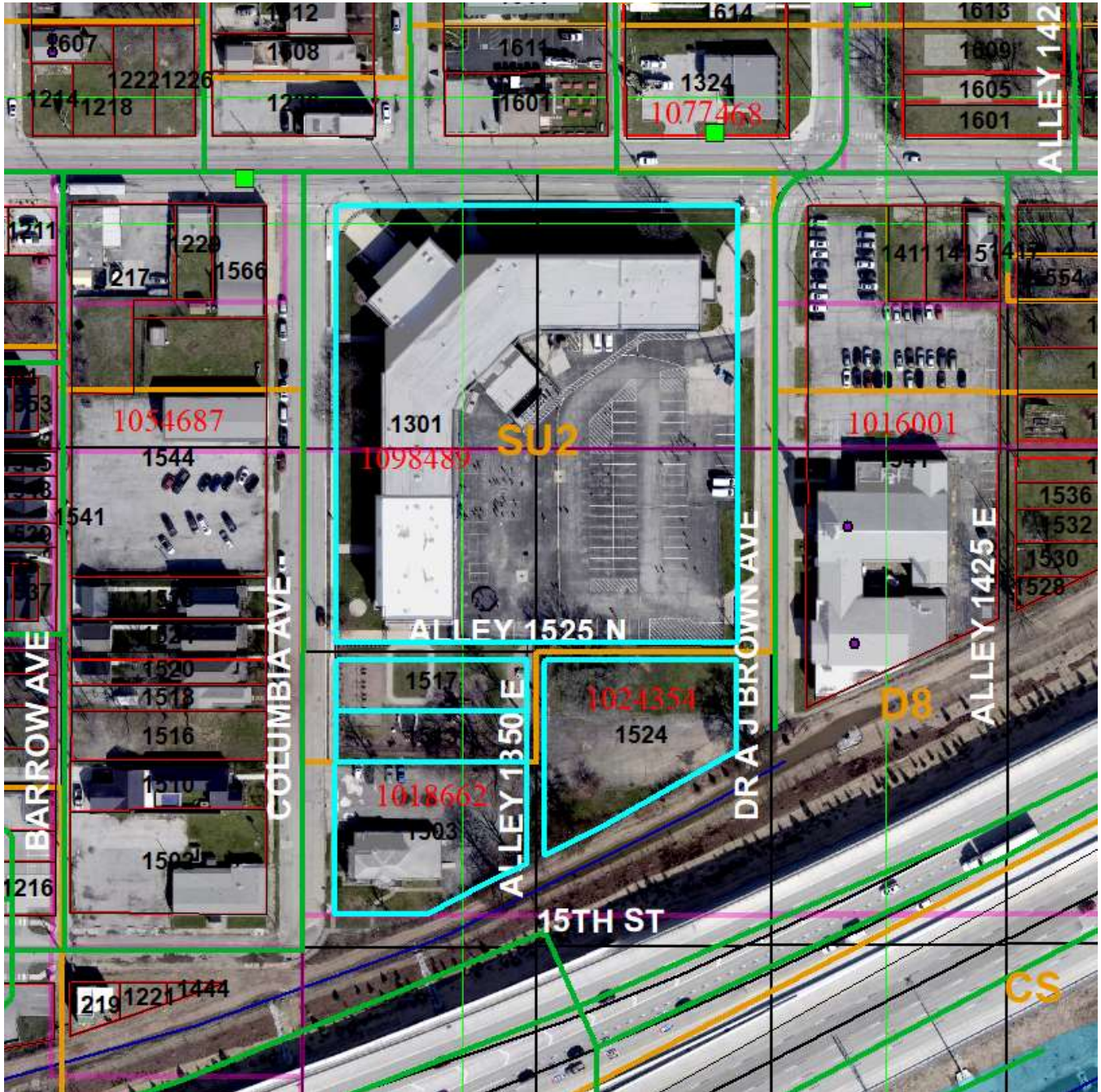
90-V3-18; 1502 Columbia Avenue (west of the site), Variance of use to provide for a restaurant / lounge / variety store, **denied**.

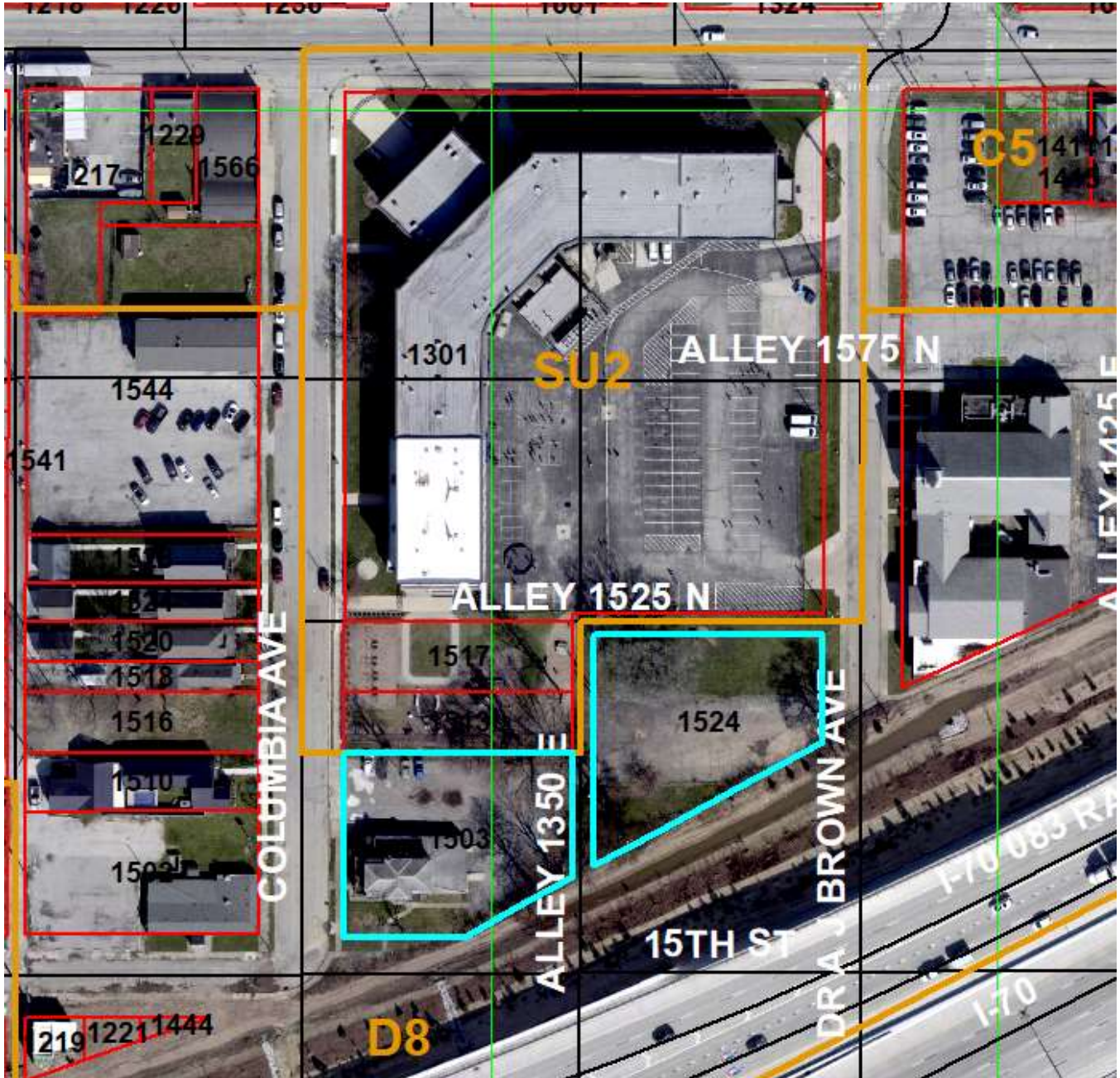
89-Z-194; 1502 Columbia Avenue (southwest of the site), Rezoning of 0.34 acre from the D-8 district to the C-3 classification, **withdrawn**.

84-UV3-40; 1502 Columbia Avenue (west of the site), Variance of use to provide for a motorcycle club, **denied**.

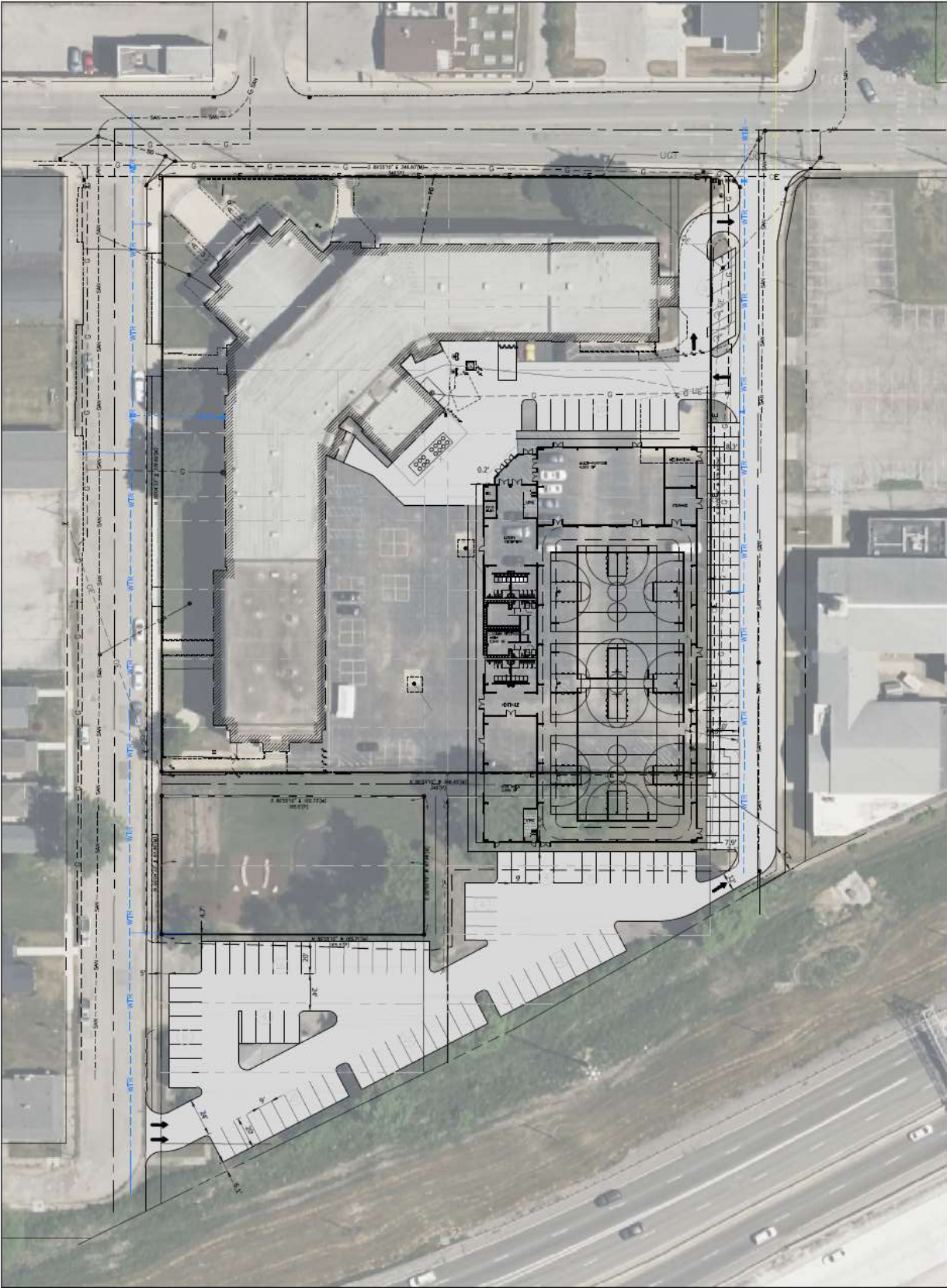
84-VAC-44; 1544 Columbia Avenue (west of the site), Vacation of the 1st alley south of east 16th Street from the west right-of-way line of Columbia Avenue to a point 168 feet west, and/or the east right-of-way line of the 1st alley west of Columbia Avenue, **approved**.

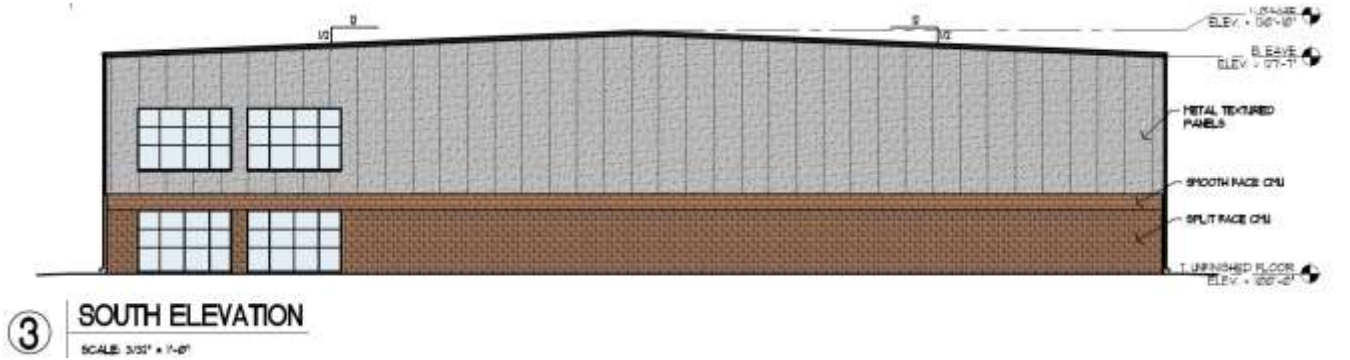
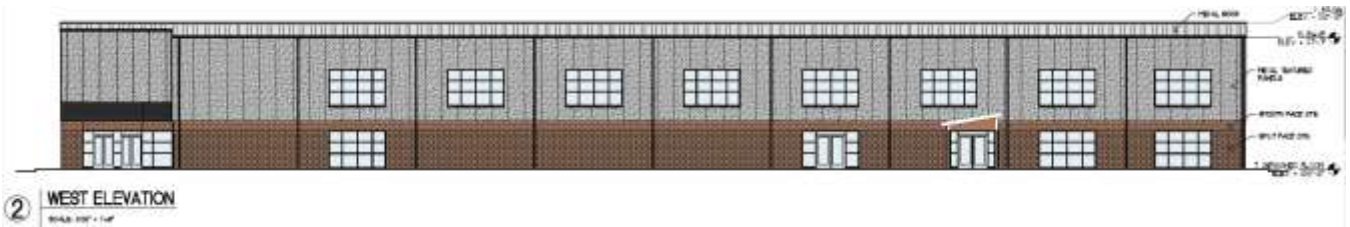
EXHIBITS





Parcels to be rezoned.







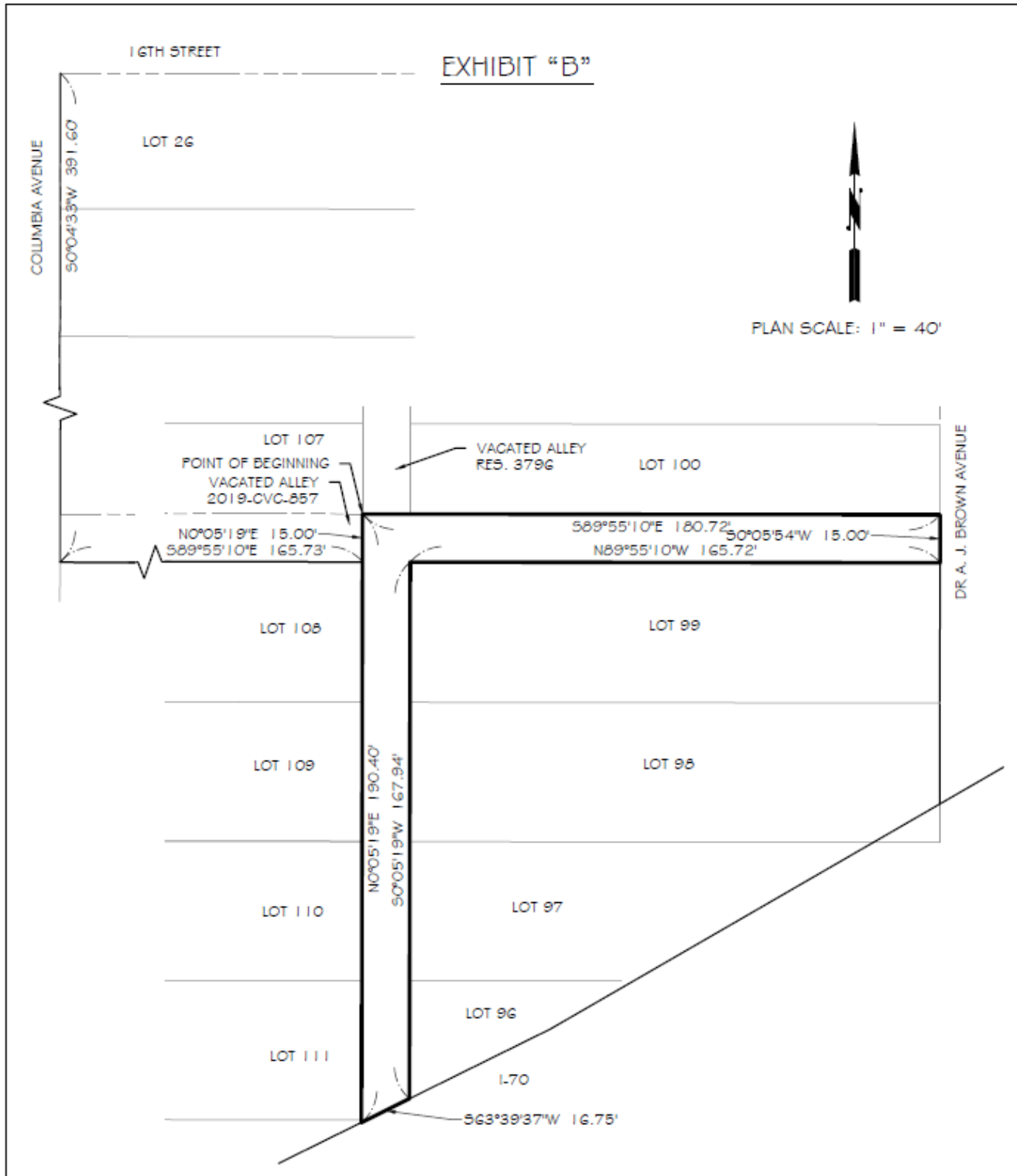
⑤ REAR VIEW RENDERING



⑥ MAIN ENTRANCE RENDERING



Department of Metropolitan Development
Division of Planning
Current Planning



**ROGER WARD
ENGINEERING
INCORPORATED**

6555 CARROLLTON AVENUE
Indianapolis, IN 46220
(317) 251-1738 (Fax) 251-1923

PROJECT NAME: OAKS ACADEMY
PLAN SCALE: 1" = 40'
DATE: 06-06-2024
DESCRIPTION: ALLEY VACATION EXHIBIT "B"



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The requested height is of similar height as the two adjacent buildings, The Oaks Academy school building and the New Bethel Missionary Baptist Church. Moreover the gymnasium will be of an overall similar scale as these buildings. The gymnasium will be primarily visible to the those buildings only, and slightly visible to traffic traveling west on 16th Street. Because Dr. A.J. Brown Avenue dead-ends at I-70, the only pedestrians who might see the gym are those who are going to the school or church. The facades are made more pedestrian-friendly with a masonry base and contrasting masonry border, with textured metal panels being used above pedestrian height.

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 school is a popular member of the neighborhood, and a gymnasium will only strengthen the quality and appeal of the school. The school and gym will primarily be used during daytime hours from Fall to Spring, while the church is primary used on weekend and evening hours. The height and scale of the gym are similar to the school and church, as described above. The gym will have little visibility from surrounding neighbors or traffic, and the facades are made more pedestrian-friendly with a masonry base and metal panels above.

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

A gymnasium requires high ceilings in order to accomodate sports such as basketball as well as overhead equipment. This gym is even taller since it will include a mezzanine level around the perimeter. The mezzanine will accommodate an indoor track. This design is necessary because of the relatively small size of the school campus, which is only 4.42 acres.



**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

It will allow for the expansion of the grounds of a popular middle school and, together with abutting properties, provide enough space for the school to construct a gymnasium.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____



Photo of the school at 1301 East 16th Street looking southeast.



Photo of the school at 1301 East 16th Street looking southwest.



Photo of the commercial businesses north of the school



Photo of 1503 and 1517 Columbia Avenue developed with a playground.



Photo of 1503 Columbia Avenue to be rezoned.



Photo of 1503 Columbia Avenue to be rezoned.



Photo of the southern property boundary at 1503 Columbia Avenue looking east.



Photo of Columbia Avenue looking north and commercial and residential uses to the west.



Photo of residential uses to the west of the site.



Photo of commercial and religious uses to the west.



Photo of the church and associated parking east of the site.



Photo of the proposed location of the gymnasium at 1301 East 16th Street looking south.



Photo of the southern property boundary at 1524 Dr A J Brown Avenue.



Photo of 1524 Dr A J Brown Avenue looking west where the surface parking lot will be located.



Photo of the proposed location of the gymnasium at 1301 East 16th Street looking north.



Photo of the east to west alley to be vacated.



Northern half of the north to south alley to be vacated.



Northern half of the north to south alley to be vacated.



Photo of the church east of the site.